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House of Representatives

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. NUSSLE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 28, 1998.

I hereby designate the Honorable JIM NUSSLE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Paul I. Nussle, Executive Director, Exodus Housing, Sumner, Washington, offered the following prayer:

To everything there is a season. Turn, turn, turn. This is a time for every noble purpose under heaven.

Gracious and Mighty God, as we assemble in this Chamber rich with a tradition of freedom and steeped in sacred liberty, grant us clarity to see Your presence this day, and courage to place firm reliance on Your living Word!

Still the voices of clamor and turmoil that bring division; counsel us in seeking mercy when overzealousness for justice would tear the fabric of steadfast love and grace.

This is the Season and this is the Time when we would again take firm hold of the words carved in the podium before us; a rudder for our course!

Peace, liberty, tolerance, justice, union. This is the season and this is the time, refreshed from recess, letting go of sorrows and yearnings unattained, we come with eagerness to pursue noble ambition.

Lord, may Your benediction of peace and mercy keep us from hypocrisy this day and always. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wisconsin (Mr. KLECZKA) come forward and lead the House in the Pledge of Allegiance.

Mr. KLECZKA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had agreed to a concurrent resolution of the House of the following title:

H. Con. Res. 201. Concurrent resolution providing for an adjournment of both Houses.

The message also announced that the Senate had agreed to a resolution of the following title:

S. Res. 165. *Resolved*, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

RENAMING WASHINGTON INTERNATIONAL AIRPORT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, just when we thought we had heard it all, now the effort to rename Washington's National Airport after one of our Nation's most respected leaders in the 20th century has met with opposition that is purely partisan in nature. Opposing the effort to pay tribute to President Ronald Reagan is just the latest example of ''oh, you are for it? Well, we are against it now'' politics employed by my liberal colleagues.

I understand that the diversity of opinion in this House are often vital when setting policies of this Nation. A healthy debate is an absolute must if we are to reach sound conclusions on important and vital national issues. However, I feel it is an absolute disservice to a great man that petty, partisan politics threatens to stain his great legacy.

This is clearly no place for partisan politics. I urge my colleagues to support H.R. 2625, a bill to rename Washington's National Airport after former President Ronald Reagan.

MEDICARE PRESERVATION AND RESTORATION ACT

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, today I rise to introduce the Medicare Preservation and Restoration Act in response to the concerns of many seniors in my district and around the country about the recent changes of the Medicare program.

As my colleagues know, the Balanced Budget Amendment of 1997 contains the Kyl amendment, which permits private contracting between doctors and Medicare beneficiaries for medical services that otherwise would be covered under the Medicare program.

Know full well that private contracts will increase medical expenses for America's seniors and substantially weaken the integrity of the program. Beneficiaries who establish private

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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contracts with physicians are obligated to pay 100 percent of the bill out of their own pocket. By circumventing the Medicare system, private contracts will create a two-tiered health care system where the elderly of modest means are forced to receive second rate care or bankrupt themselves to pay high prices under private contracts.

Repealing the Kyl amendment and placing an outright prohibition on any private contracts for services currently covered in the Medicare program is the only way to guarantee seniors access to affordable medical care now and in the future.

Mr. Speaker, I urge my colleagues to review this legislation and join me in restoring the commitment that Medicare made to senior citizens more than 30 years ago.

The Medicare Preservation and Restoration Act will repeal the Medicare private contracting provision of the Balanced Budget Act of 1997 and clarify that private contracts are prohibited under Medicare for Medicare covered services.

The legislation I am introducing is simple. First, it requires that providers submit a Medicare claim whenever Medicare-covered services are provided to a beneficiary. Second, it requires that a provider, when treating a Medicare beneficiary, charge no more than Medicare's balance billing limits allow. My legislation will settle the issue of private contracting once and for all. It will explicitly prohibit providers from circumventing the Medicare system, it will preserve beneficiary billing protections, and it will restore the promise of quality and affordable health care for every American senior citizen. My legislation has the support and endorsement of the National Committee to Preserve Social Security and Medicare and the National Council of Senior Citizens. The Medicare Rights Center also has spoken out in opposition to Medicare private contracts.

Mr. Speaker, this legislation is the only way we can continue to guarantee every senior citizen in America the right to affordable health care under Medicare. The private contracts allowed under the Balanced Budget Act represent a dangerous first-step towards dismantling the Medicare program as a whole. They are ill-conceived and unnecessary. These contracts will allow doctors to disregard Medicare's most important protection—balanced billing limits. These limits guarantee that all seniors regardless of their income or their health status will have access to affordable health care. Private contracts destroy these protections and allow doctors the ability to decide patient-by-patient which senior will be forced to pay more than Medicare's set rates for needed medical care.

During debate on the budget bill last October, Senator JOHN KYL of Arizona included this private contracting provision to allow any doctor to treat Medicare patients outside of the program and bill the patient privately at any rate the doctor sets. During negotiations on the final package, the provision was altered to protect beneficiaries and to prevent physicians from moving back and forth between billing some patients privately and others through the Medicare program. The final bill stated that if the doctor wanted to treat seniors under private contract, then the doctor had to forgo Medicare participation entirely for two years.

This two-year restriction was designed to protect the program against fraud, guard against a massive exit of physicians from the Medicare program, and ensure that doctors would not create a two-tiered Medicare system—one waiting room for private pay patients who are served first, and one for non-private Medicare beneficiaries who are served last. Now, a movement is underway to remove this two-year limitation and give doctors the right to decide not only patient-by-patient, but procedure-by-procedure, which services will be billed through Medicare and which will be billed privately.

Many of you have probably seen the mailings certain interest groups have been sending to our senior constituents in an attempt to distort the facts about private contracts. These mailings are falsely scaring seniors and attempting to trick seniors into giving up Medicare's balanced billing protections.

These groups are not telling the truth when they say that Medicare won't pay for seniors' health care. They are not telling the truth when they say that seniors are going to be left with no doctors that will treat Medicare beneficiaries. The truth is virtually any doctor anywhere in the country today will treat a Medicare beneficiary. Currently, fewer than five percent of doctors decline to participate in Medicare, and of all the doctors' bills submitted to the Medicare program, over 90 percent are paid at a fixed rate set by the program.

These groups are not telling the truth when they say that if Medicare won't pay for a senior's health or medical needs then that senior will have to go without treatment. The truth is seniors have always been able to purchase medical care that Medicare does not pay for by paying for the service out of their own pocket. This has always been the case and has not changed.

These groups are not telling the truth when they say that private contracting will increase options for seniors. The truth is the only thing that private contracts *will* increase is seniors' health care costs. Unless we repeal this private contract provision and restore Medicare balanced billing limits, seniors will be forced to negotiate with their doctor on their own for needed medical care. Unless we eliminate private contracts, seniors will be forced to pay out of their own pockets for medical care at whatever rate the doctor decides to charge.

Let's restore Medicare's balanced billing limits for all Medicare beneficiaries by eliminating these dangerous private contracts. These billing limits are the only way we can guarantee that all seniors receive the health care they need at reasonable and fair prices.

I urge my colleagues to strip away the rhetoric and conjecture, to examine this issue closely and in its entirety. And, I believe you will come to the same conclusion that I have that private contracts are unnecessary and have the potential to destroy the Medicare program. I urge you to cosponsor the Medicare Preservation and Restoration Act—a sensible and responsible solution which will guarantee Medicare for all elderly Americans.

HONORING U.S. SERVICE MEMBERS KILLED AND INJURED DURING VIETNAMESE TET OFFENSIVE

(Mr. RYUN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN. Mr. Speaker, 30 years ago this week, the North Vietnamese and the Viet Cong launched what is now known as the Tet Offensive. During the Vietnam War a cease-fire was traditionally observed during the Vietnamese holiday, Tet. Both sides of the Vietnam War agreed to a cease-fire to extend from January 27 to February 2, 1968. However, the North Vietnamese and the Viet Cong broke their agreement and launched a massive attack during this week. The Viet Cong assault team began the attack by breaching the walls of the United States Embassy in Saigon. The entire attack lasted 2 weeks and took 1,000 American soldiers' lives.

I have introduced a resolution honoring the Members of the United States Armed Forces who either fought or were killed during the Tet Offensive and the families of the service members who were killed or injured during that fighting. I ask my colleagues to join in honoring our service members who died 30 years ago during this offensive.

BIPARTISAN SUPPORT FOR HEALTH CARE INITIATIVES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, last night the President outlined his agenda for Americans. Democrats and Republicans should strive to work together and implement his ideas on issues such as enacting a true consumer Bill of Rights to guarantee choice, access and quality health care in HMOs and enabling the near elderly to buy into the Medicare program. Unfortunately, the Republican leadership is already putting special interests ahead of the American public by supporting million-dollar ad campaigns to fight these new health care initiatives.

Numerous constituents have contacted me with their concerns about managed care. Congress needs to pass a ground floor of quality assurance standards for managed care organizations, and Democrats will also fight to enact the President's Medicare buy-in proposal that would grant access to the Medicare program for those aged 62 to 65 and those over 55 who are laid off or displaced. This initiative will not cost the Medicare program or raise the deficit. Instead, it will provide access to the best health care program in the world for these near elderly.

I just want to say, we should support these initiatives on a bipartisan basis.

SUPER BOWL XXXII

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, they said it could not be done. Thirty-eight years as a team without winning the big one, and they said it could not be done. For

13 years the National Football Conference dominated the American Conference in the Super Bowl and they said the American Football Conference could not do it. Four previous times the thundering herd from the Mile High City had charged up to the summit only to come down with a thud, and some said it could not be done. When they lost the last three games of the season, many said they were finished, another year of disappointment. Again, it could not be done. Wild card teams do not get to the big game, they sure do not win it.

Well, the experts said they cannot do it. But I say to my colleagues, these that said it could not be done were wrong. They did it. The Broncos are world champions. I guess it could be done after all.

IRS REFORM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the IRS has finally confessed. A spokesman admitted, and I quote: ''IRS seizure practices are unfair.'' He further said that the IRS is now starting a new program. Check this out: Under this new program, the IRS district director must approve all seizures. Unbelievable. The IRS district director is now the sole judge, jury and executioner of our property. Beam me up. I now know why the IRS actually could look in the mirror and believe they are consumer friendly.

Mr. Speaker, they believe all taxpayers are nothing more than a bunch of masochists. Support my legislation that will require judicial consent and approval before the IRS can grab our assets. I yield back the balance of any money we have left.

STYLE VERSUS SUBSTANCE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, last night the President gave a great speech, but the issue is not the style of the speech, it is the substance of what the President said.

Two years ago the President said in the State of the Union speech, the era of big government is over, but last night the President outlined new programs that will cost us $40 billion in new spending each year. That is completely different from what he has said in the past. It is clear the President is for bigger government and higher deficits, while we here in the House have successfully worked for smaller government and lower taxes.

Now, there are many areas that we can work together on: Reforming education, saving Social Security and Medicare, fighting crime and drug abuse, reforming the IRS, and we can do all of these things without breaking our pledge to balance the Federal budget and reduce our Federal debt. But the new Federal programs with greater bureaucracy and more spending will take us off the mark of a balanced Federal budget.

So, Mr. Speaker, it is my hope that we can work together to our common goals that we can reach.

BOLD AGENDA FOR 1998

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Democrats are back and ready to work. Last night the President laid out a bold agenda for the coming year. I might remind my colleagues this is the first President since 1969 to appear before a joint session of this House and come here with a balanced budget, and within that balanced budget talked about issues, things that we need to work on that in fact can help working middle class families in this country. Expand Medicare, allow health care coverage for those who are near retirement who might need it and might not be able to get it. They pay into it. Ensure high quality health care with a consumer Bill of Rights. Reform managed care, making quality child care more accessible and affordable, raise the minimum wage, and yes, preserve Social Security.

What does the Republican leadership have on their legislative agenda? Nothing. What important votes are they going to take to help the lives of middle class families? None. They are sending us home for the next two or three weeks. What is the Republican leadership going to give the American public? Nothing, zero, zip.

Mr. Speaker, let us get engaged in the President's bold agenda.

ACHIEVING AMERICA'S GOALS

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, last night in the State of the Union message the President set some good goals for America. He talked about a balanced budget, he talked about saving Social Security. He committed himself further to welfare reform; he is for education reform, he is against drugs, he is even for some family tax cuts.

The question is not about whether these are the goals we want for America, but how to achieve those goals.

□ 1315

For instance, the President said that a family of four that makes less than $35,000 should not pay any Federal income tax if they have high child care costs. Well, I agree. A family of four that makes less than $35,000 should not pay any Federal income tax. But it should not matter whether they have child care costs or not—$35,000 for a family of four is $35,000.

Mr. Speaker, we ought to work for those American families, and we ought to work for better solutions for American families.

LET US PUT SOCIAL SECURITY FIRST

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, the problems that faced America 2 weeks ago are still the same problems that we face today. Despite what has occurred in the last week, Congress still has the obligation to move the country forward.

Last year, in a remarkable show of bipartisan effort, the Congress gave back to Americans $94 billion in tax cuts and education benefits. Now that we have balanced the budget and given America its well-deserved tax cut, we must take care of today's seniors and the seniors of tomorrow by saving Social Security.

Mr. Speaker, we cannot allow seniors who have put into the system for their whole lives to fall into poverty just because they decided to retire; and we must never ask them to choose between food, health care, and their home. They deserve security and dignity. They paid for it.

So let us join together across party lines, as we did for the balanced budget and for the tax cuts, by heeding President Clinton's call. Let us put Social Security first.

IT IS A NEW YEAR AND A GOOD TIME TO CUT TAXES

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, it is important that we not let any distraction going on here in Washington get in the way of our responsibility to provide tax reduction and tax reform to the American people. With Federal taxes now approaching 20 percent of the Gross National Product, the highest peacetime figure in American history, and a runaway tax collecting bureaucracy that strikes fear in the hearts of every hard-working taxpayer, this Congress, notwithstanding the usual White House roadblocks, must move forward with tax cuts, tax simplification and tax fairness now. If the President chooses to oppose our efforts, let him explain his opposition to the American people.

Mr. Speaker, a lot of things have changed for the better since fiscal conservatives replaced tax-and-spend liberals in the House majority here in Washington: welfare finally reformed, a balanced budget actually in sight, family tax relief on the way. But more relief is due the American people. We need to move with dispatch. The American taxpayers deserve no less.

WHAT AMERICAN FAMILIES NEED

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, last night the President laid out a blueprint that addresses the needs of America's family in his strong State of the Union address. He laid out a blueprint to start protecting Social Security and make sure that it is on financial safe footing in the 21st century.

He laid out a plan for managed care reform that for the first time will make sure that those individuals who are receiving medical care through managed care are, in fact, getting the medical care that they need and that they deserve, given their ailments and not that which is decided by bookkeepers and CEOs and shareholders who have nothing to do with the delivery of medical care, those very same people who are overriding the judgment of doctors who ask that their patients be taken care of in one manner and the managed care organizations decide that they will not do that. That is what America's families need.

He also addressed the need for expanded child care so that American families can continue to participate in the economic system of this country and support their families and know that their children are safe, know that their children are receiving child development and afterschool programs for these same children.

Mr. Speaker, this is what America's families need. It is what the President addressed.

SUPPORT FOR RENAMING NATIONAL AIRPORT SHOULD BE BIPARTISAN

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, yesterday we saw a demonstration on the differences between the Republican and the Democrat parties.

We had, last night, the President of the United States as our guest in this Chamber. The President was received warmly by Republicans. They clapped, they were very polite, no snickering when he talked about responsibility and personal stuff like that. We were cordial, and we did not mention anything about ''you know who.''

Now, the same day, the Republicans pushed forward naming the National Airport after Ronald Reagan. He was our leader. We are very proud of him. He was not a perfect president. He did stand tough against the Soviet Union. He created jobs and brought down inflation and did a lot of good things. He won a clean reelection. We are proud of our president.

But, Mr. Speaker, every single one of the Democrats on the Committee on Transportation and Infrastructure, on a simply partisan basis, voted against naming the National Airport after Ronald Reagan. And yet did we turn around last night and show what we felt? No, we were very gentlemanly and did the right thing.

I would ask our Democrat counterparts to consider their conduct, because if they want to play partisanship, it is a lot more interesting to talk about this administration than Ronald Reagan's.

STANDING WITH THE PRESIDENT FOR THE AMERICAN PEOPLE

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, last night the message of the President of the United States was a very strong message. It was a visionary message full of vision and promise for America.

Last night, the American people heard from America's President. He offered for the first time in 30 years a balanced budget. He spoke about the sacred privileges of the patient-physician relationship and demanded that intrusive, hard-knuckled accountants and others who want to look at the numbers do not interfere with good health care in America.

He talked to mothers and fathers who needed child care to raise their children right. He talked about rebuilding our crumbling schools and making a commitment to work with local governments and jurisdictions. And, yes, he emphasized that there is something valuable to every American having affordable housing.

Mr. Speaker, I heard one of my colleagues on the other side of the aisle define the President's program last night in speaking to the public as ''left leaning.'' If that is left leaning, I do not want to be right. I want to stand with the American President and the American people and make their lives better for the 21st century.

CONGRESS SHOULD HONOR RONALD REAGAN

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, it will be a fitting tribute when this Congress recognizes the achievements of former President Ronald Reagan by renaming Washington, D.C.'s National Airport in his honor.

Let us recall the challenges our Nation faced when President Reagan took office: an economic crisis, a demoralized and weak military at home. Our allies abroad mistrusted us. The Cold War raged as country after country was falling under the yoke of the Communist Soviet Union. Americans were losing our unique confidence and optimism about the future.

President Reagan conquered all of these challenges. In the process he restored the majesty, the dignity, the moral authority, and our respect for the office of the presidency.

President Ronald Reagan's principled leadership looms even larger today. Let our country honor him and the values he upheld.

ENOUGH IS ENOUGH IN CALIFORNIA'S 46TH DISTRICT CONTESTED ELECTION

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise today to call for an end to the contested election in the 46th District of California. Enough is enough.

It is unfortunate that our second session is starting out much the same as our first session did. Members of the Republican leadership are publicly making unsubstantiated assertions about illegal voting in the 46th District and about the involvement of the gentlewoman from California (Ms. SANCHEZ).

The facts, however, tell a different story. The facts are that the grand jury investigating this matter for 13 months found no credible evidence on which to base a criminal prosecution, not one, although Hermandad was called a criminal organization in this House on this floor. No conspiracy to commit voter fraud was found. The Orange County District Attorney had a thorough and fair investigation. It yielded no indictments.

The facts are that the Committee on House Oversight asked Secretary Jones to investigate a list. He gave us that list back and he said that he could not vouch for any list because he did not know how it was put together. Let us end this sad event in our Congress' history.

AFTER FIVE YEARS, AMERICANS SHOULD REMEMBER THE PLIGHT OF PANAMANIAN KIDNAP VICTIMS

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, this Saturday marks the 5-year anniversary of the kidnapping of three American missionaries in South America. On January 31, 1993, armed bandits descended upon the Panamanian village of Pucuro and kidnapped Dave Mankins, Mark Rich, and Rick Tenenoff in the presence of their wives and in the presence of their children.

The gunmen demanded $1 million in return for the lives of these men, a demand that could not and should not be met.

Mr. Speaker, it has been 5 years since these women have seen their husbands, 5 years since these children have spent

Christmas with their fathers, yet this story has made little news and has sparked little protest.

Where is the sense of outrage in our country? Where is the sense of compassion?

Today on this anniversary, and throughout the year, let us remember these families and pray and work for their immediate release.

TIME TO CALL AN END TO SANCHEZ INVESTIGATION

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, simple equity would argue that we ought to end the Sanchez investigation and have Congress pay for the bills that we fostered upon the gentlewoman from California, hundreds of thousands of dollars in legal fees for a race she won by several hundred more votes than Speaker GINGRICH won his race by several years ago.

Mr. Speaker, if decency and honesty will not do it, my colleagues on the other side of the aisle should listen to their pollsters. The pollsters say they are driving Hispanic Americans out of the Republican party and away from Republican candidates in record numbers. Why? Because they see the oppression.

Mr. Speaker, we had charges on this floor during the debate of fraud and other criminal activities, all dismissed by local and State people in California. This woman has won this race. It is close to 14 months after the election. Decency would demand that we end this investigation, pay the legal bills, and stop the chicanery. Just because the gentlewoman is a woman Hispanic from California does not mean that my colleagues have the right to drag her through the mud for the entire two-year term. End this investigation.

THANKS TO COACH TOM OSBORNE OF THE NEBRASKA CORNHUSKERS ON HIS RETIREMENT

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, one of the great legends of college football retired this season. Dr. Tom Osborne has led the Nebraska Cornhuskers for the past 25 years, and everyone who has watched was saddened by his departure.

Tom Osborne is Cornhusker football.

As a young man, I watched him on the sidelines. A man of honor and integrity, a true winner regardless of the outcome of the games.

I watched him coach through years of close games against Oklahoma, near misses for the National Championship, until finally in the past 5 years he has brought home three National Championship seasons, including this year.

More so than football, what Tom Osborne has provided our State of Nebraska and our Nation is a leader who has placed the character development of his young men ahead of their football skills. Tom Osborne never forgot the lessons he learned growing up in Hastings and St. Paul, Nebraska; lessons of faith, values, commitment, doing what you said you would do.

Mr. Speaker, we say to Coach Osborne: Coach, thanks for the memories. We are excited to see what is going to happen in the future. We know that even though you are retiring, you will continue to instill those lessons of faith, character, and development and doing what you said you would do into the young lives of Nebraskans and all America.

DISTRICT OF COLUMBIA CONGRESSIONAL INTERN PROGRAM

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I come to the floor to welcome Members home to Washington as we begin the 1998 session and to once again invite those who live in the city to call me if they need help from local government.

Mr. Speaker, I want to thank Members who took high school volunteer interns in September when the schools were closed for repair work. Many Members heaped praise on the performance of those D.C. high school interns. They were thrilled by the opportunity to work in Members' offices. The distance between official Washington and hometown Washington disappeared.

We were so impressed by the benefits to all concerned that we have now established a permanent D.C. Congressional Intern program. Interns will compete and be screened and oriented before being assigned to Members. The best and the brightest will be recommended to do such tasks as answering phones, sorting mail, filing, and computer searches.

Almost 100 Members of the House and Senate have already signed up to take interns. I ask Members whether they would like to help a kid from D.C. and get extra help for their office as well.

The program will go from February 3 to May 25. Please call my office and get a free D.C. high school intern.

□ 1330

THE IRS

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, the American people now know that the Internal Revenue Service has been breaking the law for over 10 years. Recently the IRS admitted the use of quotas. Charles Rossotti, the present IRS Commissioner, said, this demonstrates that the Agency has failed to strike the proper balance. It shows the IRS has put too much emphasis on revenue and not enough emphasis on quality customer service and respect for taxpayers' rights.

Frankly, ever since the taxpayers' Bill of Rights 10 years ago, this out-of-control Agency has never struck a balance on anything. The only thing they have struck is fear and intimidation into the hearts of every taxpaying American. This Congress must roll back and curtail the power of the Internal Revenue disservice. We must force this Agency to respect the constitutional rights of the American citizens.

CALL FOR AN END TO INVESTIGATION OF VOTER FRAUD

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, the grand jury in Orange County, with all of the available facts and documents and information at their disposal, did not find probable cause to issue even a single criminal indictment concerning voter fraud in LORETTA SANCHEZ's victory. The Republican California Secretary of state, who well over a year ago certified LORETTA SANCHEZ the winner after a painstaking recount, concluded in December that no new evidence warranted changing that result.

In fact, listen to what Secretary Jones had to say about the so-called evidence the Republicans sent to him, and I quote, ''We don't know if they are illegal or not because we don't know the status of the individuals on the list or how the list was put together. I can't vouch for the list.''

Let me repeat that, ''I can't vouch for the list.''

Mr. Speaker, that is what we Democrats have been saying all along. This so-called evidence is useless and worthless and nothing more than an attack on Hispanic voters in the Nation. It is time to end this investigation and the enormous amount of taxpayer dollars spent.

UNFAIRNESS IN THE TAX CODE: THE MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute.)

Mr. WELLER. Mr. Speaker, today I want to raise the issue of the marriage tax penalty. Let me just frame this issue by asking some very simple questions. Do Americans feel that it is fair that a married working couple with two incomes pays higher taxes than a similar couple living together outside a marriage? Do Americans feel that it is fair that the average married working couple, two incomes, pays $1,400 more in higher taxes? Do Americans feel that it is fair that our Tax Code actually provides an incentive to get divorced? In fact, the only way a married

working couple that pays a marriage tax penalty can avoid it is to file for divorce. That is just wrong.

Think about it. Fourteen hundred dollars, that is a lot of money back in Illinois and throughout this country. Fourteen hundred dollars is 1 year's tuition in a local community college, 3 to 4 months of day care or child care at a local day care center.

We need to make a bipartisan priority this year the elimination of the marriage tax penalty. In fact we look to President Clinton to join with us to make it a bipartisan priority to eliminate the marriage tax penalty.

PRIVILEGES OF THE HOUSE—DISMISSAL OF CONTEST IN 46TH DISTRICT OF CALIFORNIA

Mr. GEPHARDT. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 341) pursuant to clause 2 of rule IX and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 341

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas, a notice of contest of election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas, the task force on the contested election in the 46th District of California met on February 26, 1997 in Washington, DC, on April 18, 1997 in Orange County, California, and on October 24, 1997 in Washington, DC; and

Whereas, Mr. Robert Dornan made unsubstantiated charges of improper voting from a business, rather than a resident address; underage voting; double voting; and large numbers of individuals voting from the same address; and

Whereas, these charges are without merit, as it was found that those voting from the same address included United States Marines residing at a marine barracks and nuns residing at a domicile of nuns; that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana Zoo; that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas, the Committee on House Oversight has issued unprecedented subpoenas directing the Immigration and Naturalization Service to compare its records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas, the INS has complied with the committee's request and, at the committee's request, for over eight months, has engaged in a manual check of its paper files and has provided worksheets containing supplemental information on that manual check to the Committee on House Oversight; and

Whereas, the committee's investigation has extended far beyond a review of those who actually voted in this contested election and;

Whereas, the district attorney of Orange County has ended his investigation and an Orange County grand jury has refused to return any indictments and allegations of a conspiracy to engage in voter fraud have been proven groundless; and

Whereas, the Committee on House Oversight has received a report from the secretary of State of California, in response to the committee's request, which yielded no new information; and

Whereas, the committee's requests have caused this contest to be needlessly extended for four additional months while the secretary of State of California provided no new information regarding the citizenship status of registrants or voters; and

Whereas, the task force on the contested election in the 46th district of California and the committee have been reviewing these materials and have all the information they need regarding who voted in the 46th district and all the information required to make judgments concerning those votes; and

Whereas, the Committee on House Oversight has after 13 months of review and investigation failed to present any credible evidence demonstrating that Congresswoman Sanchez did not win this election and continues to pursue never ending and groundless areas of investigation; and

Whereas, contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end; and now, therefore, be it

Resolved, That the election contest concerning the 46th district of California is dismissed.

The SPEAKER pro tempore (Mr. NUSSLE). The resolution constitutes a question of the privileges of the House under rule IX.

MOTION TO TABLE OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I move to table the resolution.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. Mr. Speaker, am I correct from a parliamentary standpoint under the rules this resolution would be debatable for 1 hour, if not tabled?

The SPEAKER pro tempore. That is correct.

Mr. HOYER. I thank the Chair. We would like to do that.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from New York (Mr. SOLOMON).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 189, not voting 27, as follows:

[Roll No. 2]

YEAS—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)

Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOT VOTING—27

Becerra
Berman
Borski
Deal
DeGette
Dooley
Ewing
Gallegly
Gonzalez
Hefner
Hutchinson
Johnson (CT)
Kennelly
Kind (WI)
Lipinski
Luther
McDade
Mollohan
Morella
Ortiz
Ros-Lehtinen
Scarborough
Schiff
Smith (OR)
Tanner
Wise
Young (AK)

□ 1404

Mr. METCALF and Mr. FOLEY changed their vote from ''nay'' to ''yea''.

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON COMMERCE TO FILE SUPPLEMENTAL REPORT ON H.R. 10, FINANCIAL SERVICES ACT OF 1997

Mr. OXLEY. Mr. Speaker, I ask unanimous consent to file on behalf of the Committee on Commerce a supplemental report to accompany the bill (H.R. 10) the Financial Services Act of 1997.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Ohio?

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON THE BUDGET

Mr. FAZIO of California. Mr. Speaker, I offer a resolution (H.Res. 342) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

To the Committee on Budget, David Price of North Carolina.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2174

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2174. It was never my intent to become a cosponsor of this legislation, and I believe a simple clerical error caused my name to be attached.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I take this time for the purpose of inquiring about the schedule for today and the remainder of the week and next week, and I yield to the distinguish gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding; and on behalf of the gentleman from Texas (Mr. ARMEY), the Majority Leader, let me just say that I am pleased to announce that we have finished legislative business for this week.

The House will reconvene on Tuesday, February 3rd, at 12:30 for morning hour and 2:00 p.m. for legislative business. On Tuesday, the House will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices. Members should note that we do not expect any recorded votes on the suspensions before 5:00 p.m. on Tuesday, February 3rd.

On Wednesday and Thursday, the House will meet at 10:00 a.m. to consider the following legislation: H.R. 2625, the Ronald Reagan National Airport; H.R. 2846, a bill to prohibit spending Federal education funds on national testing; a resolution concerning attorneys' fees, costs, and sanctions payable by the White House Health Care Task Force; a resolution expressing the sense of Congress regarding the situation in Iraq; and a privileged motion to consider H.R. 2631, which is consideration of the President's veto of the act disapproving his cancellations on the Military Construction Appropriations Act.

Mr. Speaker, we hope to conclude legislative business for the week by 6 p.m. on Thursday, February 5th. There will be no votes on Friday, February 6.

Mr. BONIOR. Mr. Speaker, I thank my colleague, the gentleman from New York (Mr. SOLOMON), for apprising us of the schedule.

My friend from New York probably noticed that I have a bad voice this afternoon. I would just tell my friend that, as a member of Galludet's board, the University of Galludet, I learned sign language. And while I do not believe we can communicate with each other, I just thought I would share with my friend from New York two signs that I have learned over the years.

This one means ''not my problem,'' just flicking your hands like this. And this one, you have got to take your glasses off and go high up on your nose, means ''boring.'' So I am sure the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, can avail himself of those two signs at the appropriate time in the coming year.

Let me also say to my friend from New York that we are curious on our side of the aisle about not this coming Wednesday but the Wednesday after that. As my colleague knows, both our caucus and conference have conferences scheduled for Monday and Tuesday. Can the gentleman tell us when on Wednesday we can expect votes that week, what time on Wednesday?

Mr. SOLOMON. Mr. Speaker, if the gentleman would yield, not before 5 p.m. on that Wednesday. That would accommodate both caucuses.

Mr. BONIOR. Mr. Speaker, reclaiming my time, I thank my friend for accommodating us.

The final point I would leave the gentleman from New York with is, I see we do not have the list of bills that will be on suspension next week. We are hopeful that we will maintain the cordiality we were able to put together at the end of the session last year and the Democrats will get a reasonable fair share of suspension bills on the calendar.

Having said that, I thank my friend, the gentleman from New York (Mr. SOLOMON), and I wish him a good weekend.

□ 1415

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO THE LATE HONORABLE EDNA F. KELLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Mr. Speaker, I rise today, along with my colleagues, to

pay tribute to the late Edna F. Kelly, a Member who served in this body for 19 years, from 1949 to 1968.

Yesterday I spoke about her significant contribution in the foreign policy arena. I would be remiss, however, if I did not also share with my colleagues the gentlelady's achievements on domestic issues.

Early in the 1950s, she was among the first in Congress to advocate for a tax reduction for low-income single parents left with the sole responsibility of caring for their dependent children. Congresswoman Kelly called attention to the inequity in the Tax Code that permitted business deductions for entertainment, but none for child care.

As she said at the time, there certainly can be no question as to the justice for this exemption. This is a measure to protect the family, and it is principally a matter to help protect the children.

Her proposal became part of the Internal Revenue Code of 1954.

The gentlewoman from New York can also be credited with promoting the first equal pay for equal work bill, which she introduced in 1951. It was a landmark effort, which established a new era in the fight for women's equality. Congresswoman Kelly was in attendance when President Kennedy signed the Equal Pay Act into law June 10, 1963.

In her later years in Congress, Edna Kelly often spoke with pride of her support for measures that helped this Nation expand social and economic justice and opened doors to housing, education, voting and jobs for all minorities. She received numerous awards, including the Mother Gerard Phelan Award from Marymount College; an honorary doctorate from Russell Sage College, and her alma mater Hunter College's highest honor, the Centennial Medal.

She set a standard of service that made all New Yorkers proud. As our former Governor Hugh Carey said in reference to Congresswoman Kelly, ''Her legislative ability and outstanding contributions dispel all doubts about the leadership potential and political acumen of our American womanpower.''

Mr. Speaker, at this time I would like to yield to my colleague, the gentleman from upstate New York (Mr. SOLOMON), who knew her and worked with her.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from New York for letting me participate in this well-deserved praise of this woman. It is a solemn occasion to join my good friend in paying tribute to this former Member of this body who graced these halls in this House for so long. I am talking about, of course, Congresswoman Edna Kelly from New York who did pass away, as the gentleman just said, last month at the age of 91.

Although I did not have the privilege of serving with her, I watched her for many years and saw her reputation being so impeccable; her dignity and her good nature were just so overwhelming. As a matter of fact, my personal secretary today was in the Congress back in those days as a staffer, and she just told me before I came over here that she was one of the nicest ladies that she had ever met in her life.

Mrs. Kelly was so quick to dispel those myths that women did not belong in politics, with her quick wit and strong character. Back in those days there were few women in this Congress, as the gentleman knows. In fact, she went on to a distinguished 20-year career, serving from 1949 until 1969. All along the way, she won the respect and she won the admiration of her colleagues on both sides of this aisle.

All you need to look at are the comments other Members of the House made right on this very floor almost 30 years ago to mark her retirement from this Congress. Particularly then Minority Leader and soon to be President Gerald Ford of Michigan rose to pay tribute to Mrs. Kelly. I think President Ford summed up Edna's service well when he said ''Her service has been extraordinary. Her departure means a loss of her talents and her charm which will be felt by all of us, on both sides of the aisle, in the future.''

Mr. Speaker, that is so very true. For me, I guess probably the thing I admire most and respect Mrs. Kelly for was her commitment to fighting communism and its advance in Europe and throughout the world. Her service on the Committee on Foreign Affairs, where I used to serve years ago, and her courage and devotion to protecting our allies, our friends in Europe, during the height of the Cold War, are just so, so very commendable. She certainly played no small role in standing up to the spread of deadly atheistic communism and the eventual rollback that would take place in Europe and all over the world some years after her departure from this Congress.

Mr. Speaker, she is another one of those Cold War heroes to which we all owe a great deal for our position today as the lone superpower of the world. For that she should never be forgotten. But her service to her community, as Mr. TOWNS has outlined so well, in Brooklyn, New York, and to all New Yorkers, not to mention her commitment to the American family and the welfare of our children, goes absolutely unsurpassed on the floor of this chamber.

So it is for her strength and her commitment, as much as her elegance and charm, that she will be remembered and sorely missed. My heart goes out to her family and her sister, her two children, eight grandchildren and 17 great-grandchildren, one of whom, her daughter Pat Kelly, is a longtime faithful employee of this House. Formally she was a staffer on the Committee on Rules many years ago, and where I now have the privilege of serving.

So I would just again thank the gentleman from New York. The gentleman is just as commendable as Mrs. Kelly was. I have a great deal of respect for the gentleman, too, and I appreciate his bringing this on the floor today in honor of this wonderful woman.

I thank the gentleman from New York for the time.

Mr. TOWNS. I would like to thank my colleague from New York for his comments.

Of course, I think that when we look back at her work, I think we can say that she used the philosophy to ''let the work I have done speak for me.'' I think she has done a magnificent job, and, of course, let me say to the family the fact that we have lost her, but the point is that the work that she has done will live on and on and on.

Mr. RANGEL. Mr. Speaker, I rise today to recognize and pay tribute to the legacy of Edna Flannery Kelly, a longtime Member of the U.S. House of Representatives from Brooklyn, who departed this life on December 14, 1997 at the age of 91.

Mrs. Kelly served for 20 years as a Democrat in the House of Representatives, from 1949 to 1969, where she was the first woman elected to Congress from Brooklyn.

In a political career that spanned the turbulent decades of the 50s and 60s, Edna Kelly earned national acclaim for strengthening U.S. foreign policy to meet the threat of communist expansionism in Europe and Asia. In addition, her initiatives to improve the economic status of American families as well as her support of civil rights legislation, paved the way for greater opportunity for all Americans.

Mrs. Kelly's rise to the national political scene, spoke of her strong character, sharp intellect, and gracious charm. She didn't consider a career in politics until the unexpected death of her husband in 1942. In 1949, she won a special election to the 81st Congress, filling the unexpired term of deceased Democratic Congressman, Andrew L. Somers. Subsequently, she was reelected to Congress nine times in landslide victories by her constituency, and from 1956 to 1968, served as the Democratic National Committeewoman from the State of New York.

Many of Mrs. Kelly's proposals became law during the administrations of Truman, Eisenhower, Kennedy, and Johnson. One such measure was an amendment to the Mutual Security Act in 1951, which instigated one of the largest, international humanitarian efforts to help resettle people dislocated by World War II. As a result of the Kelly amendment, more than a million and a half displaced persons, most from the Soviet Union and Eastern Europe, were able to find new homes and opportunities, enabling them to rebuild their lives.

Mrs. Kelly is remembered for sponsoring the legislation that created the Peace Corps, and was also instrumental in establishing the U.S. Arms Control and Disarmament Agency.

Her statesmanship and diplomatic skills were recognized by President John F. Kennedy, who appointed her a member of the United States Delegation to the United Nations in 1963.

Throughout her service in Congress, Edna Kelly worked to improve health and education and the standard of living of American families. She also looked to the needs of those most vulnerable—the sick, the disabled, the elderly, and the poor and underprivileged.

Her constituents benefited greatly from her commitment to them as she was able to assess their needs and provide leadership on a variety of issues. She often spoke with pride of her support for different measures that helped the nation expand social and economic justice as well as open doors to housing, education, voting, and jobs for all minorities.

On leaving the House of Representatives, Mrs. Kelly was accorded the highest tribute by her colleagues on both sides of the political aisle. Speaker John W. McCormack, Tip O'Neill, Gerald Ford, Hugh Carey, Claude Pepper, and many others, stood up in the House to praise her outstanding legislative service and contributions to American foreign policy.

Mr. Speaker, please join me in honoring the spirit and legacy of Edna F. Kelly, a great American and life-long resident of New York.

Mrs. LOWEY. Mr. Speaker, the loss of Edna Kelly, life-long New Yorker, is a great one. Mrs. Kelly represented Brooklyn—and was the first woman to do so—for 19 years. She was an effective and articulate expert on both foreign affairs and domestic issues. A champion of NATO and an expert on Soviet Bloc countries, Mrs. Kelly also sponsored measures to help refugees and displaced people after World War II and helped create the Peace Corps program. She advocated for equal pay for equal work for women and for better women's access to child care, credit, pensions, housing and educational opportunities.

Mrs. Kelly's accomplishments were all the greater for the fact that she operated in an almost exclusively male political world. Her intelligence and tenacity earned the respect and admiration of her colleagues. We will all miss her.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the special order just given.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

[Mr. CRANE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

MORE CHOICE IN MEDICAL TREATMENT NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. KLINK) is recognized for 5 minutes.

Mr. KLINK. Mr. Speaker, I rise today to say to my colleagues, I was so happy last night to hear the President in his State of the Union speech talk about giving our constituents, the people of this country, the opportunity to choose the doctor of their choice and, together with that doctor, decide what kind of treatment they want.

Over the past week and a half, back in the Fourth Congressional District of Pennsylvania, which is around the city of Pittsburgh, I have been holding some fact-finding sessions on health care. The reason we did this is because we kept getting calls, either from doctors or other health care providers, who were distraught, and that is the only way to describe them, because they could not be included in an HMO network where their patients had purchased the insurance.

On the other side you had patients who, because of the high cost of insurance, are being herded into HMOs, thinking that they have the choice of their doctor, only to find out that they have a primary care physician that they can choose among a group, or one is assigned to them, and only that physician can decide whether they can go to another doctor, whether they can see a specialist, or what hospital they can go to. And all of a sudden, particularly for those of us who live in the Pittsburgh region, where Dr. Jonas Salk 4 decades ago solved the solution to polio, where, during the 1970s and 1980s, great doctors like Thomas Starzl developed transplant surgery and antirejection drugs so that people can get new organs, they can have their bodies repaired.

What a great time to live in and what a great geographic region to live in, where people from all over the entire world would come to our Pittsburgh region for this medical treatment. Yet people who live right across the street from those hospitals, a block away from these doctors' offices, do not have access to those doctors, because their health care plan will not let them go there.

So when the President said last night this is a decision that should be up to the person, as to where they get their health care, what doctor they see, it should be up to the doctor and patient together to decide how long you are in the hospital, what kind of medication you take, I was pleased to see Members on both sides of the aisle rise and applaud. It tells me that this Congress is serious about not acting as just Democrats or not acting just as Republicans, but acting as Americans, to give people the choice of the health care that they need.

I saw people come into my hearing who had tears streaming down their face saying that their husband passed away. Now I do not have insurance, I am not old enough for Medicare yet. I have got a preexisting condition. I have got diabetes. I am going blind. What are my choices? Where do I get insurance?

How about the 23-year-old kid, not any longer on their parents' insurance policy, out in the workplace, but in this day and age only capable of getting a part-time job? That is the new style in America today, work people 30 hours, 35 hours, 36 hours, just enough under the 40-hour workweek so they do not get benefits. Then the insurance companies refuse to deal with an individual, just selling them an insurance policy.

Back in 1993 and 1994, we had a debate on what was then called the Clinton health care policy. It was a very large, massive piece of legislation. I was on one of the committees of jurisdiction.

I did not support that legislation. It seems that after we had that debate and we failed in a bipartisan fashion to decide how that trillion-dollar industry called health care is going to be operated, that the insurance companies now have taken it upon themselves. They now control the purse strings. It is not managed care; it is managed dollars. We are not managing the care, where we are telling people that you have access to that care; we are managing the amount of resources.

So a primary care physician is appointed by a health insurance company. They know that he or she will only be successful if they give a limited amount of referrals out of network, or a limited amount of referrals to specialists. So those kind of referrals, in many instances, are very hard to come by.

We heard story after story of people who were released from the hospital too early. One gentleman in his seventies, with a Medicare HMO, was in an automobile accident. His wife was in the car accident with him. She had trauma to her heart in the accident. She was not hurt as seriously as he was though. He had kidney damage, had to have a catheter, had the orbit bones in his face broken. They took him from Westmoreland County into the city of Pittsburgh to the University of Pittsburgh Medical Center, where all the wonderful transplant procedures are done. Because they did not know how they were going to treat these broken orbit bones, they released him from the hospital on a stretcher in an ambulance.

Those stories are too frequent, they are too sad. People must have the choice. Health care must be affordable.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RIGGS) is recognized for 5 minutes.

[Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

[Ms. SLAUGHTER addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

REVISIONS TO THE AGGREGATE SPENDING LEVELS CONTAINED IN H. CON. RES. 84

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the aggregate spending levels contained in H. Con. Res. 84 and a revised allocation for the House Committee on Appropriations to reflect $360,000,000 in additional new budget authority and $20,000,000 in additional outlays for ''Payment of International Arrearages.''

The House Committee on Appropriations submitted the conference report on H.R. 2159, a bill making appropriations for the Foreign Operations for Fiscal Year 1998 which includes $360,000,000 in budget authority and $20,000,000 in outlays for international arrearages.

These adjustments took effect upon enactment P.L. 105–118.

Questions may be directed to Art Sauer or Jim Bates at x2–7270.

The adjustments are set forth on the attached table.

COMMITTEE ON APPROPRIATIONS

[Dollar in millions]

Discretionary	Current Allocation		Change		Revised Allocation	
	BA	O	AB	O	BA	O
General Purpose	$520,165	$549,878	+360	+20	$520,525	$549,898
Violent Crime Reduction Trust Fund	5,500	3,592	.....	.....	5,500	3,592
Total	525,665	553,470	+360	+20	526,025	553,490

The aggregate levels for budget authority and outlays for fiscal year 1998 are increased as follows:

[Dollar in millions]

Current Aggregates		Change		Revised Aggregates	
BA	O	BA	O	BA	O
$1,387,228	$1,372,502	+$360	+$20	$1,387,588	$1,372,522

Pursuant to Sec. 205(a) of H. Con. Res. 84, The Concurrent Resolution on the Budget for Fiscal Year 1998 and Title V of P.L. 105–83 making Appropriations for the Department of Interior and Related Agencies for 1998, I hereby submit for printing in the CONGRESSIONAL RECORD a revised allocation for the House Committee on Appropriations to reflect $700,000,000 in additional new budget authority and $248,000,000 in additional outlays for ''Priority Federal Land Acquisitions and Exchanges.''

Sec. 205(a) of H. Con. Res. 84 requires that the Chairman of the Budget Committee to make an adjustment ''* * * after the reporting of an appropriation measure * * * that provides $700 million in budget authority for fiscal year 1998 for Federal land acquisitions and to finalize priority Federal land exchanges, * * *''

Title V of P.L. 105–83 provides ''That moneys provided in this title, when combined with moneys provided by other titles in this Act, shall for purposes of section 205(a) of H. Con. Res. 84 (105th Congress) be considered to provide $700,000,000 in budget authority for fiscal year 1998 for Federal land acquisitions and to finalize priority land exchanges.''

The adjustments are shown on the attached table.

ADJUSTMENTS FOR LAND ACQUISITIONS—COMMITTEE ON APPROPRIATIONS

[Dollars in millions]

	Current allocation		Change		Revised allocation	
	BA	O	BA	O	BA	O
General purpose discretionary	$520,525	$549,898	+700	+248	$521,225	$550,146
Violent crime reduction trust fund	5,500	3,592	.....	.....	5,500	3,540
Total	526,025	553,490	+700	+248	526,725	553,738

Aggregate levels for budget authority and outlays for fiscal year 1998 remain unchanged as follows:

[Dollars in millions]

Budget authority	$1,387,588
Outlays	$1,372,522

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

[Mr. ENGEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

INVOLVING AMERICAN PEOPLE IN SOCIAL SECURITY REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SANFORD) is recognized for 5 minutes.

Mr. SANFORD. Mr. Speaker, last night in the President's State of the Union address, he talked about something that is important to all Americans, and what he said was let's save Social Security.

What I think that means for all of us is that we get involved in that debate, because what he outlined was the beginning of a conversation wherein groups like Concord Coalition or AARP would be involved in town meetings throughout this next year, and then in December there would be a Social Security summit at the White House, and maybe the possibility of legislative change after that.

Well, there have been a number of us here in the House that have been talking about Social Security for some time, and what needs to take place right now is that all Americans, as they think about Social Security, I would beg of them to be involved in this debate, because there is nothing more important to a whole lot of Americans than will or will not their Social Security check be there and waiting for them.

□ 1430

I think that as we begin to think about it, we all know the problem. The problem has been very well described. The Social Security trustees said that if we do nothing to save Social Security, it goes bankrupt in 30 years and it begins to run structural deficits in about 15 years. What the trustees' report also showed was that if we do nothing to save Social Security, that the average rate of return for somebody working and paying into Social Security is but 1.9 percent. Mr. Speaker, 1.9 percent. That is not the American dream.

The American dream is built upon putting a little bit of money away that actually grows towards something. But in this case, it is the case of putting money into a system; again, we are not talking about my grandmother's Social Security or my mother's Social Security, but we are talking about each of my three boys' Social Security. And that idea of earning 1.9 percent overall is bad, but what the trustees' report

also shows is that anybody born after 1948 will get a negative rate of return on their Social Security investment.

So as we think about this debate that is soon coming to this Congress and is soon coming to the White House, we ought to think about a couple of things. We ought to think about how do we fix it, because that is the big question. Do we simply cut benefits? I live along the coast of South Carolina and the retirees that I talk to there think that is a horrible idea. That is not the way to fix Social Security.

We have many young people. Other people say, all right, if we cannot cut benefits, maybe we can raise payroll taxes. I think that is a crazy idea, because the young people that I talk to on a daily basis at home in South Carolina say that the idea of raising payroll taxes would squeeze them that much more. We can only squeeze but so much blood from a turnip and those young families that I talk to say they are squeezed. The idea of raising taxes would hurt them.

That only leaves one other option out there for saving Social Security and that is letting one earn more on their Social Security investment, more than this 1.9 percent or more than this negative number. That is, I think, the significance of at least thinking about the idea of personal savings accounts. Because when personal savings accounts have been tried around the globe, people overwhelmingly have elected that option.

In South American countries, 95 percent of the workers in Chile chose the idea of personal savings accounts. In Great Britain, whose demographics are remarkably similar to our own, 75 percent of the workers chose the option of personal savings accounts, or in our own country, a number of counties down in south Texas ran into the same problem we are running into in terms of demographics. They said, how are we going to fix Social Security, and prior to 1983 at the county government level, the State government level, one could create one's own Social Security system. Those counties in south Texas did and 80 percent of the workers, when given the option of personal savings accounts, chose that option.

So I think that as we think about this debate that is coming our way, we really need to look at how do we save Social Security, and I think at least part of the formula for saving Social Security will be the option of personal savings accounts. Not mandatory, but again, leaving people above the age of 65 alone. We do not yank the rug out from underneath seniors, but offer the young people the choice, if it makes more sense for them and for their families, this option of personal savings accounts.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

[Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extension of Remarks.]

SANCHEZ WON FAIR AND SQUARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON–LEE of Texas. Mr. Speaker, today this House took an action that I think does not speak well of the premise that if one runs fairly and wins fairly, one should be allowed to serve fairly.

Leader GEPHARDT offered to this House an opportunity to move democracy forward by ceasing and desisting from the pursuit of an investigation against Congresswoman LORETTA SANCHEZ, who won her election fair and square in California.

So I rise today, Mr. Speaker, to challenge the injustice to a person who deserves justice. I rise today concerning the continuing investigation of the Committee on House Oversight into the partisan political crusade that they have carried on in an effort to harass Congresswoman LORETTA SANCHEZ since she defeated Bob Dornan in the last congressional election. That committee, despite the lack of any shred of credible evidence, has dragged on its investigation for no other reason except partisan politics. We already know that the constituents of LORETTA SANCHEZ' district appreciates her service, has received her well, agrees with her positions, and she is serving them well.

Mr. Speaker, I would simply say in American lingo, the jig is up. An Orange County grand jury has concluded its investigation of Mr. Dornan's delusions of voter fraud and concluded there was no credible evidence to indict anyone and that there was no criminal conspiracy to commit voter fraud. This is the system that we put in place, and that system has determined that there is no criminal acts to be prosecuted.

Mr. Dornan's accusations that a Latino civil rights organization conspired to commit voter fraud in order to defeat him did not stand up under the scrutiny of an Orange County grand jury investigation. What Mr. Dornan now needs to understand and the Committee on House Oversight needs to determine once and for all is that LORETTA SANCHEZ beat Bob Dornan and LORETTA SANCHEZ has been properly representing the people of the 46th District in California. Get a grip, understand reality, be fair, and allow this particular Congressperson to have the same kind of justice that any one of us would want to have and to be able to represent her constituents.

This is a shameless vendetta carried on by Mr. Dornan against Latino voters, and it now must come to an end. The local prosecutors have concluded their investigation. It is now time for the Members of the Committee on House Oversight to pull up its stakes and stop spending our taxpayers' dollars chasing the smoke screen being spread by former Members.

This is a former Member whose own colleagues have recognized him as an embarrassment to the principles of this House. His outrageous behavior on the floor of the House in doing various acts of swearing, insulting and threatening other Members was without precedent in this august body. When the House voted to revoke his privilege as a former Member from coming to the floor, that should serve, or should have served, as our notice about the credibility of these charges. That vote was a blight on a former Member that was unprecedented and should have moved the committee to hasten the conclusion of its proceedings. But the members of the committee have continued to follow the lead from this defeated, radical, right wing ideologue, flying in the face of that vote, and now the conclusions of a local grand jury. The committee keeps up its witch-hunt to invalidate votes in Congresswoman SANCHEZ'S 1996 election.

Mr. Speaker, Mr. Dornan and his band of followers need to now admit to themselves the simple fact that the voters in California's 46th Congressional District understood in November of 1996 LORETTA SANCHEZ beat Bob Dornan fair and square. Get a life, and let us get over it. But more importantly, let us move forward. Let us allow this House to proceed, accepting every single Member that has been duly elected by their constituents. We cannot do it with the votes we have on the Democratic side of the aisle; we know the Republicans have the upper hand, but we call upon our fair-minded colleagues. This is not a partisan issue, this is a fairness issue for the Democratic and Republican constituents of the 46th District. I believe that taxpayers' money should not be spent.

Mr. Speaker, I ask that these individuals who have control over this process be allowed, of course, to cease and desist from doing this particular proceeding.

Mr. Speaker, as I conclude, let me tell my colleagues just a brief reason, or reasons, why LORETTA SANCHEZ and others of us need to get on with our business. I want to emphasize some remarks I heard earlier today on the President's vision in his State of the Union, and just simply say, we need all of the hands we possibly can get to do what the American people have asked us to do. One, to save Social Security. I applaud the process that the President has offered. And then lastly, we need all the hands to make sure that health care is the right kind of health care for all Americans, and that it is not dictated by gurus sitting up in ivory towers saying that the bottom line is about money. We need all of our voters, Mr. Speaker, all of our Members, and I hope we can get on with the business of the House and the American people.

APPRECIATION FOR FEDERAL DISASTER RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, Maine people are no strangers to tough winters, but the ice storm we just endured struck a terrible blow. Damage will exceed $100 million. When Vice President GORE toured the State, he said it looked like we had been hit by a neutron bomb. And that is a pretty accurate description. The damage from the ice storm which accumulated over several days snapped off telephone poles. We had 2,500 telephone polls in the State which needed to be replaced. It essentially dropped the forest canopy about 25 feet, the hardwoods broke off at the top, branches broke off, and they took power lines down with them all across the State. Some roads were impassable, blocked by fallen trees and downed power lines. Thousands of people were left in the dark and cold. Mr. Speaker, 600,000 people, one-half of the residents of the State of Maine, were without electricity for some time, and some of them had no power for as long as 2 weeks. As my colleagues can imagine, that can try the patience of even the toughest Yankee who has faced some very tough nor'easters. Thousands of families with no heat found themselves stoking up old wood stoves and huddling in front of fireplaces. For those who depend on well water, no electricity meant no pump, no pump meant no water. Those close to a pond or river hauled water in buckets. No running water meant no toilets, no bathing, no washing dishes or washing clothes.

I have to say that all of this produced a very brisk business in chain saws, generators and kerosene space heaters. Not only was the power out, but it was very cold. Our schools were closed for up to 2 weeks in different parts of Maine and daily life was disrupted for thousands of families.

During those 2 weeks, I went to a number of shelters in Maine and I want to tell my colleagues, there are some wonderful stories, hundreds of stories of people pulling together to help each other and make a community humanitarian effort. I will never forget certain aspects of my experience going into those shelters. There would be some older people, some on oxygen, on cots on one side of the room, a gym or some other facility, there would be younger kids being taken care of by their parents, there would be a soccer game in the middle of the gymnasium or the shelter, but I will also remember most, what I will carry with me as long as I live, is the look on the faces of the teenagers, many of whom had not volunteered I suspect for anything like this for a long period of time, but there they were, cutting up carrots, moving cots, bringing blankets, helping to move equipment, and making sure that other people were well cared for. It was for them an experience that may help them understand their connection to others and the importance of community.

Fire and rescue crews went door to door in some places checking on townspeople, seeing who was okay; others took generators and portable generators and moved around from home to home warming up one home, unplugging the generator, going to another home, trying to keep as many people as possible warm, and as many pipes as possible from freezing. Our radio stations canceled normal programming and took calls around the clock; that was real helpful for building a sense of community, and television stations had special programs and hotlines.

We could not have done this without outside help, and I am here today to say thank you to the rest of the country.

Let me give some examples of how we were helped. Central Maine Power Company, our major utility, usually has 92 crews, and during the height of our resistance to this storm, we had 1,000 utility crews working. They came from Maryland and Delaware and North Carolina and South Carolina; they came from Pennsylvania, Connecticut, Rhode Island and New York, they came from all over the East Coast and they provided an invaluable service. One truck had on it a sign on the side: Maine or bust. And they showed up. Some of those folks arrived from North Carolina at the Brunswick Naval Air Station and they were given jackets from L. L. Bean, donated by L. L. Bean. They had worked on utility lines all their lives, some of those people, never in such cold, and I just want to say that we could not have done it without the assistance of people from other States.

I would also say that the response of FEMA, the Federal Emergency Management Agency, was outstanding. James Lee Witt came to the State, he and his people did an extraordinary job. The Federal Government stepped forward when it was needed and helped Maine people when they needed it most.

I just will say in conclusion, I will never see scenes on television of a flood or hurricane and not remember how the people of this country stood up for people in Maine when we needed help.

□ 1445

MANAGED HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I just wanted to start out this afternoon by saying how happy I was with the President's State of the Union address last evening and the reaction of Congress on both sides of the aisle.

The President stressed his pro-family, pro-child message. It is an agenda that I think that everyone can get behind. It will have the strong support of the American people. And it is very important, I think, that in order for us to enact this agenda, that we get the Republicans, both the leadership and the rank and file, together with my Democratic colleagues so that we can enact what are essentially common sense proposals in 1998.

I, along with several of my colleagues who will join me this afternoon, just wanted to call attention to two points that the President raised with regard to health care reform which I think are particularly important.

One is managed care reform. The gentleman from Pennsylvania (Mr. KLINK), who is going to be joining us soon here, stressed that during the break, during the congressional district work period. Congressman KLINK, myself, and others had a number of forums in our districts where we heard from our constituents about the problems with managed care, with HMOs and managed care organizations.

I thought it was particularly interesting last evening that when the President mentioned the need for consumer protections and a consumer Bill of Rights to deal with managed care organizations, that the response was overwhelming. I think it had a better response from the Congress, again on a bipartisan basis, than almost anything else that he talked about. I think that is because we are hearing from our constituents and they are telling us the problems and the horror stories that exist with regard to existing managed care organizations.

Mr. Speaker, I would like to at this point yield to the gentleman from Pennsylvania who I was listening to his comments before and they are really appropriate in terms of some of the problems that we hear from our constituents.

Mr. KLINK. Mr. Speaker, I thank my distinguished friend from New Jersey.

The gentleman from New Jersey (Mr. PALLONE) and the gentlewoman from Connecticut (Ms. DELAURO) and I and others have had these discussions for years. We have watched as this situation with insurance and availability of insurance, choice of doctors, all of this has deteriorated greatly.

But it was 1995 when probably the most horrendous story that I had ever come into contact with occurred. I became aware of a 4-year-old boy named Sean Brake from a place outside of my district called Plum Borough. The local TV station was doing a story about the fact that Sean's father worked for the insurance company and Sean at the age of 4 had gotten a rare form of cancer, but it was a highly treatable form. With a bone marrow transplant which would cost somewhere around $200,000 or more, there was a 90 percent chance that Sean would survive, according to the people at Children's Hospital in Pittsburgh,

one of the most renowned children's hospitals in the Nation.

Yet the insurance company would not pay for this. I heard this on the television; and I said, This is amazing. Being a father, here is a 4-year-old child who has a 90 percent chance of treatment if he gets the treatment or he is going to die. And so I called the family and asked if they minded if we got involved. It took me personally, and my staff members, 3 days on the phone.

The problem was that the insurance company that Sean's father worked for would only cover the first $125,000. They said, Congressman KLINK, it is not that we do not want to pay out this money, but we need to know that our catastrophic carrier will pick up the remainder or why bother?

So I called that other carrier, and they would not talk to me. As a Member of Congress, or as anyone else, they would not speak to me. I could only talk to their lawyer in Chicago.

So I talked to the lawyer; and he said, Look, we view this as experimental. It is too bad. That is a decision we have made, and he was very cold. I could not believe I am talking to another American that is going to let a 4-year-old child die when there is a 90 percent chance to survive. I was appalled, but I could not reach this individual through the phone.

I could not also understand why, if the child was going to have a 90 percent chance of success with this treatment, why is that experimental?

Finally, we found out that the Health Care Finance Administration in its manual says that if an insurance company wants to bid to provide insurance for any Federal employee, it must cover this procedure. It is not experimental according to HCFA.

So we called them back and said, Being good citizens of this good United States, if you do not cover this we are going to have to inform the Federal Government. Every contract you have with the Federal Government will be canceled, and you will not be able to bid for any more.

Mr. Speaker, very quickly they called us back and said, We will take care of Sean Brake.

I had a wonderful opportunity a year ago to sit with Sean Brake and his mother. He is alive and thriving, and the bone marrow transplant worked. But why did it take a Member of Congress and his entire staff 3 days to get this child the care in the United States of America that every child should be able to get?

We have had people sitting in front of us. A lady who was a diabetic sat there. Her husband had to take an early retirement from Sears & Roebuck. Under COBRA, he is covered; and she is sitting there with tears streaming down her face.

She said, There are two things that I love more than anything in the world: Number one, I love my husband; and, number two, I am a real flag waver. I love my country.

But I am going blind from diabetes. My husband and I are not old enough for Medicare yet. We cannot afford insurance because I have a previous condition, and after the COBRA runs out I will not have health care coverage. So my choice is either go blind and die or I can divorce my husband who I love and go on Medicaid. Or I can leave this country, go to Canada, become a citizen and then I will have socialized medicine.

What choices are we giving the citizens of this Nation today?

I have to thank the gentleman from New Jersey (Mr. PALLONE). The gentleman has led this fight here in Congress. He has informed many of us, his colleagues and friends, of things that are going on. The gentleman brings great knowledge and emotion to this debate and discussion.

Mr. Speaker, I would simply say to the insurance industry around this Nation that the people are leading and the leaders will follow. People are angry. They are upset. They pay increasingly more of their money in premiums and the insurance companies give them less in service, less in access, no choice of medications.

Last night, Members in a bipartisan fashion reacted favorably to the President's comments. This is just the beginning. They had better straighten up. They better start thinking about managing real care, not just moving dollars around. Stop giving these seven- and eight-figure salaries to their top executives while they are not giving care to the people who pay the premium for the policy.

Mr. Speaker, I thank the gentleman for yielding; and I thank him for his leadership on this issue.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I want to thank the gentleman from Pennsylvania for his comments. I think that what the gentleman is pointing out, and obviously what we all must do but he has done it so well today and, I know, beforehand, is to give the individual cases of how people are individually impacted by managed care and the problems that we are hearing from our constituents. Because everyone can relate to it. It is direct.

The gentleman mentioned again about last night in the State of the Union address how, when the President spoke about this, how there was such a positive reaction on both sides of the aisle. But we know that the Republican leadership, unlike many of the Republican colleagues, rank and file colleagues, have already joined together with this coalition of certain business and insurance interests. They are starting this million dollar campaign to try to fight the consumer protections that we are talking about and that the President talked about last night.

My understanding is that next week some of these special interests are going to be down here, and we are going to have a battle. We know we are going to have a battle. It is just like we had with kid's health care and with the portability provisions of Kennedy–Kassebaum.

We know that the people and most of our colleagues support this, but we are going to get these special interests and big money campaigns supported by the Republican leadership against it, and we are just going to have to keep bringing up these cases and the problems that our constituents talk about.

Mr. Speaker, I want to thank the gentleman from Pennsylvania again. I know it is just the beginning.

Mr. KLINK. Mr. Speaker, if my friend would again yield, I think my point on that would be we know that there is a tremendous amount of money and power and influence. This is a trillion dollar industry. The profits that are to be made in denying people their health care and pocketing the money is an extraordinary amount of money.

In 1993 and 1994, those insurance interests were able to put the Harry and Louise ads on television, spend tens of millions of dollars, and they could make the public believe they do not want government health care.

Today in America everyone knows the kind of health care that is available, but they also understand it is not available to them. Everyone we talk to has a horror story. Even those people who can afford the best health care know that when they go to the hospital, the hospitals have had to cut back on the number of nurses so they cannot get care. They ring the call button and no one shows up.

I had a gentleman who manages billions of dollars of securities at one of the largest investment firms in Pittsburgh who told me a horror story about having a back operation. He has got money. That is not a problem.

He goes to the hospital and because of the cutbacks forced by the HMOs saying to the hospital that they will take less of a reimbursement because all of these patients are ours; we are taking our piece off the top. He had to be turned X-number of degrees every so many hours or he will go crippled. He said, Congressman KLINK, I could not get a nurse.

People know this, no matter how much money they spend against us, the kind of care they are denied. And they cannot get the medication they want because deals have been made between the insurance companies and the pharmaceutical companies that they will only sell our drugs. Patients do not even get the generic brand anymore; they get the cheapest in that classification of drugs.

Mr. Speaker, people know this. They are feeling this every day. The public will carry this battle on their shoulders. We just need to be there with them as the voice in the people's House to say to the special interests who are making billions of dollars, the people of this country deserve health care.

If patients are pro-life, people are dying. If patients are pro-choice, they

should have a choice of their own doctor; they should have a choice of their own medication; they should have a choice to stay in the hospital if their doctor thinks they need to.

It does not matter where people stand on these arguments. Both sides can find something that is going to bring us to the argument that the system as a status quo is not working.

In 1993, 53 percent of the people who were working in this Nation were in HMOs. Today, 85 percent of the public are in HMOs. They have captured the market, but they are not delivering the service.

Mr. Speaker, I thank the gentleman from New Jersey for his leadership.

Mr. PALLONE. Mr. Speaker, I thank the gentleman again. We are obviously going to continue with this over the next few weeks and months until we get this legislation passed.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank my colleague from New Jersey; and it is good to be back talking about issues that are facing the American public and critical issues.

And I would say to the gentleman from Pennsylvania, I had the opportunity to read through the newspaper clippings of the forum that the gentleman held on managed care, and it is heartrending what is going on in people's lives. The gentleman really is eloquent and a champion of people who are looking, desperately looking for some way in which they can figure out the system or not have the system be detrimental to their health. That is not what it is about. That is not the goal in health care.

Mr. Speaker, I thank both of my colleagues; and I know that we are going to be joined by my colleague from New York.

This is a critical debate in the country today. I think, as both of my colleagues have said, I think the President laid out a challenge to all of us last night when he said that we must address the issue of managed care reform. And I think in this body, on both sides of the aisle, there was a cheering and people who are ready to take on this challenge. I think this ought to be one of the first issues that we address, since there is good, solid bipartisan support and it is a problem, as we have all concluded, that is affecting so many Americans.

I think why there is such tremendous bipartisan support on this issue is because every single Member of this body is listening very carefully to those who put their faith and their trust in us to represent them on the serious issues that they are facing. Everyone is hearing about the horrors of managed care. My hope is that we respond and that we respond quickly.

□ 1500

Today it seems that HMOs are valuing the healthy profits over healthy patients. We understand that there has to be costs that are cut. Everybody wants to try to make health care and health insurance more affordable, but you have to take a look at what price and if you are sacrificing the health and safety of the American people, then that is not the goal, that is not the goal.

I was over at a large senior housing complex in my district last week, a place called Bella Vista, which means good vistas, good life. And there were about 100 people in the room. I was just talking to them about the changes in Medicare, what they might be looking forward to and also about the extension of Medicare to people who are 55 to 64, et cetera. One woman raised her hand. She was carrying around an oxygen cart. She told me her story of her husband, middle of the night, rushed to the hospital, cancer patient, had a stomach blockage, goes to the emergency room. They examined him, said, your are fine, you do not have to stay.

I said, you should have made a fuss there. She said, I did. I did.

She said, they told me that my husband did not have to stay, that he is fine, that he is all right, that they would not admit him. I tried.

And within several days her husband was dead. She said to me, what should I have done? You are left standing there.

This is real life. She said he was a cancer patient. So you are hard-pressed. I can get back to her and say, and I said to her, we are working on that. Well, that is great. She lost her husband. You do not feel like you are really doing your job when you are standing there trying to cope or trying to be empathetic and sympathetic to what is going on in people's lives.

My colleagues here know we have all worked together on the issue of breast cancer patients, women being treated as outpatients for mastectomies. We have a good piece of legislation here with 214 of our colleagues who have signed on. Unfortunately we have not been able to get the leadership in this House to give us the opportunity for a hearing. But over and over again I hear from Members that say, we cannot legislate body part by body part. I understand that. I really do. But we have to address an issue when it comes before us, and we have to take action.

In the same way that we are talking about the Breast Cancer Patient Protection Act to prevent that kind of outpatient treatment for women who are undergoing mastectomies, we need to have an overarching set of principles, which we do have in a consumer Bill of Rights for people, something that the President has proposed. There is a piece of bipartisan legislation in this House which we can move on. It is only right. It is only just. It is only what people have every right to expect, that they in fact can get good quality health care, that doctors are not given a gag rule that says that they cannot talk about all the medical options that are available to people with a specific illness that they have, that they cannot get emergency care because someone is deciding what is emergency care for people when you are sick and you use the emergency room. When you go in and you truly are sick, doctors can determine whether or not someone is seriously ill versus someone that has gone in for something that is minor. But to curtail the medical profession in this regard I believe is wrong, and we have it within our power within this year to pass comprehensive managed care reform so that in fact people are the beneficiaries of the very best in health care that this country has to offer.

I know we want all of our colleagues to participate.

I want to thank the gentleman from New Jersey for taking this time and look forward to participating in the conversation.

Mr. PALLONE. I want to thank the gentlewoman. As you mentioned, the President basically put out the challenge last night, and it is our obligation now to get the Congress to enact these consumer patient protections. I think what we are just going to do over the next few weeks is basically bring out all these examples and point out how so many of our constituents are negatively impacted and need some kind of Federal regulation or patient protection in order to have quality care.

Mr. Speaker, I yield to the gentlewoman from Connecticut.

Ms. DELAURO. We are looking at medical science today. I am a cancer survivor, 12 years ago, and I thank God every day for giving me my life back. But we now have the capability with science to look at genes and to look at someone's genetic predisposition to cancer or to diabetes, to any of the diseases that have plagued us. And yet at the same time there is a fear that if you have a genetic predisposition to one of these illnesses, you do not want to say anything, you do not want to tell anybody, because you are fearful that you are going to lose your insurance or you will not be able to get insurance.

Now, this is madness. We are about and the President also talked last night about putting so much more money, millions of dollars more, into research, health research. We will have the capacity to look at these areas. And yet people may not be able to get the kind of health care coverage that they will need if they have this predisposition to illnesses. We cannot go down this road. We just cannot.

Mr. PALLONE. I agree.

I want to yield now to the gentleman from New York (Mr. ENGEL) who is on the Committee on Commerce with me and who for a long time now has expressed concern over this issue.

Mr. ENGEL. I want to thank my colleague from New Jersey for giving us this opportunity and my colleague from Connecticut. You are both so

right. When we talk about health care, it strikes me there is no Democratic health care or Republican health care. There is an American health care, and all Americans of all political stripes, of all persuasions, of all races and creeds and colors and regions of the country are all concerned about their health care. When I speak to my constituents, I know that health care is right up there in terms of things that people are very much concerned about.

My mother, her name is Seroy Engel, she lives in Tamarac, Florida. She is actually in the hospital now as we speak. She is my best advisor in terms of health care and Medicare and she tells me, what are people to do? People in this country, senior citizens who have worked hard all their lives, played by the rules, are retired and they do not have adequate health coverage. Medicare does not pay for prescription drugs. People have to decide whether they are going to eat or take their pills. Sometimes they eat half as much as they should eat and only take half as many pills as they need to take for medical reasons because they simply cannot afford it.

What is happening is that we are not doing the job. The government is not doing the job.

I want to really take my hat off to the President of the United States because I think that last night he made some very bold statements about health care. Several years ago when he put forth his program for health care reform, I supported that program. I am a supporter of the single payer plan as well because I believe that we need to cover every American in this country, that it is a national scandal that 40 million Americans have no health coverage whatsoever. Of those 40 million Americans, people do not realize, 20 percent of them are working people. It is not people who are unemployed. It is working people that do not have health care coverage. To me that is a national disgrace. We could do better in 1998, as we approach the 21st century in this country.

I want to commend President Clinton for raising the issue of health care. When his health care plan was shot down for a few years, no one wanted to touch health care with a 10-foot pole. But now we understand that we have to do it. I am just so proud of the Democrats here in the House because we are grabbing the bull by the horns and we are saying to the American people, we think health care is a priority.

We talked about managed care reform. We are listening to our constituents. Our colleague, the gentlewoman from Connecticut, is so right. Many of these decisions should be made by medical doctors based on what is best for the patient, not what is best for the private dollar, the almighty dollar or the bottom line.

We understand that people are in business to make money, but if you are providing health care, the bottom line, the most important thing is the health care of that patient. That is really what it should be. So I think that we have a lot of problems to tackle in terms of health care.

We participated in a forum several weeks ago about the President's proposed expansion of Medicare. It was very interesting because yesterday when the President mentioned it during the State of the Union and said he was for expanding Medicare for people who are 62 to 65 or people who are over 55 who have lost their jobs and that these people would pay their own premiums so it would cost the government nothing, the Democrats stood up and applauded. I was really very surprised that on the other side of the aisle the Republicans did not applaud. They just sat there as if they were in opposition to his program.

I have to tell you, when I speak to my constituents, they all think it is marvelous because people who are 62 and have no coverage, they are at great risk. And people who have lost their jobs at 55, they are at great risk. And the Medicare program, we know we have to improve it. And we know we have to get at waste, fraud and abuse.

But we do know that before there was a Medicare program, the vast majority of senior citizens in this country had inadequate or no health care coverage whatsoever. And since Medicare they do have health care coverage. Some of it is inadequate, but at least it is coverage. If we can extend that and at no cost to the government or even a minimal cost to the government, it is not so terrible. If it is a minimal cost to the government, I am all for it. I think the American people are all for it.

I think the Democratic Party has shown that it is on the side of the people, the Democrats in this House, by coming out very forthrightly in support of it. So when we talk about the whole issue in this Congress, and I hope we will, talk about managed care reform, talk about Medicare expansion, talk about giving health care to 40 million Americans that do not have it, I think we ought to be proud to tackle these issues because health care affects everybody, and everybody is concerned with health care.

And so I want to really just commend my colleague for raising the issue, and the President yesterday again brought it to the fore. I think it is something the American people care about and want to talk about.

I think hand in hand the other issue that the President mentioned which I think goes hand and glove with health care is Social Security, because as people get older, they care about Social Security and they care about health care. I think the President saying that if there is any kind of surplus that every dollar of surplus would go to shore up the Social Security system, I think 90 percent at least of Americans would agree with that.

So I look forward to working in this Congress to shore up the Social Security system, if there is a surplus, and if there is not a surplus we know we need to shore it up anyway and to work on improving health care in this country. We have the greatest system in the world in terms of health care, but we know along the way there are still some problems. I believe that a country that can do so much, as we can do, ought to very basically provide decent health care for all of our citizens.

I look forward to working with the White House and with the President and with the Democrats in Congress, and hopefully the Republicans will come along and work with us in a bipartisan fashion so that we can provide the kind of health care to all Americans that all Americans know we need.

Mr. PALLONE. I want to thank the gentleman. I just want to say again with regard to two points, you said about the near elderly. I did not start out this afternoon talking about the near elderly proposal, but that, I think, was just as important in terms of what the President mentioned last night. And one of the things that really aggravates me is that so many of our colleagues on the other side, not so much maybe individuals, but certainly Republican leadership, keep bashing Social Security, keep bashing Medicare. We went through the whole Medicare debate where they talked about how bad Medicare was. The reality is that Medicare is a very good program and Social Security works. People are getting their checks. They get their COLA every year. Medicare works.

And if we can institute a program for the near elderly, for people 55 to 65 or 62 to 64, depending on their circumstances, if they lose their job or their spouse is no longer covered, if we can somehow manage to get the people who need this Medicare coverage into Medicare without any additional cost to the Medicare program, which is what the President is talking about, because they would be paying the premium, why not?

Let some of these people take advantage of the Medicare program, particularly since we know about downsizing, we know about layoffs, we know what is going on out there now so that people in this age bracket, where they are close to 65, increasingly have problems keeping or getting health care coverage.

I would say the same thing about Social Security. Social Security is great. It was a democratic initiative passed by the Democrats. And yes, I think the President is absolutely right. If there is a surplus, when there is a surplus, it should be used for Social Security.

But again I keep hearing on the Republican side about Social Security is broken, we cannot fix it. All these suggestions out there to maybe privatize and move to another way of doing things. I think it is wonderful that the President not only stood up and said, look, Social Security is out there and it is working, but also said that if we have extra money, we should use it to shore up the system.

The difference between the President's approach and the Democrats' approach and what we hear from a lot of the leadership on the Republican side is that we want to improve these programs, Medicare and Social Security. We want to improve them. We know that we can improve them and we are going to put our dollars where our mouths are in terms of improving these programs rather than just say they are not working when they are. They are working.

□ 1515

I wanted to yield again to the gentlewoman from Connecticut.

Ms. DELAURO. I think it is important, so that there is no misconception about what the health care Bill of Rights is, what it contains, so that in fact it is pretty basic. Because the gentleman mentioned that next week there are going to be groups up here who are rallied and organized and very well financed to try to come in with a steamroller, if you will, and just try to knock out this issue of managed care reform.

Also, my colleague from New York made a very good point. Illness is not partisan. It is not gender related. It is not age related. Everyone gets ill. And people do not want to get sick. People would like to be healthy. But there are going to be a group of very, very powerful special interests arrayed with lots and lots of money against this notion of managed care reform.

So in stepping back, very simply, what is the President's challenge? What is it that will have both Republicans and Democrats in this body galvanized around? And, as I say, I think we could move, and move quickly, on this issue. The health care Bill of Rights would simply ensure that patients have access to health care specialists; access to emergency services when and where the need arises; an assurance that medical records will be kept confidential; an access to a meaningful appeals process to resolve differences with health plans and providers; to remove that gag rule that prevents physicians from talking to patients about treatments that might not be covered by their plan, even the treatments that could give them a shot at beating a deadly disease.

These are some of the pieces of the health care Bill of Rights. And it seems to me that this only says people should get the health care that they deserve.

Mr. PALLONE. Will the gentlewoman yield?

Ms. DELAURO. I would be happy to yield to my colleague.

Mr. PALLONE. I am so glad that the gentlewoman went through the list. And, of course, that is sort of general; we could get into the details.

Ms. DELAURO. Right.

Mr. PALLONE. But it is so basic and it so simple, and that is why there was so much support here last night.

Ms. DELAURO. Right.

Mr. PALLONE. And the most amazing thing, if the gentlewoman will remember last night when the President spoke and he mentioned the importance of having confidential medical records, and there was a huge roar of applause. And I said to myself, you know, such a simple concept that your medical records should be confidential and should not be available to everyone.

Ms. DELAURO. Everybody.

Mr. PALLONE. And we cannot even guarantee that. We have people spending millions of dollars coming here to Washington next week to start advertising campaigns not to keep your records confidential. It is amazing how basic these things are and yet we are getting the opposition from the other side.

Ms. DELAURO. And that is what the public needs to know, is that there will be an array of very, very powerful special interests that are organizing, taking their resources, vast resources, to try to put an end to managed care reform.

And what the public needs to know is if they do not want that to happen, that they need to get engaged in this process; that they need to be in touch with those of us who serve on their behalf; that they do not want this to happen; that they do in fact want managed care reform and that opportunity for choice, for confidentiality, and for knowing what their options are when they are ill, no matter whether their insurance plan covers that particular option.

Mr. PALLONE. And such a simple concept. I want to yield to the gentleman, but even the disclosure part. We had a hearing last week in New Jersey, Senator TORRICELLI and I, and it was amazing how many of the stories just revolved around people's not knowing what their health plan consisted of. Just a simple statement so that they know what their coverage consists of.

I yield to the gentleman from New York.

Mr. ENGEL. I wanted to again raise the issue of the President's proposal for expanding Medicare, because I think that that is really one of the new proposals that we are going to really have to deal with in this Congress. And I really think that the American people really are interested in it and I think are overwhelmingly in support of it. And I would hope that it does not get buried in the general discussion of health care.

Again, and my colleague was with us when we had the hearings, we had three witnesses all in the category of the 62 to 64 range, age range, and they pointed out that they are the most vulnerable in terms of having no health coverage whatsoever. These are all, again, working people.

There is nothing that aggravates me more, because I represent a working class, a middle class district in New York, of people who have worked hard all their lives, who have played by the rules, who are not looking for handouts, who do not want anything to which they are not entitled, who suddenly find themselves in need, after playing by the rules all their lives, and we say to them, sorry, we cannot help you. That is wrong. And the people who fit into that category, between 62 and 64 and 65, ought to be helped. And people who are 55 and older, who are retired or laid off or unemployed, ought to be helped as well.

You know, there are many, many people who retire after age 55 and their companies promise them that their health care coverage will continue once their retire. And then they retire and suddenly find out that the company revokes it or something happens, and the President's proposal would extend this COBRA coverage which would allow these people to again buy in with their own resources and to have a continuation of the health coverage that they had when they were working.

Who could object to that? Especially if we can find innovative ways and people can pay the premiums so the cost to the government would be minimal. It would seem to me like apple pie and motherhood. It should be something that everybody supports.

It is very disheartening to see that the same forces who opposed Medicare in the 1960s are the same ones who are now saying, no, no, we cannot expand it, we should not expand it, let it wither on the vine, or whatever the speeches are. Everybody should be embracing this Medicare expansion because it is good for people and it is good for America.

And, after all, we are 435 of us here, Democrats and Republicans, we were all elected to do what is good for America. And I can think of nothing better that is good for America than to try to expand health care coverage to average people who have worked hard all their lives, who have played by the rules, who do not look for handouts, just look for fairness and equity.

And I want to again say how proud I am of the Democrats in the House of Representatives for putting forward these proposals and the President of the United States for putting forward these proposals and for us to say we are going to make this health care coverage, these health care proposals our number one priority in this Congress, and let the American people decide what they want and let the American people see who is really acting in their interests.

So, again, I am proud to stand with the Democrats in this House to say that we will not stop until we expand coverage for Americans, until we make sure that Americans get adequate health coverage and we make sure that decisions are made based on what is best for the patient, not what is best for the bottom line or the profit or the almighty dollar.

We, again, understand people need to make profits, but the bottom line is health care for the sick, health care for all Americans, quality care. That is the most important thing.

Mr. PALLONE. I want to thank the gentleman, and while he was talking about the hearing that we both attended, where Secretary Shalala, the Secretary of Health and Human Services, spoke, I was just looking over a summary of what she outlined as to briefly why this near elderly proposal was necessary and the specifics, which is pretty basic, of who would be covered.

If I could just mention it very briefly, what she said is that a lot of people in this age bracket lose their coverage because an older spouse becomes eligible for Medicare and retires, ending their work-based coverage. That is one category. Then we have, of course, we mentioned others who lose their coverage because of downsizing or layoffs, which of course happens very frequently. And then the third are the people who lose their insurance when employers either unexpectedly drop their retirement health care plans or somehow change the plan. And as the gentleman knows, a lot of people expect that they will continue to have coverage but all of a sudden their employer decides to drop it or change it.

There were three components that Secretary Shalala mentioned to the proposal. One is that Americans aged 62 to 65 can buy into Medicare by paying the full premium. Second, displaced workers over age 55, who have involuntarily lost their jobs and their health care coverage, can buy into Medicare by paying the full premium. And last, that Americans age 55 and older, whose companies reneged on their commitment to provide retiree health benefits, are given a new option through extending the COBRA.

Now, the President's proposal does not get into this, but when the gentleman and I were at that hearing that day, we also mentioned the possibility, which I know the two of us would like to see, of probably providing some sort of sliding scale subsidy so that people who could not afford the full premium would still be able to buy into it. And I think that in the context of the tobacco settlement or other monies that might be available, we could probably do something like that and still keep the budget balanced.

Mr. ENGEL. Let me say also, I think we could probably cut back on waste, fraud and abuse in the Medicare system and find the money to finance what the gentleman just described.

Mr. PALLONE. True.

Mr. ENGEL. I go to senior citizen centers in my district and I always get a lot of heads nodding when I say there is a problem with something with Medicare. And sometimes we have difficulty where we get, we are in a hospital stay and we get a printout afterwards and we see the monies that Medicare has spent. And we see listings sometimes of doctors' names, and we say who are these doctors I do not know who they are. I did not see them. And it is the doctor who pokes his head in the door and asks how you are feeling today and then leaves and bills Medicare. And when people say that, or when I say that, people nod all the time.

I am sure all our colleagues have countless stories that constituents have told them about waste, fraud and abuse in the Medicare system, where people are told that they can get certain things, and they get them and they do not need them. I really believe if we crack down on waste, fraud and abuse we could save billions. And by saving that money, we could put it into ensuring that everybody gets expansion of health care coverage and that people that do not have it can get it.

So I think where there is a will there is a way. We certainly are capable of looking at it. And we know there is waste, fraud and abuse, and we can get at it.

So I again think that the President's proposal is something that has a lot of merit. I know the American people, I have seen polls, are all for it. I know my constituents in New York are for it. And I think, again, that those of us in Congress who understand the necessity for the expansion of Medicare, particularly on the Democratic side, and I hope again our colleagues on the Republican side will embrace it as well, but I know on the Democratic side we are embracing it and that we will continue to push for Medicare expansion in this Congress and hopefully get a bill that the President will sign into law.

Mr. PALLONE. I want to thank the gentleman again, and I will yield to the gentlewoman from Connecticut.

Ms. DELAURO. Just two points. I think on the expansion of the Medicare coverage, while it is specific to the age groups of 55 to 64, there is not anyone who is 47, 48, 49, 50, 51 who is not thinking about, my gosh, if I get ill or if something happens to my family am I going to be wiped out by illness. These are people who are near that period of time.

So there are a lot of people who are immediately facing the circumstance, but there are those who are fairly soon going to face the circumstance and they are scared. They are scared. And this seems like an equitable way, with the purpose of not draining Medicare funds, which no one wants to do, we want to make sure those funds are safe, and, at the same time, allowing people the opportunity to pay in. It is not getting something for nothing. We will pay in. In this way we are in some way protected.

I think we have some very, very important health care issues that are critical in the lives of our families today, which is exciting to me and I think to my colleagues. We have a real challenge, we do, on the Medicare expansion issue and with the discussion, and we need to build that support. And I think that the support is out there for doing this, particularly in the country, but we have to build the support here.

But there is, on the managed care side, a great deal of bipartisan support here. I think we have a perfect opportunity very quickly in this session of Congress to take advantage of that support and the external pressure to get something done in this area.

And what it says ultimately, it says to middle class families in this country, we are there to help you. We are there for people in the country to say you need to have health care coverage, we want to make sure that you have it. We also want to keep the cost contained, but we can do that without somehow putting your health in jeopardy.

And at the same time, a very, very important message to the insurance companies and to the providers; that, in fact, we are willing, we are willing and we are going to stand up to set limits on what they can do and what they cannot do when it regards the health and the safety of Americans in this country.

□ 1530

That needs to be what our obligation is. And the faster we get to it in this session of the Congress, the faster we are going to make Americans believe that what we do here in Washington is not focus on the problems we have here, but we are focusing on the problems that they have in their lives. That is what our obligation is. That is why we were elected to serve.

Mr. PALLONE. Mr. Speaker, I appreciate the remarks of the gentlewoman. I think she is right on point.

Mr. ENGEL. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from New York.

Mr. ENGEL. Mr. Speaker, I just want to say that the gentlewoman from Connecticut (Ms. DELAURO) is so right that this is not an issue that people think about when they are 62. All of us down the line are thinking about it right now, and so many millions and millions of Americans are thinking about health care. It goes back to what I said when I opened my remarks, that health care is something that affects all Americans and it is really up there on the lists of concerns of people.

The hearing we attended, if my colleagues remember those three people that were between 62 and 65, they all said that they could not afford to buy health coverage, that they desperately need it but they simply could not afford to buy it. If we could expand the Medicare program and allow them to buy in at a reasonable cost that they could afford, I mean, are we not then doing something meaningful for people's lives?

Again, average Americans, middle-class people who work hard all their lives, play by the rules, something happens and they get a little older and they suddenly find themselves abandoned. So the gentlewoman from Connecticut is so right.

I think we in Congress have to show that we are listening to our constituents, to the people out there in America, that in Washington, inside the

Beltway, there are all kinds of things that come into play and there is politics and there is rumor mongering and everything else. The American people are not interested in that. The American people are interested in what is Congress, what is the President, what is Government in Washington doing to affect their lives, to help them in their lives.

Again, I can think of nothing more that we can do to help the average American than to expand health care coverage and to make sure that every American has decent, quality health care; and that is what I think we ought to do in this Congress.

Mr. PALLONE. Mr. Speaker, I want to thank both of my colleagues.

I think that the President sent a very strong message last night on a number of issues, managed care reform, expansion of Medicare to the near elderly. These are common sense ideas that have the support of the American people; and so we are going to pledge, as Democrats in this House, that we are going to fight to make sure that these proposals get enacted. And if we have to drag along the Republican leadership, we will just drag them along.

Mr. Speaker, I yield back the balance of my time.

STATE OF THE REPUBLIC

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, the first session of the 105th Congress has been completed and the third year of the conservative revolution has passed. Current Congressional leadership has declared victory and is now debating on how to spend the excess revenues about to flow into the Treasury.

As the legislative year came to a close, the only serious debate was over the extent of the spending increases negotiated into the budget. The more things changed, the more they stayed the same. Control over the Congress is not seriously threatened, and there has been no clear-cut rejection of the 20th century welfare state. But that does not mean that there is no effort to change the direction of the country. It is just that it is not yet in progress.

But many taxpayers throughout the country are demanding change, and today there are more people in Washington expressing a sincere desire to shrink the welfare state than there were when I left 13 years ago. The final word on this has not yet been heard.

In contemplating what needs to be done and why we have not done better, we should consider several philosophic infractions in which Members of Congress participate that encourage a loss of liberty and endanger our national security and the republic while perpetuating the status quo.

Following are some of the flaws or errors in thinking about issues that I find pervasive throughout the Congress:

Foreign affairs. Although foreign affairs was not on the top of the agenda in the last session, misunderstanding in this area presents one the greatest threats to the future of America. There is near conformity, uniformity of opinion in the Congress for endorsing the careless use of U.S. force to police the world. Although foreign policy was infrequently debated in the past year and there are no major wars going on or likely to start soon, the danger inherent in foreign entanglements warrants close scrutiny.

The economy, crime, the environment, drugs, currency instability, and many other problems are important. But it is in the area of foreign policy and for interventionism that provokes the greatest threat to our liberties and sovereignty. Whenever there are foreign monsters to slay, regardless of their true threat to us, misplaced patriotic zeal is used to force us to look outward and away from domestic problems and the infractions placed on our personal liberties here at home.

Protecting personal liberties in any society is always more difficult during war. The uniformity of opinion in Congress is enshrined with the common cliches that no one thinks through, like foreign policy is bipartisan; only the President can formulate foreign policy; we must support the troops and, therefore, of course, the war, which is usually illegal and unwise but cannot be challenged; we are the only world's superpower; we must protect our interests like oil. However, it is never admitted, although most know, our policy is designed to promote the military industrial complex and world government.

Most recently, the Congress almost unanimously beat the drums for war, i.e., to kill Hussein; and any consideration of the facts involved elicited charges of anti-patriotism. Yet in the midst of the clamor to send our planes and bombs to Baghdad, cooler heads were found in, of all places, Kuwait.

A Kuwaiti professor, amazingly, was quoted in a proper pro-government Kuwaiti newspaper as saying, ''The U.S. frightens us with Saddam to make us buy weapons and sign contracts with American companies,'' thus ensuring a market for American arms manufacturers and United States' continued military presence in the Middle East.

A Kuwaiti legislator was quoted as saying, ''The use of force has ended up strengthening the Iraqi regime rather than weakening it.''

Other Kuwaitis have suggested that the U.S. really wants Hussein in power to make sure his weak neighbors fear him and are forced to depend on the United States for survival.

In spite of the reservations and reasons to go slow, the only criticism coming from congressional leaders was that Clinton should do more, quicker, without any serious thought as to the consequences, which would be many.

The fact that of the original 35 allies in the Persian Gulf War only one remains, Great Britain, should make us question our policy in this region. This attitude in Washington should concern all Americans. It makes it too easy for our presidents to start a senseless war without considering dollar costs or threat to liberty here and abroad. Even without a major war, this policy enhances the prestige and the influence of the United Nations.

These days, not even the United States moves without permission from the UN Security Council. In checking with the U.S. Air Force about the history of U–2 flights in Iraq, over Iraq, and in their current schedules, I was firmly told the Air Force was not in charge of these flights, the UN was. The Air Force suggested I call the Defense Department.

There is much to be concerned about with our current approach to foreign policy. It is dangerous because it can lead to a senseless war like Vietnam or small ones with bad results like in Somalia.

Individual freedom is always under attack; and once there is any serious confrontation with a foreign enemy, we are all required to rally around the President, no matter how flawed the policy. Too often, the consequences are unforeseen, like making Hussein stronger and not weaker after the Persian Gulf War.

The role of the military industrial complex cannot be ignored; and since the marching orders come from the United Nations, the industrial complex is more international than ever.

But there is reason to believe the hidden agenda of our foreign policy is less hidden than it had been in the past. In referring to the United States in the international oil company success in the Caspian Sea, a Houston newspaper recently proclaimed, ''U.S. views pipelines as a big foreign policy victory.''

This referred to the success of major deals made by giant oil companies to build pipelines to carry oil out of the Caspian Sea while also delivering a strong message that, for these projects to be successful and further enhance foreign policy, it will require government subsidies to help pay the bill. Market development of the pipelines would be cheaper but would not satisfy our international government planners.

So we must be prepared to pay, as we already have started to, through our foreign aid appropriations. This promotes on a grand scale a government business partnership that is dangerous to those who love liberty and detest fascism. And yet, most Members of Congress will say little, ask little, and understand little, while joining in the emotional outburst directed towards the local thugs running the Mideastern fiefdoms like Iraq and Libya.

This attitude, as pervasive as it is in Washington, is tempered by the people's instincts for minding our own

business, not wanting Americans to be the policemen of the world, and deep concern for American sovereignty. The result, not too unusual, is for the politicians in Washington to be doing one thing while saying something else at home.

At home, virtually all citizens condemn U.S. troops serving under UN command, and yet the financing and support for expanding the United Nations' and NATO's roles continues as the hysteria mounts on marching on Baghdad or Bosnia or Haiti or wherever our leaders decide the next monster is to be found.

The large majority of House Members claim they want our troops out of Bosnia. Yet the President gets all the funding he wants. The Members of Congress get credit at home for paying lip service to a U.S. policy of less intervention, while the majority continue to support the troops, the President, the military industrial complex, and the special interests who drive our foreign policy, demanding more funding while risking the lives, property, peace, and liberty of American citizens.

Congress casually passes resolution after resolution, many times nearly unanimously, condemning some injustice in the world, and for the most part there is a true injustice, but along with the caveat that threatens some unconstitutional U.S. military interference, financial assistance, or withdrawal of assistance, or sanctions in order to force our will on someone else. And it is all done in the name of promoting the United Nations and one-world government.

Many resolutions on principle are similar to the Gulf of Tonkin resolution, which became equivalent to a declaration of war and allowed for a massive loss of life in the Vietnam fiasco. Most Members of Congress fail to see the significance of threatening violence against countries like Libya, Somalia, Rwanda, Bosnia, Iraq, Iran, or Haiti. Yet our credibility suffers since our policies can never satisfy both sides of each regional conflict.

In the Middle East, even with all our announced intentions and military effort to protect Kuwait, our credibility is questioned as most Arabs still see us as pro-Israel, anti-Arab, and motivated by power, oil and money.

America's effort to prevent a million casualties in Rwanda does not anywhere compare to our perennial effort to get Hussein. It is hardly violations of borders or the possession of weapons of mass destruction that motivates us to get Hussein or drive our foreign policy.

We were allies of Iraq when it used poison gas against the Kurds and across the border into Iran. We support the Turks even though they murdered Kurds, but we condemn the Iraqis when they do the same thing.

There are more than 25,000 Soviet nuclear warheads that cannot be accounted for, and all we hear about from the politicians is about Iraq's control of weapons of mass destruction.

Our policy in the Middle East is totally schizophrenic and driven by Arab oil, weapon sales, and Israel. This is especially dangerous because the history of the West's intrusion into the Middle East for a thousand years in establishing the artificial borders that exist today has created a mindset among Islamic fundamentalists that guarantees that friction will persist in this region no matter how many Husseins or Ayatollahs we kill. That would only make things worse for us.

As much as I fear and detest one-world government, this chaos that we contribute to in the Middle East assures me that there is no smooth sailing for the new world order. Rough seas are ahead for all of us. If the UN's plans for their type of order is successful, it will cost American citizens money and freedom. If significant violence breaks out, it will cost American citizens money, freedom, and lives.

Yes, I fear a biological and even a nuclear accident. But I see our cities at a much greater risk because of our policy than if we were neutral and friends with all factions instead of trying to be a financial and military ally of all factions depending on the circumstances.

☐ 1545

The way we usually get dragged into a shooting war is by some unpredictable incident, where innocent Americans are killed after our government placed them in harm's way and the enemy provoked. Then the argument is made that once hostilities break out, debating the policy that created the mess is off limits. Everybody then must agree to support the troops.

But the best way to support our troops and our liberties is to have a policy that avoids unnecessary confrontation. A pro-American constitutional policy of nonintervention would go a long way toward guaranteeing maximum liberty and protection of life and property for all Americans.

American interests around the world could best be served by friendship and trade with all who would be friends, and subsidies to none.

The balanced budget. There is a naive assumption in Washington that the budget is under control and will soon be balanced, while believing perpetual prosperity is here and new programs can now be seriously considered. It reminds me of an old Chinese saying, when words lose their meaning, people lose their liberty.

Even the revolutionaries have claimed victory. One of the staunchest Members recently declared, in the end we achieved a balanced budget for the first time since 1969. Medicare and welfare were reformed, all in three short years, a truly remarkable record on how far we have come.

I can understand a positive spin on events of the last three years by party leaders. That is what party leaders do. But the revolutionary members of the 104th Congress should not be taken in easily or quickly. But Washington has a strange way of dulling the senses, and no one enjoys peer rejection or lonely fights, where one is depicted as pursuing a fruitless adventure and appearing negative. Capitulating to the status quo is the road of least resistance, and rationalizations are generously offered up.

It has been especially tempting for Members of Congress to accept the projection of higher revenues as a panacea to our budgetary problems. The prevailing attitude in Washington as 1997 came to a close was that the limited government forces had succeeded. The conservative revolution has won, and now it is time to move on and make government work more efficiently.

I am sure some know better, but the real reason for these declarations of budgetary success is for the sole purpose of maintaining power. Minority leaders find themselves frustrated because they know spending has gone up, and the higher tax revenues have helped those in charge.

The Republican Congress and President Clinton benefited, while the Democratic Congressional leaders could only ask why can't more be spent on welfare if the country is doing so well? Fundamental problems like the size of the budget, the deficit, the debt, higher taxes, currency problems and excessive regulations were put on the back burner, if not ignored altogether.

While complacency regarding foreign policy sets the stage for danger overseas, this naive attitude regarding the budget and the deficit is permitting the welfare state to be reenergized and cancel entirely any efforts to reduce the size and scope of government.

Under Reagan, as in the early parts of the Republican control of Congress, some signs of deceleration in the growth of government were seen. But even then, there was no pretense made to shrink the size of government. And, once again, the path of least resistance has been to capitulate and allow government to grow as it has been for decades. Heaven forbid, no one ever again wants to be blamed for closing down nonessential government services. Only cruel and heartless Constitution lists would ever suggest such a politically foolish stunt.

It is not going to happen. 1997 has proven what many have suspected, that reversing or arresting a welfare state cannot occur by majority vote. With apparent wealth abundance in the United States, the reversal assuredly will not come with ease. Once redistribution of wealth is permitted by the democratic vote, destruction of production will occur before the majority will choose to curtail their own benefits.

The end is closer than most realize, considering the optimistic rhetoric coming from Washington, plus the fact the majority of citizens are beneficiaries of the system, and even the producers have grown dependent on government protection, grants, contracts and special subsidies.

Although the session ended on a modestly happy bipartisan note, I suspect

in time 1997 will be looked upon as a sad year, in that the limited government revolution of 1994 was declared lost by adjournment time in November.

That does not mean the fight for liberty is over, but the hope that came by reversing Congressional rule after 40 years has been dampened and a lot more work is necessary for success. The real battle is to win the hearts and minds of Americans outside of Washington to prepare the country for the day when the welfare state ceases to function due to an empty treasury and the dollar, not worth its weight, comes under attack.

Specifics worth pondering: The budget for current fiscal year 1998 calls for expenditures of $1.69 trillion, or $89 billion above last year. The 1997 budget was $22 billion over 1996. The so-called balanced budget bragged about is to occur in the year 2002, with more cuts being made in the year 2001 and a level of spending far above today's. The expenditures in the year 2002 are expected to increase to $1.9 trillion, over $200 billion more than this year.

Increased revenues obviously accomplish the job of a theoretically balanced budget, but also these projections do not take into account the huge sums borrowed from Social Security. Even if things go well and as planned, the optimism is based on deception, wishful thinking and a huge raid on the Social Security and other trust funds. In spite of this, the politicians in Washington are eagerly planning on how to spend the coming budgetary surpluses.

All these rosy projections are dependent on economic strength, steady low interest rates, and no supplemental appropriations. Every session of Congress gets supplementals, and if the economy takes a downturn, the higher the appropriation.

The last three years are not much to brag about. Domestic spending has gone up by $183 billion. In the prior three years, when Democrats controlled the Congress, spending increased by $155 billion. Tax increases are now inevitably referred to as revenue enhancement and closing of loopholes.

In spite of some wonderful IRS bashing by nearly everyone and positive hearings in exposing the ruthless tactics of the IRS, Congress and the President saw fit to give the IRS a whopping $729 million increase in its budget, hoping the IRS will become more efficient in their collection procession. Real spending cuts are not seriously considered.

Congress continues to obfuscate by calling token cuts in previously proposed increases as budget cuts. The media and the proponents of big government and welfare obediently demagogue this issue by decrying why the slashes in the budget are inhumane and uncaring.

Without honesty in language and budgeting, true reforms are impossible. In spite of the rhetoric, bold new educational and medical programs were started, setting the stage for massive new spending in the future. New programs always cost more than originally projected. The block grant approach to reform did not prompt a decrease in spending, and frequently added to it. The principle of whether or not the Federal Government should even be involved in education, medicine, welfare, farming, et cetera, was not seriously considered.

The 1998 budget is the largest ever and represents the biggest increase in the domestic budget in eight years. Those in charge threw in the towel and surrendered all efforts this past year to cut back the size of government. In this fiscal year, many concede the deficit will actually go up, even without a slowing in the economy.

In this year's budget, Medicare and Medicaid increased four to five times the rate of inflation. This is not a complete surprise to the logical skeptics when it comes to fiscal matters, but it is just a little exasperating to hear the positive pronouncements of current leaders who just a few years ago would have been only too eager to point out the shortcomings of deceptive arithmetic.

Power is a corrupting influence, but, for now, at least, a Congressional power shift is not in the making. There are still a lot of recipients that are happily reassured that additional revenues can be found. The new management is welcomed, and it is hoped the new guys on the block can salvage for a while a system that many deep down in their hearts are convinced is not manageable for much longer.

There is a sense of relief the welfare state has received a reprieve. One can almost hear the sigh amplified by hearing of the problems in the Southeast Asia countries with their currency and stock market problems, not realizing it is the U.S. taxpayers and the dollar that will be called upon for the bailout of this financial crisis.

The great danger of all of this is the false sense of economic security Congress feels, that has prompted total abandonment of efforts to actually cut any spending and with plans being laid for spending increases.

The message is this: The politicians will never limit spending, but, eventually, the market will. It has already done so in Thailand, South Korea, the Philippines, Indonesia and Malaysia.

The international currency crisis: Congress lacks concern and understanding of the significance of the Asian currency crisis. Monetary policy has never excited many Members of the Committee on Banking, let alone other members of Congress. A handful of Members do consistently complain to the Chairman of the Federal Reserve, but inevitably it is to object to the high interest rates and not enough credit being available to either the poor or the rich beneficiaries of Central Bank credit largesse.

The Southeast Asian currency and economic bailout will exceed $100 billion. We will be propping up these currencies by sending American taxpayers' dollars, the same thing we did in Mexico in 1995. Multilateral efforts through the IMF, World Bank and other development banks are used, and in each one the United States is the most generous donor.

IMF bailouts, just as our military foreign intervention, are generally supported by the leadership of both parties. The establishment has firm control in these two areas and who, out of ignorance or neglect, the Congress as a whole provides little resistance. When the stronger currencies, in this case the dollar, props up a weaker currency, it is nothing more than an example of an international transfer of payment that helps our banks and international corporate investors who have financial exposure in the country or currency under attack.

These bailouts will work, to some degree, until the dollar itself comes under attack. Our relatively strong economy and the current perceptions of undue dollar strength allows great leverage in this extremely expensive and risky bailout operation.

The genius of it all is that Federal Reserve credit expansion and its off-budget budgeting permits these funds to be spent without oversight. IMF appropriations are not even counted toward the deficit, and credit expansion is under complete control of the Federal Reserve.

Long-term, the average American citizen suffers through higher interest rates, rising prices, recessions and lower standard of living, but the cause and effect is conveniently hidden from the public and the Congress.

After the Mexican bailout, her citizens lost 50 percent of their purchasing power, a dramatic pay cut. Yet the great danger is that some day we will be forced to pay, possibly with a dollar crisis that will make the Asian currency crisis look small in comparison.

All currency crises are serious and usher in economic and political problems for the country involved, and since no one likes it, blame is generally misplaced.

When the dollar comes under attack, since it is the reserve currency of the world, a much more serious crisis than we are currently witnessing in Asia will occur. Only a universal acceptance of a single worldwide commodity standard of money can prevent these periodic devaluations and disruptions in trade that are so prevalent today.

The day before we adjourned the first session of the 105th Congress, the Committee on Banking and Financial Services held hearings on the Asian currency crisis, but it was more an attempt to reassure the financial community than to sort out the cause and do something about it.

Instead, the dollar was crowned king, and Greenspan promised stability. Our real interest rates, balance of payments, our current account deficit and budgetary deficits were conveniently

ignored, because if they had been looked at seriously, it would have been recognized that the U.S. and the world faces a major financial crisis once the dollar can no longer be used to bail out the world financial system.

Currency issues are serious and a much bigger problem than Congress realizes. Even the Fed has convinced itself it is quite capable of managing our fiat currency and our financial markets through any crisis. The money managers are every bit as powerful as the Congress, which taxes and spends, but the Federal Reserve's actions are much less scrutinized.

But when push comes to shove, the markets always win out. Interest rates are less than one percent in Japan, but have not prompted borrowers to come forth nor bankers to lend. The proposed $25 billion injection by the Bank of Japan will not solve the problem either. Even central bankers cannot push on a string.

The sad part is that all these shenanigans will cause undue suffering to the innocent who lose their jobs, suffer from price inflation and see their standard of living shrink.

Eventually, everyone though is threatened by the political disruption that can ensue with a currency mishap. Our greatest concern should be for our loss of liberties that so often accompany a currency crisis. Congressional attitude toward monetary policy is not likely to change soon, so we can expect a lot more turmoil in the currency markets in the months ahead.

□ 1600

Two special areas. Congress in the past year capitulated in two significant areas by not only failing to cut spending, but massively increasing government's role in medicine and in education. House Republicans bragged that 7 out of 8 educational initiatives passed the House, many of them being quite expensive. Charter schools cost over $100 million, funding for vouchers was increased, $3 billion was appropriated to extend student loans, and a new $210 million reading in excellence program was initiated. A program for high-tech training and one designed to help children with disabilities was also started.

Clinton's new health care program for children was accepted by Congress, which will eventually cost billions and further centralize medical care in Washington, while quality of care is diminished. Billions of dollars increased in NIH, AIDS research and preventative health care were also approved.

The Federal Government has been involved in education and medicine more than in any other domestic area. This has caused a serious price inflection for these two services, while undermining the quality and results in both. The more we spend, the higher the cost, the worse the service, and the greater the regulations. So what did Congress do to solve the problems in the past year? Even in this so-called age of cutting back and a balanced budget, it expanded government precisely in the two areas that suffer the most from big government.

This is strong evidence that we have not yet learned anything in the past 50 years, and the 1994 revolution has not yet changed things. We can expect more HMO's and PPO mismanagement, rationing medical service and price control of all medical services. Shortages of quality health care and education will result.

Devolution. Block grants are the popular vehicle to restore local control of the Federal bureaucracy. The housing bill, the first major change to public housing since the Depression, did not cut spending, but actually increased funding through the block grant system of devolving power to the States. A token effort similar to this was made in the early 1970s under Nixon called revenue-sharing. It did not work and was dropped.

This new method will not work either. Whether the bureaucrats are in Washington or in the State capitols, it will not change the dynamics of public housing. Public ownership, whether managed locally or federally, cannot replace the benefits of private ownership. Besides, the block grant method of allocating funds does not eliminate the need to first collect the revenues nationally and politically distribute the funds to the various State entities. Strings will always be attached no matter how many safeguards are written into the law. The process of devolution is an adjustment in management and does not deal with the philosophic question of whether or not the Federal Government or even the State governments ought to be involved. The high hopes that this process will alter the course of the welfare state will, I am sure, be dashed after many more years of failures and dollars spent.

There is essentially no serious consideration in Washington for abolishing agencies, let alone whole departments. If the funding for the pornographic NEA cannot be cut, which agency of government should we expect to be? The devolution approach is not the proponents of big government's first choice, but it is acceptable to them. Early adjournment meant the call for more spending was satisfied and the supporters of big government, in spite of the rhetoric, were content. Searching for a partisan issue, the minority was content with campaign reform and the questions surrounding illegal voting.

Devolution is said to be a return to States rights since it is inferred that management of the program will be decentralized. This is a new 1990s definition of the original concept of States rights and will prove not to be an adequate substitute.

At the same time these token efforts were made in welfare, education and human resources reform, Congress gave the Federal Government massive new influence over adoption and juvenile crime, education and medicine. Block grants to States for specific purposes after collecting the revenues at the Federal level is foreign to the concept that once was understood as States rights. This process, even if temporarily beneficial, will do nothing to challenge the underlying principle and shortcomings of the welfare State.

Real battles. The real battles in the Congress are more often over power and personalities than philosophy. Both sides of most debates represent only a variation of some interventionist program. Moral and constitutional challenges are made when convenient and never follow a consistent pattern. These, along with the States rights arguments, are not infrequently just excuses used to justify opposing or approving a program supported for some entirely different reason. The person who makes any effort at consistency is said to be extreme or unyielding.

After giving a short speech criticizing the inconsistency of our foreign policy, another Member quickly rose to his feet and used the Walter Emerson quote to criticize my efforts saying, ''A foolish consistency is the hobgoblin of little minds adored by little statesmen and philosophers and divines.'' Criticizing another Member for following a consistent freedom philosophy and strict adherence to the Constitution is more of an attempt to reassure the critics themselves who are uneasy with their own position. Obviously, criticizing one for consistency either means that pragmatism and inconsistency is something to be proud of, or there is little respect for the philosophy that is consistently being defended, a truth the critics are not likely to admit.

Public relation debates. Oftentimes the big debates in Congress are more public relation efforts than debates on real issues. This is certainly true when it comes to preventing foreign aid funds from being used by any organization for abortions. I agree with and vote for all attempts to curtail the use of U.S. taxpayers' funds for abortion within or outside the United States. But many in the pro-life movement are not interested in just denying all birth control, population control and abortion money to everyone, and avoid the very controversial effort to impose our will on other nations. Believing money allocated to any organization or country is not fungible is naive, to say the least. The biggest problem is that many who are sincerely right to life and believe the Mexico City language restriction on foreign aid will work are also philosophic believers in internationalism, both social and military.

The politics of it has allowed temporary withholding of IMF and U.N. funds in order to pressure the President into accepting the restrictive abortion language. Withholding these funds from the United Nations and the IMF in this case has nothing to do with the criticism of the philosophy behind the United Nations, the IMF, the World

Bank, and why the international government agencies are tax burdens on the American people.

It is conceded by the majority on both sides of this debate that the U.N., the IMF, the development banks and even the funds for population control are legitimate expenditures and eventually will be funded. The question is only whether or not a public relations victory can be achieved by the radical pro-abortion supporters of the President's or the pro-life supporters.

We have at least started to debate the merits of any money at all going to population control, the United Nations or the IMF. This is where the debate should be. Even though the restrictions that the Mexico City language might place on foreign expenditures probably will not change the number of abortions around the world, the vote itself does reflect, through Congress, the sentiment of the American people, and therefore, its importance cannot be denied. But I am convinced that if the American people had the option of whether or not to send any money at all, they would reject all the funding, making the restriction debate moot.

Most would agree with the fungibility argument, even when funds are sent for reasons other than family planning and abortion like military assistance. The amazing thing is how important the debate can appear by threatening to withhold greatly sought after IMF funds for an argument that does not get to the heart of the issue. What should be debated is whether or not Congress has the moral and Constitutional authority to use force to take funds from American citizens for social engineering around the world, much of which results in resentment toward America.

The weak and ineffective conditions placed on foreign aid money to prevent abortions is hardly a legitimate reason for continuing the illegal funding in the first place. At times, in efforts to get more swing votes to endorse Mexico City language, some pro-life forces not only will not challenge the principle of our funding for birth control and population control overseas, but believe in increasing the appropriation for the program. If the Constitutionists cannot change the nature of the debate, we will never win these arguments.

Corporatism. Congress and the administration is greatly influenced by corporate America. We truly have a system of corporatism that if not checked will evolve into a much more threatening form of fascism. Our welfare system provides benefits for the welfare poor and, in return, the recipients vote to perpetuate the entire system. Both parties are quite willing to continue the status quo in not questioning the authority upon which these programs are justified, but the general public is unaware of how powerful corporate America is in changing and influencing legislation. Even those programs said to be specific for the poor, like food stamps, housing, education and medicine, have corporate beneficiaries. These benefits to corporate America are magnified when it is realized that many of the welfare redistributionist programs are so often not successful in helping the poor.

But there are many other programs precisely designed to satisfy the special interests of big business. A casual observer that might think the political party that champions the needs of the poor would not be getting political and financial support from the rich. But quite clearly, both parties are very willing to receive financial and political support from special interests representing the rich and the poor, business and labor, domestic and foreign.

We should not expect campaign reform are reliable revelations of campaign fund-raising abuse in today's political climate. There are strong bipartisan reasons to keep the debate on only a superficial level. All the rules in the world will never eliminate the motivation or the ability of the powerful special interests to influence Congress. Loopholes and illegal contributions will plague us for as long as Congress continues with the power to regulate, tax, or detax, or punishes essentially everyone participating in the economy.

The most we can ever hope for is to demand full disclosure. Then, if influence is bought, at least it would be in the open. The other most difficult task, and the only thing that will ever dampen special interest control of government, would be to radically reduce the power of Congress over our lives and our economy. Taxpayer funding of campaigns would prove disastrous.

The special areas of the budget that are of specific benefit to corporate America are literally too numerous to count, but there are some special programs benefiting corporations that usually prompt unconditional support from both parties. The military industrial complex is clearly recognized for its influence in Washington. This same group has a vested interest in our foreign policy that encourages policing the world, Nation building, and foreign social engineering. Big contracts are given to friendly corporations in places like Haiti, Bosnia and the Persian Gulf region. Corporations benefiting from these programs are unable to deal objectively with foreign policy issues, and it is not unusual for these same corporate leaders to lobby for troop deployments in worldwide military intervention. The U.S. remains the world's top arms manufacturer and our foreign policy permits the exports to world customers subsidized through the Export-Import Bank. Foreign aid, Overseas Private Investment Corporation, Export-Import Bank, IMF, World Bank, development banks are all used to continue bailouts of Third World countries heavily invested in by our corporations and banks. Corporations can get special tax treatment that only the powerful and influential can achieve. For instance, pseudo-free trade legislation like NAFTA and GATT and the recent Fast Track legislation shows how much big business influences both congressional leaders and the administration.

While crumbs are cast to the poor with programs that promote permanent dependency and impoverishment, the big bucks go to the corporations and the banking elites. The poor welcome the crumbs, not realizing how much long-term harm the programs do as they obediently continue to vote for a corporate-biased welfare state where the rich get richer and the poor get forgotten. Since generally both parties support a different version of interventionism, one should not expect the programs for the rich to be attacked on principle or cut in size. The result of last year's legislative session should surprise no one.

Both types of welfare expenditures benefit from a monetary system that creates credit out of thin air in order to monetize congressional deficits when needed and manipulate interest rates downward to nonmarket levels to serve the interests of big borrowers and lenders. Federal Reserve policy is an essential element in serving the powerful special interests. Monetary mischief of this type will not likely be ended by congressional action, but will be eventually stopped by market forces, just as has recently occurred in the Far East.

Voluntary contracts. There is little understanding or desire in Congress to consistently protect voluntary contract. Many of our programs to improve race relations have come from government interference in the voluntary economic contract. Government's role in a free society should be to enforce contracts, yet too often it does the opposite. All labor laws, affirmative action programs and consumer protection laws are based on the unconstitutional authority of government to regulate voluntary economic contracts. If the same process were applied to the press, it would be correctly condemned as prior restraint and ruled unconstitutional.

Throughout the 20th century, economic and personal liberties have undergone a systematic separation. Rules applying to the media and personal relationships no longer apply to voluntary economic transactions. Some Members of Congress are quite vocal in defending the First Amendment and fight hard to protect freedom of expression by cautioning against any effort at prior restraint. They can speak eloquently on why V chip technology in the hands of the government may lead to bad things, even if proponents are motivated to protect our children from pornography. Likewise, these partial civil libertarians are quite capable of demanding the protection of all adult voluntary sexual activity. They mount respectable challenges to the social authoritarian who never hesitates to use government force to mold society and improve personal moral behavior.

□ 1615

But these same champions of personal liberty do not hesitate at all to use the same government force they readily condemn in social matters to impose their vision of a fair and equitable economic system on all of us.

Thousands of laws and regulations are on the books to assure equality in hiring, pay, and numerous other conditions of employment and for theoretical consumer protection.

Ironically, the enemies of the voluntary contract, when dealing with the media and personal associations, are the best defenders of economic liberty and the voluntary economic contract.

Unless this glaring inconsistency is reconciled, the republic cannot be salvaged. Too often, the two sides compromise in the wrong direction. Economic libertarians concede too much to the welfare proponents and the social libertarians concede too much to the authoritarians who eagerly try to legislate good behavior. This willingness to compromise, while at the same time criticizing those who have firm beliefs as being overly rigid, serves as a serious threat to the cause of liberty.

A consistent defense of all voluntary associations does not preclude laws against violence, fraud, threat, libel and slander. To punish acts of aggression and protect non-violent economic and social associations is the main purpose of government in a constitutional republic. Moral imperfections cannot be eliminated by government force any more than economic inequalities can be eliminated through welfare or socialist legislation.

Once government loses sight of its true purpose of protecting liberty and embarks on a course where the generous use of force is used to interfere in the voluntary social and economic contracts, liberty will be diminished and the foundation of a true republic undermined.

That is where we are today. The effort on both sides to do ''good'' threatens personal liberty. There is no evidence that laws designed to improve personal sexual habits, the quality of the press or the plight of the poor have helped. The poor, under all programs of forced redistribution of wealth, always become more numerous. And the State inevitably abuses its power when it tries to regulate freedom of expression or improve personal behavior.

Too often both sides allow the principle of government force to be used to interfere in the internal affairs of other nations at a great cost and risk to American taxpayers, while accomplishing little except to promote a firm hatred of America for the interference. This itself is a threat to our security. The resulting conditions of international conflict are used as an excuse to curtail the civil liberties of all Americans.

In recent years, freedom of the press has been severely challenged when we are actively involved in military operations. Our young people are threatened as they are needlessly exposed to enemy fire and medical experimentation and there is an economic cost through higher taxes.

National sovereignty designed to protect liberty in a republic is challenged as our foreign operations are controlled by U.N. resolutions, not Congress. Under these conditions, our cities are more likely to be targeted by terrorists for the hatred our policies fuel. Draft registration remains in place just in case more bodies are needed for our standing U.N. armies. The draft remains the ultimate attack on volunteerism and represents the most direct affront to individual liberty. This is made that much worse when one realizes that it is highly unlikely that we will ever see American troops in action under anything other than a U.N.-sponsored war or military operation.

Only with a greater understanding and respect for individual liberty and the importance of voluntary associations in all areas of social and economic life will we be able to preserve our liberty, peace and prosperity. This is required for the republic to survive.

Congress reflects the nation's current obsession with political correctness. The strange irony is that this whole movement has been encouraged by groups and individuals who in the past have been seen as the champions of free expression and civil liberties. These efforts to interfere with freedom of expression come from a desire to punish those in economic superior positions. Political correctness encourages promotions or firings for casual and rude statements once ridiculed by merely ignoring them. The age of victimization demands political correctness be carried to an illogical conclusion and the plan for perfect economic equality demands language that reflect these goals. It's truly an area that reflects a complete lack of understanding of the principles of liberty and is an understandable result of this century's division of liberty into two parts. The motive seems to be to make people better by forcing them to use only correct language and to provide special benefits to groups that are economically disadvantaged. It's not uncommon to hear of people losing their jobs and reputation over harmless comments or telling off-colored jokes. Talk about discrimination, this is the worst.

The concept of ''hate crimes'' is now enmeshed in all legislation. Pretending we can measure motivation and punish it is preposterous. Varying penalties, thus placing more value on one life than another, is a totalitarian idea.

The political correctness movement and the concept of hate crimes will lead to laws against ''hate speech.'' Clearly the constitution is designed to protect protesters, even those who express hatred at times and is not limited to the protection of non-controversial speech. Freedom of expression is indeed under serious attack in this country. Already there are laws in two countries prohibiting even questioning the details of the Holocaust. In America that's certainly not permitted under the rules of political correctness.

Some still believe that ''hate crimes'' in America are limited to identifying the racial and religious motivation behind a violent crime. But it's scary when one realizes that already we have moved quickly down the path of totalitarianism. In 1995, 57% of all hate crimes reported were verbal in nature. These crimes now being prosecuted by an all powerful federal police force, at one time were considered nothing more than comments made by rude people. The federal police operation is headed up by the Office of Civil Rights of the Department of Education and can reach every nook and cranny of our entire education system as it imposes its will and curriculum on teachers and students.

Whatever happened to the child's logic of ''sticks and stones will break my bones but names will never hurt me?'' This basic philosophy offered a logical response to taunts by bullies. Today, the bully is the government which is determined to regulate, enforce, and imprison anyone who doesn't tow the line of political correctness, multi-culturalism and follow government dictated social and economic rules.

But why can't we consider a solution that incorporates the healthy skepticism of those opposing government mandated V-chips and telephone monitoring devices with those who see the foolishness and danger of political correctness, especially seen when it comes to enforcing crimes against hate speech. Too often the same people who understand the hate crimes issue are the ones that believe government ought to be able to monitor our telephone and computer and censor television programming.

This confusion is becoming structural and the longer it's an accepted principle, the greater the threat to the Republic and our liberties.

As long as it is fashionable or humorous to refer to one who consistently defends individual liberty as a ''hobgoblin of little minds'' our liberties will be threatened. Accepting and rationalizing any inconsistency while rejecting the principal defenders of a free society as impractical represents a danger to the republic. A strict adherence to the Constitution is surely not something that should be encouraged or tolerated, according to these critics.

By insisting that all government action be guided by tolerance and compromise in any effort to protect liberty, it is only natural that strict observance to standards in other areas would be abandoned. And it is true, we now live in an age where life has relative value, money has no definition, marriage is undefinable, moral values are taught as relative ethics in our classrooms, good grades in the classroom no longer reflect excellence, success in business is often subjected to doubts because of affirmative action, and corporate profits depend more on good lobbyists in Washington than creative effort.

Pragmatism and interventionism are popular because of their convenience and appeal to those who crave governing over others and those who expect unearned benefits. This process can last a long time when some incentives to produce remain in place. But eventually it leads to an attack on the value of money confiscatory taxation, over regulation, excessive borrowing on the future and undermining of trust in the political process. Once this system

is entrenched, it becomes difficult, if not impossible, to gracefully reverse the process.

The usual result is the various groups receiving benefits become highly competitive and bitter toward each other. Eventually, it leads to a time when compromise and government planning no longer look practical nor fair. In the next few years, we can expect this to become more evident as Congress will be forced to acknowledge that the budget has more problems than was admitted to in the closing days of the first session of the 105th Congress.

If we do not define the type of government we are striving for and reject interventionism as a doctrine, the endless debate will remain buried in details of form and degree of the current system with no discussion of substance. Merely deciding where to draw the line on government involvement in our lives will consume all the energy of the legislative process. Whether or not we should be involved at all will receive little attention.

In order to direct our efforts toward preservation of liberty, in lieu of planning the economy and regulating people, we must have a clear understanding of rights. But could British Prime Minister Tony Blair be telling us being about Western Civilization and government's responsibility to the people? Blair was quoted in a recent visit with the President as saying, ''I tell you, a decent society is not based on rights, it is based on duty. Our duty to one another. To all should be given opportunity, from all responsibility demanded.''

This sounds just a tad authoritarian and closer to the Communist Manifesto than to the Magna Carta or to the Bill of Rights.

A free society is just the opposite. I argue that a free society is the only ''decent'' society and the only one that I care to live in. A free society depends entirely on personal rights for which all individuals are naturally entitled. This was the bedrock of the Declaration of Independence and our Constitution and the principle upon which our republic rests.

Yet today most of the West, now engulfed by Keynesian welfarism, sadly accepts the Blair philosophy. Duty and responsibility, as Blair sees it, is not the voluntary responsibility found in a free society but rather duty and responsibility to the State. He is right about one thing. If duty to the State is accepted as an uncontested fact, rights are meaningless. And everyday our rights are indeed becoming more threatened.

We have come to accept it as immoral and selfish to demand individual rights. Today, rights are too frequently accepted as being collective, such as minority, gay, women, handicapped, poor, or student rights. But rights are only individual. Everyone has a right to life, liberty and property, and it comes naturally or is a God-given gift.

The purpose of the State is to protect equally everyone's rights. The whole purpose of political action should be to protect liberty. Free individuals then with a sense of responsibility and compassion must then strive for moral excellence and economic betterment. When government loses sight of the importance of rights and assumes the responsibility reserved to free individuals and sets about to make the economy equally fair to everyone and improve personal nonviolent behavior, the effort can only be made at the expense of liberty with the efforts ending in failure.

National governments should exist to protect individual liberty at home by enforcing laws against violence and fraud and from outside threats. The bigger and more international government becomes, the more likely it is that the effort will fail.

The original challenge to the champions of freedom centuries ago was always to limit the powers of the king. Today the challenge, every bit as great but harder to define, is to limit the power of democratic parliaments and congresses. Democratic elections of leaders is one thing, but obsession with determining all rights by majority vote has now become liberty's greatest enemy.

Throughout this century, and as the movement grows for one world government, the linchpin is always democracy, not liberty or a constitutionally restrained republic as our Founders preferred. As long as the democratic vote can modify rights, the politicians will be on the receiving end of bribes and money and will be the greatest influence on legislation.

When government's sole purpose is to protect the lowliest of the minority, the individual, there will be no market for influence buying. Regulating the peddlers of graft will only make things worse for the rules will further undermine the right of the individual to petition and seek his own redress of grievances.

Detailed rules on political donations and lobbyist activity can easily be circumvented by the avaricious. Only a better understanding of rights and the proper role of government will alter the course upon which we have embarked.

Political leaders no longer see their responsibility to protect life and liberty as a sacred trust and a concept of individual rights has been significantly undermined throughout the 20th century. The record verifies this. Authoritarian governments, in this the bloodiest of all centuries, have annihilated over 100 million people, their own. Wars have killed an additional 34 million, and only a small number of these were truly in the defense of liberty.

The main motivation behind these mass murders was to maintain political power. Liberty in many ways has become the forgotten cause of the 20th century. Even the mildest mannered welfarist depends on government guns and threats of prison to forcefully extract wealth from producers to transfer it to the politically well-connected. The same government force is used by the powerful rich to promote from the programs designed to benefit them.

The budgetary process and the transfer of wealth that occurs through monetary inflation is influenced more by the business and banking elite than by the poor. The $1.7 trillion budget is not an investment in liberty. The kings are gone and I doubt that we will see another Stalin, Hitler, Pol Pot or Mao, but the ''majority'' in our legislative bodies now reign supreme with one goal in mind: maintaining power.

To do this they must satisfy the power brokers, pretending they are humanitarian saviors while ignoring their responsibility to protect individual liberty.

''Democracy'' is now the goal of all those who profess progress and peace, but instead they promote corporatism, inflationism, and world government.

The question is, where will our alternative come from? Which group or individual truly speaks for liberty and limited government? The speeches, the rhetoric, the campaigns rarely reveal the underlying support most politicians have for expanding the State, especially when coming from those who are thought to be promoting limited government.

Those who believe in welfare and socialism are frequently more straightforward. But we are now hearing from some traditional ''opponents'' of big government, admonishing us to stop ''trashing'' government. Instead, we should be busy ''fixing it.'' They do it without once challenging the moral principle that justifies all government intervention in our personal lives and economic transactions.

William J. Bennett strongly condemns critics of big government saying, ''. . . some of today's antigovernment rhetoric is contemptuous of history and not intellectually serious. If you listen to it, you come away with the impression that government has never done anything well. In fact, government has done some very difficult things quite well. Like . . . reduced the number of elderly in poverty . . . passed civil rights legislation . . . insure bank deposits and insure the air and water remains clean.''

Bennett's great concern is this. ''Disdain of representative government (democracy) however, makes it virtually impossible to instill in citizens a noble love of country'' (the State rather than liberty). Bennett complains that Americans no longer love their country because of their ''utter contempt some have directed against government itself.'' In other words, we must love our government ruled by the tyrannical majority at all costs or it is impossible to love freedom and America.

Any effort to limit the size of government while never challenging the moral principle upon which all government force depends, while blindly defending majoritarian rule for making

government work, will not restore the American republic. Instead, this approach gives credibility to the authoritarians and undermines the limited government movement by ignoring the basic principles of liberty. Only a restoration of a full understanding of individual rights and the purpose of a constitutional republic can reverse this trend. Our republic is indeed threatened.

REPORT CONCERNING NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS THREATS TO DISRUPT MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–182)

The SPEAKER pro tempore (Mr. SNOWBARGER) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered printed:

To the Congress of the United States:

I hereby report to the Congress on the developments concerning the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c).

1. On January 23, 1995, I signed Executive Order 12947, ''Prohibiting Transactions with Terrorists Who Threaten to Disrupt the Middle East Peace Process'' (the ''Order'') (60 Fed. Reg. 5079, January 25, 1995). The Order blocks all property subject to U.S. jurisdiction in which there is any interest of 12 terrorist organizations that threaten the Middle East peace process as identified in an Annex to the Order. The Order also blocks the property and interests in property subject to U.S. jurisdiction of persons designated by the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, who are found (1) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or (2) to assist in, sponsor, or provide financial, material, or technological support for, or services in support of, such acts of violence. In addition, the Order blocks all property and interests in property subject to U.S. jurisdiction in which there is any interest of persons determined by the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of, any other person designated pursuant to the Order (collectively ''Specifically Designated Terrorists'' or ''SDTs'').

The Order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDTs, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons. This prohibition includes donations that are intended to relieve human suffering.

Designations of persons blocked pursuant to the Order are effective upon the date of determination by the Secretary of State or her delegate, or the Director of the Office of Foreign Assets Control (OFAC) acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the *Federal Register*, or upon prior actual notice.

Because terrorist activities continue to threaten the Middle East peace process and vital interests of the United States in the Middle East, on January 21, 1998, I continued for another year the national emergency declared on January 23, 1995, and the measures that took effect on January 24, 1995, to deal with that emergency. This action was taken in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)).

2. On January 25, 1995, the Department of the Treasury issued a notice listing persons blocked pursuant to Executive Order 12947 who have been designated by the President as terrorist organizations threatening the Middle East peace process or who have been found to be owned or controlled by, or to be acting for or on behalf of, these terrorist organizations (60 Fed. Reg. 5084, January 25, 1995). The notice identified 31 entities that act for or on behalf of the 12 Middle East terrorist organizations listed in the Annex to Executive Order 12947, as well as 18 individuals who are leaders or representatives of these groups. In addition, the notice provided 9 name variations or pseudonyms used by the 18 individuals identified. The list identifies blocked persons who have been found to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process or to have assisted in, sponsored, or provided financial, material, or technological support for, or services in support of, such acts of violence, or are owned or controlled by, or act for or on behalf of other blocked persons. The Department of the Treasury issued three additional notices adding the names of three individuals, as well as their pseudonyms, to the List of SDTs (60 Fed. Reg. 41152, August 11, 1995; 60 Fed. Reg. 44932, August 29, 1995; and 60 Fed. Reg. 58435, November 27, 1995).

3. On February 2, 1996, OFAC issued the Terrorism Sanctions Regulations (the ''TSRs'' or the ''Regulations'') (61 Fed. Reg. 3805, February 2, 1996). The TSRs implement the President's declaration of a national emergency and imposition of sanctions against certain persons whose acts of violence have the purpose or effect of disrupting the Middle East peace process. There has been one amendment to the TSRs, 31 C.F.R. Part 595 administered by the Office of Foreign Assets Control of the Department of the Treasury, since my report of August 5, 1997. The Regulations were amended on August 25, 1997. General reporting, recordkeeping, licensing, and other procedural regulations were moved from the Regulations to a separate part (31 C.F.R. Part 501) dealing solely with such procedural matters (62 Fed. Reg. 45098, August 25, 1997). A copy of the amendment is attached.

4. Since January 25, 1995, OFAC has issued three licenses pursuant to the Regulations. These licenses authorize payment of legal expenses of individuals and the disbursement of funds for normal expenditures for the maintenance of family members of individuals designated pursuant to Executive Order 12947, and for secure storage of tangible assets of Specially Designated Terrorists.

5. The expenses incurred by the Federal Government in the 6-month period from July 22, 1997, through January 22, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to organizations that disrupt the Middle East peace process are estimated at approximately $165,000. These data do not reflect certain costs of operations by the intelligence and law enforcement communities.

6. Executive Order 12947 provides this Administration with a tool for combating fundraising in this country on behalf of organizations that use terror to undermine the Middle East peace process. The Order makes it harder for such groups to finance these criminal activities by cutting off their access to sources of support in the United States and to U.S. financial facilities. It is also intended to reach charitable contributions to designated organizations and individuals to preclude diversion of such donations to terrorist activities.

Executive Order 12947 demonstrates the United States determination to confront and combat those who would seek to destroy the Middle East peace process, and our commitment to the global fight against terrorism. I shall continue to exercise the powers at my disposal to apply economic sanctions against extremists seeking to destroy the hopes of peaceful coexistence between Arabs and Israelis as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 27, 1998.*

□ 1630

PROPOSED AGREEMENT FOR COOPERATION BETWEEN UNITED STATES AND REPUBLIC OF KAZAKHSTAN CONCERNING PEACFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–183)

The SPEAKER pro tempore (Mr. SNOWBARGER) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Republic of Kazakhstan Concerning Peaceful Uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with the Republic of Kazakhstan has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States. The agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Kazakhstan under appropriate conditions and controls reflecting our common commitment to nuclear nonproliferation goals.

Kazakhstan is a nonnuclear weapons state party to the Treaty on the Nonproliferation of Nuclear Weapons (NPT). Following the dissolution of the Soviet Union, the Republic of Kazakhstan agreed to the removal of all nuclear weapons from its territory. It has a full-scope safeguards agreement in force with the International Atomic Energy Agency (IAEA) to implement its safeguards obligations under the NPT. It has enacted national legislation to control the use and export of nuclear and dual-use materials and technology.

The proposed agreement with the Republic of Kazakhstan permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It provides for U.S. consent rights to retransfer, enrichment, and reprocessing as required by U.S. law. It does not permit transfers of any sensitive nuclear technology, restricted data, or sensitive nuclear facilities or major critical components thereof. In the event of termination, key conditions and controls continue with respect to material and equipment subject to the agreement.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 28, 1998.*

PROPOSED AGREEMENT FOR COOPERATION BETWEEN UNITED STATES AND SWISS FEDERAL COUNCIL CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–184)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Swiss Federal Council Concerning Peaceful Uses of Nuclear Energy, with accompanying agreed minute, annexes, and other attachments. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and other attachments, including the views of the Nuclear Regulatory Commission, is also enclosed.

The proposed new agreement with Switzerland has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (NNPA) and as otherwise amended. It replaces an earlier agreement with Switzerland signed December 30, 1965, which expired by its terms August 8, 1996. The proposed new agreement will provide an updated, comprehensive framework for peaceful nuclear cooperation between the United States and Switzerland, will facilitate such cooperation, and will establish strengthened nonproliferation conditions and controls including all those required by the NNPA. The new agreement provides for the transfer of moderator material, nuclear material, and equipment for both nuclear research and nuclear power purposes. It does not provide for transfers under the agreement of any sensitive nuclear technology (SNT). (U.S. law permits SNT to be transferred outside the coverage of an agreement for cooperation provided that certain other conditions are satisfied. However, the Administration has no plans to transfer SNT to Switzerland outside the agreement.)

The proposed agreement has an initial term of 30 years, and will continue in force indefinitely thereafter in increments of 5 years each until terminated in accordance with its provisions. In the event of termination, key nonproliferation conditions and controls, including guarantees of safeguards, peaceful use and adequate physical protection, and the U.S. right to approve retransfers to third parties, will remain effective with respect to transferred moderator materials, nuclear materials, and equipment, as well as nuclear material produced through their use. The agreement also establishes procedures for determining the survival of additional controls.

Switzerland has strong nonproliferation credentials. It is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and has an agreement with the International Atomic Energy Agency (IAEA) for the application of full-scope IAEA safeguards within its territory. In negotiating the proposed agreement, the United States and Switzerland took special care to elaborate a preamble setting forth in specific detail the broad commonality of our shared nonproliferation commitments and goals.

The proposed new agreement provides for very stringent controls over

certain fuel cycle activities, including enrichment, reprocessing, and alteration in form or content and storage of plutonium and other sensitive nuclear materials. The United States and Switzerland have accepted these controls on a reciprocal basis, not as a sign of either Party's distrust of the other, and not for the purpose of interfering with each other's fuel cycle choices, which are for each Party to determine for itself, but rather as a reflection of our common conviction that the provisions in question represent an important norm for peaceful nuclear commerce.

In view of the strong commitment of Switzerland to the international nonproliferation regime, the comprehensive nonproliferation commitments that Switzerland has made, the advanced technological character of the Swiss civil nuclear program, the long history of U.S.-Swiss cooperation in the peaceful uses of nuclear energy without any risk of proliferation, and the long-standing close and harmonious political relationship between Switzerland and the United States, the proposed new agreement provides to Switzerland advance, long-term U.S. approval for retransfers to specified facilities in the European Atomic Energy Community (EURATOM) of nuclear material subject to the agreement for reprocessing, alteration in form or content, and storage, and for the return to Switzerland of recovered nuclear materials, including plutonium, for use or storage at specified Swiss facilities. The proposed agreement also provides advance, long-term U.S. approval for retransfers from Switzerland of source material, uranium (other than high enriched uranium), moderator material, and equipment to a list of countries and groups of countries acceptable to the United States. Any advance, long-term approval may be suspended or terminated if it ceases to meet the criteria set out in U.S. law, including criteria relating to safeguards and physical protection.

In providing advance, long-term approval for certain nuclear fuel cycle activities, the proposed agreement has features similar to those in several other agreements for cooperation that the United States has entered into subsequent to enactment of the NNPA. These include U.S. agreements with Japan and EURATOM. Among the documents I am transmitting herewith to the Congress is an analysis of the advance, long-term approvals contained in the proposed U.S. agreement with Switzerland. The analysis concludes that the approvals meet all requirements of the Atomic Energy Act, as amended.

I believe that the proposed agreement for cooperation with Switzerland will make an important contribution to achieving our nonproliferation, trade, and other significant foreign policy goals.

In particular, I am convinced that this agreement will strengthen the international nuclear nonproliferation regime, support of which is a fundamental objective of U.S. national security and foreign policy, by setting a high standard for rigorous nonproliferation conditions and controls.

Because the agreement contains all the consent rights and guarantees required by current U.S. law, it represents a substantial upgrading of the U.S. controls in the recently-expired 1965 agreement with Switzerland.

I believe that the new agreement will also demonstrate the U.S. intention to be a reliable nuclear trading partner with Switzerland, and thus help ensure the continuation and, I hope, growth of U.S. civil nuclear exports to Switzerland.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of the Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 28, 1998.*

SCHOOL CONSTRUCTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to begin by bringing America's attention to the name of a young lady. No, it is not a young lady who was an intern in the White House. It is a young lady who is now dead as a result of negligence on the part of our system. Her name is Yanahan Zhao. She is a 16-year-old girl who was killed after bricks fell from a scaffolding at PS–131 in Brooklyn.

I think it is very important that we note that Yanahan Zhao may not be the only student that has been killed in this kind of accident, but certainly this one we know about, it was reported. It has high visibility. Any time a child is killed in New York City, it gets high visibility. A city that often ignores the conditions under which students and children are laboring from day to day will focus a lot of attention on a child that is killed.

So death was cruel, and our concerns and prayers we offer to the family of Yanahan Zhao. But I think we ought to understand that we should use her as an example of what we do not want to happen again. We do not want anywhere in America a student killed by bricks falling from the scaffolding of a school, or we do not want any one American student killed as a result of a building decaying or fixtures falling or any other matter. We do not want students killed and hurt.

Yanahan Zhao becomes a motto for a school construction initiative that ought to spread all across America. We have to declare a state of emergency and assume that we have a state of emergency with respect to infrastructure, construction and everything related to infrastructure with schools. We have to listen to the General Accounting Office when they say that more than $100 billion is needed to deal with updating the infrastructure of public schools across the country. We have to listen.

I have a few other examples of some outrageous things that have happened with respect to school construction or the lack of it. At East New York's Transit Technical High School, a wide swath of brick facade broke free from the building and came crashing down to the sidewalk. The only reason no one was injured is that it was Martin Luther King's birthday holiday, and the children were not in school. That is the only reason we did not have massive injuries. This wall, according to the report of the New York Times of January 23rd, this wall weighed 10 tons. The bricks in that wall weighed 10 tons, measuring about 500 square feet. That is the wall that fell from the school. Fortunately school was out and no one was hurt.

According to the same article in the New York Times of January 23rd, the city construction officials had inspected that school and found it safe just 5 days before a wide swath of the brick facade fell. They said that the school, East New York Transit Technical School, had been inspected at least three times in the last 5 months, most recently last Friday. The last inspection was one of nearly 200 that had been conducted by the city's building department at schools throughout the city after debris, variously described as brick or cinder block, tumbled from a construction site atop of a Brooklyn elementary school, cracking the skull of 16-year-old Yanahan Zhao, who later died from that injury.

I think it is important also to note that New York City has, of course, 1,100 schools, 1 million students. You expect things like that to happen, some people say, cynically dismissing the significance of this.

But across the country, having these same accidents, that get less publicity.

At Phoenix, Arizona, at a Phoenix preparatory academy, a large piece of fireproofing material tore away from the metal decking of a second floor computer room, hitting the teacher.

At Blake Elementary School in Lakeland, Florida, a student was struck on the head when loose mortar fell from over a doorway.

A second grade teacher at Washington Elementary School in Spokane, Washington, was hit on the head and is still suffering nightmares after fluorescent lights peeled from the ceiling and crashed in her classroom. The thousand-pound metal fixture smashed onto her desk and across a small rug where students were gathered. Fortunately the students were not injured.

At Grande Hills High School in Los Angeles, California, six students and two teachers were struck by boards that fell from the roof of their building.

And I am sure it goes on and on, and I would like to invite other Members on both sides of the aisle to gather up these statistics, do a survey on what is happening with the buildings in their districts. This is not a pie-in-the-sky proposition that we should spend far more money than has been proposed on school construction.

I want to sing my praises for the State of the Union address. It was a great address. It offered platforms and programs that I certainly agree with. The education initiatives, I think, that were proposed by the President are magnificent. Most of the initiatives are really needed. But I want to argue here today, and the reason I am here so early in the year, I want to make the case that we keep our eye on the core of the problem, that school construction and the infrastructure of schools is central to any effort to improve America's schools.

There are a lot of other things that are proposed in the President's set of initiatives that can happen if you do not have first attention and most attention directed at school construction. You cannot have a reduction of teachers, a reduction of classroom size so that you have fewer students in the classroom, if you do not have the classrooms.

It is wonderful that the President proposes that the Federal Government take the initiative and provide some of the funding to reduce class size, highly desirable objective, and we must all work toward that objective, but it will not be possible in situations where schools are overcrowded and there are no classrooms.

In 1990, in the fall of 1996, in New York City on opening day they did not have room or places for 91,000 students, that with more than a million students. But even in a system with more than a million students, to not be able to give a desk to 91,000 students is still an outrageous situation.

When schools opened in 1997, we were in the midst of an election year, and nobody would let us see the statistics. We do not know whether the situation improved dramatically between 1996 and 1997, but we do know from observation and from surveys that have been done by my education advisory committee that in my district there are large numbers of overcrowded schools.

There are some schools where the principals insist that they are not overcrowded, but you can begin to knock that assertion down when you ask the second question. The second question is, how many lunch periods do you have? How many shifts for lunch do you have in your school? And when you find out that they start feeding children lunch at 10:00 in the morning, you know they have got a radical overcrowding problem. It is out of hand. You force a child to eat his lunch at 10:00, and you stop having lunch as late as 2:30, you force a child to wait that long, you have a situation where you have overcrowding and you are punishing the children. It is really a form of child abuse to make a child eat lunch at 10:00 in the morning.

So we have a problem, and the problem is not limited to inner-city schools. It may be more acute and more obvious in inner-city schools across the country, but urban schools, suburban schools all need help in dealing with their infrastructure problems.

We need money to build more schools. The President's proposal, the $5 billion over a 5-year period, is a good one because it at least is better than nothing. It begins the process. But so much more is needed in order for us to generate the more than $100 billion that the General Accounting Office says we need to deal with school infrastructure.

Now, the President should not be forced to bear the burden of providing all of the funds for school construction. The Federal Government should not be forced to bear the burden of providing all the funds for school construction. Traditionally, this has been left to the States and localities, and some of my friends on the other side of the aisle in particular argue that only the States and localities should be involved in school construction funding.

I think we ought to share the burden, that the Federal Government should provide a stimulus and should get very much involved to more than just $5 billion over a 5-year period, but the States and localities should do their job, too.

We have across the country many States that are reporting surpluses in their last year's budget, anticipating surpluses at the end of the fiscal year. New York State's fiscal year ends on March, the last day of March. The new fiscal year begins April 1st. They are predicting more than $2 billion in surplus, money that they have gained through revenue that they did not have to spend. New York City's budget, which begins on July 1st, ends on June 30th, they are projecting more than a billion dollars, too. $1.2 billion is presently being projected as the surplus in New York City budget.

So I will agree with my friends on the other side of the aisle, Republicans who say that local government ought to be responsible but not totally responsible. I think the President should use the bully pulpit and challenge all of the States and all of the local governments who have surpluses to deal with the infrastructure problem, the crumbling schools and the overcrowded schools. Particularly in New York City, I think that the first use of the surplus should be addressed to the crumbling infrastructure. No more children should die in New York City. If you have a surplus of $1.2 billion, then certainly part of that ought to be addressed to school construction. The State has $2 billion. Part of that ought to be addressed to school construction.

I think that we do not want to be guilty of having a civilization which cannot protect its children in school. School is a very important function of every society, and if we cannot protect our children there, what kind of statement are we making about our concern with children?

We know that dramatic situation that we encounter here in Washington, D.C. Washington, D.C. schools opened 3 weeks late last fall because of the fact that they had problems with roof repairs. People criticized the judge for ordering the schools to stay closed while the repairs were being conducted. It appears that that judge might have saved somebody's life because Yanahan Zhao was killed at a school where repairs were under way on the roof. And the bricks fell from the roof and struck her and a number of other students, and she was seriously injured and died. So we might have saved some lives by taking the bold step of refusing to let the Washington schools open while the roof repairs were being conducted.

Of course, we had a situation also where once the Washington schools were opened and the roofs were repaired, the children had a problem because the boilers began to break down in the same schools or some other Washington schools. So you have teachers being forced to tell children to wear extra heavy clothes to come to school, and of course I think it is child abuse to make a child sit in a cold room at a school and depend on his extra clothes to keep him or her warm.

So it is a challenge as to how urgent do we feel the situation is. It is a challenge as to how we really feel about children. Every public official makes speeches about our dedication to children. If you have a surplus, Mr. Mayor, if you have a surplus, Mr. Governor, then show us how dedicated you are to children by putting forth an initiative right away to let the Federal Government know that we may need help. After all, we have in New York, I said, 1,100 schools.

□ 1645

Three hundred of 1100 schools have coal burning furnaces. They are still burning coal. Many of them are more than 100 years old.

So we need a massive program, but certainly the Federal Government has a right to expect our city government and our State government to show some initiative and use their surplus in a constructive way for children.

On July 28th, which is of course today, The New York Times article reports that Mayor Giuliani is expected to announce that the city will finish the 1998 fiscal year with a surplus of $1.2 billion, thanks in large part to a surging Wall Street. It will be the second year in a row of good fortune for the city, which was pummeled by the recession in the early 1990s. The city ended its last fiscal year with $1.4 billion more than expected.

So we are 2 years in a row where we had a surplus. The second paragraph I want to read from this article says the following: But in contrast to the election year budget that he presented at this time last year, which called for sharply increased spending on education, children's services and other programs, the Mayor is returning to the conservative fiscal stance he took early in his first term when he pushed through some of the largest spending cuts since the city's fiscal crisis of the 1970s.

If children are not important, if schools are not important, if the surplus cannot be utilized for that purpose, than what is more important? Tell me, Mr. Mayor.

We have, again, as I said before, and I have a list right here, 300 schools out of 1100 schools in New York City that are still burning coal in their furnaces. Now, we might have somewhere in America, maybe many places, some efficient coal burning furnaces that do not spew pollutants in the air, but the likelihood that these old boilers are efficient and are not spilling large amounts of pollutants in the air is nil. They are polluting the air.

Is it any wonder that we have a high asthma rate in the same neighborhoods where the coal burning schools are. Where we have the greatest number of coal burning schools we have the highest asthma rates among the youngsters. There is an obvious correlation there, and we are officially guilty of doing things that we would never sanction or allow the private sector to do. We are endangering the health of children in a very concrete dramatic way.

So we had on the agenda on our ballot 3 years ago a State bond issue related to the environment, and in order to pass that bond issue it was clearly stated that part of the money for the environment bond issue would be used to convert the coal burning boilers in New York. It was clearly stated that part of the money would be used to convert some of the coal burning boilers in New York. That was 3 years ago. That was 3 years ago almost. As of right now not a single school with a coal burning furnace has been converted using the money from the bond issue that we passed almost 3 years ago.

The sense of urgency, emergency, is not there. The concern for children is not there. The concern for students and, in the final analysis, the concern for education is not there. We must think in terms of a state of emergency and we must understand that incremental steps will not solve the problem. Incremental steps will not, in time, save this generation of children. Incremental steps are not good enough.

And the President, in proposing the initiative at the Federal level, has taken the first step. I hope we can increase that, but the call on every unit, every level of government must be made with the Federal Government's leadership stimulating that response.

I yield to the gentlewoman from Oregon.

Ms. FURSE. Thank you so much. I come to the floor today because the most dreadful tragedy has occurred in the City of Portland.

Yesterday a policewoman, Officer Colleen Waibel, was shot and killed by a man with an assault weapon. Another police officer was gravely injured by the same man with an assault weapon. These officers were wearing bulletproof vests but the bullets used by that man struck through those bulletproof vests and killed Officer Colleen Waibel.

I am here to say that I am sick and I am tired of the tyranny of violence. I am sick and I am tired of the tyranny of guns. And I am here to say that I am really sick of the NRA.

There are too many guns in the hands of violent, uncaring people, people who hide behind a constitutional amendment that they misinterpret. Why should our great police officers be in jeopardy every time they go out on the street to protect us because there are people out there with guns such as this man had?

It is enough. We have had enough. We are not civilized if we cannot contain civil strife on our streets. I am here to pledge to the people of my district, whose lives are every day threatened by these same guns, that I will do everything in my power to see that assault weapons no longer threaten us all.

We have allowed those who support this unlimited use of guns to threaten, to badger and to coerce us for too long. And I want to say today that, in my belief, every time a person is killed by an assault weapon, every time a police officer is threatened by a gun, an assault weapon, gun or by cop killing bullets, I want to say that I think the NRA has some guilt in that killing.

Once there was a reason for people to arm themselves in order to protect themselves, and generally, then in those days gun ownership was responsible. But times have changed. Now everyone has guns. Kids have guns and criminals have guns and crazies have guns. And every time we try to pass sensible legislation regarding guns, the NRA brings out all its negative power to stop us. Enough.

Our brave men and women in law enforcement are a well ordered militia. They must be the ones to preserve law and order to keep our streets safe. The Constitution guarantees life, liberty, and the pursuit of happiness. Those constitutional guarantees were taken away from Officer Waibel. Those were taken away from her.

Enough. No more killing. It is time to get those weapons off the streets. It is time to end the killing for the sake of Officer Waibel and all the other brave law enforcement officers who every day, every day, face these unlimited guns.

Mr. OWENS. I salute the gentlewoman's sense of urgency. I think the message is quite urgent and my appeal is that we stop the business as usual approach in life and death matters. Gun control certainly is a life and death matter far more immediate than school construction.

In the long run we are talking about life and death of children, life and death of our society. I think the President started at the right place when he talked about Social Security and the concern of people and what happens to our Social Security. But I think we also understand that, and I am not one of those who thinks our Social Security is endangered, that we are facing the possible bankruptcy in 30 years, I think that is all propaganda, but the President certainly, by making Social Security the highest priority with the utilization of the surplus, has challenged those people and we can finally deal with it.

If we really need the money, then the surplus should be directed in that direction. But Social Security is threatened if we do not have a work force, a work force that can keep our economy going. And I am going to talk in a few minutes about the work force for the Information Age, the information technology workers and the great crisis that exists right now and is likely to grow even worse.

First, I want to talk about one of the President's initiatives. And again we must get behind the President and push these initiatives with a sense of urgency. There is a great need for the additional 100,000 teachers that he proposed. And whereas he talked mainly about those teachers being utilized to train students to read, I think we ought to seriously consider that we need teachers also who are able to deal with training children and what they need at every step of their educational career to get ready for the world of information technology where the jobs are going to be in the future.

I think we also should understand how this relates back to my concern with construction and infrastructure. If we pull in large numbers of idealistic students and they become teachers, do not subject those teachers to a problem of the boilers breaking down and they have to go into cold classrooms and instruct students who are shivering, or they have to participate in instructing students to wear heavy clothes to go to school in order to stay warm.

Do not subject teachers to a situation where they are teaching about the environment and they are teaching about health care and they are teaching about pollutants and we have coal burning furnaces right there at the school spewing pollutants into the air and children suffering from asthma at a greater rate. Do not subject teachers to that kind of situation.

Do not subject teachers to a request that they teach youngsters and use the latest technology, use the Internet, get them prepared for what is coming in the future of these children and then do not have adequate computers for them. And if they have computers, they are not hooked up to the Internet because the school cannot be wired properly.

They are old schools and the wiring does not lend itself, or they are afraid that asbestos, a problem I encountered in trying to wire 11 schools. And we did on Net Day. Net Day, by the way, is the national day on October 25th where all across the country volunteers were called upon to wire their schools. It was a Saturday. And volunteers came in to wire the schools so they could be hooked up to the Internet.

A school was considered appropriately wired and reaching the Net Day goals if 5 classrooms and the library was wired. So for 11 schools we got five classrooms and the libraries wired. It was not easy. And whereas I endorse the notion of using volunteers, and I know that there have been some very successful Net Days across the country using volunteers, we had to have some professional volunteers.

If you do not have some people who really know a little bit about what they are doing, it can really bog down. So I want to thank the Bell Atlantic crews that came in, because we did have a partnership with the private sector, and the private sector hooked us up with Bell Atlantic crews that came in to help. And there were some other private sector groups that provided us with personnel that went to the schools ahead of time to help mark off the wirings.

It was a beautiful operation bringing together the private sector and the school officials and the local community volunteers, but it was very difficult just to wire 11 of 1100 schools. In other parts of New York City, I understand there were other schools wired on that day, but the number of schools that have been wired to hook up to the Internet is, indeed, a very tiny number for New York City.

In case my colleagues did not know it, effective this Friday the FCC has announced that the universal fund for libraries and schools application process will begin. If you want to apply for the more than $2 billion available to pay for telecommunication services, if you are qualified, the process of qualification for the funds will begin this Friday, and that process will continue for 75 days.

And they are using the Internet. They are using the Internet as a way of getting the applications. So for the 75 days you can put your application in. It is a simplified application, with forms. You can do it right on the Internet and send it in.

□ 1700

Anytime within that 75-day period that you put your proposal in, it will be considered like the first day, everybody is equal; and only at the end of the 75 days will the clock be cut off. So I think it is very important to link these things up and understand that here is an advantage that is being made as a result of an act of Congress, Telecommunications Act of 1996, where the Congress instructed the FCC to set up a universal fund for libraries and schools for telecommunications and give them a discount.

The poorest schools get up to a 90-percent discount. Any school in America can get a 20-percent discount. So that only operates if you have computers.

If they have a technology set up where they have computers and somebody who is in charge of their computers in their school and they meet the requirements, only that way will they be able to take advantage of a discount. They cannot have the setup and have their school wired if they do not have an infrastructure already that allows them to do that.

Asbestos is a major problem. When we start marking holes in the walls, boring the holes to put the wires through, we confront an asbestos problem. New York City must have a certified asbestos inspector come out, very expensive, each school have a certified asbestos inspector come out and say what we are doing will not cause a health hazard. Very expensive. So if there are only a tiny number of schools that are wired, my colleagues can understand how that hurdle alone will keep the number down.

When we get into the details, it makes it very sad for inner city schools. They are not wired now, and they are not likely to be wired anytime soon. They will not be able to take advantage of universal telecommunications for the universal funds for libraries and schools for telecommunication if they are not wired. It all goes back to the problem of infrastructure and construction.

So we must assume a state of emergency. Because there is a domino theory operating here. One inadequacy, one critical inadequacy with respect to construction and infrastructure sets off a chain reaction where it generates more disadvantages and more inadequacies.

The President gave a long list of initiatives and education, and I think he must understand and all of us must understand that those initiatives, most of them, will not go forward unless we deal with the basic problem of school infrastructure. Among those initiatives, he mentioned the fact that we want to have our children able to go into the 21st century with the knowledge that they need to hook up with the burgeoning and growing information industries.

There was a major conference held in California in Berkeley in the second week in January related to the critical shortage of information technology workers. Business is very upset by the fact that they are beginning to feel the pinch of this critical shortage of workers. And I think that it directly relates to the fact that at one point the President talked about an initiative that is needed which is similar to the GI education bill. We need something as massive as that in order to really get ready to confront the changing of our society into an information technology society.

The conference was held on January 12. I just want to read a few excerpts from an article that appeared in the New York Times.

The Clinton administration will announce today a broad and unique Federal effort to help train more computer programmers, responding to concerns from economists and business leaders that U.S. companies have a critical shortage of skilled technology workers.

The administration's initiatives, which include millions of dollars in grants to fund educational programs, the creation of a nationwide job bank on the Internet, and a campaign to glamorize computer-related professions, come as a new survey shows that 1 in every 10 information technology jobs in the United States is unfilled.

The study, conducted for an industry group by Virginia Tech and scheduled to be released today, estimated that 346,000 computer programmer and systems analyst jobs are vacant in U.S. companies with more than 100 employees.

Although rapidly growing computer firms increasingly have had difficulties finding enough workers with cutting-edge skills, the Virginia Tech report indicates that the shortage has spread to many non-technology firms, including banks, hospitals and retailers that depend on programmers to design and operate large systems for their businesses. The widening scope of the issue has prompted the administration to take the unusual step of intervening in a worker training issue.

The Federal Government programs will form the central part of a campaign among industry and educational institutions to chip away at the shortage. The efforts will be unveiled formally at a meeting of government and industry leaders in Berkeley, California, including Commerce Secretary Daley and Education Secretary Riley.

''The shortage is a fundamental threat to the economic growth of the United States,'' says Harris N. Miller, president of the Information Technology Association of America, an Arlington-based industry group that is organizing the meeting.

''It's not just hurting the ability of classic computer companies to grow. It's hurting the ability of the entire economy to grow through the productivity increases you get if you can install the latest technology products,'' Miller said.

The Virginia Tech study confirmed similar findings made last year and shows that the industry has made no progress in reducing the shortage of technology workers.

Though many statistical measures indicate the U.S. economy is at one of its strongest points in recent history, the economists say

much of the recent growth has come through technology: both the growth of the Nation's tech industry and cost savings from the use of computers.

''Right now, technology represents 50 percent of the Nation's economic growth,'' says Kelly H. Carnes, deputy assistant secretary for technology policy at the Commerce Department. ''It is the most important enabling industry.''

I will not read any further, but my point is that this has a great deal to do with those constituents of mine in the low-income section of my district, the people who cannot find jobs, and some of them, you know, are community college graduates. But many have never been exposed at all to a computer. It is relevant in terms of not so much the astronomical figures that are mentioned today, and they say 346 vacancies now.

The Department of Labor has a more conservative estimate of an additional 1.2 million workers over the next 5 years. If we take the most conservative estimate of the Department of Labor or the estimate given as a result of the Virginia Tech report, we still have a large growing industry which probably nobody can fully estimate what the limits are.

There are jobs there for the future. There are jobs for the youngsters coming out of our schools if they have had some kind of orientation to computers early in their schooling, beginning in the elementary grades, progressing through junior high school and, of course, high school. They really need some significant exposure to the utilization of computers before they get to college. And many of them may never go to college. Many of them may never go to college.

There are some young men that I know who did take a few courses in college and maybe were exposed to college to some degree, but they did not take any computer science courses, and they have decided because they like to work with computers that they will go into this field. They are getting promotions and making very good salaries with a bright, rosy future. One who started at $35,000 says that by the end of this year, in less than 3 years, he expects to be making $100,000 a year, and he has never taken a computer science course in a college.

So, in addition to the programmers, in addition to the analysts, we need the troubleshooters, we need the mechanics, we need people all up and down the line. And it cannot happen. The opportunity will be there, and we will not be able to fill that opportunity if our schools do not have the courses and the exposure to computers that are necessary, the opportunity to utilize computers.

Most of the homes in my district do not have computers. Nationwide, computers are a middle-class phenomenon, upper middle-class phenomenon and a large percentage of middle-class people have computers in the home. Most of the children who go to public school in my district will not be exposed to computers except in school and library.

And I want to congratulate the Brooklyn Public Library. In several of the poor areas, they have installed computers. They have only a few. But it does give youngsters an opportunity to come in and practice a little and get some exposure. The Brooklyn Public Library has a very forward-looking approach to computerization and technology. There is a lot of vision that the director of that library has shown in this area.

Recently, the Brooklyn Public Library received some grants from Microsoft to continue their work and to expand it; and we are looking forward to the library, which is a free-standing institution. Not only can the student and school come there, but the parents can come, and the people who are not enrolled in school can also utilize the library's computers. That is an area we hope will continue to grow.

I did say that the universal fund that the FCC has created is for both schools and libraries. It is for private schools as well as public schools, and it is for libraries. So they will have an opportunity to be able to get the discount on the telecommunications services, telephone company, Internet, various telecommunications services. They will qualify also for the discount which ranges between 20 and 90 percent.

And I am not rambling at all, I assure my colleagues. There is a direct connection between the need to have an emergency school construction initiative across the country. There is a need to deal with this as a central problem related to education.

The additional qualified teachers, the efforts of the Federal Government to recruit more teachers, all of those are important and must go forward. But I hope that we understand if you bring teachers in on a system where they see children's lives in jeopardy, and in many cases their own lives are placed in jeopardy, or if you bring them in situations where their lives are not placed in jeopardy directly in some kind of concrete way but they are in a polluted environment that is injuring not only the health of the children but also their health, how long do you think we will keep these qualified teachers?

I think we ought to think in terms of the GI education bill that allowed thousands and thousands of returning GIs to get an education, a broad sweeping approach. This country has done that kind of thing only a few times in its history, but it has been very important.

The GI bill set up a situation where the need for a highly educated work pool, workforce, was met by the people who came out of those programs. We did not really know exactly what they were going to do later. But we have outstanding scientists, outstanding lawyers, politicians. A lot of people came through the GI bill into the schools and never would have gotten an education otherwise. It is a massive program. It was not an incremental program. It was not a nickel-and-dime program. It was a massive program which was necessary.

We ought to see what we are facing now as the day after Pearl Harbor. There are many, and certainly my colleagues on the other side of the aisle insist that there should be no more, big Federal programs, big spending programs.

□ 1715

I agree that government should be reduced, and we are proud of the fact it has been reduced. I agree there is a lot of waste in government. I have said it over and over again, you do not need the CIA spending $20 billion or more. You can downsize our overseas bases.

There are a number of ways you can save money in government, but do not get locked into an ideological approach, a dogma, that says that no program should be big enough to meet the challenge.

If, on the day after Pearl Harbor was attacked, we came to the conclusion that, yes, there is a need to mobilize the country, there is a need to spend a great deal of money to marshal resources to meet the threat, but somebody said, well, it costs too much, where would we be? It would be absurd for anyone to argue that the mobilization to meet the threat that Japan's attack on Pearl Harbor posed, or Hitler posed operating in concert with Japan, the threat to the world's freedom, the direct threat to our own well-being, nobody would be so absurd as to say you cannot spend the money that is necessary to do it.

The problem is when it comes to educational reform, we really do not believe we are threatened. We really do not believe the very foundations of society can be rocked if we have jobs and opportunities out there available and a large population that needs jobs, and are not qualified and cannot get to those jobs, and the reason that happens is just because we fail to provide adequate opportunities.

We really do not believe that our competitors in other parts of the world can outstrip us, despite all the advantages that we have, we are on top of the economic heap right now; really do not believe that can be threatened if some other nations showing much more vision about educating their population would overtake us in the critical areas of information technology and the kinds of things you can do only with information technology.

Right now you have India. That is not a superpower and never claims to be a superpower, but India is a major source of computer programmers for the United States. Bangladore, India, some people call the computer capital of the world, computer programming capital. Large numbers of American companies are contracting with groups in Bangladore to do their computer work, and large numbers of companies are bringing personnel from there here to work.

Here is a country not nearly with as many advantages and resources that

we have, but they have made a choice educationally which is paying great dividends in terms of being able to employ their work force in a foreign country.

We should not allow the situation to develop where we have to rely on foreign sources for the work force of the future because those foreign centers in the final analysis will take the know-how back to their own countries and increase the competition.

We may be on top of the heap now and consider ourselves invulnerable economically, but that is not the case. Let's declare a state of emergency and start thinking about the things with the greatest sense of urgency, and get away from the incremental approach where everybody in this capital that has some power has some idea of what should be done with education.

The Committee on Appropriations more and more writes education bills, taking the power away from the authorizing committee, because they have the power to do it, not the know-how. Many things proposed in the Committee on Appropriations are not harmful, they will do some good, but the whole idea of a scatter gun approach, that any man with power interested in education is able to impose his will on us because they can get the appropriate bill passed and an amount of money appropriated, that is the wrong approach to education reform.

We need a comprehensive approach where we understand that large amounts of resources are needed, and we must focus on what is most important and set some priorities.

I think the President, some people accused him last night of giving a laundry list not only of education programs, but other programs, I think he understands that laundry list has priorities. He understands some of the connections.

I am confident this President can deliver on his educational agenda, as well as the rest of his agenda. I have had a lot of calls from people asking me and people who are really concerned about the child care initiatives and the education agenda of the President. Those announcements have been going on for the last 10 days, announcements coming from the White House about new programs for child care, tax credits and more money for day care centers.

There are large numbers of people among my constituents that are very interested in the reality of those things, will he be able to deliver, and those questions, of course, have come in the last few days as a result of the problems that have come forward from the White House with respect to the President's personal life.

My answer to the constituents who want to know will we really get the child care initiative program implemented, does he have the ability to go forward and do this, where some people want the training, they finally think that people who want to go into the child care field can get some training which allows them to qualify for a job which is a decent paying job and be in a position to be promoted, will it really happen? Will we get more money, so day care centers are not just for the very poorest people, but also for some working families that are not on welfare.

All these questions are being asked, and my answer to them is yes, this President can deliver, and he will deliver. I have seen nothing happen at the White House which says that he will not be able to deliver on the agenda which was laid out last night.

I answer some people by saying, look, Thomas Jefferson in his first year in office was confronted with a problem where they were trying to drive him out of office, accusations were made about his private life, and the press of that day had a drum beat going to try to get him out of office. But they did not succeed. Thomas Jefferson refused to even address their criticisms, to address their charges.

Thomas Jefferson kept his focus on what he was doing, and Thomas Jefferson delivered the Louisiana purchase, which doubled the size of the Nation at a very low price. Thomas Jefferson fathered the Lewis and Clark expedition. Thomas Jefferson restored certain liberties that the Federalists had carelessly begun to take away from people. His accomplishments were magnificent, despite the fact he was confronted with a major challenge on the basis of his personal life.

There is no reason to assume that this President cannot deliver because of the present challenges. There is no way to assume that he will not be around or be able to negotiate and to drive his program through to conclusion. I think it is very important to understand that.

I have been here 16 years. I was here when another government was set up in the basement of the White House. People have forgotten Irangate. They have forgotten that in the basement of the White House there was an operation running which was raising money, where money was being raised to fund the Contras in Nicaragua. Not only were they raising money, but they entered into a deal for Iran to buy arms, to let Iran buy arms from us, and use the money raised from that to fund the Contras. That was a government operating out of the basement of the White House, contrary to what Congress had already clearly stated in legislation they should not do.

This Nation survived that, and no President was impeached as a result of that, and that was far more serious than anything I have heard recently. I think it is important that we keep our focus on the things that are important to the American people.

Common sense dictates that the agenda set forth last night ought to be realized. We ought to allow the President the opportunity to deliver that to the American people. I think it can happen. At the heart of it, I think, should be his educational initiative. At the heart of his educational initiative should be the school construction priority. We are going to hear more about this in the future. I do not intend to let it get lost again.

Last year we had a great start. The President mentioned in the first session of the 105th Congress a school construction initiative. Later on negotiations took place with the White House and the school construction initiative was taken off the table. We must not let that happen again. From start to finish, we must focus on the fact that if you care about children, if you want to improve American education, at the core of the improvement process has to be a massive school construction initiative in this Nation.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, JANUARY 27, 1998

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1213. An act to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes, and in addition, to the Committee(s) on Resources, Science, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. DEGETTE (at the request of Mr. GEPHARDT) for January 27 and today, on account of business in the district.

Mr. DEAL of Georgia (at the request of Mr. ARMEY) for today, on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. TOWNS, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

(The following Members (at the request of Mr. CAMPBELL) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. BENTSEN.
Mr. KUCINICH.
Mr. NEAL of Massachusetts.
Ms. DELAURO.
Mr. BOYD.
Mr. SCHUMER.
Mr. CONYERS.
Mr. HAMILTON.
Mr. SKELTON.
Mr. WAXMAN.
Mr. TRAFICANT.
Mr. SHERMAN.
Mrs. MALONEY of New York.
Mr. ENGEL.
Mr. FILNER.
Mr. RANGEL.
Mr. STARK.
Mrs. LOWEY.

(The following Members (at the request of Mr. CAMPBELL) and to include extraneous matter:)

Mr. DAVIS of Virginia.
Mr. SHAYS.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. WELLER.
Mr. ADAM SMITH of Washington.
Mr. BARCIA.
Mr. ABERCROMBIE.
Mr. RAMSTAD.
Ms. WATERS.
Mr. BISHOP.
Mr. CONDIT.
Mr. ORTIZ.
Mr. UNDERWOOD.
Mr. TALENT.
Mr. CALVERT.
Mr. DIXON.
Mr. PALLONE.
Mr. OWENS.
Mrs. MALONEY of New York.
Mrs. ROUKEMA.
Mrs. MORELLA.
Mr. BENTSEN.

ADJOURNMENT TO TUESDAY, FEBRUARY 3, 1998

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. SNOWBARGER). Pursuant to the provisions of House Concurrent Resolution 201, 105th Congress, the House stands adjourned until 12:30 p.m. on Tuesday, February 3, 1998, for morning hour debates.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p.m.), pursuant to House Concurrent Resolution 201, the House adjourned until Tuesday, February 3, 1998, at 12:30 p.m., for morning hour debates.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State.22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 105th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable Vito Fossella, Thirteenth District of New York.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. Supplemental report on H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes (REPT. 105–164 PT. 4).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LEACH (for himself, Mr. CASTLE, Mr. BACHUS, Mr. BAKER, and Mrs. ROUKEMA):

H.R. 3116. A bill to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. CANADY of Florida (for himself and Mr. SCOTT):

H.R. 3117. A bill to reauthorize the United States Commission on Civil Rights, and for other purposes; to the Committee on the Judiciary.

By Mr. ABERCROMBIE (for himself and Mrs. MINK of Hawaii):

H.R. 3118. A bill to amend title XIX of the Social Security Act to increase the Federal medical assistance percentage for Hawaii to 59.8 percent; to the Committee on Commerce.

By Mr. BLUNT:

H.R. 3119. A bill to amend the Trademark Act of 1946 with respect to the dilution of famous marks; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. HANSEN, Mr. BLILEY, Mr. DINGELL, Mr. SANFORD, and Mr. SESSIONS):

H.R. 3120. A bill to designate the United States Post Office located at 95 West 100 South Street in Provo, Utah, as the ''Howard C. Nielson Post Office Building''; to the Committee on Government Reform and Oversight.

By Mr. ENGEL (for himself, Mr. LAZIO of New York, Mr. HASTINGS of Florida, Mr. PALLONE, Mr. SOLOMON, Mr. YATES, Mr. LEWIS of Georgia, Mr. PAXON, Mrs. MALONEY of New York, Mr. SAXTON, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. FORBES, and Mr. FROST):

H.R. 3121. A bill to provide for the recovery of insurance issued for victims of the Holocaust; to the Committee on Commerce.

By Mr. FORBES:

H.R. 3122. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 3123. A bill to suspend the duty on niobium oxide until January 1, 2002; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 3124. A bill to suspend the duty on vanadium pentoxide (anhydride) until January 1, 2002; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. RANGEL, Mr. WELLER, Mr. ENGLISH of Pennsylvania, Mrs. JOHNSON of Connecticut, Mr. NEAL of Massachusetts, Mr. WATKINS, Mr. MATSUI, Mr. ENSIGN, Mr. CHRISTENSEN, Mrs. KENNELLY of Connecticut, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MCNULTY, Mr. LEVIN, Mr. FATTAH, Mr. RAMSTAD, Mr. CARDIN, Mr. BECERRA, Mr. HAYWORTH, Mr. COYNE, Mr. BUNNING of Kentucky, Ms. DUNN of Washington, Mr. HULSHOF, and Mr. SHAW):

H.R. 3125. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit for 3 years; to the Committee on Ways and Means.

By Mr. KLECZKA (for himself, Mr. STARK, Mr. CARDIN, Mr. MATSUI, Mr. MCDERMOTT, Mr. BARRETT of Wisconsin, Ms. RIVERS, and Mr. PALLONE):

H.R. 3126. A bill to amend title XVIII of the Social Security Act to restore the nonapplicability of private contracts for the provision of Medicare benefits; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself and Mr. MATSUI):

H.R. 3127. A bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses; to the Committee on Ways and Means.

By Mr. NADLER (for himself, Mr. FROST, Mr. LAFALCE, Mr. FILNER, Mr. HOLDEN, Mr. WEXLER, Mr. YATES, and Mrs. CLAYTON):

H.R. 3128. A bill to amend title XVIII of the Social Security Act with respect to restrictions on changes in benefits under MedicareChoice plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA:

H.R. 3129. A bill to establish a program to encourage local educational agencies to work with the private sector to provide care to children who are less than the age of compulsory school attendance; to the Committee on Education and the Workforce.

By Mr. SHAW (for himself and Mr. LEVIN):

H.R. 3130. A bill to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements; to the Committee on Ways and Means.

By Mr. SHAYS (for himself, Mr. PRICE of North Carolina, Mrs. MORELLA, Mr. MCHALE, Mr. MEEHAN, and Mr. WHITE):

H.R. 3131. A bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site; to the Committee on House Oversight.

By Ms. STABENOW (for herself, Mr. BARCIA of Michigan, Ms. KILPATRICK, Ms. CARSON, and Mr. KILDEE):

H.R. 3132. A bill to establish food safety research, education, and extension as a priority of the Department of Agriculture, to require the use of a designated team within the Department of Agriculture to enable the Department and other Federal agencies to rapidly respond to food safety emergencies, and to improve food safety through the development and commercialization of food safety technology; to the Committee on Agriculture.

By Mr. STEARNS (for himself and Mr. WICKER):

H.R. 3133. A bill to prohibit the expenditure of Federal funds to conduct or support research on the cloning of humans, and to express the sense of the Congress that other countries should establish substantially equivalent restrictions; to the Committee on Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEYGAND (for himself, Mr. WEXLER, Mr. KENNEDY of Rhode Island, Mrs. MALONEY of New York, Mr. FILNER, Mr. LAFALCE, Ms. MILLENDER-MCDONALD, and Mr. SHAYS):

H.R. 3134. A bill to warn senior citizens of the dangers of telemarketing fraud and to provide them with information that will help them protect themselves; to the Committee on Commerce.

By Mr. WEYGAND (for himself and Mr. FROST):

H.R. 3135. A bill to amend the Internal Revenue Code of 1986 to make the dependent care tax credit refundable and to increase the amount of allowable dependent care expenses, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. KING of New York, Mrs. KELLY, Mr. MORAN of Virginia, and Mr. LANTOS):

H. Con. Res. 205. Concurrent resolution deploring human rights abuses in Kosova and calling for increased American involvement; to the Committee on International Relations.

By Mr. YATES (for himself and Mr. GILMAN):

H. Con. Res. 206. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Oversight.

By Mr. LEWIS of California:

H. Res. 342. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. HAYWORTH (for himself, Mr. ARMEY, Mr. ARCHER, Mr. THOMAS, Mr. DELAY, Mr. BOEHNER, Mr. ENGLISH of Pennsylvania, Mr. CRANE, Mr. LIVINGSTON, Mr. RAMSTAD, Mr. SALMON, Mr. SESSIONS, and Mr. STUMP):

H. Res. 343. A resolution expressing the sense of the House of Representatives that the award of attorneys' fee, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. TRAFICANT introduced A bill (H.R. 3136) to recognize and compensate Boris Korczak for intelligence gathering services rendered during the cold war; which was referred to the Committee on Intelligence (Permanent Select).

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 51: Mr. ADAM SMITH of Washington.

H.R. 76: Mr. KENNEDY of Massachusetts, Mr. RUSH, Mr. CALLAHAN, and Mrs. LOWEY.

H.R. 126: Mr. PAXON.

H.R. 135: Mr. MINGE and Mr. SCHIFF.

H.R. 145: Mr. BOYD, Ms. DELAURO, and Mr. WATT of North Carolina.

H.R. 164: Mr. FORD and Mrs. EMERSON.

H.R. 371: Mr. CUNNINGHAM.

H.R. 532: Mr. MCCRERY, Mr. ACKERMAN, and Mr. HYDE.

H.R. 586: Mr. SHERMAN and Mr. MOLLOHAN.

H.R. 598: Mr. BONILLA.

H.R. 611: Mr. FORD and Mr. CUMMINGS.

H.R. 641: Mr. TALENT.

H.R. 715: Mr. FRANKS of New Jersey and Mr. BARTLETT of Maryland.

H.R. 716: Mr. PAXON.

H.R. 758: Mr. DOOLITTLE.

H.R. 836: Mr. CAMPBELL, Mr. MALONEY of Connecticut, and Mr. DINGELL.

H.R. 853: Mr. KUCINICH.

H.R. 857: Mr. GOODLATTE and Mr. BISHOP.

H.R. 859: Mr. UPTON.

H.R. 884: Ms. NORTON and Ms. PELOSI.

H.R. 922: Mr. QUINN, Mr. CALLAHAN, Mr. LAFALCE, Mr. CLEMENT, and Mrs. LINDA SMITH of Washington.

H.R. 923: Mr. QUINN, Mr. CALLAHAN, Mr. LAFALCE, Mr. CLEMENT, and Mrs. LINDA SMITH of Washington.

H.R. 981: Mr. FORD, Mr. KENNEDY of Rhode Island, and Mr. LAFALCE.

H.R. 982: Mr. LAFALCE.

H.R. 1023: Mr. ROGERS.

H.R. 1056: Mr. CANADY of Florida.

H.R. 1071: Mr. PAUL.

H.R. 1117: Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. YATES, Mr. MATSUI, Mr. BROWN of Ohio, Mr. ETHERIDGE, Mr. WAXMAN, Mr. GUTIERREZ, Mr. RAHALL, Mr. MILLER of California, Ms. NORTON, Mr. TIERNEY, Mrs. JOHNSON of Connecticut, Mr. BENTSEN, Mr. HALL of Texas, Ms. STABENOW,, Mr. TOWNS, Ms. FURSE, Ms. KILPATRICK, Mr. RANGEL, Mr. LEACH, Mr. KENNEDY of Rhode Island, Mr. SAWYER, Mr. RUSH, Mr. MORAN of Virginia, Mr. OLVER, Mr. WISE, Mr. THOMPSON, Mr. TRAFICANT, Mr. TORRES, Mr. KENNEDY of Massachusetts, Mr. PAYNE, Mr. MARKEY, Mrs. THURMAN, Mr. FORD, Mr. SHERMAN, Mrs. TAUSCHER, and Mr. VENTO.

H.R. 1126: Mr. CLYBURN.

H.R. 1132: Mr. FOX of Pennsylvania.

H.R. 1176: Mr. GUTIERREZ.

H.R. 1191: Mr. SANDERS.

H.R. 1281: Mr. BROWN of Ohio.

H.R. 1284: Mr. SERRANO.

H.R. 1334: Mr. ALLEN.

H.R. 1362: Mr. HALL of Texas, Mr. RUSH, Mr. BOYD, Mr. STUPAK, and Mr. MALONEY of Connecticut.

H.R. 1367: Mr. KUCINICH.

H.R. 1375: Mr. LOBIONDO, Mr. KENNEDY of Rhode Island, Mr. WOLF, and Ms. DANNER.

H.R. 1376: Ms. JACKSON-LEE, Ms. MILLENDER-MCDONALD, Mr. MARKEY, and Mr. CLEMENT.

H.R. 1390: Mr. DOYLE.

H.R. 1408: Mr. SHAYS.

H.R. 1425: Ms. JACKSON-LEE.

H.R. 1450: Mr. HAMILTON.

H.R. 1525: Mr. HORN.

H.R. 1539: Mr. YOUNG of Alaska and Mr. WOLF.

H.R. 1573: Mr. GREEN, Mr. CRAMER, Mr. SANDLIN, Mr. KIND of Wisconsin, and Mr. FORD.

H.R. 1584: Mr. PAUL.

H.R. 1595: Mr. LATOURETTE, Mrs. NORTHUP, Mr. BRYANT, and Mr. PORTER.

H.R. 1656: Mr. PAYNE.

H.R. 1711: Mr. CANADY of Florida, Mr. KIM, Mr. BURTON of Indiana, Mr. TRAFICANT, Mr. COBLE, Mr. SMITH of Michigan, Mr. BAKER, and Mr. SNOWBARGER.

H.R. 1736: Mr. FORD and Ms. MILLENDER-MCDONALD.

H.R. 1737: Mr. SANDERS.

H.R. 1766: Mr. BILBRAY, Mr. BISHOP, Mr. BONILLA, Mr. BROWN of Ohio, Mr. CALLAHAN, Mr. CHRISTENSEN, Mr. COSTELLO, Mr. CRAMER, Mr. DEFAZIO, Mr. DELAHUNT, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HUTCHINSON, Mr. MASCARA, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCINTOSH, Mr. MILLER of Florida, Mr. MILLER of California, Mr. PETERSON of Minnesota, Mr. ROEMER, Mr. SAXTON, Mr. SCOTT, Mr. SHAYS, Mr. SISISKY, Ms. SLAUGHTER, Mr. SPRATT, Mr. TAYLOR of North Carolina, Mr. TIERNEY, Mr. MALONEY of Connecticut, Mrs. LOWEY, Mr. RILEY, Mr. BACHUS, Mr. CANNON, Mr. FOLEY, and Mr. CLYBURN.

H.R. 1951: Mr. EVANS, Mr. WATT of North Carolina, Ms. MCCARTHY of Missouri, Mr. KLECZKA, Mr. BALDACCI, Ms. SLAUGHTER, Mr. LUTHER, Mr. LANTOS, and Mr. DIXON.

H.R. 1987: Mrs. CLAYTON, Ms. DELAURO, Mr. DELLUMS, and Mr. FORD.

H.R. 2009: Mr. LATOURETTE, Mr. EHRLICH, Mr. STUPAK, Ms. PELOSI, Ms. RIVERS, and Mr. TIERNEY.

H.R. 2020: Mr. CUNNINGHAM, Mr. DAVIS of Illinois, Mr. REDMOND, Mr. LAMPSON, Mr. HILLIARD, Mr. JACKSON, Mr. GUTIERREZ, Mr. RUSH, Mr. RYUN, and Ms. KAPTUR.

H.R. 2021: Mr. WELDON of Florida.

H.R. 2023: Mrs. KENNELLY of Connecticut.

H.R. 2070: Mr. SHERMAN.

H.R. 2088: Mr. PAPPAS, Mr. THOMPSON, and Mrs. NORTHUP.

H.R. 2110: Ms. LOFGREN and Mr. PAYNE.

H.R. 2125: Mr. FRANKS of New Jersey and Mr. PAYNE.

H.R. 2149: Ms. PELOSI.

H.R. 2173: Mr. HORN, Mr. COOKSEY, Mr. KING of New York, Mr. CLEMENT, Mr. LAMPSON, and Mr. ENGLISH of Pennsylvania.

H.R. 2191: Mr. STEARNS and Mr. PEASE.

H.R. 2374: Mr. ACKERMAN, Mrs. KENNELLY of Connecticut, Ms. PELOSI, Mr. MANTON, and Ms. LOFGREN.

H.R. 2392: Mr. PETERSON of Pennsylvania.

H.R. 2397: Mr. GOODLATTE, Ms. KAPTUR, Mr. PAYNE, and Mr. PETERSON of Minnesota.

H.R. 2409: Mr. PRICE of North Carolina, Mr. CUMMINGS, Mr. VENTO, Ms. MILLENDER-MCDONALD, and Mr. PAYNE.

H.R. 2457: Mr. GREEN.

H.R. 2459: Mr. BACHUS.

H.R. 2495: Mr. WATT of North Carolina.

H.R. 2499: Mr. COOK, Ms. LOFGREN, Mr. PICKETT, Mr. BACHUS, Ms. SLAUGHTER, Mr. BLAGOJEVICH, Mr. CHRISTENSEN, Mr. BARTLETT of Maryland, Mr. MOLLOHAN, Mr.

MCCRERY, Ms. BROWN of Florida, Mr. SHAYS, Mr. HOUGHTON, Mr. LEWIS of Georgia, Mr. MATSUI, Mr. ENSIGN, and Mr. PAYNE.

H.R. 2519: Mr. PALLONE and Ms. SLAUGHTER.

H.R. 2525: Mr. RANGEL, Mr. MORAN of Virginia, Mr. NADLER, Mr. SANDERS, Mr. SHAYS, Mr. ENGEL, Mr. DIXON, and Mr. OLVER.

H.R. 2537: Mr. BATEMAN, Mr. CALLAHAN, Mr. WATTS of Oklahoma, Mr. CALVERT, Mr. SAXTON, and Mr. PETERSON of Minnesota.

H.R. 2549: Mr. DELLUMS, Mr. WEXLER, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. NEY, Mr. GEJDENSON, Mr. ACKERMAN, Ms. WOOLSEY, and Mr. OLVER.

H.R. 2552: Mr. ANDREWS.

H.R. 2586: Mr. DAVIS of Florida.

H.R. 2602: Mr. WAXMAN and Mr. PASCRELL.

H.R. 2625: Mr. HEFLEY, Mr. BRYANT, Mr. TIAHRT, Mr. COBURN, Mr. ROYCE, Mr. RIGGS, and Mr. GEKAS.

H.R. 2681: Mr. PAYNE and Mr. FORD.

H.R. 2704: Mr. SANDLIN and Mr. FILNER.

H.R. 2714: Mr. GEJDENSON and Mr. SHAYS.

H.R. 2733: Mr. SNYDER, Mr. HOEKSTRA, Mr. BROWN of Ohio, Mr. DOYLE, Mr. PICKETT, Mr. TALENT, Mr. GILCHREST, Mr. BUNNING of Kentucky, Mr. BOUCHER, Mr. LEVIN, and Mr. WATT of North Carolina.

H.R. 2778: Mr. FATTAH, Mr. FILNER, Ms. NORTON, Mr. FROST, Mr. PAYNE, Mrs. LOWEY, Ms. LOFGREN, Ms. KILPATRICK, Mr. SANDERS, Mr. HASTINGS of Florida, Ms. STABENOW, Mr. UNDERWOOD, and Mr. KUCINICH.

H.R. 2817: Mr. HOUGHTON.

H.R. 2819: Mr. NEAL of Massachusetts, Mr. CHRISTENSEN, Mr. HOUGHTON, Mrs. KENNELLY of Connecticut, Mr. MEEHAN, Mr. MCDERMOTT, Mr. ENGLISH of Pennsylvania, Mr. GALLEGLY, and Mr. CLAYBURN.

H.R. 2836: Mr. GUTKNECHT, Mr. MINGE, Mr. RAMSTAD, Mr. SABO, Mr. LUTHER, Mr. PETERSON of Minnesota, and Mr. OBERSTAR.

H.R. 2846: Mr. TAYLOR of North Carolina, Mr. CUNNINGHAM, Mr. PORTMAN, Mr. BARTLETT of Maryland, Mr. COX of California, Mr. BLILEY, Mr. DOOLITTLE, Mr. SCHIFF, Ms. DUNN of Washington, Mr. MCCRERY, Mr. CRANE, and Mr. BARTON of Texas.

H.R. 2870: Mr. CAMP and Mr. LATHAM.

H.R. 2884: Mr. ENGLISH of Pennsylvania and Mr. PAUL.

H.R. 2888: Mr. STENHOLM, Mr. BOEHNER, Mr. CANADY of Florida, Mr. PAUL, and Mr. BLILEY.

H.R. 2912: Mr. THOMPSON and Mr. ROMERO-BARCELÓ.

H.R. 2914: Ms. CHRISTIAN-GREEN, Mr. OLVER, Mr. NEY, Mr. KLUG, Mr. ENGEL, and Mr. BLUMENAUER.

H.R. 2921: Mr. GEJDENSON and Mr. TRAFICANT.

H.R. 2923: Mr. ABERCROMBIE, Mr. GIBBONS, Mr. SMITH of Texas, Mr. CARDIN, Mr. RAHALL, Mr. ENSIGN, Ms. FURSE, Mr. WEYGAND, Mr. CALLAHAN, and Mr. PRICE of North Carolina.

H.R. 2952: Mr. SANDERS.

H.R. 2990: Ms. CARSON, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Mr. CLYBURN, Mr. ABERCROMBIE, Mrs. MEEK of Florida, Mr. CUNNINGHAM, Mr. BALDACCI, Mr. SANDERS, Mrs. ROUKEMA, Mr. WICKER, Mrs. MYRICK, Mrs. EMERSON, Mr. BILBRAY, Mr. MCDADE, Ms. DUNN of Washington, Mr. WYNN, Mr. FORD, Mr. STOKES, Mr. DUNCAN, Mrs. FOWLER, and Mr. GEKAS.

H.R. 2992: Mr. HASTINGS of Washington.

H.R. 2993: Mr. DUNCAN.

H.R. 2997: Mr. WATT of North Carolina.

H.R. 3003: Mr. VENTO.

H.R. 3010: Ms. RIVERS and Mr. MEEHAN.

H.R. 3027: Mr. JACKSON, Mrs. MORELLA, Mr. FILNER, and Ms. SLAUGHTER.

H.R. 3028: Mr. JACKSON, Mrs. MORELLA, Mr. FILNER, and Ms. SLAUGHTER.

H.R. 3035: Mr. BARRETT of Nebraska and Mr. BONILLA.

H.R. 3043: Ms. FURSE.

H.R. 3051: Mrs. MORELLA.

H.R. 3086: Mr. ETHERIDGE, Mr. THOMPSON, Mr. NETHERCUTT, Mr. DELLUMS, Mrs. MALONEY of New York, Mr. FILNER, Mr. RUSH, Mr. BISHOP, Mr. LEWIS of Georgia, Mrs. CLAYTON, Mr. WEXLER, and Mr. ENGEL.

H.R. 3097: Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. BRADY, Mr. LUCAS of Oklahoma, Mr. HEFLEY, Mr. SMITH of Michigan, Mr. CANADY of Florida, Mr. DOOLITTLE Mr. GUTKNECHT, Mr. HILLEARY, Mr. GOODLING, Mr. FOX of Pennsylvania, Mr. BURTON of Indiana, Mr. HASTERT, Mr. ROGAN, Mr. THUNE, Mr. BRYANT, and Mr. DICKEY.

H.J. Res. 14: Ms. RIVERS.

H.J. Res. 65: Mr. RODRIGUEZ.

H.J. Res. 78: Mr. JOHN and Mr. GOODLATTE.

H.J. Res. 89: Mr. POMEROY and Mr. OWENS.

H. Con. Res. 28: Mr. CALVERT and Mr. LEWIS of Kentucky.

H. Con. Res. 114: Ms. RIVERS.

H. Con. Res. 126: Mr. DIAZ-BALART, Mr. PETRI, Mr. OLVER, Mr. LUTHER, and Ms. FURSE.

H. Con. Res. 127: Mr. RYUN, Mr. FORD, Mr. PETRI, Mr. WAMP, Mr. MORAN of Virginia, Mr. HORN, Mr. LAHOOD, and Mrs. MORELLA.

H. Con. Res. 165: Mr. KLINK.

H. Con. Res. 179: Mr. STUPAK, Mr. BROWN of Ohio, and Mr. SHERMAN.

H. Con. Res. 188: Mr. MEEHAN and Ms. FURSE.

H. Con. Res. 202: Mr. MCKEON, Mr. RIGGS, and Mr. ADERHOLT.

H. Con. Res. 203: Mr. DINGELL, Mr. MCKEON, Mr. FILNER, Mr. FROST, Mr. TRAFICANT, Mr. PALLONE, and Mr. ENGEL.

H. Res. 70: Mr. BARR of Georgia.

H. Res. 151: Mr. SOLOMON.

H. Res. 267: Mr. SMITH of Michigan.

H. Res. 304: Mr. BALLENGER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2174: Mr. BURR of North Carolina.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, WEDNESDAY, JANUARY 28, 1998 No. 2

Senate

The Senate met at 10:30 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Almighty God, we praise You in advance for Your presence to strengthen us, Your truth to guide us, and Your courage to inspire us throughout this day. Thank You for the gift of trust. Our trust in You enables us to trust one another as women and men of both parties. But today, Father, we want to thank You especially for the trust of taxpayers throughout our Nation who faithfully support the work of government. Give the Senators a renewed recognition of their accountability to You and to the citizens of States who have elected them and entrusted them with the sacred privilege of leadership. We are so grateful for the millions of Americans who work hard for their income and willingly support the ongoing costs of Government. It is so easy for us to get our priorities mixed up and think that taxpayers exist for us who work in government rather than thinking of our role to serve them. May the Senators and all of us who are privileged to work with them recommit ourselves to be servant-leaders. In the Name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. HATCH. Thank you, Mr. President.

SCHEDULE

Mr. HATCH. Mr. President, this morning the Senate will proceed to executive session to begin 2 hours of debate on the nomination of three judges on the Executive Calendar: Ann L. Aiken to be United States District Judge for the District of Oregon, Barry G. Silverman to be United States District Judge for the Ninth Circuit, and Richard W. Story to be United States District Judge for the Northern District of Georgia.

Following that debate, as previously ordered, the Senate will recess from 12:30 p.m. to 2:15 p.m. for the weekly policy luncheons to meet.

As ordered, at 2:15 p.m. the Senate will begin a series of rollcall votes on the aforementioned judicial nominations.

Following those votes, the Senate will be in a period for the transaction of morning business with Senator COVERDELL or his designee in control of the first 90 minutes, and Senator DASCHLE or his designee in control of the next 90 minutes.

As a reminder to all Members, the Senate will not be in session on Friday, and no rollcall votes will occur on Monday, February 2nd.

So I thank my colleagues for their attention.

MEASURE PLACED ON THE CALENDAR—S. 1575

Mr. HATCH. Mr. President, I understand that there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will report.

The legislative clerk read as follows:

A bill (S. 1575) to rename the Washington National Airport in the District of Columbia and Virginia as the ''Ronald Reagan National Airport.''

Mr. HATCH. Mr. President, I object to further proceedings on this bill at this point.

The PRESIDING OFFICER. The bill will be placed directly on the calendar.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider en bloc Executive Calendar Order Nos. 454, 486, 488, which the clerk will now report.

THE JUDICIARY

The legislative clerk read the nomination of Ann L. Aiken, of Oregon, to be United States District Judge for the District of Oregon, the nomination of Barry G. Silverman, of Arizona, to be United States Circuit Judge for the Ninth Circuit, and the nomination of Richard W. Story, of Georgia, to be United States District Judge for the Northern District of Georgia.

The Senate proceeded to consider the nominations.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to support the nomination of Ann Aiken to the federal district bench in Oregon. I know too that my distinguished colleagues from that State, Senators SMITH and WYDEN, wholeheartedly support this nominee.

And it is no wonder that Judge Aiken enjoys their support. She has served as a state district and circuit court judge for nearly a decade. Before that, she worked in private practice and had extensive involvement in Oregon statehouse politics. Perhaps most significantly, she is the mother of 5 children. As the father of 6 myself, I can think of no better preparation for the bench than first having served as the referee of a large family.

I plan to discuss in greater detail why I intend to support Judge Aiken's nomination, but first, I would like to address some of the concerns that have been expressed with respect to the Senate's role in the confirmation of federal judges. As Chairman of the Senate Judiciary Committee, one of the most important duties I fulfill is in screening judicial nominees. Indeed, the Constitution itself obligates the Senate to

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

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provide the President with advice concerning his nominees and to consent to their ultimate confirmation. Although some have complained about the pace at which the Senate has moved on judicial nominees, I would note that this body has undertaken its constitutional obligation in a wholly appropriate fashion. Indeed, the first matter to come before the Senate this session are the confirmation of three of President Clinton's judicial nominees. Senator LOTT is to be commended for giving these nominees early attention. As well, the Judiciary Committee has already announced judicial confirmation hearings for February 4 and February 25.

In 1997, the first session of the 105th Congress, the Senate confirmed 36 judges. This is only slightly behind the historical average of 41 judges confirmed during the first sessions in each of the last five Congresses. And, I would note, the Judiciary Committee itself processed 47 nominees—including the three judges we will be considering today.

Keep in mind that the Clinton Administration is on record as having stated that 63 vacancies—a vacancy rate just over 7%—is considered virtual full employment of the federal judiciary. The current vacancy rate—88 vacancies—is a vacancy rate of approximately 10%. Some of those vacancies occurred after the Senate recess last year, however. How can a rise in the vacancy rate—from 7% to 10%—convert ''full employment'' into a ''crisis''? Although we can always do better, this is a record of which I am proud.

I would further add that there are currently 32 vacancies for which the Committee has yet to receive a nomination. As hard as I work, I have never been able to confirm a person that has not yet been nominated. And I have to say that there were more vacancies just up until a few days ago.

This is a point, gone largely unnoticed by the popular press, that Chief Justice Rehnquist recently made in his Annual Report on the Judiciary. In that report he urged, among other things, that certain judicial vacancies be filled. I would ask you to compare today's 88 judicial vacancies with the record of a Democratic Senate during President Bush's presidency. In May 1992 there were 117 vacancies on the federal bench. And, interestingly enough, the Chief Justice made basically the same remarks back in 1992 that he did this past month. The only real difference that I can see, however, is that in the days immediately following the Chief Justice's remarks we have a plethora of media acting as though there were some big crisis developing basically fomented by the White House and some down at the Justice Department. I might say that in the days immediately following Chief Justice Rehnquist's criticism back in 1992 when there was a Democrat Congress, there were only a handful of newspapers who even bothered to report on the judicial vacancy issue even though there were 117 vacancies during that period of time, and even more. At one time in 1991 there were 148 vacancies, and hardly a peep out of the media, or hardly a peep out of any of the so-called ''critics'' of today. So it seems that when a Republican President confronted a Democrat Senate on the issue of judicial vacancies the press seemed to be considerably less interested.

That I think is the state of affairs in Washington. We are all used to it. But I just wanted to point that out because I think it is pretty fallacious to blame the Senate when in many instances we don't have any nominees to fill the position, especially when some of the nominees who came over had problems from the last Congress as well.

And the number of vacancies is not nearly as problematic as it might appear, at first blush. In fact, there are more sitting federal judges today than there were throughout virtually all of the Reagan and Bush administrations. As of today, there are 756 active federal judges. In addition, there are 432 senior judges who must, by law, hear cases, albeit with a reduced load but nevertheless taking the burden off of the sitting full-time judges. Ordinarily, when a judge decides to leave the bench, she does not completely retire, but instead takes senior status. A judge who takes senior status, as opposed to a judge who completely retires, must hear a certain number of cases each year. Thus, when a judge leaves the bench, she does not stop working altogether, she merely takes a somewhat reduced caseload. Even in the ninth circuit, which has ten vacancies, only one judge has actually stopped hearing cases; the other have taken senior status and are still hearing cases. The total pool of federal judges available to hear cases is 1,188—a record number of federal judges. So this so-called ''crisis'' has been fomented, frankly, by partisan people at the White House and some at the Justice Department, and, frankly, it is beneath their dignity to do this. I will say that there is room for improvement, and certainly we on the Judiciary Committee want to do everything we can to improve it. I hope that those who manage the floor will feel the same way and do the same thing.

And some in the media have failed to read completely the Chief Justice's report, or, if they ignored all of the other aspects of the report.

In fact, his report centered on the problem of judicial workload—not judicial vacancies. He went on to compliment the Senate for enacting habeas corpus and prison litigation reform, two of the bills that I have pushed hard for. The Chief observed that these two vital reforms, which I sponsored, will greatly reduce the federal courts' workload. He also asked Congress to curb federal jurisdiction and to provide better pay for federal judges. I think we may be able to make progress on both those fronts this session in addition to moving qualified judicial nominees.

I was disappointed to read in the Washington Post a week or so ago that the Clinton White House, ''galvanized by the critique by Chief Justice Rehnquist,'' has tapped communications director Ann Lewis to head a ''fullscale political confrontation'' over judicial appointments. [Washington Post, Jan. 16, 1998]. According to the Post, part of the so-called ''campaign'' plan is to paint Republicans as anti-women and anti-minority.

There is no depth to which they will stoop in trying to win political points down there. Frankly, I don't think the American people buy that.

This is certainly a poor way to begin what I hope will turn out to be a cooperative effort to confirm federal judges. We should not play race or gender politics with judges, and I personally resent that. I have never considered, much less kept track of, the race or gender of the nominees that have been submitted for the Committee's approval. And I don't think anyone else does. I oppose, and support, nominees on the basis of their professional qualifications and their commitment to uphold the rule of law—their commitment or lack of commitment. In the final analysis, all that matters is whether a nominee will make a good judge. I hope this is the standard the White House uses as well.

Nor will the Judiciary Committee, under my stewardship, push nominees through just for the sake of filling vacancies. Only recently, after the Judiciary Committee had expeditiously reviewed and held hearings on two nominees, did information surface that caused one of those nominees to withdraw and that places the other nominee's confirmation prospects in jeopardy. There is a good deal of background research that must be done by the Judiciary Committee before we can send a nominee to the floor. If the Committee fails to do the groundwork, it fails the Senate, and prevents this body from fulfilling its constitutional duty.

And it is no secret that Senators rely on us doing this duty in a bipartisan way, and I believe for the most part we have.

The reality, of course, is that the Republican Senate has confirmed the vast majority of President Clinton's judicial nominees. Even the Washington Post expressed dismay over the administration's efforts to politicize the nominations process, writing on its editorial page that the campaign could ''grind the nominations process to a halt.''

So I urge the White House to reconsider their plans to politicize the Federal judiciary and the process because, if they do, I think they are going to have nothing but problems up here. I would like to help them. I would like to be cooperative. I would like to make sure that good nominees get through expeditiously and in the best way.

Last year I sought to steer the confirmation process in a way that kept it a fair and principled one and exercised what I felt was the appropriate degree of deference to the President's judicial selections and appointees. It is in this spirit of fairness that I will vote to confirm Judge Aiken.

Conducting a fair confirmation process, however, does not mean granting the President carte blanche in filling the Federal judiciary. It means assuring that those who are confirmed will uphold the Constitution and abide by the rule of law.

Based upon the committee's review of her record, I believe Ann Aiken to be such a person. Now, Judge Aiken likely would not be my choice if I were sitting in the Oval Office, but the President has seen fit to nominate her. She has the bipartisan support of both Senators from Oregon, and the review conducted by my committee suggests that she understands the proper role of a judge in our Federal system and will abide by the rule of law. She has personally assured me that she will, which goes a long way towards obtaining my vote here today.

I will also state that both Senators have actively advocated in her behalf, especially the distinguished junior Senator from Oregon, Mr. SMITH. He has continuously fought for her—fought for her right to have her nomination hearing, fought for her right to be heard in that hearing, and fought for her right to be passed out of the committee and on to the floor. I notice that he is here today to fight for her confirmation on the floor.

Based on the committee's review of the record, I believe that Judge Aiken is a good choice. In fact, when asked whether there were any so-called constitutional rights that existed independent of the Constitution itself, Judge Aiken replied ''No, sir. The Constitution is one of the most elegantly written documents. The words of the Constitution are clear. It expresses the rights that are given. I find no need to look beyond those express words and the document itself.''

This is precisely the type of answer I would expect of any Federal judicial nominee. Of course, sometimes people say things they do not mean. But I am willing to give this nominee as well as any nominee the benefit of the doubt unless the evidence is overwhelmingly to the contrary.

It is also significant to me that when asked what judge or justice has most influenced her thinking, she replied, ''Justice Felix Frankfurter, because of his staunch adherence to the principle of judicial restraint and his reluctance to substitute the inclinations of the court for the express will of the legislature.''

She has demonstrated to me that she understands the proper role of a Federal judge in our constitutional system. But more than that, it is important that a judge give more than lip service to principles of judicial restraint. Rather, a good judge will internalize and abide by those principles. I have no reason to believe that Judge Aiken will not do precisely that.

Moreover, I do not think anyone seriously believes that Judge Aiken is not qualified to sit on the Federal bench. She is currently a judge on the Oregon circuit court. She attended the University of Oregon both for her undergraduate and juris doctorate degrees, and she received a master's degree from Rutgers University. Prior to her appointment to the bench, Judge Aiken practiced largely in the area of domestic relations law. She focused on child custody, foster care and family preservation cases. As anyone who has ever engaged in the practice of law knows, domestic disputes of this type truly require the wisdom of Solomon.

In sum, I join Senators SMITH and WYDEN in supporting this nominee and once again ask the White House to work with, not against, the Senate in seeking out qualified individuals to serve on the Federal bench.

With that, I notice my colleague, the ranking member on the committee, is here, and I will yield the floor.

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

Mr. SMITH of Oregon addressed the Chair.

Mr. LEAHY. Mr. President, I do want to respond. If the Senator from Oregon could withhold and let me put this quorum call in for just a moment, I am then going to call it off.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, the Chief Justice of the U.S. Supreme Court has spoken out forcefully on the judicial vacancy crisis that is plaguing our Federal courts. He is correct that: ''Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the Federal judiciary.''

Partisan and narrow ideological efforts to impose political litmus tests on judicial nominees and shut down the judiciary have to stop. They hold no place, whether you have a Democrat as President or a Republican as President. The judiciary should not be part of a partisan or ideological power struggle. And I think that all of us as Senators in the most powerful democracy history has ever known have a stake in keeping an independent judiciary.

Now, we begin 1998 still facing vacancies of about one out of every 10 judgeships. More than a third of these are what are called judicial emergencies. They have been empty for more than a year and a half. Unfortunately, during the last 3 years in the Senate, under the control of my friends across the aisle, the Senate has barely matched the 1-year total of judges confirmed in 1994 when we were on course to end the vacancy gap.

In the 1996 session, the Senate confirmed only 17 judges, none for the Federal courts of appeals. We began last year with the Chief Justice of the United States Supreme Court expressing in the year-end 1996 report on the Federal judiciary his ''hope'' that the Senate would ''recognize that filling judicial vacancies is crucial to the fair and effective administration of justice.''

Through the course of last year, at virtually each meeting of the Judiciary Committee, certainly at each confirmation hearing, and in a number of statements on the Senate floor, I urged the Senate and the Republican leadership and those responsible for holding up much-needed judges to abandon what I saw as ill-advised efforts.

In July, seven national lawyer organizations spoke out. In August, the Attorney General spoke about the ''vacancy crisis that has left so many Americans waiting for justice,'' and ''the unprecedented slowdown of the confirmation process'' and its ''very real and very detrimental impacts on all parts of our justice system.''

Last September, the President of the United States pointed out the dangers of partisan politics infecting the confirmation process. He called upon the Senate to fulfill its constitutional duty and end ''the intimidation, the delay, the shrill voices.''

In his 1997 year-end report, Chief Justice Rehnquist focused again on the problems of ''too few judges and too much work.'' He noted the vacancy crisis and the persistence of 26 judiciary emergency vacancies, and he observed: ''Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994.''

Last night in his State of the Union Address the President of the United States again returned to the matter of the vacancy crisis and the need to provide the courts with the judges and other resources they need effectively to administer Federal criminal and civil justice across the country. The President did more than talk yesterday. He also sent us another dozen judicial nominees to help fill the vacancies. That brings to 54 the number of judicial nominees that are pending currently before the Senate.

The Senate still has pending before it 11 nominees who were first nominated 2 years ago, including five who have been pending since 1995. We are finally going to vote on one of them this afternoon, Judge Ann L. Aiken.

I see my good friend, the Senator from Oregon, Mr. WYDEN, in the Chamber. I must say, Mr. President, as much as I like Senator WYDEN, it got to the point that I almost hated to see him

coming down the hall because he pounded so often on me: ''Let's get this fine woman confirmed.'' He has been doing this year after year. He has expressed to me and to other Senators and to the leadership of the Judiciary Committee: ''Let's get this woman confirmed.'' And he has expressed to me how well qualified she is, how superbly qualified she is. He has made his case with passion and with integrity, which is his nature. I say to him, while I am always hesitant to predict any vote, I suspect that she is going to be confirmed overwhelmingly today, and I applaud the Senator for not giving up, I applaud the Senator from Oregon for not giving up all those years that he fought so hard to get her here. I know that both he and the other Senator from Oregon, who is also in the Chamber, Mr. SMITH, will be voting for her with great enthusiasm.

But there remains no excuse for the Senate's delay in considering the nominations of such outstanding individuals as Prof. William A. Fletcher, Judge James A. Beaty, Jr., Judge Richard A. Paez, M. Margaret McKeown, Susan Oki Mollway, Margaret M. Morrow, Clarence J. Sundram, Anabelle Rodriguez, Michael D. Schattman, and Hilda G. Tagle.

I mention these people because all of these nominees have been waiting at least 18 months, some more than 2 years, for Senate action.

Last year the Senate confirmed 36 judges, but that has to be seen in relation to the 120 vacancies through the course of the year and the 55 judgeships in addition to the current vacancies that the Judicial Conference urged Congress to authorize in order to meet the workload demand of all of the new laws that we have passed and, of course, a growing country.

Last year's confirmations did not approach the 58 judges confirmed in the 1995 session or even keep up with the vacancies that came from normal attrition.

Last year the President sent us 79 judicial nominations. The Senate completed action on fewer than half of them. The percentage of judicial nominees confirmed over the course of last year was lower than for any Congress over the last three decades, possibly any time in our history. Left pending were 42 judicial nominees, including 21 to fill judicial emergencies.

Last year the Senate never reduced its backlog of pending judicial nominees below 20 and at the end of the year had a backlog of over 40 nominees. With the dozen additional nominees received yesterday, the Senate's backlog of nominees as we begin the year has topped 50. The Administration is demonstrating its resolve to nominate good people to fill these vacancies. They are doing their job.

It is up to the Senate now to do its job. Have the hearings. Vote them up or vote them down. Just don't leave them in limbo. If we don't like the nominee that the President has sent up, then vote him or her down. We are used to voting around here. We can do that very easily. But don't leave them sitting there never knowing what is going to happen.

In connection with the President's national radio address last September 27, we finally quickened the pace of judicial confirmations, and during the last 9 weeks of the Senate's last session the Senate held five confirmation hearings and confirmed 27 judges. I compliment the chairman of the Senate Judiciary Committee for making that possible.

In response to the criticism of the Chief Justice, though, the chairman has argued that the Senate is on a steady course and making steady progress. But it was only in the last 9 weeks of the last session that we were able to achieve a pace that can make a difference. I urge my good friend, the chairman—and he is my good friend—to help the Senate maintain that pace this year.

If we can maintain the same pace we had in the last 9 weeks of the last session, we can end the judicial vacancy crisis that now threatens the administration of justice by our Federal courts. I will commit myself to work with him in any way he wants to do that—have hearings on weekends, hearings in the evening, whatever he chooses—so that we can go forward and maintain the same pace. I compliment the chairman for the pace of those last few weeks. I urge him to do the same for this year. That is the challenge that lies before us as Congress begins anew.

The Chief Justice compared the past 2 years of Senate inaction to the record of the 1994 session. That was a Democrat-controlled Senate. We worked hard to consider and confirm 101 judges, including a Supreme Court Justice. To make a difference, however, the Senate this year, 1998, need only maintain the pace it reached last fall, 27 judges every 9 weeks. That really should be the measure of the Senate's effort this year. Do what we did at the end of the session last year, do it throughout this year, and we in the Senate can make a difference for the judicial system.

It will be easy to monitor our progress. Any week in which the Senate does not confirm three judges is a week in which the Senate is failing to address the vacancy crisis. Any fortnight in which we have gone without a judicial confirmation hearing marks 2 weeks in which we are falling farther behind.

I am delighted that the majority leader and the chairman of the Judiciary Committee have scheduled three nominees for consideration by the Senate today. I thank the majority leader and thank the Senator from Utah for their cooperation and attention to these matters. I look forward to prompt Senate consideration of the other five nominees if they are still pending on the Senate calendar. I would also be willing to bet that most of these nominees would not get even a tiny handful of votes against them and that they are going to pass overwhelmingly.

I note that the chairman of the Judiciary Committee has noticed a judiciary hearing for next week. This notice, and what is happening today, are positive developments. They are signs that the Senate is taking to heart its constitutional duty to consider judicial nominees without further delay. While I hope it does not hurt him on his side of the aisle, I want to commend the Senator from Utah for his actions. I suspect if the two of us were allowed, without any of the political pressures on either side, to work this out, we could probably move ahead more quickly.

But the warning from the Chief Justice in his year-end report is more than a question of numbers. This is the responsibility every Senator has, Republican or Democrat. Our responsibility first and foremost is to the country, not to individual parties. Our solemn oath is to uphold the Constitution of the United States. That is what should motivate every one of us here. We have to look at this country, the greatest exercise of democracy history has ever seen, the most powerful democracy history has ever known, and recognize that it stays that way because of the checks and balances between the legislative, judiciary and executive branches. A hallmark of that has been the independence, throughout our 200-plus year history, of the Federal judiciary. If we allow this to become a partisan football, this confirmation of judges, then the independence and the integrity of the Federal judiciary is being threatened.

The nominations backlog that perpetuates a judicial vacancies crisis is a function of the targeting of the judicial branch. It was the executive branch that was targeted and shut down 2 years ago. Pressure groups—and it is a fact—within the right wing of the Republican Party have been formed and money has been raised to the cry of ''killing'' Clinton judicial nominations. That would be just as wrong if the same thing was being done by ideological groups seeking to kill a Republican President's nominations. Constitutional amendments to undercut the independence of the judiciary have been introduced. Ideological impeachments have been threatened. The Republican leadership in the House speaks openly about seeking to ''intimidate'' Federal judges.

The confirmation process is not immune from politics, but a particularly virulent strain has now infected this body and has politicized the process to the point of paralysis, and this threatens the integrity and the independence of the judiciary. It encumbers the judicial confirmation process. In too many courts, judges delayed means justice denied. Without judges, courts cannot try cases, they cannot sentence the guilty or cannot resolve civil disputes.

For more than 200 years a strong and independent Federal judiciary has served as a bulwark against overreaching by the political branches of the Government. It has been the protector of our constitutional rights and liberties. True conservatives should want nothing more than a truly independent judiciary, because it is the bulwark of our individual freedoms.

I hope this new year will bring the realization by those who have started down this destructive path of attacking the judiciary and stalling the confirmation of qualified nominees to the Federal bench that those efforts do not serve the national interest. I hope we can remove these important matters from partisan, ideological politics. I hope today will move us forward in the interests of the fair administration of justice.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Oregon.

Mr. HATCH. Will the Senator yield to me for just a couple of additional remarks, and then I will yield to the distinguished Senator?

Mr. SMITH of Oregon. I will.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I feel I should make a few more remarks here, because I would not want this day to pass without mentioning Barry Silverman, who is one of the judges nominated for the Ninth Circuit Court of Appeals, and, of course, Richard Wayne Story, who was nominated for the Northern District of Georgia. Each of these nominees has the support of his home State Senators and each is well qualified for the Federal bench. So I want our colleagues to know that.

Barry Glen Silverman was nominated for United States Court of Appeals for the Ninth Circuit. He graduated summa cum laude in 1973 and got his J.D. in 1976 from Arizona State University. He is currently a U.S. Magistrate Judge in the U.S. District Court for the District of Arizona. He has served as a Superior Court Judge both in Phoenix and Maricopa Counties, and he has also served as a prosecutor in Phoenix.

He is the recipient of numerous awards including the 1991 Henry Stevens Award, which recognizes trial judges who represent the finer qualities of the judiciary.

His nomination is not the least bit controversial, and he is supported by Senators KYL and MCCAIN.

Richard Wayne Story has been nominated for United States District Court for the Northern District of Georgia. He received his B.A. in English from LaGrange College in 1975, and his J.D. from the University of Georgia in 1978. He is presently a sitting judge on the Superior Court bench in the Northeastern Circuit of Dawson and Hall Counties of Georgia. Prior to that he served as Juvenile Court Judge and as a part-time Special Assistant Attorney General for the State of Georgia. He was also a member of the firm of Kenyon, Hulsey, and Oliver for eight years.

His nomination is not controversial, and he is supported by Senator COVERDELL and Senator CLELAND.

So I hope that our colleagues will vote for all three of these judges. I think all three of them deserve support. We will move on from there.

I yield to my colleague from Oregon.

The PRESIDING OFFICER. How much time does the Senator yield to the Senator from Oregon?

Mr. HATCH. I yield 10 minutes. How much time is remaining to both Senators?

The PRESIDING OFFICER. Each side has approximately 40 minutes.

Mr. HATCH. I yield such time as the Senator needs, but at least 10 minutes.

Mr. SMITH of Oregon. Mr. President, colleagues, I rise today in support of the nomination of Judge Ann Aiken to the Federal district bench in Oregon.

Before I comment on her nomination, though, I would like to thank and compliment my friend, the distinguished chairman of the Judiciary Committee, Senator HATCH. I have gone to him repeatedly about the three vacancies in the State of Oregon and the challenges they create in our judicial process. Since my time here, against some opposition, Senator HATCH has in every instance acted responsibly, and helped me to move the Oregon nominees along so we can fill these vacancies and get rid of a considerable backlog that we have in our State.

I would also like to thank the majority leader for scheduling a vote today so we can vote up or down on this and other nominations. And I would like to thank my colleague, RON WYDEN, who, before my admission to this body, was laboring here on behalf of Judge Aiken.

To my colleagues on the Republican side, those who may have a question about the qualifications or the decisions or the political leanings of Judge Aiken, I would like to point out to you the impressive list of letters and phone calls I have received from both Democrats and Republicans on her behalf. They include Senator Mark O. Hatfield; Senator WYDEN; Deanna Smith, chair of the Oregon Republican Party; Mark Abrams, the chairman of the Oregon Democratic Party; John Kitzhaber, the Governor of Oregon; Hardy Meyers, Oregon Attorney General; Jack Roberts, Oregon Republican State Labor Commissioner; five former Governors of both parties; 20 former presidents of the Oregon Bar Association; the Oregon Association of District Attorneys; the Oregon State Police Officers Association; the Lane County Peace Officers Association; the Eugene Police Employees' Association; and all the presiding judges under whom Judge Aiken has served. It is an impressive list of people, all attesting to her worthiness and qualification to be a Federal judge.

I believe that they based their decision to support Judge Aiken for the very reason I based mine—on her very impressive record of public service. She has served the people of Oregon both on and off the bench through her dedication to the health and safety of children in Oregon and throughout our country. She has served on numerous councils and boards of directors. To note a few, she was recently elected to the board of the National Network of Child Advocacy Centers. She is a current member of the National Council of Juvenile and Family Court Judges. She is a current member of the Relief Nursery board of directors. This charitable institution is particularly near and dear to my heart and is a private organization that provides preschool classes, parent education and respite care for families at risk for child abuse. This organization reaches out to all at risk children and families in our communities, and Judge Ann Aiken is a champion of this private-public partnership.

In addition, since 1993 she has been a member of the Task Force on Child Fatalities and Critical Injuries, and a member of the Lane County Domestic Violence Council.

While I have not served on these councils with Judge Aiken, I would like to take a moment to explain why I believe that she is an excellent nominee for the U.S. District Court for Oregon.

I first came to know Judge Aiken in 1994. We were both appointed by a Democratic Governor to serve on the Governor's Commission on Juvenile Justice when I was the Senate Minority Leader in our State legislature. I worked with her on this commission to address the issue of juvenile crime. Among a handful of appointees, she stood out as a superstar. I was impressed with her fairness, her experience, and her insight as to how we can work to help the people of our state, particularly our young children.

Over the course of the next election cycle, I became the Oregon State Senate President. And with her involvement, and the work of this commission, we produced a bill called Senate bill 1. It produced some of the toughest juvenile crime laws in this country.

Since that time, Oregon has revisited the whole issue of crime in a dramatic way through a number of ballot initiatives and legislative actions—and crime is falling in my State. Although these initiatives occurred after 1995, Judge Aiken has been tough on crime throughout her career, and I would encourage my colleagues to review her record of strict sentencing practices.

In 1993, Judge Aiken sentenced a 28-year-old woman who was involved with a brutal beating and murder of a 70-year-old man to 20 years in prison—twice the amount of time as was called for by the Oregon state sentencing guidelines.

In 1995, Judge Aiken sentenced a repeat child molester to the maximum sentence of 58 years in prison.

In 1995, Judge Aiken sentenced a 43-year-old man to 31 years for felony sex

abuse crimes involving two girls aged 7 and 9, invoking a law that permits judges to double the prison term normally afforded by State sentencing guidelines in cases with aggravating circumstances.

Before our recess, my friend and colleague from Wyoming, Senator ENZI, raised some concern about one particular case that troubled him. I will admit to you that it troubles me. But I want Senator ENZI and all of my colleagues to know that their criticism of Judge Aiken in this case should not be of her but of the Oregon law that applied at that time, because she followed the law. And some of my colleagues, frankly, appropriately, criticize judges who become frustrated legislators and use their judicial robes to write new law. Judge Aiken simply did not do that. She followed the Oregon law.

It involved a very horrible case. It involved a circumstance where a man, 26 years old, Ronny Lee Dye, was convicted of first-degree rape of a 5-year-old child and was sentenced to 90 days in jail and 5 years of probation plus the payment of a $2,000 fine.

With the judicial guidelines that she had to operate within, she had a choice to make. She could send him directly to prison to serve out a 5-year sentence or she could put him in a county facility where he would receive sex-offender treatment. She made a judgment. Her judgment was that the society of Oregon would be better served if this man had treatment. You can call that into question now, but she followed the law.

Later, this man was arrested for drunk driving and ultimately served a 5-year term in prison.

I ask myself in this case, however, would I have made that call? Maybe not. But she did. And she did it according to the direction of the Oregon guidelines that were given to her. But my complaint was with the law that allowed that, not with her discretion in trying to establish what was in the best interests of society and justice.

Finally, Mr. President, I note that one of the reasons that Judge Aiken appeals to me as a person and as a judge is a reason very personal. As I have come to know this woman, I have come to know this mother of five sons, and she is a good mother.

I am one of 10 children. My mother has five sons. And while my mother did not always act perfectly on the issues of justice and mercy, she acted nearly so. And it seems to me that what I see in her are some of the qualities that I would want on the Federal bench. Because a mother of five sons knows how to arbitrate family difficulties and what it means to raise honorable citizens to serve in our society.

So I ask my colleagues to see this woman's record in its totality—-not by the outcome of one case. I would never come to this floor and advocate for anyone who was soft on crime. And if this woman's record indicated that, I would not support her in this effort today. But it does not. It represents a person who is tough on crime, who has served to make her State's laws tougher and who has a record of putting away violent people for a long time.

I wish that one case were different, but it is not. But the man has served prison time and has received sex-offender treatment. And now the issue is, should we confirm Ann L. Aiken to the United States district court? I say affirmatively and with conviction, yes.

I ask for your support of her and thank the President for this time.

I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, from the time controlled by Senator LEAHY, I yield myself up to 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. WYDEN. Thank you very much, Mr. President.

Mr. President, I come to the floor today to speak in support of a superb State judge, a pillar in her community, a devoted mother of five wonderful sons and a personal friend, an individual who I believe will make an outstanding Federal district judge, Judge Ann L. Aiken.

Let me begin by expressing my thanks and gratitude to the Senate Judiciary Committee and particularly to Chairman HATCH and the ranking Democrat, Senator LEAHY. Both Chairman HATCH and Senator LEAHY carry an enormous workload, and I want to express my appreciation to both of them for all the time and good counsel that they have given Senator SMITH and myself with respect to Oregon's needs on the Federal bench.

I especially want to thank at this time my colleague from Oregon, Senator SMITH, for his truly extraordinary efforts on behalf of Judge Aiken. I think this Senate can see from Senator SMITH's eloquence and his commitment to Judge Aiken how strongly he feels about this appointment. He has made extensive efforts with our colleagues to ensure that Judge Aiken would be before the U.S. Senate.

I want to express my appreciation to Senator SMITH for all of those efforts on Judge Aiken's behalf and to join Chairman HATCH in saying that I do not believe we could be here today without the extraordinary work of Senator SMITH. I want him to know how much I appreciate those efforts. He knows Judge Aiken extremely well. Those joint efforts date back for years, as Senator SMITH has stated, and it has been a pleasure to work with him on this, dating back to the days when he was president of the Oregon State Senate.

Also at this time, I want to thank Congressman PETER DEFAZIO, a personal friend of Judge Aiken's who has worked with her on many important community activities. Congressman DEFAZIO has been a vociferous advocate of Judge Aiken's candidacy, and he has done a good job of keeping the debate focused on getting Judge Aiken to this point. And I want to express my appreciation to him.

Mr. President, Judge Aiken's journey to be considered on the floor of the Senate has been a long one, and not just in terms of the 3,000 miles she traveled from Oregon for those confirmation hearings.

Her journey formally began in 1994, when I put together a bipartisan group of Oregonians to review her qualifications.

In January of 1995, I recommended to President Clinton, with the strong bipartisan support of the Oregon congressional delegation, that Ann Aiken be named to the Federal bench.

As Senator SMITH has noted, Judge Aiken's support for this nomination spans the political spectrum. Liberals are for Judge Aiken, conservatives are for Judge Aiken, moderates are for Judge Aiken, Democrats, Republicans; across all political boundaries, Oregonians have lined up behind this outstanding judge.

It is my view that these many endorsements are pouring in because of the hard work and thoroughness that has marked Ann Aiken's career to date. And I would especially like to reference her work on crime.

Mr. President, and colleagues, this is an especially important issue to me. Before I came to the U.S. Congress, first as a Member of the House, I was co-director of the Oregon Gray Panthers, a senior citizens group. And I found that many of these older folks were afraid to have meetings after 4 or 5 at night because of their fear of crime. And so I vowed, as a Member of Congress, that I would put a specific focus on law-enforcement issues in my service in the Congress.

As a Member of the House, I joined Senator SPECTER in authoring the career criminal law, a law which prescribes tough punishments and no parole sentences for career criminals.

Last Congress, I joined Senator HATCH in his efforts, his yeoman's work, to deal with the scourge of methamphetamines. And I have repeatedly—repeatedly—voted to impose the death penalty on heinous crimes in our society.

So I take a back seat to no individual with respect to support for tough law enforcement. And I want to tell my colleagues in the U.S. Senate that Judge Aiken did not win all that support from law-enforcement groups in Oregon by accident. She won the support of the Association of District Attorneys and the Police Officers' Association because of her toughness on crime.

As my colleague, Senator SMITH, has noted this morning, repeatedly she has sought to impose the toughest possible sentences. And because Judge Aiken has a true mastery of the Oregon sentencing guidelines, she frequently is able to impose sentences that are significantly longer than any other judge on the bench.

She has worked for a new approach to juvenile justice that ensures that young people who commit crimes have to face consequences. It would change the juvenile justice system as we know it. Youngsters would understand that the justice system is based on personal responsibility and individual accountability when they perpetrate those offenses. And the changes that have been made came about because Judge Aiken worked on a bipartisan basis with leaders of our State like Senator SMITH to get that done.

So she did not win all that support from law enforcement by accident. And she would not have the bipartisan support of her two U.S. Senators today were it not for the fact that she took a tough and fair approach with respect to law enforcement.

Judge Aiken is also a person who knows how to squeeze an hour out of a minute. Not only does she maintain a rigorous judicial schedule, but the list of task forces that she has chaired and the boards on which she has served number in the dozens. She has been on the board of directors of Court-Appointed Special Advocates (CASA), a program in which we take special pride in our State because it allows us to advocate for young people in our society and focus on trying to help them get their lives on track.

On top of all this, somehow she finds time to be a caring and involved mother for her five boys. How she manages to juggle all these activities is beyond my comprehension, but the fact that she can serve as a judge, a community leader, and a devoted mom all simultaneously is yet more evidence of her fitness and her ability to serve as an outstanding Federal district judge.

Ann Aiken is also an expert on family law. She has been a leader in the founding of a model program for youngsters known as the Relief Nursery. In that effort, she has brought together leaders from across her community to help families that were about to crack apart. Recently in fact, the successes of the Relief Nursery in keeping families together were profiled by Peter Jennings on World News Tonight.

I am certain that Judge Aiken will bring to the Federal bench the same fairness, toughness and integrity that she has brought to her work as a State judge and a specialist in family law. And I am certain that Judge Aiken will bring to the Federal court the intellect, intensity and drive that has made her one of our State's most respected jurists.

Let me wrap up by saying, as Senator SMITH has touched on as well, this nomination is particularly important since Oregon already has two vacancies on the district bench and will be facing a third in April of this year. Failure to fill these openings in a timely manner is going to put an enormous strain on the Federal courts in Oregon. It is time to act and time to act swiftly.

My colleagues, you have before you a tough judge and a fair one, one committed to seeing that justice is carried out in an impartial way no matter what the accusation is. She is going to make an exceptional Federal judge. She will bring honor to her community and her country. Therefore I urge you, as Senator SMITH has, that the Senate move today on the candidacy of Judge Ann Aiken. She is a judge of extraordinary ability. She has earned this post.

I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself up to 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. ENZI. Mr. President, I rise to oppose the nomination of Judge Ann Aiken as the district court judge for the district of Oregon. I asked for a rollcall vote because I want to be on record as opposing this nominee. I put a hold on this nominee before we left on recess, with adequate time, I assure, for a rollcall vote. I made that a public, not a secret, hold. I wanted anyone interested in the case to know that I wanted a rollcall vote. I know that message got out. I was told that a rollcall vote would be OK, and I am sorry that there was not time or sufficient people around to have a rollcall vote prior to the time that we left.

I did make a statement on the judge, and I want to reiterate some of my concerns. While I do not question Judge Aiken's experience or academic qualification to sit on the Federal bench, I do have serious concerns about her judicial philosophy as she applied it as a State trial judge in Oregon.

One particular case has been mentioned this morning, and I appreciate the extra information that has been passed out at this time. That particularly tragic case perhaps best illustrates my concern, and I have looked at five other cases as well that I don't have more information on. In the case of the State v. Ronny Lee Dye, a 26-year-old man was convicted, convicted, of first-degree rape—first-degree rape—of a young 5-year-old girl. Instead of sentencing this convicted rapist to State prison, Judge Aiken sentenced him to 90 days in jail and 5 years probation, plus a $2,000 fine. The other option was 5 years in prison.

There was concern about whether there would be enough rehabilitation in prison. The option was there for 5 years in prison and the effort to get a rehabilitation program in that prison. If I were the parents of a 5-year-old child that was raped and knew the convicted rapist could receive between 90 days and 5 years, I would have serious concerns about anybody who voted for that judge. Out of a concern for those parents, I am opposed to this nomination. According to the local papers, Judge Aiken did not want to sentence Dye to State prison because the prison did not have a sex-offender rehabilitation program. There are folks out in my part of the country that would insist on some other kind of rehabilitation. Moreover, she believed that probation following the jail term provided a stricter supervision than the parole that would have followed a prison sentence. Less than 1 year after his conviction for rape, Dye violated his parole by driving under the influence of alcohol and having contact with minor children without permission of his probation officer. I believe Judge Aiken's handling of this case and others illustrates an inclination towards an unjustified leniency for convicted criminals.

Mr. President, I do not pretend to be able to predict with any degree of accuracy how this nominee or any other will rule while on the Federal bench. In exercising our solemn constitutional duty to advise and consent on the President's nominations for the Federal courts, we have only the past action, statements and writings to guide our deliberations. Moreover—and this is one of my big concerns—since Federal judges have life tenure and salary protection for the rest of their lives while they are in office, we have but one opportunity to voice our concerns and disapproval of a judge's record.

Now, I understand that she has been repentant of what she did at an early time in her judgeship. But I have got to tell you that I think that we give out Federal judgeships for service, not for repentance. We talk about law and order. We have to back up that law and order through the court system as well, not just with words in this Chamber.

I, for one, cannot vote to confirm a nominee to the Federal court who I believe is inclined to substitute his or her personal policy preferences to those of the U.S. Congress or any other State legislature. I have strong concerns that Judge Aiken, if confirmed, would be inclined to this type of judicial activism. For this reason, I asked for a rollcall vote.

I appreciate the opportunity for me to go on record as being against the confirmation of Judge Aiken.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. I thank my colleague from Wyoming for this exchange this morning, and appreciate the genuineness of his concern.

I simply rise to say that Judge Aiken has admitted that early in her career that was a judgment she made, under the statute and within the guidelines, and that in hindsight she would have made a different decision. I simply say that to judge her entire career on the basis of this one case would not be fair. It would not be fair to her, would not be fair to my State, and I think would not be fair to the judicial system of the United States.

I think Caren Tracy, who has served as a local prosecutor in many cases in Judge Aiken's courtroom best describes her strict sentencing practices by stating, ''With regard to crimes of

violence, violations of trust relationships, and crimes against children, Judge Aiken delivers sentences that include periods of incarceration that are significantly longer than any other judge on the Lane County Circuit Court Bench. She has a mastery of the Oregon sentencing guidelines which enables her to ensure maximum incarceration for individuals deserving of such sentence. Sentences of thirty to forty years for child sex offenders and criminals who commit acts of violence are the norm for her courtroom. I never have any concerns, as a prosecutor, coming before her for sentencings on significant crimes. The bottom line is she is not a light hitter.''

I believe that statement reflects Judge Aiken's career in its totality and reflects her commitment to serving justice. I encourage my colleagues to support her nomination and am confident that she will reflect credit upon this country and reflect credit on the criminal justice system.

I yield the floor.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak up to 10 additional minutes on Senator LEAHY's time.

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

Mr. WYDEN. Let me also join in the remarks expressed by my colleague, Senator SMITH, with respect to our colleague from Wyoming. I know he is sincere in his views.

I will talk about what Judge Aiken faced with respect to that Dye case. Judge Aiken had two choices in front of her. Neither were ideal. She chose the one that in hindsight would be different than the one that Senator SMITH and I would have chosen. Both of us have been concerned about the case. To her credit—in my view, to her great credit—Judge Aiken has indicated to Senator SMITH and me that she would have handled that case differently. Her commitment to tough law enforcement has been proven because since that case she has been a tough judge. She has often exceeded the sentencing guidelines, and she has shown that she is going to be capable of great growth as a judge.

I say to our friend from Wyoming, who among us as new Members of the U.S. Senate would not possibly take back a vote early in our career? We are constantly faced with tough decisions in the U.S. Senate, decisions where you have before you a couple of choices, neither of them being ideal. Judge Ann Aiken, in the Dye case, tried to make the call to the best of her ability. In my view, even more importantly, she showed great growth, she showed a willingness to evaluate the facts in light of additional time and additional opportunities to consider her decision.

So we are then faced with the question: Do you throw out the prospect of an outstanding career on the Federal bench because of one case, one case where an individual has said, ''If I could do it again, I would have done it differently''? We wouldn't say a Member of this body should be excluded from the possibility of further service in the Senate because they would have cast one vote differently had they had the choice. We evaluate Members of the U.S. Senate on the totality of their records. On the totality of her record, Judge Aiken is an outstanding individual, an individual who will be tough on crime when she serves on the Federal bench.

Mr. President, I see Chairman HATCH is on the floor. I know he had to leave the floor during our earlier remarks. I express to him my personal gratitude for all of the help and effort he has given Senator SMITH and me on this matter again and again. Chairman HATCH has about as hefty a workload as you can imagine for a human being, but he has made time to assist Senator SMITH and me. We are very appreciative of all the good counsel and help you have given us as new Members of the U.S. Senate.

In closing, I especially want to express my appreciation to him for that help and counsel.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I thank my colleague for his kind remarks. They mean a lot to me because this job of being Judiciary chairman isn't all a piece of cake, as anybody can see. I personally appreciate those kind remarks.

I want to compliment both of the Senators from Oregon for their active work on behalf of Judge Aiken. Without their work, I don't think Judge Aiken would be here today. I personally express that so that she will fully appreciate how hard the Senators from Oregon have worked. They have certainly, along with Judge Aiken, convinced me that she will make an excellent judge. I intend to fully support her. I hope my colleagues will also.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. I rise today to state my opposition to the nomination of Ann Aiken to be United States District Judge for the District of Oregon, and to note my support for the other two judges the Senate will consider today.

My principal basis for opposition to Judge Aiken's nomination is her sentencing decision in *State* v. *Ronny Lee Dye*. After finding defendant, 26, guilty of raping a 5-year-old girl, Aiken sentenced defendant to 90 days in jail, rather than substantial prison time, which was also an option under Oregon law.

As troubling as this sentencing decision is, her explanation of the decision is worse. She has explained that with a jail sentence she could ensure that Dye would receive psychological counseling, but she could not guarantee counseling if he went to prison. I find this type of social engineering from the bench troubling. The focus on what best serves the convicted rapist's needs should not be the basis of a sentencing decision. I doubt that this is the kind of decision the people of Oregon want to leave to judges.

This decision is not ancient history or a rookie mistake. Judge Aiken made this unjustifiable sentencing decision in 1993, in the middle of her fifth year on the bench.

Let me be clear about one thing: This is not the worst nominee the President has sent to the Senate. There have been other nominees that pose even greater problems. The Senate will likely consider one in just a few weeks, Judge Frederica Massiah-Jackson of Philadelphia.

Judge Massiah-Jackson has used the language's worst profanity in open court, she has demonstrated leniency in sentencing and hostility to law enforcement, and in recent weeks, she has drawn the opposition of important local law enforcement officers of the Democratic Party, like Lynne Abraham, the Philadelphia District Attorney.

Ann Aiken is not as troubling a nominee as Frederica Massiah-Jackson. But that should not be the standard. We need to raise the bar on the President's judicial nominees. America deserves better. The Constitution vests the Senate with the critical responsibility to advise the President with respect to his judicial nominees and in appropriate cases to give its consent. I take that responsibility seriously.

The President is capable of making quality judicial appointments and, when he does so, he deserves the Senate's consent. The two other nominees we will vote on today—Richard Story (for the Northern District of Georgia) and Barry Silverman (for the 9th Circuit Court of Appeals)—both appear to be well-qualified nominees, and I plan to vote in favor of both.

However, I will vote against the Aiken nomination. For me, the bottom line is this: As we embark on a congressional session in which we plan to put the emphasis on protecting families and cracking down on violent crime, we should not begin the year by confirming a judge who sentenced a child rapist to 90 days in jail. We can demand more of the President's judicial nominees. The people of this country deserve better.

Mr. HATCH. Mr. President, I would like to respond briefly to the comments of Senator ASHCROFT on Judge Aiken's record. Senator SMITH, I believe, has already amply defended Judge Aiken's record. I want to add a few comments of my own here, if I can. My colleagues, Senators ENZI and ASHCROFT, have rightly criticized Judge Aiken for her ruling in the Dye case, in which during her first month on the circuit court bench, she gave the defendant what appears to be a fairly light sentence for the molestation of a 5-year-old girl. I agree with the criticisms of Judge Aiken's decision. She did indicate that she imposed the sentence in order for the defendant to receive treatment. In her opinion,

treatment was the only way she could prevent this individual from repeating his heinous crimes.

I seriously question the wisdom of her decision. But to her credit, Judge Aiken stated that if she had to do it all over again, she would have imposed a lengthy prison term. She recognized her mistake and she learned from it, and it was made in the early tenure of her judgeship.

A review of her record since the Dye case suggests that she has more than learned from this original error. I know, too, that some are troubled by Judge Aiken's comment to a young, violent criminal that he was ''a victim of the community's lack of intervention.'' Well, what often gets lost in this criticism is that Judge Aiken also sentenced this defendant who had robbed people and threatened to kill them to the maximum range of penalties allowed under the Oregon guidelines. Given Judge Aiken's background in family law, her comment was not as unreasonable as some might think it seems.

So the question for the Senate is whether, in the face of a relatively clear record as a State judge and the overwhelming bipartisan support of the Oregon delegation, the Oregon bar, her colleagues on the bench, and the people of Oregon, the Senate should defeat this nominee because of one or two errant cases. I have to say, I think not. I hope none of us are going to be judged on one or two mistakes we might have made in our lifetimes. To the extent that these cases raise questions—and they do raise serious questions—I do not believe a strong case can be made that Judge Aiken has a record of exceeding the proper bounds of judicial authority or that she will attempt to legislate from the bench or act otherwise as an activist judge. Accordingly, I will vote to confirm Judge Aiken, and I urge all of my colleagues to do the same.

Now, in addition, I have had personal conversations with Judge Aiken, and I have to say she has impressed me greatly as someone who I think will act very properly on the Federal district bench. I agree with both Senators that she is going to be a very strong anticrime judge. I think her record shows that, in spite of these what some call ''discrepancies,'' to which I think legitimate criticism can be lodged, I don't know of many judges who have been on the bench very long that somebody can't find some criticism to lodge against them, because judges sit in judgment. They have to ''split the baby,'' so to speak, and make some decisions. In almost every case, somebody is going to be unhappy with their decision. If a judge ever shows leniency in this day and age, they are going to be subject to criticism by some. If the judge is too tough, that judge is going to get criticism from others. One side or the other is always going to find some fault.

But in this particular case, she more than adequately explains the situation. In the first case, the Dye case, she admitted that if she had to do it all over again, she would have decided the case differently. Keep in mind that all people in the early tenures of their work life generally stumble and make a few mistakes. That is what happened here. But you have to judge these judges, and all nominees who may not be judges, on the totality of their lives' work and the totality of what they have done and not just defeat judges on the basis of one or two things with which we might legitimately disagree, especially when the judge has indicated a willingness to change and do things differently in the future.

There is no doubt that the judge erred in the Dye case. It was wrong to sentence the criminal to only 3 months in prison. But you have to Judge Aiken on her whole record. She has more than adequately explained that, as far as I am concerned.

We are definitely going to have some votes on judges this year where there will be real, legitimate reasons to oppose them, and the administration knows that. They understand that when they send some of these folks up, there might be opposition. But I don't think the opposition is justified against this judge. On the other hand, I respect my colleagues who feel otherwise, but I hope that our fellow Senators will vote for Judge Aiken.

UNANIMOUS CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that at 2:15 p.m. today, the Senate proceed to executive session and a vote on the confirmation of the nomination of Calendar No. 454, Ann Aiken. I further ask consent that immediately following that vote, Executive Calendar Nos. 486 and 488 be confirmed and the motions to reconsider be laid upon the table and the President be notified of the Senate's action and the Senate then return to legislative session.

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

Mr. HATCH. All Senators should now be aware that there will be one rollcall vote beginning at 2:15 this afternoon. In order to accommodate a number of Senators' schedules, the remaining nominations will be confirmed without a rollcall vote. I thank all Members for their cooperation in this matter.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I ask for the yeas and nays on the Aikens nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, there has not been much conversation about one of the judicial nominees pending before us. I did want to make a few comments on his behalf. The reason for the lack of comments is that I believe he has the unanimous, bipartisan support of everyone here in the body. And I appreciate that because I, too, enthusiastically endorse the nomination of U.S. Magistrate Judge Barry Silverman of the State of Arizona to the Ninth Circuit Court of Appeals, and I would like to make a few comments on his behalf at this point.

Judge Silverman brings a proven judicial track record to this position. For the past 2½ years he has served as a magistrate judge on the United States District Court for the District of Arizona, my home State. For over 10 years prior to that, he was a superior court judge in Maricopa County. While on the superior court bench, he rendered superior service in all aspects of his civil, criminal, juvenile and domestic relations assignments.

In addition to his time on the bench, Judge Silverman spent 5 years as court commissioner for the Superior Court of Arizona, Maricopa County.

Throughout his distinguished judicial career, Judge Silverman has earned the respect and admiration of fellow judges and the advocates who have appeared in his courtroom. For example, in 1991, Judge Silverman received the Henry Stevens Award, which is given annually by the Maricopa County Bar Association to the current or former Arizona trial judge ''who reflects the finest qualities of the judiciary.''

Similarly, in 1994, the Maricopa County Committee on Judicial Performance indicated that Judge Silverman received the highest percentage of superior ratings from lawyers, litigants, witnesses, and court staff in all categories of performance reviewed.

Also, in 1994, Judge Silverman's court division was honored as the judicial division of the year by the Maricopa County Superior Court Recognition Committee.

Incidentally, I should say that Maricopa County is the county in which Phoenix is located, the capital of our State.

In addition to his regular judicial duties, Judge Silverman has advanced the legal profession through service on the Supreme Court of Arizona Judicial Ethics and Advisory Committee, the Committee on Judicial Education and Training, and the Committee on Professionalism. He also chaired a Committee to Study the Criminal Justice

System in the Arizona Superior Court in 1993, and the Governor's Committee on Child Support Guidelines.

Judge Silverman has shown his commitment to the United States Constitution and the rule of law by cofounding the Sandra Day O'Connor Prize for Excellence in Constitutional Law at the Arizona State University College of Law.

Judge Silverman's academic credentials are equally impressive. He graduated summa cum laude from the Arizona State University College of Law in 1976 and was subsequently honored by his alma mater twice, once in 1994, when the college of law presented him with its ''Outstanding Alumnus Award,'' and again in 1997 when he received the prestigious ''Dean's Award.''

In short, Mr. President, I believe Judge Silverman meets the highest of standards required for our Federal judges, and I have been very privileged to support his nomination as it has proceeded through the process and come to the floor of the Senate. I urge all of my colleagues to support the nomination of Judge Barry Silverman for the Ninth Circuit Court of Appeals.

Allow me to conclude, Mr. President, with this observation. It has been a pleasure to work with the White House on this nomination. From the time that his name came forward, they worked diligently to conclude the FBI process, which does take some time. We received from the White House the Sunday before Congress adjourned in November the file for Judge Silverman and the committee was able to get that file in 1 day, the following Monday.

ORRIN HATCH, the chairman of the Judiciary Committee, who has been criticized for holding up some nominees, I must say, deserves a great deal of credit here for personally conducting the hearing for Judge Silverman. And then the following day—this is now 3 days after we received the file—scheduling an executive session of the committee so that we could send his nomination to the full Senate floor.

Chairman HATCH and I then requested the majority leader on the last day of the session in November to clear this nomination so that the ninth circuit could receive him and have his services. Unfortunately, the democratic leader was not able to clear Judge Silverman on the democratic side and therefore about 2½ months, unnecessarily, the ninth circuit was without a judge in this particular position. But I am particularly pleased that he is before us today and that we will very soon have an opportunity to vote and to confirm Judge Silverman for the Ninth Circuit Court of Appeals.

Mrs. BOXER. Mr. President, I am very glad that we are moving forward with judges today. We all hear, as we are growing up, that, ''Justice delayed is justice denied,'' and we have, in many of our courts, vacancies that have gone on for a year, 2 years, and in many cases it is getting to the crisis level. So I am pleased that we will be voting. I think, whether the delays are on the Republican side or the Democratic side, let these names come up, let us have debate, let us vote.

In that regard, I am looking forward to having our debate on the nominee I had recommended to President Clinton, Margaret Morrow, who has the strong support of Senator HATCH, many Republicans on the Judiciary Committee, and I am very hopeful we can get that nomination resolved.

I know that our leaders had agreed that vote would take place before the February recess and I will be speaking with both leaders to find out a date certain.

ORDER OF PROCEDURE

Mr. KYL. Mr. President, at this time I ask unanimous consent that immediately following the vote at 2:15 and confirmation of the two additional nominations, there be a period of morning business with Senators permitted to speak for up to 5 minutes each. I further ask unanimous consent that at 3 o'clock p.m. today Senator COVERDELL be recognized as under the previous order for 90 minutes, to be followed by Senator DASCHLE or his designee for 90 minutes.

Mrs. BOXER. Reserving the right to object, will the Senator amend his request to give the Senator from California 5 minutes at this time?

Mr. KYL. Mr. President, I have no objection. If under the previous order that is permitted, it's fine with me.

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

WITHDRAWAL OF COSPONSORSHIP—S. 1028

Mrs. BOXER. Mr. President, I ask unanimous consent that my name be removed from S. 1028 as a cosponsor of that legislation.

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

Mrs. BOXER. Thank you very much, Mr. President. This is a forest bill that is very controversial. After I placed my name on it a study came out that basically, in my opinion, led me to believe that the bill in its current form would not be good for the Nation's forests.

STATE OF THE UNION—1998 AGENDA

Mrs. BOXER. Mr. President, last night we learned from our President that the state of the Union is the strongest it has been in decades. The ''misery index,'' that is inflation and interest rates combined, is at a 30-year low. Inflation is practically nonexistent. The Federal deficit is about to be eliminated. Over 14 million new jobs have been created in the last 7 years. We are seeing the lowest unemployment rate in a quarter of a century at 4.7 percent today. And we have seen the highest home ownership rate in history, nearly 6 million new homeowners since 1992.

The booming economy and the bright fiscal picture give us a wonderful opportunity to continue to support a balanced budget, but one with a heart and one that makes critical investments in important areas, many outlined by the President—education, health care, health research, the environment, anticrime efforts, child care and, of course, ensuring that Social Security will be fiscally sound well into the next century.

I am looking forward to working hard, on a bipartisan basis, with my colleagues as we write this budget. I am privileged to serve on the Budget Committee where we will take the first crack at crafting a Senate budget. I also sit on other committees that will carry through some of those priorities.

I want to point out just a couple of issues that the President talked about which are very near and dear, not only to my heart but, much more important, to the hearts of the people that I represent, the people of California.

This important issue is after-school care. It is a little-known fact that juvenile crime peaks up at 3 o'clock and begins to go down at 6 o'clock. So, between 3 and 6 our children need something to say ''yes'' to. They need mentoring. They need help with their homework. The after-school hours are an opportune time for business to come in and teach our young people about business, teach them computers and the many skills that they need to succeed.

I have written a bill that would set up some model after-school programs. I was debating, should I offer it in the context of education or should I offer it in the context of juvenile crime reduction. After-school programs both improve education and reduce juvenile crime.

The President is launching a huge initiative there. He is also calling for and end to social promotion, 100,000 new teachers to help our children, and something that is important, reducing class sizes in the early grades. We need to implement voluntary national standards and we must rebuild our crumbling schools and build the new schools of the 21st century. This President is on his way to being the true education President. I want us to be the true education Senate, and I very much look forward to the time we will spend on this Senate floor debating education.

The President is calling our attention to the current health care crisis. We took a giant step in helping our young people last year, by giving a block grant to the States. They are going to work on making sure our children are insured.

There is a big gap between the ages of 55 and 65, while people are waiting to get into Medicare, and the President proposes a pay-as-you-go system to handle some of those people, to allow

them to buy into Medicare. I want to emphasize this is a pay-as-you-go system. We have heard criticism that we can't do anything to expand Medicare without harming Medicare. I don't think there is anyone in the Senate who would do that. We want to make sure that anything that we put forward pays for itself.

The President also touched on the rights of health care consumers to get quality health care from HMOs. These health maintenance organizations often deliver care in a very efficient manner. The question is, is the quality there? I wrote a bill, the Health Care Consumers' Bill of Rights Act, which parallels a lot of what the President talked about. I hope we can enact a patient's bill of rights this year.

When I was in my State, I had the good fortune to meet with a gentleman named Harry Christie, who had a poignant story to tell. His daughter Carley at age 9 was diagnosed with a rare and aggressive form of kidney cancer. His HMO refused to allow him to take that child to a pediatric surgeon who specialized in this very delicate operation. So, Mr. Christie was faced with a terrible choice. What to do? He dug into his own pocket, he somehow got the thousands of dollars—$40,000 to be exact—to pay for Carley's operation. This story has a happy ending. Carley had the operation. She is 14 years old. She is cancer free. But only because her dad went against the HMO.

I don't want to see any other parent in America go through that torture. If there is a specialist available to handle a crisis, anyone in this country who has health insurance should be able to go to that specialist. That would be part of the patients' bill of rights.

I am ready to work with my colleagues to develop a consensus HMO reform bill that we can pass and send to the President for his signature. In the end, it doesn't matter whose name is on the bill. I do not care if it is a Democratic bill or a Republican bill. Our task is simply to get the job done. I look forward to working on this legislation and I hope the Majority Leader will schedule action on it this year. In my view, HMO reform must be a top priority of this session of Congress.

In the crime area, I will be urging my colleagues in the Senate to agree to legislation that will require all makers of handguns to include child safety locks in the weapons. The President proposed this last year, a number of manufacturers have voluntarily complied, but I want to ensure that all of them do.

I will also continue to make the case for my legislation to ban the manufacture and sale of ''junk guns'' or ''Saturday night specials'', which are cheap, poorly made guns that are so often used in the commission of crimes. I realize that the chances of such legislation passing are low, given the current makeup of the Congress, but I think that it is important to raise the issue, nevertheless.

As a member of the Environment and Public Works Committee, I will be working a number of bills that are of great importance to the people and communities of my state, including reforming the Superfund program to clean up contaminated sites across the country.

I will seek opportunities to enact my legislation, the ''Children's Environmental Protection Act'', which would require all of our environmental health and safety standards to be set at levels that would ensure protection of children, the elderly, and pregnant women, and other vulnerable groups. It would also require the EPA to establish a list of ''safer-for-children'' products such as pesticides and household cleaners, to give concerned consumers more information on the products found in all American households.

I also applaud and will work to enact the President's ''Clean Water Initiative'', which will provide substantial new resources to fulfill the promise of the Clean Water Act to give all Americans clean, safe lakes, rivers and coastal waters.

Sometime in the next few weeks, the Senate is expected to take up the transportation infrastructure bill—ISTEA—and I look forward to that debate. Californians are anxious to see quick action on that legislation, which provides funding for highway, transit, and other transportation projects throughout the state.

Last night, the President announced that his budget, which he will submit to Congress next week, will be in balance beginning in fiscal year 1999. The Budget Committee, of which I am a member, began its hearings on the state of the economy and the federal budget this morning. I believe that we can balance the budget next year, and I will work to ensure that it happens. Hopefully, we can start seeing budget surpluses in future years. But I want to be very clear about that: before we do anything else, we must ensure the integrity of the Social Security trust fund, so that baby boomers and future generations can count on getting the benefits for which they have contributed all their working lives.

Within the context of a balanced budget, I believe we have the resources for limited, targeted tax reduction. I will introduce a bill in the next few days to provide a tax deduction for the cost of buying health insurance to people whose employers do not provide health plans and for those who are unemployed.

There are many other issues I could go into. I see my friend Senator GRAMS is here. We just spent about an hour together in the Budget Committee. I am sure he has some valuable issues to lay out for the Senate. But I do think it is important to know—and I am putting it in very blunt terms—that although we celebrate a balanced budget, if it weren't for the surplus of Social Security that we are borrowing, we would still be in debt. It is time to pay back the Social Security trust fund. You know, there are many trust funds that we have, that we should pay back—they are much smaller than Social Security; we can do it easily—the Land and Water Conservation Fund, the Aviation Trust Fund, the Highway Trust Funds. Those are small. We can pay them back. But Social Security is large.

If you owe a debt to someone in life you have to pay him or her back. When I have young people standing up at my community meetings, looking me in the eye, who say, ''Can you tell me Social Security will be there when I need it? I'm 30 years old and I'm not sure.'' I tell them when I was 30 I wasn't sure Social Security would be there. But because of the policies of the Senators, the Congress, the Presidents of both parties, Social Security will be there for me and my family. ''I assure you,'' I said to this last gentleman that mentioned it, ''it will be there for you. But only if we heed what President Clinton said.''

We have to pay back the Social Security trust fund and then we will have something to be very proud of. We will look back at this time in our history and the people will say about us that we made the right investments in the right things. They paid dividends. They made our people strong and our country strong. And, yes, we saw a looming problem called Social Security and Medicare and we acted to shore up those funds to make sure that future generations will have what this generation has—peace and security.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent to be allowed to speak as in morning business for up to 10 minutes.

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

JUST FOUR DAYS FROM NOW: THE NUCLEAR WASTE STORAGE COUNTDOWN

Mr. GRAMS. Mr. President, the American taxpayers sat down last night to listen to their Chief Executive speak about the state of the union and the future of our country. Bill Clinton knows how to give a good speech, and as we have come to expect, last night's was filled with lots of proposals and promises and reminders of some of the successes of the past year.

It is true—our nation has seen some good times recently. By returning accountability to Washington, we have brought the Federal deficit under control and reduced unemployment to its lowest levels this decade. We have cut taxes for working families for the first time in 16 years. The markets have soared to all-time highs and the economy is churning out rewards for anyone willing to work. Americans are feeling good about their country and about their futures.

Unfortunately, their President failed to warn them last night—even once during his 75-minute speech—that many of the achievements he acknowledged are at risk, threatened by a Federal Government failure so massive that it may take the taxpayers years, even decades, to burrow out from underneath it. What could be so potentially devastating? The failure of the U.S. Department of Energy to begin accepting the Nation's spent commercial nuclear fuel.

And, Mr. President, the taxpayers will inherit the responsibility for that failure just 4 days from now.

After 16 years of denials, delays, and indifference on the part of the U.S. Department of Energy, combined with the politics of special interest groups, the American taxpayers are about to find themselves saddled with the liability for our Nation's nuclear waste. It is a liability they do not deserve, and one they most certainly cannot afford.

The clock has been ticking relentlessly for 16 years, and on Saturday night, at midnight, the clock will finally run out on the taxpayers on this issue. After a decade and a half of playing ''cat-and-mouse'' with the Congress and the courts, it appears as though the DOE may be successful in ducking out of its responsibility. But that can only happen if Congress allows this Administration to get away with it unchallenged.

Mr. President, I stand before you today to pledge that this Senator will not let that happen.

For 16 years, the public has been assured that by January 31st, 1998, just 4 days from now, the Federal Government would take responsibility for storage of the Nation's commercial spent nuclear fuel. Since enactment of the Nuclear Waste Policy Act of 1982, energy ratepayers have been charged a one-mill fee per kilowatt-hour in exchange for this ''promise.'' Each dollar collected is from a consumer located in one of the 34 States that benefit from nuclear energy. Only those who benefit from the lower-cost nuclear power—not the general public—would supposedly fund the waste storage.

Dutifully, ratepayers around the country have paid their fees—to the tune of some $13 billion. For Minnesota alone, this translates into more than $271 million. For 16 years, these fees have poured into the Nuclear Waste Fund based upon a legal—and contractual—obligation that the waste would be removed.

Today, with $7 billion of those ratepayer dollars already spent, the waste is piling up. Nobody at the DOE wants it, nobody at the DOE is prepared to claim it, and because there is no place to put it, nobody at the DOE would be ready to take it by January 31 anyway. Again, that is just 4 days from now.

At the same time, energy consumers are pouring billions into the waste fund, ratepayers and utilities are continuing to pay for on-site storage at more than 70 commercial nuclear plants throughout the country.

In other words, ratepayers are being forced to pay twice for nuclear waste storage, all because the Department of Energy has failed to meet its legal obligations to the American people.

As troubling as this expensive delay has been, that fact alone is not the greatest affront to the American public. What I find most troubling is the financial risk the DOE has dumped at the feet of the taxpayers, because suddenly, every one of them will soon be on the hook for the nuclear waste debacle.

Since coming to Congress in 1993, I have watched the Energy Department play a protracted game of ''would not, could not, should not'' with the States, the ratepayers, and the Congress. It is a bob-and-weave strategy the DOE has had 16 years to perfect.

In 1994, the DOE argued that it would not accept the nuclear waste by 1998 because the law did not require it to do so. At that time, Minnesota was threatened with a premature shutdown of its Prairie Island nuclear facility, again, due to a lack of on-site storage. The DOE's claim exacerbated an already difficult situation for the State legislature and Minnesota residents, as the State faced the very real possibility it would lose up to 30 percent of its energy resources.

But the Energy Department's flippant response at the time was, ''It's your problem, not ours.''

And so the States went to court. They sued and they won. In July of 1996, the DC Circuit Court of Appeals ruled that the nuclear waste was the DOE's problem and that the January 31st deadline did apply. When the DOE argued that they would not take the waste, the court told them, ''yes, you will.''

Over the next few months, the DOE was silent on the issue. And so the States wrote to the department asking of its plans to comply with the court decision. The following month, the Department of Energy responded by writing to utilities soliciting their ideas on how they would cope with a failure by the agency to meet the deadline. Having exhausted the ''would not'' argument, the DOE was now arguing in essence that they ''could not'' comply with the law.

In June of 1997, the DOE, in direct defiance of the 1996 court order, again asserted that delay was unavoidable due to ''acts of Government in its sovereign capacity,'' and once again made it the States' and utilities problem, not theirs.

So back to court went the States and utilities.

Last November, the DC Circuit Court of Appeals, the same court that ruled the year before, again affirmed that the Department of Energy's obligation to accept the nuclear waste. The panel stated explicitly that the federal government could not surrender its responsibility or liability, and alluded to whether the DOE was putting the taxpayers on the hook for its failure to comply.

Mr. President, the estimates of potential damages and awards have put the dollar figure as high as $80 billion, and some believe it could go significantly higher. That is a public bailout of immense proportions that would rival the savings and loan bailout.

It was never the intent of Congress to put the taxpayers at risk when it enacted the Nuclear Waste Policy Act of 1982. Nor is that the desire of the 34 States that have nuclear waste stored on-site; they would rather see the waste removed so the production of low-cost power can continue. Still, the Energy Department persists in opposing the people at every turn.

Mr. President, on December 29th, 1997, just a few weeks ago, the Department of Energy filed a ''Petition for Rehearing'' in an effort to nullify the earlier court rulings. This most recent stunt by the DOE reflects their new position that they ''should not'' be held responsible—technically or financially—primarily because these lawsuits have been heard in the wrong court.

After the DOE's cries of ''would not, could not, should not,'' it is now up to Congress to respond in the positive: we will protect the taxpayers; and we can develop a solution for resolving the nuclear waste storage crisis; and we must enact the Nuclear Waste Policy Act of 1997 as soon as possible, legislation I have coauthored with my friends and colleagues, Senators CRAIG and MURKOWSKI.

Mr. President, our legislation would set in motion the implementation of a timely and environmentally sound waste solution, and was adopted by overwhelming, bipartisan votes last year in the Senate and House. Nevertheless, with conferee appointments pending, a veto threat from the administration may yet derail the bill. So once again, the Department of Energy is blocking the will of the people.

The taxpayers have the most to lose if the Department of Energy prevails and we accept the status quo. These are hard-working Americans who have to keep a budget and account for their spending, and they expect the Federal Government to exercise that same accountability with their tax dollars as well. With so many Government agencies and programs fighting for limited funds, how can the taxpayers possibly afford a multi-billion-dollar bailout of the Energy Department? How can the Nation's energy consumers afford additional on-site storage, early decommissioning costs, alternative fuel purchases to compensate for lost power? How can they afford refinancing the billions wasted from the Nuclear Waste Fund? How will the economy handle the loss of jobs and productivity that will certainly follow when energy costs begin to soar and generating facilities begin to shut down?

How is it possible that all of this will be set into motion just 4 days from now, and yet it did not merit a single sentence in the President's State of the Union Address last night?

The President last night also failed to mention that these costs will be borne as much by grandma and grandpa as they will by any corporate executives or Members of Congress. He did not mention that nuclear power is a fuel that burns nothing, thereby helping us achieve cleaner air and a better environment. He failed to mention that the costs of his global warming treaty will be even higher for every American if we continue to shut down nuclear power plants in favor of coal-burning technologies. And most regrettably, he failed to offer any kind of explanation into why his administration supports the Department of Energy as they unlawfully stick it to the American taxpayers.

While the DOE waits, and hides behind courtroom appeals, and shirks its responsibilities that it is legally bound to accept, Americans across our country can expect yet more rate increases and yet higher taxes from a government that is either too afraid or too incompetent to act.

How can we face ourselves come Sunday morning—just 4 days from today—if we simply step back and quietly allow this to happen? We could not, we should not, and we will not.

So finally, Mr. President, I urge my colleagues to reassure their constituents that come midnight on Saturday, the people will not be forgotten, that they will return to Washington next week and fulfill their oath to protect the taxpayers and ensure that their Government fulfills its obligation to them, and that we will never allow such a failure to happen again.

Thank you very much, Mr. President. And I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

There being no objection, at 12:51 p.m., the Senate recessed until 2:15; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ROBERTS).

EXECUTIVE SESSION

THE JUDICIARY

VOTE ON NOMINATION OF ANN L. AIKEN

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Ann L. Aiken, of Oregon, to be United States District Judge for the District of Oregon? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. FAIRCLOTH] would vote ''no.''

Mr. FORD. I announce that the Senator from Illinois [Mrs. DURBIN] and the Senator from Illinois [Ms. MOSELEY-BRAUN] are necessarily absent.

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

The result was announced— yeas 67, nays 30, as follows:

[Rollcall Vote No. 1 Ex.]

YEAS—67

Akaka	Feinstein	Mikulski
Baucus	Ford	Moynihan
Bennett	Glenn	Murray
Biden	Gorton	Reed
Bingaman	Graham	Reid
Boxer	Harkin	Robb
Breaux	Hatch	Rockefeller
Bryan	Hollings	Roth
Bumpers	Inouye	Santorum
Byrd	Jeffords	Sarbanes
Campbell	Johnson	Sessions
Chafee	Kempthorne	Shelby
Cleland	Kennedy	Smith (OR)
Coats	Kerrey	Specter
Cochran	Kerry	Stevens
Collins	Kohl	Thomas
Conrad	Landrieu	Thompson
Daschle	Lautenberg	Thurmond
DeWine	Leahy	Torricelli
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden
Dorgan	Lugar	
Feingold	Mack	

NAYS—30

Abraham	Frist	Kyl
Allard	Gramm	Lott
Ashcroft	Grams	McCain
Bond	Grassley	McConnell
Brownback	Gregg	Murkowski
Burns	Hagel	Nickles
Coverdell	Helms	Roberts
Craig	Hutchinson	Smith (NH)
D'Amato	Hutchison	Snowe
Enzi	Inhofe	Warner

NOT VOTING—3

Durbin	Faircloth	Moseley-Braun

The nomination was confirmed.

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

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

The motion to lay on the table was agreed to.

VOTE ON NOMINATIONS OF BARRY G. SILVERMAN AND RICHARD W. STORY

The PRESIDING OFFICER. The question is on the confirmations, en bloc, of Barry G. Silverman, of Arizona, to be a circuit judge of the ninth circuit, and Richard W. Story, of Georgia, to be a district judge for the Northern District of Georgia.

The nominations were confirmed.

Mr. LEAHY. Mr. President, I am delighted that we have finally broken the logjam on Ninth Circuit vacancies. Judge Silverman is the first judge to be confirmed to this Court in two years. In the meantime, the Court has been suffering from vacancies amounting to more than one-third of the authorized judgeships for the court and had to cancel over 600 arguments last year.

I congratulate Judge Silverman and his family and thank Senator KYL for his cooperation in this effort. I hope that we will move forward promptly to consider the nominations of Judge Richard Paez, Professor William Fletcher, Margaret McKeown and the others needed to staff this important court.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

JUDICIAL NOMINATIONS

Mr. KENNEDY. Mr. President, I was unable to make my comments earlier involving the consideration and approval of the various judges. I would like to address the Senate for a few moments on this particular issue and, most importantly, to express the strong support for the three nominations that have just been confirmed by the Senate.

Judge Silverman has served with distinction for the past three years on the federal district court in Arizona and will be an impressive member of the 9th Circuit Court of Appeals. Judge Richard Story, has served as a state court judge for many years, and will do an excellent job on the United States District Court in Northern Georgia.

I am particularly pleased that at long last the Senate is allowed to consider the nomination of Judge Ann Aiken. She is an outstanding choice for the federal district court in Oregon. For the past decade, she has served with distinction as a state court judge—first on the district court and, for the past five years on the circuit court. She is widely respected in Oregon for her service to her community. She received the Woman of Achievement award in 1993 from the Oregon Commission for Women. The U.S. Department of Justice honored her in 1994 for her leadership in helping victims of crime.

But despite her impressive qualifications, her nomination has been stonewalled by Republicans in the Senate for more than two years.

On the average, it is taking twice as long for Senate Republicans to confirm President Clinton's nominees as it took for Democrats to act on President Bush's nominations to the federal courts.

For women, the problem is especially serious. Women nominated to federal judgeships are being subjected to greater delays by Senate Republicans than men.

So far in this Republican Congress, women nominated to our federal courts are four times—four times—more likely than men to be held up by the Republican Senate for more than a year.

Last year, the Senate confirmed 30 men, but only 6 women. So only 17 percent of the nominees that the Republican leadership brought before the Senate were women—half as many as President Clinton nominated.

The country is paying a heavy price for this obstruction. Citizens can't get their day in court, because the Republican Senate is playing politics with the courts and preventing needed judicial positions from being filled.

When even a Republican Chief Justice criticizes the Republican Congress, you know something's wrong.

Chief Justice Rehnquist issued his annual year-end report on the State of the Judiciary last month, and he sharply criticized the Republican Senate for refusing to move more quickly to confirm judges.

The Chief Justice is deeply concerned about the high number of judicial vacancies on the federal courts. There are too few judges to handle the workload.

The Republican bottleneck in the Senate is jeopardizing the court system and undermining the quality of justice. Of the 77 judicial nominations pending last year, only 36 were confirmed—less than half. Eleven have been awaiting action for over 18 months.

That's a scandal. Nominees deserve a vote. If our Republican colleagues don't like them, vote against them. But don't just sit on them—that's obstruction of justice.

Free and full debate over judicial nominations is healthy. The Constitution is clear that only individuals acceptable to both the President and the Senate should be confirmed. The President and the Senate do not always agree. But we should resolve these disagreements by voting on these nominees—yes or no. As Chief Justice Rehnquist said in his annual report, ''The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time it should vote'' up or down.

Some Republicans claim they are protecting the federal courts from ''judicial activism.'' But this argument is a smokescreen. If President Clinton is actually nominating judicial activists, then why is it that these nominees are approved almost unanimously when the Senate is finally allowed to vote on them?

Eric Clay's nomination to the Sixth Circuit Court of Appeals was held up in the Senate for more than 15 months. He was finally confirmed—unanimously—by voice vote.

Joseph Battalion—President Clinton's nominee to the District Court of Nebraska—was held up for 17 months. Then he, too, finally passed the Senate on a voice vote.

Other nominees were confirmed by overwhelming votes, but only after long delays. Katherine Sweeney Hayden was confirmed to the District Court in New Jersey by a vote of 97–0. Ronald L. Gilman's nomination to the Sixth Circuit Court of Appeals and Janet C. Hall's nomination to the District Court of Connecticut were each confirmed by a vote of 98–1.

The closest vote we have had on any of President Clinton's judicial nominees was 76 to 23 in favor of confirmation.

Clearly, the Republicans' claim that Clinton judges are activist judges is a transparent smokescreen being used to slow down the confirmation process. The reason is obvious. The Republican majority in Congress is doing all it can to prevent a Democratic President from naming judges to the federal courts. The courts are suffering and so is the nation.

In some areas of the country, people have to wait years to have their cases even heard in court. And then they have to wait years more for overburdened judges to find time to reach their decisions. Families, workers, small businesses, women and minorities have traditionally looked to the courts to resolve disputes. The lack of federal judges makes the swift resolution of their cases impossible.

The number of cases filed in the federal appeals courts has grown by 11 percent over the last six years. The average time between filing and disposition has also increased. Courts with long-standing vacancies are in even worse shape.

In the District Court in Oregon, the court to which Ann Aiken has been nominated, the number of case filings has risen by nearly a third since 1990.

Another nominee, Margaret Morrow has been nominated to the federal district court in Los Angeles, and I hope we will consider her nomination next week. Since 1994, the caseload in that court has grown by 15 percent. The time people have to wait for their civil cases to be resolved has increased by 11 percent. In that district, over 300 pending civil cases are more than three years old.

Real people are being hurt. Consider the case of Rudy Boerseker, a 40-year-old mine worker in Illinois who was injured by poor maintenance of equipment. The facts of the case made clear that the accident resulted from the mining company's negligence. Yet Mr. Boerseker was finally forced to accept a settlement for less than half of what he would probably have received if the case had gone to trial.

He agreed to an unfair settlement, because he could not afford to wait the three or four years it would take for the case to be decided.

In the Southern District of Texas, 4,000 victims of a student loan scam are waiting for the outcome of a class action suit that has been pending for almost eight years.

In South Carolina, there is still no decision in a suit filed more than six years ago against the state's apportionment laws. The outcome of this case will affect hundreds of thousands of citizens. It goes to the heart of whether the basic constitutional principle of ''one person, one vote'' is being fairly applied.

In Southern Florida, Julio Vasquez—a U.S. citizen migrant worker—broke his leg in 1989 in a boarding house provided by his employer. To this day, nearly nine years later, Mr. Vasquez has never received sufficient medical attention, and his injury affects his ability to work. He is still waiting for the judge's ruling in his case.

In the District Court of Oregon, a five-million dollar judgment in favor a family business in a patent dispute with a Fortune 500 firm was tied up for more than a year because of the delays caused by two vacancies on the court.

These examples are typical victims of the vacancy crisis in the federal courts.

They are hard-working Americans injured on the job—citizens seeking to exercise their right to vote—students trying to get an education—small businesses denied their rights by large corporations.

It is time to end these delays and end these industries. It's a new year, and a new session, and I hope very much that our colleagues will turn over a new leaf and end these unreasonable, unacceptable, and unconscionable delays.

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to Section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1383), a Supplementary Notice of Proposed Rulemaking was submitted by the Office of Compliance, U.S. Congress. This Supplementary Notice requests further comment on proposed amendments to procedural rules previously adopted implementing various labor and employment and public access laws to covered employees within the Legislative Branch.

Section 304(b) requires this Notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

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

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: AMENDMENTS TO PROCEDURAL RULES

SUPPLEMENTARY NOTICE OF PROPOSED RULEMAKING

Summary: On October 1, 1997, the Executive Director of the Office of Compliance (''Office'') published a Notice of Proposed Rulemaking (''NPRM'') to amend the Procedural Rules of the Office of Compliance to cover the General Accounting Office (''GAO'') and the Library of Congress (''Library'') and their employees. 143 Cong. Rec. S10291 (daily ed. Oct. 1, 1997). The Congressional Accountability Act of 1995 (''CAA'') applies rights and protections of eleven labor, employment, and public access laws to the Legislative Branch. Sections 204–206 and 215 of the CAA, which apply rights and protections of the Employee Polygraph Protection Act of 1988 (''EPPA''), the Worker Adjustment and Retraining Notification Act (''WARN Act''), the Uniformed Services Employment and Reemployment Act of 1994 (''USERRA''), and the Occupational Safety and Health Act of 1970 (''OSHAct''), became effective with respect to GAO and the Library on December 30, 1997. The NPRM proposed to extend the Procedural Rules to cover GAO and the Library and their employees for purposes of: (1) proceedings relating to these sections 204–206 and 215, (2) proceedings relating to section

207 of the CAA, which prohibits intimidation and reprisal for the exercise of rights under the CAA, and (3) regulating ex parte communications.

In the only comments received in response to the NPRM, the Library questioned whether the CAA authorizes employees of the Library to initiate proceedings under the administrative and judicial procedures of the CAA alleging violations of sections 204–207 of the Act. The Office is publishing this Supplementary Notice of Proposed Rulemaking (this ''Notice'') to give the regulated community an opportunity to provide further comment on the questions raised by the Library's submission.

With respect to proceedings relating to section 215 of the CAA (OSHAct) and with respect to ex parte communications, a separate Notice of Adoption of Amendments is being prepared to extend the Procedural Rules to cover GAO and the Library and their employees and to respond to relevant portions of the Library's comments, and will be published shortly.

Dates: Comments are due within 30 days after the date of publication of this Notice.

Addresses: Submit comments in writing (an original and 10 copies) to the Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile (''FAX'') machine to (202) 426–1913. This is not a toll-free call.

Availability of comments for public review: Copies of comments received by the Office will be available for public review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This Notice will be made available in large print or braille or on computer disk upon request to the Office of Compliance.

SUPPLEMENTARY INFORMATION

The Congressional Accountability Act of 1995 (''CAA'' or the ''Act''), Pub. L. 104–1, 2 U.S.C. §§ 1301–1438, applies the rights and protections of eleven labor, employment, and public access laws to certain defined ''covered employees'' and ''employing offices'' in the Legislative Branch. The CAA expressly provides that GAO and the Library and their employees are included within the definitions of ''covered employees'' and ''employing offices'' for purposes of four sections of the Act:

(a) EPPA. Section 204, making applicable the rights and protections of the Employee Polygraph Protection Act of 1988 (''EPPA'')—in which subsection (a) generally prohibits an employing office from requiring a covered employee to take a lie detector test, regardless of whether the covered employee works in that employing office; and subsection (b) provides that the remedy for a violation shall be such legal and equitable relief as may be appropriate, including employment, reinstatement, promotion, and payment of lost wages and benefits.

(b) WARN Act. Section 205, making applicable the rights and protections of the Worker Adjustment and Retraining Notification Act (''WARN Act'')—in which subsection (a) prohibits the closure of an employing office or a mass layoff until 60 days after the employing office has served written notice on the covered employees or their representatives; and subsection (b) provides that the remedy for a violation shall generally be back pay and benefits for up to 60 days of violation.

(c) USERRA. Section 206, making applicable the rights and protections of section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994 (''USERRA'')—in which subsection (a) protects covered employees who serve in the military and other uniformed services against discrimination, denial of reemployment rights, and denial of benefits by employing offices; and subsection (b) provides that the remedy for a violation shall include requiring compliance, requiring compensation for lost wages or benefits and, in case of a willful violation, an equal amount as liquidated damages, and the use of the ''full equity powers'' of ''[t]he court'' to fully vindicate rights and benefits.

(d) OSHAct. Section 215, making applicable the rights and protections of the Occupational Safety and Health Act of 1970 (''OSHAct'')—in which subsection (a) protects the safety and health of covered employees from hazards in their places of employment; subsection (b) provides that the remedy for a violation shall be an order to correct the violation; and subsection (c) specifies procedures by which the Office of Compliance conducts inspections, issues and enforces citations, and grants variances.

Sections 204–206 and 215 go into effect by their own terms with respect to GAO and the Library one year after transmission to Congress of the study under section 230 of the CAA. The Board of Directors of the Office (''Board'') transmitted its study (the ''Section 230 Study'') to Congress on December 30, 1996, and sections 204–206 and 215 therefore went into effect at GAO and the Library on December 30, 1997.

The NPRM proposed to extend the Procedural Rules of the Office, which govern the consideration and resolution of alleged violations of the CAA, to cover GAO and the Library and their employees in four respects:

(1) Sections 401–408 of the CAA establish administrative and judicial procedures for considering alleged violations of part A of Title II of the CAA, which includes sections 204–206, and the Procedural Rules detail the procedures administered by the Office under sections 401–406. On the premise that GAO and the Library and their employees are covered by the statutory procedures of sections 401–408 when there is an allegation that sections 204–206 have been violated, the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of a violation of these sections.

(2) Section 207 prohibits employing offices from intimidating or taking reprisal against any covered employee for exercising rights under the CAA. On the premise that GAO and the Library and their employees are covered under section 207, as well as under the statutory procedures of sections 401–408 when there is an allegation that section 207 has been violated, the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of intimidation or reprisal prohibited under section 207.

(3) Section 215 specifies the procedures by which the Office conducts inspections, issues citations, grants variances, and otherwise enforces section 215, and the Procedural Rules detail the procedures administered by the Office under that section. As these statutory procedures are part of section 215, which expressly covers GAO and the Library and their employees, the NPRM proposed to extend the Procedural Rules to cover these instrumentalities and employees for purposes of proceedings under section 215.

(4) Section 9.04 of the Procedural Rules, which regulates ex parte communications, includes within its coverage any covered employee and employing office ''who is or may reasonably be expected to be involved in a proceeding or rulemaking.'' As GAO and the Library and their employees may reasonably be expected to be involved in proceedings and rulemakings, the NPRM proposed to extend the Procedural Rules to cover these instrumentalities and employees for purposes of section 9.04.

As to proceedings under section 215 of the CAA (OSHAct) and *ex parte* communications, the Library's comments argue that the Library should not now come under the Office's Procedural Rules generally or under the Rules relating to section 215 proceedings specifically. After considering those arguments, the Executive Director, with the approval of the Board, has decided to amend the Procedural Rules to cover GAO and the Library and their employees with respect to proceedings under section 215 and *ex parte* communications, and a NOTICE OF ADOPTION OF AMENDMENTS to accomplish this and to respond to relevant portions of the Library's comments is being prepared and will be published shortly.

However, as to whether CAA procedures cover GAO and the Library and their employees for purposes of resolving disputes under sections 204–207, the Library's comments raise issues of statutory interpretation upon which the Office seeks comment. The Library argues that Congress ''expressly excluded'' the Library and other instrumentalities from the application of all procedural and other provisions of the CAA other than the substantive provisions in Title II. The Library states: ''A fair reading of the CAA is that Congress intended to ensure that the Library's employees were covered by the substantive protections of the law, but that no procedural regulations should affect the Library's employees until the Office of Compliance completed its study [under section 230], made its legislative recommendations, and Congress acted on those recommendations.'' (The Office of Compliance had made the Library's entire submission available for public review in the Law Library Reading Room of the Law Library of Congress, at the address and times stated at the beginning of this Notice.) The Office hereby invites the views of the entire regulated community on the issues raised by the Library, including the following specific questions:

SUPPLEMENTAL REQUEST FOR COMMENTS

1. Can GAO and Library employees use the administrative and judicial procedures of sections 401–408 of the CAA when a violation of sections 204–206 (EPPA, WARN Act, USERRA) is alleged?

As noted above, the NPRM was premised on the view that the administrative and judicial procedures of sections 401–408 cover GAO and the Library and their employees with respect to proceedings where violations of sections 204–206 are alleged. Because the procedures in sections 401–408 can only be invoked upon an allegation that substantive rights granted in Title II have been violated, the procedures arguably derive their scope from the substantive provisions involved in a particular proceeding. Sections 204–206 expressly cover GAO and the Library and their employees, and, if the premise of the NPRM is correct, proceedings under sections 401–408 that involve alleged violations of sections 204–206 may likewise cover those instrumentalities and employees. However, the Library's comment challenged this premise, arguing that Congress ''expressly excluded'' the Library and other instrumentalities from the application of all portions of the CAA except the substantive provisions of Title II.

Commenters are asked to provide their views as to whether the statutory procedures

under sections 401–408 should be construed as covering GAO and the Library and their employees where violations of sections 204–206 are alleged, and are requested to present the legal rationales that may bear on this inquiry. Commenters should address:

The relationship, if any, between the substantive requirements and remedies granted in part A of Title II and the procedures established in Title IV of the CAA.

The definitions and usage of the defined terms ''covered employees'' and ''employing office'' in various portions of the Act.

Whether the statute can be read to provide substantive rights and remedies but not procedures.

The provision in section 415 of the CAA prohibiting the use of the Office's awards-and-settlements account for awards and settlements involving GAO and the Library.

The effect that section 225(d) of the CAA should have in determining this issue.

The canons of construction requiring that statutes in derogation of sovereign immunity must be construed strictly in favor of the sovereign and that a statutory construction which raises constitutional questions such as separation-of-powers may be adopted only if clearly required by the statutory text.

2. *Notwithstanding whether the procedures established under the CAA apply, are other procedures, whether internal or external to GAO and the Library, available for considering alleged violations of sections 204–206 and for imposing the remedies available under those sections?*

In considering the *Section 230 Study*, The Board received information from GAO and the Library and their employees indicating that a variety of internal and external venues are available for consideration of employee allegations of violations of workplace rights and protections. Commenters are invited to provide their views on the extent to which procedures other than those established by the CAA are available to GAO and the Library and their employees where a violation of sections 204–206 is alleged and the monetary and equitable remedies specified in those sections are sought. Furthermore, insofar as existing procedures may not comprehensively cover any dispute or provide any remedy afforded under the CAA, do GAO, the Library, and other employing offices have the authority to craft new procedures and, through such procedures, to grant whatever monetary and non-monetary remedies the CAA provides?

In responding to this inquiry, commenters are also asked to consider the implications of several provisions in the CAA. Do the following provisions limit the availability to GAO and the Library and their employees of the administrative, judicial, and negotiated procedures and might otherwise be available to them where violations of sections 204–206 are alleged and remedies granted under those sections are sought:

Section 225(d) and (e) and 401 contain provisions specifying, in general terms, what procedures must be used to consider a CAA violation and to seek a CAA remedy.

Sections 409 and 410 allow judicial review of CAA regulations and of CAA compliance only pursuant to the procedures of section 407, which provides for judicial review of Board decisions, and section 408, which provides a private right of action.

Commenters are also requested to be clear as to whether procedures available outside of the CAA cover claims by applicants for employment, former employees, and temporary and intermittent employees, and whether these procedures cover allegations by GAO or Library employees that their rights granted under the CAA were violated by other employing offices and allegations by employees of other employing offices that their CAA rights were violated by GAO or the Library.

3. *Does section 207 of the CAA cover GAO and the Library and their employees with respect to sections 204–206 and 215? If not, do other laws, regulations, and procedures covering GAO and the Library and their employees afford similar protection against intimidation and reprisal for exercising CAA rights?*

The NPRM proposed to amend the Procedural Rules to cover GAO and the Library and their employees with respect to ''any allegation of intimidation or reprisal prohibited under section 207 of the Act.'' While the Library did not object to this proposal, section 207 does not expressly cover GAO and the Library and their employees. Comment is therefore invited on whether the prohibition against intimidation and reprisal established by section 207 should be construed as covering GAO and the Library and their employees.

If section 207 is construed not to apply, would other laws and regulations covering GAO and the Library and their employees afford protection against intimidation and reprisal for exercising rights under the CAA? Would these laws and regulations afford the same substantive rights and remedies as section 207? What procedures would be available to consider violations and to impose such remedies? Commenters are requested to be clear as to whether such laws, regulations, and procedures outside of the CAA cover applicants for employment, former employees, and temporary and intermittent employees, and whether these laws, regulations, and procedures cover allegations that GAO or the Library intimidated or took reprisal against employees of other employing offices and allegations that other employing offices intimidated or took reprisal against GAO or Library employees for exercising rights granted under the CAA.

No decision will be made as to whether the Procedural Rules will be amended to cover GAO and the Library and their employees for purposes of alleged violations of sections 204–207 until after the comments requested in this Notice have been received and considered. During this interim period, the office will accept requests for counseling under section 402, requests for mediation under section 403, and complaints under section 405 filed by GAO or Library employees and/or alleging violations by GAO or the Library where violations of sections 204–207 of the CAA are alleged. Any objections to jurisdiction may be made to the hearing officer or the Board under sections 405–406 or to the court during proceedings under sections 407–408. The Office will counsel any employees who initiate such proceedings that a question has been raised as to the Office's jurisdiction and that the employees may wish to preserve their rights under any other available procedural avenues.

Signed at Washington, D.C., on this 26th day of January, 1998.

RICKY SILBERMAN,
Exective Director, Office of Compliance.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, January 27, 1998, the Federal debt stood at $5,490,127,380,051.53 (Five trillion, four hundred ninety billion, one hundred twenty-seven million, three hundred eighty thousand, fifty-one dollars and fifty-three cents).

One year ago, January 27, 1997, the Federal debt stood at $5,312,990,000,000 (Five trillion, three hundred twelve billion, nine hundred ninety million).

Five years ago, January 27, 1993, the Federal debt stood at $4,174,096,000,000 (Four trillion, one hundred seventy-four billion, ninety-six million).

Ten years ago, January 27, 1988, the Federal debt stood at $2,448,164,000,000 (Two trillion, four hundred forty-eight billion, one hundred sixty-four million).

Fifteen years ago, January 27, 1983, the Federal debt stood at $1,196,387,000,000 (One trillion, one hundred ninety-six billion, three hundred eighty-seven million) which reflects a debt increase of more than $4 trillion—$4,293,740,380,051.53 (Four trillion, two hundred ninety-three billion, seven hundred forty million, three hundred eighty thousand, fifty-one dollars and fifty-three cents) during the past 15 years.

CLIMATE-RELATED CHANGES

Mr. GRAMM. Mr. President, with the administration expected to seek eventual Senate approval of the recent Kyoto Protocols on ''global warming,'' I would like to enter into the RECORD an excellent article on the subject by the noted author and historian T.R. Fehrenbach. It is a timely reminder of the many climate-related changes our planet has experienced and places the current debate in much needed historical context. I commend this article to my Senate colleagues and ask unanimous consent that it be printed in the RECORD.

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

[From the San Antonio Express-News, Jan. 4, 1998]

WHO'S REALLY FULL OF HOT AIR?

The most cursory study of geology, archaeology and history shows that Earth has undergone vast climatic changes throughout its existence. The oil and gas under Texas soil come from natural decay when this land was a hot, fetid, fern-filled swamp. Later Texas was covered by sea, emerging again as geological ''new land.''

When the first human beings arrived, it was much cooler and wetter than today, supporting very different life forms from those Indians hunted in historic times.

Archaeology shows that Saudi Arabia was once a well-watered, populated plain, while Greece and Italy were heavily forested. Yes, people cut down those trees, some to make the ships that Helen launched, but man had nothing to do with the enormous climatic changes around the Mediterranean during our own geologic age, the decaying Pleistocene.

The world has grown steadily warmer and drier, the reason Spanish forests, once cut, never resprouted. Conversely, today in Alaska cut-over forests regrow within a few years without replanting.

The evidence of repeated glaciations—they seem to come about every 20,000 solar years—lies all over North America, the most obvious being our Great Lakes. During these repeated Ice Ages, Earth's water supply being constant, the oceans shrink, falling as much as 200 feet. The first Americans got here across a land bridge now sunk beneath

the Bering Sea. But as glaciation recedes the seas rise, which they have been doing for thousands of years.

In recorded history, we can trace a warming trend interspersed with ''little Ice Ages'' or irregular cold periods within the cycle. The Rhine and Danube froze over in late Roman times; wine-growing in those regions was impossible. With warming, olive orchards grew in France, only to be destroyed by horrendous cold in the late 16th and early 17th centuries, the same change that killed off Norse settlers in Greenland.

Climatology, a still-rudimentary science, attributes these cycles to sunspots, changes in the sun's energy output, or to slight tilts in the Earth's axis. A wobble can make a difference of a degree or two in average temperature, and that much difference can make seas recede or flood and huge areas unfit for agriculture.

Then there's El Niño, killing off marine life and raising hob on both sides of the Pacific Rim. It was around for thousands of years before the media discovered it.

Archeologists believe El Niños in A.D. 546 and 576 destroyed an early Indian civilization in Peru with floods, soil erosion and destruction of irrigation systems, followed by a 32-year-long drought.

And, of course, there's vulcanism, very active in our age. The bubbling up of Earth's molten core causes volcanic eruptions, earthquakes, and vanishing islands. Everybody knows about Pompeii; few know about the many thousands killed in this century, or the eruption of a Pacific crater that, by smoke and dust hurled into the atmosphere, caused crop failures across America in the early 1800s.

And, friends, the tectonic plates, which once separated continents, are still shifting ever so slightly. One day California may join Japan, if it doesn't join Atlantis first.

Climatic disasters occurred before man, and most have happened when there weren't enough wood-burning people around to create atmospheric pollution or much other kind. This is why I suspect the recent Kyoto Protocols on global warming (though it exists and governments should study it) are an exercise in human arrogance.

The Kyoto pontificators were mostly politicians, social scientists (which the media accept as ''scientists'') and bureaucrats, while climatologists, weathermen, and true ''hard'' scientists remain divided as to the causes of global warming and whether it's good or bad. They agree, meanwhile, that nothing disastrous in any case will happen for 100 years, when we may be in a new Ice Age.

Listening to the rhetoric makes me wonder if we've advanced all that far from the days of the Aztecs, when priest-rulers ordered sacrifices to propiate nature, in their case tossing virgins down wells to bring rain and cardiectomies to make the sun rise. We understand the forces of nature better—but we have no more control over them than ancient peoples praying to the moon.

Without more proof—of the scientific, not the ideological kind—I'm not prepared to sacrifice my Grand Cherokee to the current shamans' gods.

MEDICARE, FREEDOM, AND PRIVATE CONTRACTS

Mr. GRAMM. Mr. President, one of the most important pieces of legislation that will be considered by the Senate this year is Senator JON KYL's bill, S. 1194, the ''Medicare Beneficiary Freedom to Contract Act''. I am proud to be an original co-sponsor of this bill.

Enactment of this legislation will insure that our senior citizens who participate in the Medicare program will retain the right to pay for the treatment or services they want from the doctor of their choice.

The Clinton administration has sought to restrict such a fundamental freedom but I do not believe that the American people will support that position once we have had a chance to bring the matter to their attention.

Mr. Kent Masterson Brown, writing in the Washington Times on January 25, 1998 has provided a succinct analysis of this issue and I commend his article to my colleagues. I ask unanimous consent that the article be printed in the RECORD.

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

MEDICARE'S ASSAULT AGAINST THE ELDERLY

Throughout my 23-year career as a litigator of constitutional issues, principally in the health care arena, I have witnessed the growth of Medicare with a sense of alarm.

From what was designed by Congress to be a ''voluntary'' health benefits program for the elderly, it has mutated into a bureaucratic leviathan that controls who provides health care services, and how those health care services are delivered—despite absolutely explicit, statutory guarantees to the contrary. We now have a federal agency—the Health Care Financing Administration (HCFA)—involved in a relentless effort to totally control the delivery of health care to the elderly by deciding, without legal authority, what services a physician will provide even though Medicare will not pay for them. Those controls now manifest themselves in the denial of basic health care services to the elderly, as well as denying the elderly access to the most innovative and cost-effective health care technologies.

HCFA has exercised its power to control the delivery of health care by steadily racheting down payment for health care services, and, at the same time, stepping up its threats against providers who deliver health care services which HCFA, for purely fiscal reasons, deems ''unnecessary'' even though those services might be life-saving and even though the federal government does not pay for them. Recent changes in law which we are challenging in court, will make the situation even worse.

To understand what is taking place, we need to start with the basic Medicare law. Nowhere in the Medicare Act is a beneficiary required to file a claim for payment for health care services each and every time he or she sees a physician. Yet, those in charge of HCFA threaten physicians with severe sanctions ''even criminal prosecution'' if they do not file such claims. Why make such a demand, which only adds to costs? If a car insurance company made such demands on its policyholders everytime a door was dinged it would go bankrupt.

In 1992, I had to file a lawsuit in federal court in Newark, N.J., in order to allow five patients to contract privately with their personal physician. All those patients wanted was the opportunity to see their physician in the nursing home more than once a month and to protect the privacy of their medical records, nothing more. The federal government, however, threatened the physician with sanctions if she complied with the patients' wishes and did not file a claim. HCFA entered the courtroom declaring that the physician could not contract privately with her Medicare patients because she is required to file a claim with Medicare each and every time she sees her Medicare patients. If those patients wanted to pay privately, HCFA declared, they could write a check to the federal government.

The federal court disagreed with HCFA in Stewart vs. Sullivan. The court found there were no statutory prohibitions against private contracting for Medicare beneficiaries and that HCFA had developed no ''clearly articulated'' policies against it. The threats were just that: threats. They were made without any statutory or even regulatory authority.

Last summer, all this sparring took a drastic turn for the worse. Congress, under pressure and threats from the Clinton administration, enacted Section 4507 of the Balanced Budget Act of 1997. This provision makes it unlawful for a physician to contract privately with a Medicare-eligible patient unless the physician agrees, in writing, not to bill Medicare for any services delivered to any Medicare patient for two years.

The practical consequences of Section 4507 ''which amounts to a de facto ban on private contracting'' are not difficult to foresee. We know, for example, more than 96 percent of the nation's physicians see Medicare patients. We know the vast majority of these physicians will not abandon all their current Medicare patients in return for entering into private contracts with a few. And we know many of the less than 4 percent of physicians not directly affected by the de facto ban already, for one reason or another, have been excluded from the Medicare program. Thus, no senior citizen will be able to contract privately for any meaningful health care services even if he or she could find a physician who was willing.

Seniors are thus left with a ''take it or leave it'' system that denies and rations health care. They will get only those services the federal government says they should get Nothing more can be provided—even if they wish to pay for it themselves.

What does this mean in real life terms? The answer is simple. For everyday, inexpensive screening and diagnostic laboratory services, our seniors will receive one, unless there is an ''approved'' diagnosis accompanying a claim for payment filed with HCFA. Because all laboratory services claims must be filed on an ''assignment'' basis, if HCFA will not pay, the services will not be provided unless the physician pays for them and exposes himself/herself to severe sanctions.

Thus, the elderly will be denied asymptomatic prostate-specific antigen (PSA) tests to detect prostate cancer, asymptomatic serum glucose tests to detect diabetes, and thyroid tests to detect hypothyroidism and hyperthyroidism, to name a few.

What is alarming is that senior citizens, more than most, need to have such tests available because as a group they are the most vulnerable to a variety of life-threatening diseases. To detect these diseases (all of which have long asymptomatic periods) early is to control or to cure them. That saves lives and money. If HCFA get its way, seniors will only get those important diagnostic tests after the symptoms have appeared—either too late for much help, or when intervention becomes expensive. That is how the federal government has determined to control health care for what it calls our ''frail elderly.''

This is Medicare's brave new world. It is a world that offers the minimum at best. It allows for no decision-making on the part of the Medicare beneficiary.

It is incredible that in this country—supposedly the freest on Earth—the government prohibits a senior citizen from paying for his

or her own health care. Even in the British National Health Service, a citizen can privately contract. But not here.

If the U.S. Constitution protects a pregnant teen-ager when she seeks an abortion, even one so young the law considers her lacking the capacity to vote, it must protect senior citizens who seek only to receive the health care they want and for which they are willing to personally pay. If the Constitution protects the medical records of those with deadly diseases about which we know very little, it surely protects the medical records of seniors who seek privacy. If the Constitution protects citizens against discrimination, it surely protects seniors from being singled out and denied the opportunity to make decisions regarding their personal health just because they are 65 years of age or older.

On Dec. 30, the members of the United Seniors Association, including Tony Parsons, Peggy Sanborn, Ray Perry and Margaret Perry filed a lawsuit in federal court asking that Section 4507 of the Balanced Budget Act of 1997 be declared unconstitutional as violative of Article I, Section 8, of the Constitution and the First, Fourth, Fifth, Ninth, 10th and 14th Amendments of the Constitution. They have asked the court for an injunction to stop the Clinton administration from enforcing Section 4507, and to block any attempts to interfere in the private contracting of America's elderly.

Until this unconstitutional provision is eradicated by Congress, the freedom and safety of America's senior citizens will be severely jeopardized.

Mr. GRAMM. 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.

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. COVERDELL. Madam President, parliamentary inquiry: It is my understanding that for the next hour and a half the control of the time is under the direction of the Senator from Georgia or others he may designate.

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the Senator from Georgia or his designee is recognized for 90 minutes.

Mr. COVERDELL. Thank you, Madam President.

STATE OF THE UNION RESPONSE

Mr. COVERDELL. Madam President, last night President Clinton delivered some good news and some bad news for those who, like me, want to address the crisis in American education. And Madam President, that crisis exists in grades kindergarten through high school. I repeat, kindergarten through high school. The good news is that President Clinton has finally joined the Republicans in recognizing that we must address this crisis.

It is bad enough that our Nation's schoolchildren have to run a gauntlet of drugs and violence just to sit in class, but when they get to the classroom they are not learning the basics. Just recently, a study published in Education Week showed that only 4 in 10 urban school students could master basic math and reading skills. Four in 10. It does not get much better when we move to the suburban schools. There it is only 6 in 10 who can master these basic skills when tested.

Madam President, we are failing our students, and we clearly are not preparing America for the new century that the President spoke of last evening. Republicans first attacked this problem with a comprehensive proposal over 1 year ago, S. 1, that addressed how to help children in unsafe schools, how to increase literacy, and how to give new authority to parents and communities to improve their local schools.

Regrettably, although we were able to reach common ground on making college more accessible and affordable, President Clinton fought real education reform for the kindergarten through high school grades every step of the way.

Most notably and unforgettably, he threatened to veto the entire tax relief bill last year unless we dropped one single provision, one that provided education savings accounts to parents for use for their child's specific educational needs.

Madam President, if there was ever a proposal that was win-win in this city, the education savings account was it. The President said he would veto the entire tax relief proposal if that remained. The bad news in President Clinton's speech last night is that he still does not understand what needs to occur and where it needs to occur for grades kindergarten through high school. President Clinton last night repeated his belief that politics should stop at the schoolhouse door. I agree. I do not know anybody who does not agree. President Clinton should get out of the schoolhouse doorway and allow real education and reform to help the kids inside those schools.

What we saw last night was education proposals that ignored giving parents and local communities real power and real choices; ignored real reform in favor of business as usual—we call it the status quo around here—spending increases, and paying for all these new programs with money the Government does not even have and may not ever have. I repeat, paying for all these new programs in the State of the Union with money the Government does not have and may never have.

We have a better way. It is called BOOKS, the Better Opportunities for Our Kids and Schools Act.

Madam President, BOOKS has several very powerful provisions that do exactly what I just alluded to—give new authority and choice to parents, give new authority and choice to States and local school districts that move decisionmaking capability to the people on the frontline and away from the Washington bureaucrat who could not associate a single face with a single name.

Title I. A-plus accounts, education savings accounts. Parents can contribute $2,500 a year for a child's K through 12 education—public, private, religious or home schools. Everybody wins no matter where their children are in school. I might add that if they chose, they could keep those savings accounts on through higher education as well.

Dollars could be used for a home computer, the tutor that is needed for a math deficiency, tuition or the expenses of home schooling; 75 percent of these massive new resources would be used by those in public schools. They would be a major winner. And 70 percent of the people taking advantage of the savings account earn less than $75,000 per year. The Joint Tax Committee is the source of this estimate. The cost would be $2.6 billion over the next 5 years. Basically, what we are saying is that we are going to leave $2.6 billion in the checking accounts of parents trying to help their children.

Title II. Dollars to the classroom. Dollars to the classroom would block grant about $3 billion to States and continue to send $7 billion in title I, part A funds to the States with only one requirement—that 95 percent of those Federal dollars go to the classroom to where the kids are, not where the bureaucracy offices are. So the money to the disadvantaged children stays the same with the exception we want it in the classroom, and we free $3 billion a year so that those local school districts can do what they need to do. Do they need to hire teachers? Then they hire the teachers. Do they need to build schools? Then they build schools. Whatever it is they need—not what we envision they may need—could be done through dollars to the classroom. Bureaucracy eats up scarce dollars as State and local governments comply with Washington's strings. This is not new. It has become endemic in our Government.

Even in title I, the moneys that go to the disadvantaged, 99 percent reaches the school district but 4 to 13 percent is eaten up by administrative costs—4 to 13 percent. That is big dollars. The $3 billion block grant could pay for as many as 50,000 teachers a year and 1 million new computers every year or it could pay for building up to 500 elementary schools. The key point here it is their choice—their choice.

Title III. Opportunity and safety for low-income children. This is a 5-year pilot choice program at 20 to 30 sites to allow low-income children to attend a safe school through a choice system. We would invest $75 million for 1 year on this project.

I do want to point out, Madam President, that this is voluntary. This is not imposed on anyone. In fact, with the exception of requiring that Federal dollars go to the classroom at the 95 percent level, there is nothing in the BOOKS Act that is mandatory. It defines, under this title, low income as 185 percent of the poverty line. Unsafe schools are those with high crime

rates, serious drug problems and disciplinary problems. This gives kids at risk a chance to attend a public, charter, private, or sectarian school where the emphasis is on learning, not survival.

Madam President, I just think it is unconscionable policy to order children to go to schools that are certifiably unsafe and drug ridden.

Title IV. Testing and merit pay for teachers. It allows States to use Federal funds to reward good teachers and weed out the bad, and it will make it easier for States to carry out performance assessments of teachers and establish merit pay programs. Americans across the board agree with these concepts. Reward good teachers, weed out the bad, and make it easier for States to carry out performance assessment of teachers.

Title V. Reading excellence. This is similar to Chairman BILL GOODLING's bill in the House which passed the House by a voice vote on November 8, 1997.

Madam President, it would provide $210 million for teacher training and individual grants for K through 12 reading instruction. It requires funds to be spent on programs demonstrated by scientific research to be effective, like phonics. It gives parents of kids at risk the ability to purchase additional tutoring assistance through grants.

President Clinton's America Reads program which cost $2.7 billion over 5 years proposed sending semitrained volunteers into the classroom. This is a flawed concept, when you would send a semitrained volunteer into a classroom that has already demonstrated that it is not teaching a student to read. So you would send an unprofessional volunteer to help the student read better—that is not logical. The reading excellence title requires funds to be spent on programs proven effective by scientific research to enable the teacher to improve his or her skills so that she or he can teach the student to read.

Title VI is the teacher and student safety title. This title allows the use of Federal funds to move victims of violence to safe schools. They could be a public, private or sectarian schools. The key here is if the student has become a victim, there should be nothing in the way of that school board's ability to move the student to a safe place. It allows use of noneducational funds—Victims of Crime Act administered by the Department of Justice—for innovative programs to help victims and witnesses of crime on school property. And it encourages the use of immediate notification and annual report cards to parents and teachers about incidents of violence and drugs at schools.

Title VII is the Charter Schools Expansion Act title. This is similar to Congressman RIGGS' bill which passed the House 367 to 57 on November 7. This provision of the legislation ensures charter schools are eligible for their fair share of Federal funding, whether it is title I, IDEA, or title VI block grants. Charter schools are public schools freed of many of the regulations in turn for increased accountability in terms of student outcomes. Without excessive regulation these schools are better able to design programs tailored to the needs of students and communities.

Madam President, I see we have been joined by my good colleague from Nebraska. I am going to turn to the Senator in just a minute or so here.

Under title VIII, the last title, we say the Federal Government should honor its agreement, which it made when it imposed special education requirements on local education, to fund a sizable portion of it. We agreed to fund up to 40 percent but we have never done it. You know, it's one of those stories, ''The check is in the mail.'' It never quite gets there.

Senator GREGG deserves a lot of credit for this. He started the process last year but this would finish it with $9.3 billion over the next 6 years to fully honor our commitment to fund special ed, which we call IDEA. That would free up $9.3 billion for local communities to assess and take care of their own specific needs. That is the general description of the proposal our conference announced on January 20.

I now turn to my colleague and good friend from Nebraska, Senator HAGEL, for up to 7 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Madam President, I would like to make a couple of observations about last night, the agenda for the second session of this 105th Congress; what is ahead of us, what is ahead for the American people, the challenges that lie ahead for the world.

As I listened intently and seriously last night, as I am sure all my colleagues did, to the President's message, questions came to me like, ''Isn't the definition of the debate for this year and the defining of the debate that the Congress will have into the next century about the role of Government?'' That is the issue. What is the role of Government in our lives? How much Government do we want? How much Government can we afford? What do we want Government to do for us? And how much are we willing to pay for Government?

The President—and I have all eight single-spaced pages of the text of his speech last night—gave a good speech. But the speech was about new programs, the federalization of America. This is the same President who said 2 years ago in a State of the Union Message that the era of big Government is gone. No more big Government. And then the President said last night, early on in his text, that we, today, have, ''the smallest Government in 35 years.'' I don't know how the President measures that, but this body is going to debate this year a $1.7 trillion Federal budget to keep this small little Government going.

He talks about federalizing education. I don't find the responsibility of the Federal Government to be education anywhere in the Constitution. I don't find it in any document that education is in the purview and the province of the Federal Government. Yet this President says we, the Federal Government, representing the people who pay the taxes, are going to hire 100,000 new teachers. We are going to federalize new teachers. We are going to build new schools across America, federalize our schools. But yet, of course, he fails to tell us how he intends to do that. Where are those resources coming from?

At the same time he boasts, rightfully so, that we in fact have moved toward balancing our budget. So he takes credit for that on this side. And then on this side we have page after page, line after line, of new Government spending proposals.

Medicare has been running a deficit the last couple of years. Yet this President is proposing that we add more people onto Medicare. This is at the same time the President and the Congress have come together and said we need a Medicare commission, a bipartisan Medicare commission to take a look at the seriousness of the problem, of the issue, of the challenge, and report back to the President next year. But, no, he decides not to wait for that.

Child care—we are going to federalize child care? These are all important, critical issues for our country, for our people. Of course they are. But I think we might be better off if we would essentially continue this effort to cut Government, cut spending, cut programs, cut taxes, and take the responsibility of governing ourselves back to where it should be; back to the cities, the school boards, the counties. Who best understands the problem? I trust school boards. I trust teachers. I trust parents. I don't trust bureaucrats. We are rapidly developing into this monolithic centralization of bureaucratic rule. People in the Department of Education and all these areas are good people, family people, but we just, year after year, load more on them.

I ask this question when I hear a retort from my friends on the other side, or from the President, that Medicare, for example, and all these new programs, will pay for themselves; there will not be an increase in spending; we don't need to find more taxpayers' money: Is there anyone out there who can show me any time we have had a Federal program that has gotten smaller? Do Federal programs and agencies and bureaucracies and departments vanish after a few years? Oh, no, no; they get bigger. And who has to pay for it? My children and your children. And it gets bigger and bigger. Where have we cut Government in the 1990s? We have cut it in one department. What department? Defense. Our national security has been cut over the last 10 years in real dollars by 40 percent. How many other departments and agencies have been cut? None.

So my point is this. Before we rush into all these new programs and new

Government and new federalization, we better sober up for a moment. This is not a time for campaign rhetoric. This is not a time for campaign speeches. This is a time for clear-headed, strong, dynamic, smart, realistic leadership, gutsy leadership. That is what America demands. That is what America will get.

I say these things not because I am opposed to the President or trying to complicate the President's life. But we, too, have a constitutional responsibility in this body. We have accountability to the people we represent. And this is one U.S. Senator who is going to ask some very tough questions about every one of these new programs.

I yield the floor.

Mr. COVERDELL. Madam President, I thank the Senator from Nebraska for his remarks and the contribution he made here this afternoon. I am going to now turn to our distinguished colleague, Senator HUTCHINSON from Arkansas, and yield up to 10 minutes to the Senator from Arkansas.

Mr. HUTCHINSON. I thank the Senator from Georgia for yielding. First, I want to associate myself with the remarks of the Senator from Nebraska and his excellent analysis of the efforts by our government to federalize not only education, but many other programs as well. And I applaud Senator COVERDELL from Georgia for his efforts in the area of education, and in particular, his leadership on the Better Opportunities for Our Kids and Schools Act, the BOOKS Act. I believe this bill demonstrates that we, as Republicans, have a deep concern about education in this country. We have a deep concern about improving education for our children, who are precious to us. And we recognize that this is best done at the local level, where teachers know the names of our kids, and can pick up the phone and call the parents when the need arises. These decisions are better made at the local school district level, the State level, and not by a greater and bigger Federal bureaucracy.

Last evening, in his State of the Union Address, the President proposed ''the first ever national effort to reduce the class size in the early grades . . . by hiring 100,000 new teachers.'' So I ask, is this really a genuine effort to reduce the size of our children's classes? Or is it just another exercise of ever bigger Government, and a move in that gradual effort toward federalizing education in this country?

Why are new teachers, mandated from Washington, the ticket to smaller class sizes? It is well-documented that many States across this Nation have taken on the responsibility of reducing the size of their classrooms; namely, California, Virginia, Massachusetts, Connecticut and Wisconsin. The Governors of these five States have proposed hiring thousands of new teachers using, not Federal dollars, but State dollars. This makes sense, allowing individuals closest to our children to make these kinds of decisions.

Madam President, I trust those individuals in the thousands of cities and towns across this country who know your child's name, to make the important decisions that impact the very classrooms in which our children learn much more than I trust bureaucrats in our Nation's capital. In an effort to allow States and localities to make these decisions, I, as part of the BOOKS legislation, will be introducing the Dollars to the Classroom Act, that will redirect about $3 billion of K–12 education dollars to the States, requiring only that 95 percent of that money actually reach our children's classrooms. This money can be for books, it can be for teachers, it can be for computers—whatever the local education officials deem necessary and important to the education of our children.

While no one can deny the importance of providing the best possible education to our children, we also must implement these programs in the most responsible manner: by returning control over the education of our children to the place that it belongs, the parents and teachers and local communities and local school boards. By doing that, we will ensure that education dollars are spent wisely on programs and activities which really benefit our children in the classroom.

Currently, the vast majority of all Federal education funding does not go to school districts or classrooms. In fact, in 1995, of the $100 billion the Federal Government allocated for education programs, only about 13 percent actually got to the local level from the Department of Education. That is a travesty, and a national nightmare.

Madam President, the current system of Federal bureaucrats attempting to administer hundreds of education programs to our children is, to say the least, highly inefficient, as reflected in falling test scores and increased illiteracy rates.

Many students are not adequately prepared to meet the challenges of life beyond high school, whether they go on to college, take a job, or attend a trade school. In fact, last year alone, 43 percent of high school seniors scored below the basic level in science, while 29 percent of all college freshmen were required to take at least one remedial course. Most alarming is that 68 percent of employers say that high school graduates are not prepared to succeed in the workplace. These statistics paint a very sad picture in a country which prides itself on having the best education system in the world. When limited Federal funding is spread so thin over such a wide area, the result is ineffective programs that fail to provide students with the basic skills they need to succeed.

So I ask my colleagues to join Senator COVERDELL and my good friend from Nebraska, Senator HAGEL, and I, in asking hard questions. Which do our constituents really prefer? In whom do the citizens of America really place their confidence? The real question is—is it going to be BOOKS, or is it going to be bureaucrats? So why not let those on the State level, why not let those on the local level, who best know the needs of our children, make those decisions, make those determinations? Perhaps it is books, perhaps it is computers, or perhaps it will be a need for more teachers so that children will have smaller class sizes. But I truly believe that those decisions must be made at the local level.

I believe the alternative, the Dollars to the Classroom Act, demonstrates not only our commitment to the education of our kids, but also proves that there is a better way to implement this commitment rather than creating an ever-growing Federal bureaucracy and appropriating ever-larger sums of money which are failing to provide for the real needs that our schools have.

So, once again, I applaud Senator COVERDELL for his leadership in education, his leadership on our efforts to improve education for all of the children in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. I commend the Senator from Arkansas. I think he very adroitly draws the distinction between our proposal, which frees these local communities to make decisions about what they need, in distinction to the last 30 or 40 years where more and more and more we have somebody, as you say, who couldn't recognize one of the students, trying to set the priorities, and all the assistance we send is with a mandate to shackle the local school boards.

Everywhere I go—I don't know about yourself—but it is over and over I am being told that you all are going to have to decide. ''You all have to let us teach these kids.'' Or, ''Are you going to keep mandating us and throttling us down with all of your agendas?'' And while we have been doing that, we, each year, have more and more data suggesting that the children cannot do the basics, cannot read right, they cannot understand the basic science, and they cannot add and subtract.

If they cannot do that, they cannot succeed in our society. I think you have adroitly hit it. And I appreciate your work on dollars to these local systems.

We have now been joined, Madam President, by the distinguished Senator from Florida, Senator MACK. I yield Senator MACK up to 10 minutes.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Thank you, Madam President.

I thank the Senator from Georgia for this opportunity. I want to again commend the Senator for the leadership he provided last year in focusing us on this issue, leading the debate and the effort to try to pass the A-plus education savings account with great leadership. We appreciate what the Senator is doing.

I want to kind of set the stage as to why I think the issue of education is so important. When I go home and speak to the people, they will tell you that the No. 1 issue facing the Nation, facing their State, facing their community, is education. I think they recognize that if their children are going to be successful with their lives, they have to have an education that is second to none.

But let me put it in a broader perspective in that I believe that the 21st century is going to be the century of knowledge.

We have all heard about, for the last 10 or 15 years, folks like Alvin Toffler talking about the information/communications age. Some of us find ourselves totally surprised that we are engaged in playing around on the computer, the Internet, things I couldn't have dreamed of a couple years ago. We know there is an explosion of knowledge and information out there. We also know that if our children are going to be successful and be able to compete in the 21st century, they are going to have to have an education second to none.

To just build on that, there was an educator in the State of Florida—President Bush put him on his commission— Mitch Madique, who is the president at one of our State universities. He traveled to South America and had discussions with the various leaders of education in those countries. They were saying to him, ''We are really looking forward to the 21st century because competition in the 21st century is no longer going to be based on military capability, military strength or the amount of your natural resources. Instead, competition is going to be based on knowledge. If that's the case, we're all starting off on the same foot. And we believe we have just as much of an opportunity to develop a first-class education system as you do. So we look forward to competition in the 21st century.''

To me, this means that if those three little grandsons of mine, who are 13, 11 and 4, if they are going to have an opportunity to make it, and if they are going to have an opportunity to have the same kind of experiences and opportunities that we had, then they do have to have an education that is second to none.

The proposals that the Senator from Georgia has already laid out make clear that there is not going to be a solution described and defined at the Federal level and passed on to the local communities and States. Conversely, we believe that the answers are going to come from the grassroots level.

So I would like to just share for a moment an experience that I had in California a few years ago. I went to a school in the area where the riots took place. The name of this school was the Marcus Garvey School. We have had some experience with the Marcus Garvey School here in Washington. The experience we had in California was totally different than here locally, so don't be confused.

As I went to the school and I drove down the street, I would suggest that probably most of you would think, ''I'm not sending my child to that school.'' There were just absolutely no amenities. There was not a blade of grass anywhere. There was not a single basketball hoop or any playgrounds that I could see. There was just a building that had been converted, I am not sure what from, into a series of classrooms.

We went in and we met with the owner, the administrator, the principal—all one person. His name was Anyim Palmer. His office was probably 10 by 12, stacked full of papers. He had no secretary. When the phone rang, he answered it. The equipment or the desks and chairs appeared to be 30–40 years old. The point I am making is there was not a lot of money invested in amenities in this school.

He suggested that maybe we go down and work our way through the different classes that were being taught. We started out in the day care area. We saw about eight or nine children age 2—not second grade, but age 2. When my wife and I went down to the room, the teacher said to the children, ''Show the Senator and Mrs. MACK how you can say your ABCs''—again, they were 2 years old. They said their ABCs. Just as cute as they could be, they ran through the alphabet. When they finished with that, the teacher said, ''Now say it in Spanish.'' Then they said it in Spanish. Then she said, ''Do it in Swahili.'' Then they said it in Swahili. Here are 2-year-old children who have already mastered the alphabet in three different languages.

We went from there over to where the 3-year-old children—again, I emphasize 3-year-old children—were working on math. These little children were walking up to the blackboard working through math problems. So the teacher said to me, ''Give them a problem to work on.'' I suspect everybody here would have reacted the same way I did. I said, ''How about 5 plus 3?'' She said, ''No. I mean, give them a difficult problem to do.'' So I said, ''Well, how about 153 plus 385.'' And the little 3-year-old stood there and put a couple dots on the board, wrote down one number; put a couple more dots on the board, and another number went down; a few more dots, another number went down. It was the right answer—3 years old.

We went over where the 4-year-olds were being taught reading, and they were reading at the second and third grade levels—at the age of 4.

I went to where the 5-year-old children were—and mind you, we have not gotten to the first grade yet. The teacher asked one of the little boys to stand up and recite for me, in the proper chronological order, all the Presidents of the United States. This little boy stood up and looked me right square in the eye, and he listed every President of the United States in proper chronological order.

You might be asking yourself, how did I know that? Frankly, they handed me a cheat sheet, and I was working my way down it as he was going through it.

My point is, here is a school that most people, again, would look at and say, ''I don't want my child to go there.'' No amenities. It is bare bones. You may say, ''Well, what makes this thing work?'', which is exactly what I asked every teacher in every room that we went into. How is this happening? Anyim Palmer told me that the answer was the teacher. It is the teacher. Every time they asked the question, the answer was the same—it is the teacher.

Interesting things came out of it. I don't believe any of the teachers were certified. I think only two of them had college educations. What happened is Anyim Palmer, who was the owner, administrator, the principal, was a former public schoolteacher who became so frustrated with the public school system that he said, ''I'm going to start my own school. I'm going to teach people how to teach.''

Again, I would encourage anyone who has an opportunity to make a visit to that school or something like it to do so. But the point is, if we rely on the present system, the present system will produce exactly what it has produced in the past, unless there is something that forces people to change. We believe the program that we have put together will in fact assist local communities and States to develop alternatives to the present public school system.

I visited a charter school in Miami just a few days ago and spoke with a teacher there, who up until a few years ago was an engineer. I said, ''What happened? Why are you teaching?'' He said two things. One is, he said, ''I lost my job. And I didn't want to put my family through that kind of an experience again. I felt there was some security in teaching.'' And then he said, ''You know what? I have found my calling.'' He is teaching second grade children. He said, ''This is exactly where I should be.''

But in this charter school, this individual had flexibility. This individual could approach the opportunity of teaching our children in a totally different way than in the past. So, again, I think if we encourage innovative thinking, we are going to find there are some remarkable ways to improve education in our country.

As you know, one of the major points in our proposal is to reward teachers who do a good job. We ought to reward excellence. We ought to say to those teachers, ''You have done a great job and we are going to reward you for it.'' That is why we are talking about the importance of merit pay.

But if we are going to have merit pay, we also need to recognize those teachers who are not doing a good job. We need a way to determine that, other than whether a principal likes an individual or does not like an individual, or

a school board does not like an individual. We ought to say there ought to be competence testing. Part of this plan, known as BOOKS, calls for competency testing and for merit pay.

Before I conclude, I would like to point out that in the State of Florida, 70 percent of the community college freshmen require remedial education. We have to change that. The cost to the State of Florida is $50 billion a year to handle this problem. Let's improve our K–12 education system.

With that, I yield the floor and again thank the Senator from Georgia for tackling this initiative. I look forward to working with you on this important issue.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. I commend the Senator from Florida. It is an absolutely fascinating story. There are many of these around the country.

Just to make a point, of late when you read the statistics of 4 in 10 are all that can pass in urban city schools' basic standards tests, 3 in 10, 4 in 10 go to college, as you have noted, and have to go back and learn these skills again. We are beginning to hear an echo that these students were not educable, that there was something wrong someplace else, something wrong at home, something wrong with society.

What kind of community was this? What was the surrounding like around this school? Was this a very wealthy suburb?

Mr. MACK. No. As I indicated, it was in the riot area in Los Angeles.

Mr. COVERDELL. Would you surmise that those students could not have possibly all come from very stable, two-parent families that you might find in some communities?

Mr. MACK. I could suspect you could draw the conclusion they were somewhat different than, say, what most people think of as the traditional family in America. But I would be careful about drawing too many conclusions on that because I think there are some things about what was going on in this school that also sends a message to moms and dads.

I think that one of the reasons for success was because mom and dad were involved. They made the determination. I mean, this was a private school, so they have to pay to go to that private school—some of them at great sacrifice. Some of them, frankly, from outside the community.

But the point there is, if you go back to the charter school, for example, one of the things that most charter schools require, as you know, is that they want parent involvement. In fact, when I was at the school in Liberty City, in Miami, mom and dad parents came into the classroom, as I was talking with the teacher, to discuss with him the problems of their student. What was the problem? Or what should they be doing more at home to help?

Again, I think one of the messages that we do get is that in the charter schools—I guess there are others who are much more knowledgeable at these things than I am, but because it is a very focused school, it understands the importance of mom and dad being engaged. The teacher understands the importance of moms and dads being engaged, and, clearly, the parents understand if they are going to be able to keep their children in this charter school, they have to be part of it.

Again, I would make the case, whether it be a mother and a dad or single mom or single father, that if you can engage them in the education process, regardless of that background, in probably 9 out of 10 cases—I am just saying this from my feeling; I do not have the statistics—but 9 out of 10 times, if you, the parent, one or both, are engaged in your children's education, you are going to improve the ability of your child to learn. And, again, I think you are going to find that you are going to create that environment, something different than we are doing today.

There is just so much we can learn from this experience. Again, the answer that kept coming back, ''It is the teacher. It is the teacher. It is the teacher.'' I think people ought to recognize that what Republicans are saying is we value teachers. They are the ones who really make a difference.

Again, if my grandsons are going to succeed, they need to be exposed to good teachers. We have to help create an environment in which people, (a) want to come into the teaching profession and, (b) once they are there, want to remain and experience the excitement of seeing young children learn. Teachers help children realize how important knowledge is to them and their future. Again, teachers are the ones who really make a difference.

Mr. COVERDELL. The Senator makes an excellent point. Who does not remember the teacher that affected them? There is no one that does not remember that teacher.

Mr. MACK. I can name my first-grade teacher.

Mr. COVERDELL. I thank the Senator for the presentation.

I turn to our distinguished colleague from Wyoming, Senator THOMAS, and yield up to 10 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. I appreciate the Senator from Georgia arranging for an opportunity to talk about our agenda. After all we have just returned now from recess, just returned from a time to talk with our constituents. I spent all this time in Wyoming doing a number of town meetings, talking to people about various things they are interested in.

It is time for us, of course to talk about agendas, to talk about priorities, to talk about what it is that we intend to do during what is already a relatively short work year, during an election year. The thing, of course, that is on our minds today, I suppose, is the President's State of the Union Address last evening in which he laid out his agenda, not a surprise agenda, and talked about the issues he has been talking about now for several weeks, with a new proposal each week, all put together in a State of the Union Message which had, I think, about 30 different proposals of things to do.

It seems to me that what we have to do now as a responsible Congress is to decide on those items that we think are priorities to this country, that we think are priorities for success in families in this country, economically, from a freedom standpoint, how-to-govern standpoint, and really press for those. I must say that I feel rather strongly about that.

I felt last evening that—the President, of course, is certainly free to have his own agenda—that was an agenda that had been put together by pollsters, an agenda that had been put together to enumerate all those things that would sound good to everyone that was listening, an agenda that I think, clearly, again the President is perfectly free to move his position, move his position back toward the more liberal Democrat Party from which he has departed in the last several years somewhat to establish more support for AL GORE when the time comes. I think that is legitimate. I don't happen to agree with that.

I think we ought to be moving forward to continue to do the things that we have begun to do over the last several years, some of the things that I am particularly proud of, frankly, that this Congress has been able to do, to bring forth a balanced budget. That, after all, is the responsibility of the Congress. We have done that. We need to continue to do that. We need to continue to try and control spending so that we can move toward this idea of a balanced budget and beyond, to begin to work on the debt that is there, to begin to do something about that $280 billion we spend on interest every year to service a $5.5 trillion debt. That, it seems to me, ought to be the real focus of what we do.

Our responsibility now, I believe, in the Congress is—we shall meet on Friday, our friends across the aisle will meet I am sure next week—to come to grips with those kind of things we think are the priorities for our agenda. I don't think our agenda can be a laundry list of 30 or 40 things that appeal to the polls but rather ought to be the kinds of things that are terribly important to us.

I think we ought to talk about ISTEA, for example. We ought to get out into the country to do the highway maintenance, the highway building. We didn't get that done last time because we got diverted talking about something else. ISTEA needs to be there. I think we need to continue to work on the budget. There is probably nothing more important than being responsible in the spending that we do. Again, I am

pleased with what has happened with the budget over time. I am pleased for what has happened in the last couple of years on welfare reform. The Congress has moved forward, with the cooperation of the President, after a couple of vetoes. That is OK. But we need to continue to do that, to provide the opportunity to help people move off of welfare into work, which is what most people want to do, of course. We have made some progress in moving away some from the entitlement program that we have had. We have made some progress in terms of moving Government closer to people, where Government is more responsive at the State level, and do those things at the State level that we should do there.

As I listened last night to the enumeration of things that might be done it seemed to me at least one of the considerations that has to be made is where do you do these things most efficiently? Child care—everybody is for having quality child care. Everybody wants to strengthen the child care program. The question first we ought to ask is, where is that best done? What is the role of the Federal Government in child care? What is the role of the State government in these kinds of things?

I happened to have the privilege last night of having my Governor accompany me to the State of the Union Message. I could sense as we went through last night's State of the Union Message him saying to himself, ''We can do that better at the State level. We can really make those things work.'' I agree with that.

There are a number of other things that I personally would like to see us move forward on. One of my personal areas of interest is the national parks. National parks are a national treasure for all of us. More and more people go to visit national parks. More and more people are interested. Yet we have less resources for national parks than we need. National parks, some claim, are as much as $8 billion in arrears on infrastructure. We need to work at that. That happens to be something that I am most interested in.

I think most of all we need to be sure that we are responsible, finally. Spending continues to go up. If we are going to balance the budget—why balance the budget? Because revenues have gone up. I think the President's proposal goes far beyond what is going to be available for dollars. The President says we want to keep a balanced budget and then lists 30 items that will cost billions of dollars plus additional tax deductions there that will reduce revenue. So we find ourselves I am sure with spending far beyond our income if we do those things.

Those, I believe, have to be the constraints. That is what I heard from my people. That is what I heard from the people of Wyoming. They said, look, stay with that business of balancing the budget. We not only want to balance the budget, we would like to see you begin to reduce spending. This idea of the era of large Government being over is a good idea.

I was disappointed the President had done a complete reversal from 2 years ago when he announced that would be his objective. This certainly was not an effort to reduce and to change the era of big Government.

Spending continues to go up, 16 percent last year, 24 percent on entitlements. Over a period of time, entitlements continue to grow. Many of these programs that we talked about inevitably will become entitlements. These young people that are here on the floor as pages won't see those benefits because they will not be sustained if we continue to grow at 24 percent a year.

Madam President, I think we have a real opportunity. As I said, I enjoyed the President's State of the Union Message. That is his agenda. Now it is our responsibility to have an agenda and to put our priorities there, put our philosophy there, our philosophy of a responsible Government, our philosophy of a financially accountable Government, one in which we limit size and move as close as we can to people to solve people's problems.

The educational program that Senator COVERDELL has recommended is one that puts the responsibility in the hands of local people, parents. That is what we need to do. Those are the kinds of things we can do here to assist in those problems. So I am excited about this year. I think we have an opportunity to do a great deal. I am very proud of having been in this Senate since 1994. I think we have made some real changes in direction. It is my hope and my desire to help ensure that we continue to move in the direction of a more responsible Government, responsive to the folks that we represent, the folks I have had a chance to visit with for 2 months and have come back with some renewed dedication to the idea that this Congress, this Government, is responsible to the people, to the taxpayers, responsible for protecting liberty, responsible for being financially responsible, responsible for reducing taxes as much as we can, to leave the money to the people it belongs to. I am excited about the opportunity.

So my friend, Mr. COVERDELL, I appreciate very much what you are doing in this time to talk. I think we should continue to talk about our agenda and talk about the reasons we are doing what we are doing. I look forward to that happening this year.

Mr. COVERDELL. As always, Madam President, I enjoyed the remarks of the distinguished Senator from Wyoming. He brings that clear Western thinking to the Senate.

If I might add a thought, it is a little hard to believe, but this Congress passed the first balanced budget in the 104th Congress. That was vetoed by the President. We did it again. So we passed two. The President signed it. It is the first one in 30 years. In 30 years Washington has never developed the will to balance its budget. It passed the first tax relief in the last Congress. That was vetoed. A modified tax relief was passed last year. That was signed. That is the first tax relief in 16 years.

Now, I don't know what the situation is in Wyoming but that tax relief proposal leaves $750 million every year in Georgia checking accounts of working families, businesses, people sending kids to school and college, trying to make ends meet. It left $750 million in those accounts. It was not a particularly large tax reduction. But it means a lot. It puts about 2,000 additional dollars in the checking account of an average family.

Now, the point I am making is this, and I would like to get the Senator's comment, don't you find it interesting that once the United States balanced its budget, once it has become more engaged in managing its financial affairs, how much more optimistic the people are, how many more of them of working, how interest rates have stayed somewhat down, and how we are talking about surpluses for the first time? Pretty remarkable, very remarkable. It ought to be a lesson to every Congress and every President. This is a good idea. We better keep doing it.

Mr. THOMAS. If I might, I certainly agree with the Senator. It isn't that difficult.

In other words, this is what our system is all about. Our system of private enterprise, our system of limited Government, our system of allowing as much money as possible to stay in the hands of the citizens so they can invest it and create jobs, that is what our system is all about. Through the years it has been tested against socialism and big government and the government doing all these things, and throughout the world this system is the success. It is being copied everywhere. Sometimes it is scary when we see ourselves moving away from our own system that has been so successful, that everybody else has adopted.

So the Senator is exactly right. That certainly is what creates this kind of an economic environment is the ability to take the risk, to invest, to work, to earn, to keep and to do things for yourself and your family.

Mr. COVERDELL. Madam President, I appreciate the remarks of the Senator from Wyoming. I see we have been joined by the distinguished Senator from New York. I welcome his presentation and yield up to 10 minutes to the Senator from New York.

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

Mr. D'AMATO. Madam President, I thank the distinguished Senator from Georgia for his leadership on this most important issue. I believe that education is the most important issue facing our country.

We have focused a majority of our attention on the need to give assistance to those of our students who are college bound, and that is important. We have done, I think, a good job in expanding, for example, the Pell grants

to take in nearly 300,000 students, and I voted for that. We have increased the amounts of those grants substantially, from about $2,400 to $3,000 and I support that. And we worked to create educational savings accounts, and I think that is important, Madam President.

But I think it is time that we look at our elementary schools and our high schools, because one in five third-graders across New York State could not read with comprehension even the easiest connected sentences and paragraphs, according to the New York State Department of Education. We have heard that 40 percent of the children in some of our school districts are reading below grade level and are below grade level in math. 50 percent-plus of the students in some of our school districts are dropping out of school, including here in the Nation's Capital. What is going to happen to those children who are dropping out? How can they compete? What jobs are they going to hold? What will happen to society if this continues?

Let me say that last night the President talked about a number of issues. One of those issues he talked about was the need to hire more teachers. Let me tell you that I believe we need more teachers in the classrooms. We should empower, by way of making moneys available, the local districts to do exactly that. I am going to work with whoever it is—the President, this administration, my colleagues on both sides of the aisle—to do exactly that.

The President also called for greater accountability in education, and I believe that's important. He said students must be more accountable for their performance, that we should not have social promotion. That is true. Unfortunately, we didn't hear one word about making teachers accountable also. One of the things that this bill, the B.O.O.K.S. Act, does is make available funds for accountability. You can't have our kids learning if the people teaching them do not meet performance standards. We must have competency testing so that we know math teachers do understand basic math and that they can teach it. We have to have some system of evaluating, and we should give the school districts that ability. It is not that we should say what test they should give, but we should empower the local districts and the parents to have a choice.

(Mr. COATS assumed the Chair.)

Mr. D'AMATO. Most of our teachers, I believe, Mr. President, do a great job and are dedicated and hard-working. Unfortunately, there is no financial reward for those great teachers. I think we need merit pay. That is one of the things that we encourage in this legislation, which offers better opportunities for our kids.

We need major reform, not just tinkering at the edges of the problem.

Let me touch on that which, in many cases, brings about a hue and cry not from the parents, but from those who want to protect the status quo, the teachers' union.

By perpetuating the status quo, too many of our children are falling by the wayside—they are not making it. I am talking about a system that many of my colleagues quake when we bring the issue up, and that is called accountability and seeing to it that teachers don't have lifetime tenure. I think our kids are entitled to have teachers who make a difference just like the teachers I had in grade school who created magic in the classroom.

Those teachers exist today. Let's understand that. I think the vast majority of our public school teachers are dedicated, work hard, do a good job, and they should be rewarded with merit pay.

But, by gosh, let's not be afraid to say there should be accountability as well with teacher competency tests and ending a system where teachers, in essence, in too many of our schools and too many of our States, have what is likened to lifetime tenure. After 3 years, it becomes virtually impossible to remove those who are not doing the job. I will give you an example from New York State. Last year, only seven out of 200,000 teachers were removed. Seven. It has become virtually impossible. And it costs hundreds of thousands of dollars to bring this type of action.

Now, Mr. President, I am not suggesting that we jeopardize those good teachers who are doing the job or that we create some arbitrary standards. I am suggesting that we have some review, some system to evaluate performance so that nobody has what is, in essence, lifetime tenure regardless of the job the person is doing.

The education of our children is too important. Those who teach our children must be competent in these subjects, that is why we need competency testing for all teachers. Our children deserve nothing less.

Let me point to just one other area before I conclude my remarks, and that is school safety. My gosh, if we have children in our public schools that say it is dangerous and they feel safer in their neighborhoods than going from one class to another, what more do we need? If we don't have schools as a safe haven, creating the environment where our children can learn in that safe haven, that oasis of learning, then how can the best teacher do the job? So we have to be able to fast-track violent, disruptive students out of the school. You cannot suggest that public education has ever said that even violent, disruptive juveniles have a right to stay in school no matter what their conduct. That is unfortunately the case in too many areas. I will tell you that the 1,116 schools in New York City reported 22,000 incidents in 1996–97, including nearly 5,000 person-related incidents. It becomes impossible to have serious learning in the classroom.

Last but not least, let me just touch on one aspect that I think is so important. Why should we have a plethora of Federal programs that serve cross-purposes, when we can take that money and establish education block grants. Somehow bureaucrats have planted in the minds of many of our parents and local officials that they are going to lose money.

What we call for in this bill is saying that we are going to give you the same amount of money, and, in fact, we will actually give you more money. In title II of the BOOKS Act, States would receive funds through block grants, which can be used for educational needs that the local communities and school boards think are important—not that Washington mandates. So they are going to get more money. In addition, they are going to get a lot more money because 95 percent of those funds must reach the local schools in the classrooms and cannot be used for administrative expenses. We cannot have 15 to as high as 25 and 30 percent of the money being used for administrative overhead. The money is not reaching the kids.

I might give one example. Senator GORTON's amendment along these lines last year would have sent an additional $670 million to local school districts. But we have the bureaucrats in Washington who are opposed to that. They want to keep these ties. That is an employment center as opposed to becoming an educational opportunity. So $670 million more could go to the school districts. And by the way, that hires 26,000 teachers. So when our President says, ''we want to hire 100,000,'' here is a way. If we were to adopt the block grant proposal, and some amendments to it, we could hire as many as 26,000 teachers at the local districts without raising one additional penny. My gosh, that's over a quarter of the number that the President talked about, with no increase in taxes. It just means using the resources we have and empowering our parents and the local school districts to make these choices.

Mr. President, I want to commend Senator COVERDELL, Senator LOTT, and the occupant of the Chair, Senator COATS, for being leaders in this area. We have to do better for our children, not just tinkering at the edges.

By the way, why should we be afraid of the teachers' unions? We should encourage them to work with us. It should not be a battle against them. Notwithstanding that I have been critical of their status quo position and their opposition to basic, good, fundamental reform, this should be a fight for our children, to give our kids a better education. I would hope that the Members and all of the teachers would join and be in favor of this and work together. We can do better and we must do better because our children are entitled to that.

So, Mr. President, I thank you for your leadership. I thank Senator COVERDELL and my colleagues.

I yield the floor.

Mr. COVERDELL. Mr. President, I certainly echo the compliments of the Senator from New York to the Chair

because, clearly, throughout your career you have been dedicated to this kind of work. It was appropriate to mention that. We appreciate the remarks of the Senator from New York. They are very much on target.

We have been joined by our distinguished colleague from Colorado. I yield up to 7 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized to speak for 7 minutes.

Mr. ALLARD. Mr. President, I thank the Senator from Georgia for yielding me a few moments. One of the strengths of the Republican Party, and one of the reasons I am so proud of the leadership is that they have encouraged us to go back to our States and talk with the citizens in our States and really find out what the problems are. As we are putting together our agenda here for this session, I really feel like this is a grassroots message. It has come from within the States. It has come from our friends and our neighbors and our local elected officials, the people who have to work with the Federal Government on a daily basis. I have gone back to my State and held a lot of town meetings. This particular year, I decided to hold a lot of town meetings in January. I held 40 town meetings in January. The message that came loud and clear to me is the main thing on people's minds is that there is a growing Federal Government that is continuing to interfere in their daily lives. Somehow or other, they feel they are losing control. Local officials in Colorado feel like they are losing control. Small business people feel like they are losing control and are getting too many dictates from Washington.

Another thing that has come up in all of my town meetings has been the Tax Code. People are concerned about the tax burden that they have to bear today, particularly from the Federal Government. People want our tax system reformed. They certainly would like to have lower taxes, and they want a simpler and a less intrusive means of collecting those taxes. It strikes me that the two issues of taxes and the growth of Government tend to intertwine with one another. Those two issues, I think, are simply pulled together with this statement: Where the money goes is where the power goes. So people stand up, and say, ''Well, there is too much power in Washington.'' Then they complain the next minute that my request for funds from some program in Washington comes with mandates and strings attached and they begin to realize that there is power related to where that money goes. I think they think that the Federal Government is entirely too powerful. It does claim a huge portion of our economy each year.

Let me review just a few numbers to make the case for tax reduction and tax reform which is going to be an important part of our agenda. The tax burden has been steadily rising since 1992. In 1992, the Federal Government claimed 19 percent of the economy. By the end of 1997 this has risen to around 21.4 percent. Remember, this is just the Federal Government. It is not State taxes. It is not local taxes. And if we include all of the State and local taxes and Federal taxes, of course, it is much, much larger. We are just talking about the Federal Government's share.

The government at all levels now claims about one-third of the wealth produced each year in our economy—one-third. I think that is really a high number—certainly much more than any of our forefathers ever dreamed as far as the role of the Federal Government in our national economy.

According to the Tax Foundation, State, Federal, and local taxes will claim 38 percent of the median two-income family—38 percent. By comparison, in 1965, the burden was 28 percent. It has gone up 10 percent. The tax burden amounts to no more than a typical family will spend on housing, food, and clothing combined.

Mr. President, if we really want to help families with child care expenses, education expenses, health expenses, or housing expenses, we should reduce the tax burden. They have more money in their pocket. It gives them additional flexibility to spend it how they feel they should instead of sending it to Washington and then coming down with those mandates.

There is much talk in Washington about the budget balancing and the forecast of some excess revenues which are referred to as a ''surplus.'' I certainly hope that this happens.

When I was first elected to the United States House of Representatives, I remember our deficits were running around $340 billion a year. That is how much more they were spending a year than they were bringing in that same year. Now they are projecting—the Congressional Budget Office—somewhere around $5 billion. That is quite a change.

So I certainly hope that happens. Maybe we can do something here in the Senate to move that along by saying let's look at our budget that we passed last year. Maybe we can do something this year to cut back the $5 billion in spending and actually balance the budget and make sure that it happens.

But I think we need to be honest about why the budget numbers look so good. The budget is balancing not because of any tough decisions that we made here in the Congress. But it is balancing because of hard-working Americans out there that are being productive. And the reason that they are being productive, I think, is because they really believe that we are committed to balancing the budget. It holds down costs because interest rates are going down. And when they go to buy a car, or house, or when they are in business for themselves, this means they can invest more in themselves than the community. That is certainly part of it. Another part of it is because I think they believe that Republicans are going to—and they did last session—work for reducing the tax burden so they will have more of that for spending.

So the economic performance in the past year and why it has really done so well is because of action here, I think, in the Republican Congress.

The American people have been sending greater and greater amounts of their money to Washington. There is no doubt about it. With the budget balancing that we are going to be facing this year, I think we all pretty much agree that it is because of increased tax receipts coming in and not because of restraint in spending or the fact that the budget continues to grow. I think we have to keep that in mind.

Federal spending in 1998 is estimated to be around 4.3 percent over our 1997 spending level. It is well in excess of inflation which is a little bit over 2 percent.

So I hope that we will keep in mind that we need to make decisions that move the power from Washington back to the local level, and move it back to the pocketbooks of people who are in business for themselves and are making decisions on behalf of their families.

So we are going to reduce the role of the Federal Government by cutting taxes. And I am here to say that we need to get on with it. And the sooner we show the American people that we are really serious about cutting taxes I think the better our growth is going to be in this economy and the more we can count on to sustain the economy so it is easier for us to balance the budget and move forward with our daily lives.

I thank the Senator from Georgia for yielding me time to comment on taxes and our economy and how my constituents feel about reducing the budget within their daily lives.

Mr. COVERDELL. Mr. President, I thank the Senator from Colorado for his very generous remarks, and I enjoyed his presentation here this afternoon.

Mr. President, I ask unanimous consent that our time be elongated by 5 minutes. We have cleared this with the other side.

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

Mr. COVERDELL. Mr. President, we have been joined by the distinguished Senator from Texas. I yield up to 7 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized to speak for up to 7 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

I thank the Senator from Georgia for letting us talk about this important issue, because I think we are getting to the crux of what Congress wants to do. I am glad to be able to address this issue today after the President's State of the Union Message because I was somewhat concerned that in his State of the Union message. The President

seemed to throw aside any hope for tax cuts. That is a very important agenda that I have, and I think most Members of Congress have because we believe that hard-working American families should be able to keep more of the money they earn, not less.

I want to outline what I think is the right approach, if we do in fact start seeing budget surpluses. I want to put forward the proposition that ''half and half'' is more than just a high-quality milk product. In fact, half and half is the right formula for the responsible spending of the surplus that we hope to see in our budget over the next 10 years. Half should go for paying down the debt. If we are going to be the responsible stewards of this country for our future generation, we must start whittling away the $5 trillion debt. We have worked hard in a bipartisan way in Congress and with the President to come to a balanced budget. We have done the hard work. To now fritter it away with new ideas for spending our hard-earned taxpayer dollars is the wrong thing to do at this time.

So I think one-half should go towards paying down debt, so that we can say to our children we are going to give you at least as good a solid base as we had when we were growing up in this great country. The other half should go for direct tax cuts for the people who have earned this money.

When I hear people on this floor talking about tax cuts, you can really tell the difference in the way they frame the question. The question asked by people who do not want tax cuts is ''Well, now if we give these tax cuts, what is it going to cost the federal government?'' That is the wrong question. It is not the government's money, it is the money of hard-working taxpayers. A tax cut lets them keep more of the money they earn. It is not robbing it from the Federal Government. It is letting the people who earn it keep it.

So half and half I think is the right formula.

I will be introducing legislation very quickly that would provide tax cuts, and it would do it in a descending order of priority so that we would never go over one-half of the budget surplus of that year.

Here is what my tax bill would do. It would first eliminate the marriage tax penalty. People in our country should not have to choose between love and money. We value marriage. And the people who get hurt the most are the middle-income. The policeman who marries the school teacher will pay over $1,000 in taxes in a marriage tax penalty just because they got married. That is wrong, and I want to eliminate it.

No. 2, I want to raise the level of income that people would start paying taxes at 15 percent and 28 percent. This helps the people who are paying the most. I want to raise that 15-percent tax on a single person which, in 1998 will kick in at $25,350. I want to raise that to $35,000 so that you would not go into that 15-percent bracket until you are single and earning $35,000. If you are married, it would be $50,000, up from $42,350. If you are the head of a household, it would be $40,000, up from $33,950. The 28-percent bracket, the next bracket, would start at $71,000 for a single person, up from $61,109, $109,950, for a couple, up from $102,000, and for a head of household, $93,000, up from $87,000.

This just raises the point at which people would have to pay higher rates. It gives a break to those who are paying the biggest share, and that is the lower- and middle-income people of our country.

No. 3, the bill will repeal the 18-month capital gains holding period and make it 12 months. I think 12 months is ample time for a capital gains tax to set in. And keep in mind that capital gains are more disproportionately paid by our elderly citizens.

No. 4, in my proposal, I will index capital gains for inflation. This will be a tremendous help to elderly people because most of their income is investment income rather than earned income. We are indexing the personal exemption on earned income. Why not do it for those who are earning it through investment, as elderly people are?

Finally, my bill will cut the top estate tax rate from 55 percent, to 28 percent. I don't like the estate tax at all because I think the American dream for over 200 years has been that you could come to this country, you could work harder, and you could give your children a better chance than you had. So I do not want the estate tax at all. But if we are going to have one, I think it should be lower so that people will be able to give their children a little bit better start than they had.

This is a balanced tax-cut plan. It is not the only one that is good. I have heard many versions of tax-cut plans being put forward by my colleagues that I could easily support. But, I think the important point here is that most Americans, the average American family, pay 38.2 percent of their income in taxes. Mr. President, that is too much. And we want to change it, and it is a priority for this Congress.

I thank the Senator from Georgia for letting us focus on this very important issue for strengthening the American family by letting them keep more of the money they work hard to earn.

Thank you, Mr. President.

Mr. COVERDELL. Mr. President, I thank the Senator from Texas for her excellent remarks and her dedication to leaving money in the checking accounts of people who earn it.

Let me just say in closing, because I know we are going to the other side, that to me American liberty and freedom rests on three principal stanchions: Economic liberty, which means workers can keep the fruits of their labors and make decisions about their lives and fulfill their responsibilities. We have been talking about that here today making sure we leave resources with American workers and families so that they can do the job and always be dependent upon them to do so in America.

No. 2, for freedom to exist people have to be safe. They have to be secure at work and at home and in their school. We talked about making them safer today.

Last, but certainly not least, an uneducated mind cannot enjoy the benefits of American citizenship. An uneducated mind is denied American liberty. The first major denial occurs, as Senator D'AMATO from New York said, when they are denied economic liberty because they cannot get a job and they cannot connect with the vast opportunity in society.

So America has to get about the task of assuring that all her children and her population have the fundamentals to be free and to enjoy American freedom. And that is what we have been talking about today. We want America to be educated so that she will remain free.

We want workers to be able to benefit from their work so that they can do the job of raising their families and fulfilling their responsibilities as American citizens. And we know they have to be safe because no commerce, no civil interaction can occur in a society that is violence-ridden. And that is what we have been talking about all afternoon.

If you keep America educated, you give her citizens economic viability and options; protect them at home and in the workplace and school, America will be just fine. Our people will take this country and build a new American century.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. ROBB pertaining to the introduction of S. 1582 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ROBB. With that, Mr. President, I yield the floor and I thank the distinguished Senator from North Dakota for yielding me time that was to be his, and which I would ask unanimous consent not be charged against the 90 minutes that are allocated to him.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

Mr. DORGAN. Mr. President, it is my understanding that 90 minutes have been reserved in a block of time for the Democratic Leader or his designee. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

THE AGENDA FOR 1998

Mr. DORGAN. Mr. President, my colleagues and I intend to come here to the floor today to discuss the agenda and what we see ahead of us in this congressional session, the second session of this Congress.

My expectation is that we will find ourselves this year, just as we have in previous years, debating a range of controversial, interesting, and in some cases very provocative issues. We will agree on some of these issues on a bipartisan basis. There may well be aggressive debates about other issues. That is the way the democratic system works. That is the way it should work.

Where we can reach across the aisle and achieve agreement and do the right thing for this country in a harmonious way, good for us. That's what the American people expect us to do. However, when there are policy issues that are very, very controversial, the people expect us to have a vigorous debate, and we will do that.

Most of us head home on weekends or during time when the Senate is not in session. I expect other Senators had the same experience I did during this most recent recess. Constituents say to you, ''Well, what are you doing down there in Washington? What's going on in Washington? What's happening in the Senate?'' It's a question that everyone asks, no matter where you meet them.

What is happening in the U.S. Senate, and what is happening down here in Washington with respect to legislative duties, is whatever we decide to have happen here on the floor. By virtue of what we schedule for the business of the Senate, we decide what parts of the people's business we will address this year.

I want to talk just for a moment about what I think the business of the Senate ought to be in the coming months.

First and foremost, we ought to take up the legislation that reauthorizes the highway program. That bill was supposed to have been passed last year. It wasn't passed; it was extended for 6 months. And the majority leader, quite appropriately, told us that it will be near the first order of business when Congress returns.

We must take that legislation up and pass it so that the folks around this country who have to plan to maintain our roads and bridges can make those plans. It is our responsibility to pass that bill—not later, but sooner, and I urge that the majority leader bring that legislation to the floor and do it soon.

Some in the Chamber counsel, ''Well, let's wait until the budget is passed.'' No, this is the legislation that was supposed to be passed last year. Let's not wait any longer. Let's bring it to the floor as the first order of business and pass a highway bill. It is also a bill that deals with jobs and opportunity and economic growth in every State in this country. We have a responsibility, in my judgment, to bring it to the floor and to move it.

Second, I hope in the next days we will pass a piece of legislation that the House of Representatives approved last year by an overwhelming vote. This bill deals with the Internal Revenue Service. It would change how the IRS does its business. It would make significant, important changes in the relationship between the Internal Revenue Service and the American taxpayer. The Senate should pass that bill quickly. It ought to be this week or next week. That ought to be at the front end of the business of this Senate.

Last night President Clinton came to Capitol Hill and in his State of the Union Address talked about the agenda that he thinks Congress ought to consider. At least one of the items of that agenda, which I expect will be controversial but really should not be, is the issue of managed care. I want to describe why this is so important.

President Clinton last night talked about the number of Americans who are now in managed care plans. Well over 100 million Americans are now in these plans. All of us have heard the stories about what managed care means to our families.

Peter Van Etten of Stanford Health Services, in Time magazine, said this on April 14: ''In the insanity of economics in health care, the patient always loses.''

President Clinton last night said there ought to be a patient's bill of rights. Let me give some real-life examples that will demonstrate the importance of this issue.

In California, an employee who suffered from hemophilia was unable to find out whether the new insurance plan offered by his employer would cover his blood-clotting concentrates unless he first joined the plan. In other words, they said you either decide to join or not to join, and we won't tell you whether this covers you as a hemophiliac. What kind of health care plan is that?

A large California HMO denied a referral of an 8-year-old girl suffering from a rare cancer called Wilms' tumor. According to the National Cancer Institutes' protocol for this type of cancer, the girl should have been referred to a Wilms' tumor multi-disciplinary team. But the HMO covering this girl demanded the surgery she required be performed by a urologist who did not specialize in pediatrics and who never before performed this surgery. Even though that HMO had a relationship with a local teaching hospital, which, in fact, did have a Wilms' tumor team, the family was told they would have to go out of the plan and that even the girl's hospital stay would not be covered by the HMO. This, by the way, ended up in court. The HMO was fined a half a million dollars by the California Department of Corporations.

A Time magazine cover story titled ''What Your Doctor Can't Tell You'' featured a young mother of two, battling with her managed care insurer for coverage of expensive treatments for breast cancer that had already spread to other parts of her body. She died before the article was published, so the fight was over. But she made her point.

In New Jersey, a young woman took a terrible fall from a horse. According to a New York Times newspaper article, she was suffering from swelling of the brain, and was being taken by ambulance to the nearest hospital. In the ambulance, as her brain was swelling from this injury, she said she didn't want to go to the nearest hospital because it was a facility concerned with the bottom line. She didn't want to go to an emergency room where she felt her health care would be a function of profit and loss statements. She told the ambulance crew to take her to a hospital that was farther away, where she was not worried about the kind of care she would get, and where her health was not going to depend on someone's profits and losses.

A Missouri managed care plan sent all of its customers a letter that said a trip to the emergency room with a broken leg, or a baby running a high fever, should not generally be assumed to be covered by the managed care plan. The letter read like this: ''An emergency room visit for medical treatment is not automatically covered under your benefit plan.''

Mr. President, over 100 million Americans are in managed care plans. These plans can, in fact, save money. In some cases they can improve care. But they can also set up circumstances where decisions about health care are made not by a doctor, but by an accountant in an office 400 miles away, who decides what procedures are covered. I have had doctors tell me that this isn't serving patients' interests. And patients are very concerned about the quality of their health care in this circumstance.

The President said let's pass a piece of legislation to give the patient a right to know about health care options, to ensure the fundamental rights of patients under these plans.

Others will talk about other parts of the agenda. But in conclusion let me just talk for a moment about President Clinton's budget proposal last night. He said that if our budget no longer has a deficit, we should use any additional funds to put Social Security first, to save Social Security first.

I want to describe why that is important. This is a brand new document, January 1998, put out by the Congressional Budget Office. I will bet if you go to the Congressional Budget Office and you find out who wrote this, those people have some fancy degrees, probably three or four of them, from the best schools in the country. They probably wear tiny little glasses that make you look really smart. They probably work hard all day, have several titles. And everybody respects them immensely.

So they write a white book and the white book says that the budget is

going to be balanced in the year 2001. It's right here. These are smart people. They published it this month.

Then the same people, wearing the same glasses and gray suits and having the same pride in their work, say on page 43 that in the same year, 2001, when they say the budget will be balanced, the Federal debt will increase by over $100 billion.

I didn't take higher math. I probably didn't go to the best school in the world. But I ask the question, if you claim the budget is in balance, why would the Federal debt be increasing? I know the answer. Apparently these folks don't. It's because they are taking Social Security trust fund money and using it over in the operating side of the budget in order to say that the budget is in balance.

What the President said last night was ''Save Social Security first.'' We need to save the money in those trust funds. This accounting system ought to be honest. These people know better than to put out reports like this. The Congress ought to know better that to think we are running a surplus when the surplus is actually in Social Security and it's for future years. And I hope this Congress will express itself on that issue.

Do we decide as a Congress to save Social Security first? Or do we, as some suggest, spend more money quickly? Or, as others suggest, give money back, quickly, at a time when our Federal debt is still increasing? I hope this Congress will heed the advice of the President and make the right choices.

There is plenty more to talk about in the agenda. And my colleagues will do so.

Mr. President, we have an hour and a half. And I understand that the Senator from West Virginia wishes to take 15 minutes. So I yield to the Senator from West Virginia, Senator BYRD, for 15 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from North Dakota. And I thank the Chair.

Mr. President, on several occasions during the last session of Congress, I took to the Senate floor to discuss the importance of reauthorizing the Intermodal Surface Transportation Efficiency Act, or ISTEA. I shared my observation that this effort to renew our Nation's highway, highway safety and transit programs would be one of the most important, if not the most important, legislative accomplishment of the first session of the 105th Congress. As all Senators are aware, the provisions of ISTEA expired on September 30 of last year 1997. This meant that, absent enactment of new authorization legislation, many important highway, bridge, and transit projects would grind to a halt. Unfortunately, the Senate did not turn to the critically important ISTEA reauthorization bill until October 8 of last year. Between that date and October 29, 1997, the Senate was unable to adopt even one substantive amendment due to the impasse over Senate consideration of campaign finance reform legislation.

The parliamentary amendment tree was filled. And it was impossible to get an amendment in which I and other cosponsors of the amendment wanted to have brought before the Senate.

The Senate failed to invoke cloture four times on the ISTEA bill. In the end, notwithstanding the fact that a unanimous consent agreement was reached on the campaign finance issue, the 6-year ISTEA bill was pulled from the floor. Finally, on November 10, the Senate debated and passed a short-term extension of our existing highway and transit programs, effectively putting off completion of Senate action on our Nation's surface transportation policy for the next 6 years until the second session of the 105th Congress.

Now, despite the stated intentions of the Senate leadership to take up the ISTEA reauthorization bill, S. 1173, during the first week of the second session of this Congress, I am very concerned that the Senate may not return to the ISTEA reauthorization bill until after completion of the fiscal year 1999 budget resolution in late spring.

Mr. President, the onus is now upon us to return to the full 6-year transportation authorization bill and complete our work as soon as possible. While I supported the enactment of the short-term extension bill back in November, I remind my colleagues that it was only a stopgap measure providing only about one-half year of funding for our existing highway, highway safety, and transit programs. As of this date, our State highway departments and our mass transit systems cannot establish a budget for the current fiscal year because they do not know the final level of Federal resources that they will receive for this year. Morever, they cannot develop or implement any long-term financing plans because they do not know the level of Federal resources that will be available to them over the next 5 years. This is an impossible situation for our State highway departments. Given the cost and duration of major highway projects and the complexities associated with short construction seasons in our cold weather States, planning and predictability are essential to the logical functioning of our Federal-Aid Highway program. But that kind of rational planning is precisely what our States cannot do at this time because of our inaction. This is not how our State and local transportation agencies should have to do business. Certainly, no corporation could long survive doing business in this fashion. It is, nonetheless, the circumstances that we have placed upon our transportation agencies, due to our failure to enact a multi-year ISTEA reauthorization bill in a timely manner.

Members will recall that, prior to S. 1173, the ISTEA bill's being pulled from the floor, I, along with Senator GRAMM of Texas, and the chairman and ranking member of the Surface Transportation Subcommittee, Senators WARNER and BAUCUS, filed an amendment numbered 1397. Our amendment embodies the simple premise that the 4.3 cents-per-gallon gas tax, which previously went to deficit reduction, but which is now being deposited in the Highway Trust Fund, should be authorized to better address our Nation's considerable highway needs. The amendment has two principal objectives. First, to put an authorization in place that allows for a substantial increase in highway spending in order to stem the continuing deterioration of our National Highway System. And second, to fulfill the trust of the American people, the people out there who pay these gas taxes every time they drive up to the gas pump believing that these funds will be used to maintain and improve our national transportation system. That was the position of Senators GRAMM, BAUCUS, WARNER, and myself back in October when we brought forth our amendment, and that is our position today.

Our amendment, which now has 49 co-sponsors, provides for the authorization of highway spending levels over the next 5 years consistent with the revenues derived from this 4.3 cents gas tax—roughly $31 billion over the 5 years 1999–2003.

By the way, we have 49 cosponsors on that amendment. But several other Senators have assured us that they will vote for the amendment even though they were not interested in cosponsoring it for one reason or another. They will vote for it. They will be supportive of it if it will be brought up for a vote.

Nothing has changed since October regarding the resolve of Senators GRAMM, WARNER, BAUCUS, and myself to see this amendment adopted. However, other things have changed since the amendment was introduced. We are now well into fiscal year 1998 and the 4.3-cents gas tax is being deposited—where?—into the highway trust fund. By the end of this fiscal year, more than $7 billion—with a big ''B''—$7 billion in additional new revenue will be deposited into the Highway Trust Fund, not one penny—not one penny—of which is authorized to be spent under the committee-reported ISTEA bill. Instead, these funds will be allowed to sit in the highway trust fund, earning interest, and being used as an offset to the Federal deficit for the next 6 years. In other words, if we adopt the levels authorized in the committee-reported bill, as Senators DOMENICI and CHAFEE—both of whom I have the greatest respect for—would have us do, we will have accomplished nothing—nothing at all—toward improving our National Highway System. Instead, we will have just enacted legislation to actually prevent using this 4.3 cents gas tax for highways. What the committee-reported bill does, then, without the Byrd-Gramm-Baucus-Warner amendment, is ignore the availability of this new trust fund revenue for

the entire upcoming 6 years. Not one red cent will be authorized for expenditure if we accept the committee bill, as reported. This means that by the end of 2003, the highway trust fund balances will have grown to roughly $72 billion! In other words, some $72 billion will be sitting there in the highway trust fund as government IOUs collecting interest and being used to lower the Federal deficit instead of for highways as we, the Members of Congress, have told the American people it would be. I cannot imagine a more perverse scam on the American people.

Well, one may say, we need to balance the Federal budget and we cannot do it if we let these highway monies be spent. Not true. Not true, Senators.

The resources were available back in October to finance the levels of highway spending embodied in the Byrd-Gramm-Baucus-Warner amendment. And today, it appears that there are even more resources available to provide for a healthy increase in infrastructure spending, without busting the budget. When one reviews the conditions of our Nation's highways and bridges and the current inadequate levels of investment—which would continue for the next 6 years under the committee-reported bill—one must come, as I do, to the conclusion that it would be irresponsible to do any less.

Mr. President, our national highway system is America's lifeline, not just for rural areas, but for all of our Nation's cities—even those that make extensive use of mass transit and rail systems. Our major highways carry nearly 80 percent of U.S. interstate commercial traffic, and nearly 80 percent of intercity passenger and tourist traffic. Even though our Nation has among the most extensive and efficient rail and aviation systems in the world, eight out of every ten tons of interstate cargo still travel over our highways. And eight out of every ten of our constituents travel between States over highways. In regard to intrastate traffic, Americans take 91 percent of all work trips and 87 percent of all trips in a car or truck. Like it or not, we are a Nation on wheels.

Yet, despite the indispensable role our highway system plays in modern American life, we have, as a Nation, been negligent—let us confess it—we have been negligent in its upkeep. We have allowed the system to fall into a woeful state of disrepair while the unspent balances of the Highway Trust Fund have continued to climb. According to the most recent report by the U.S. Department of Transportation regarding the conditions and performance of our National Highway System, only 39 percent of our National Highway System is rated in good condition. Fully 61 percent of our Nation's highways are rated in either fair or poor condition. For our interstate system, which is the crown jewel of our National Highway System, fully 50 percent of the mileage is rated in fair or poor condition. And these figures only worsen when we look at our other major Federal and State highways. In our urban areas, fully 65 percent of our non-interstate highway mileage is rated as being in fair or poor condition. There are literally over a quarter-of-a-billion miles of pavement in the United States that are in poor or mediocre condition, and there are almost 95,000 bridges in our country that have been deemed to be deficient. Within that total, roughly 44,000 bridges have been deemed to be structurally deficient, meaning that they need significant maintenance, rehabilitation or replacement. Many of these bridges require load posting, requiring heavier trucks to take longer, alternate routes. And an additional 51,000 bridges have been deemed to be functionally deficient, meaning that they do not have the lane widths, shoulder widths, or vertical clearances sufficient to serve the traffic demand.

Paradoxically, as our roads continue to deteriorate, our Nation's dependence on those roads continues to grow. Highway use is on the rise. The number of vehicle miles traveled grew by roughly 40 percent over the last decade to an astronomical rate of 2.3 trillion. Within that total, the rate of traffic growth on our rural interstates grew by an even higher rate. And these levels of growth show no sign of abating. Since 1969, the number of trips per person taken over our roadways increased by more than 72 percent and the number of miles traveled increased by more than 65 percent. This combination of traffic growth and deteriorating conditions has led to an unprecedented level of congestion, not just in our urban centers but also in our suburbs and rural areas. Congestion is literally choking our roadways as our constituents seek to travel to work, to the shopping center, to the child care center, to their houses of worship.

Mr. President, the traveling public is waiting for us—for us—to take up and pass a comprehensive ISTEA bill that truly addresses the needs of our surface transportation system. We should take up that legislation at the earliest possible time. And when we do, I hope all of my colleagues will join Senator GRAMM, Senator BAUCUS, Senator WARNER and me, in supporting our amendment to re-invest in America's lifeline—our amendment to restore the trust of the American people in the Highway Trust Fund—our amendment to authorize the spending of our Highway Trust Fund resources where they are so desperately needed: On our Nation's highways.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Let me thank the Senator from West Virginia, Senator BYRD, for a very important statement.

Mr. BYRD. Let me thank my friend for his courtesy and kindness in yielding this time to me, but more than that for his leadership that he is demonstrating on this floor. This is quite characteristic of him.

Let me also say that my colleague, Senator ROCKEFELLER, likewise, is ready to speak. I shall wait, I shall sit, and I shall listen.

Mr. DORGAN. I yield 10 minutes to the Senator from West Virginia, Senator ROCKEFELLER.

Mr. ROCKEFELLER. I thank my colleague from North Dakota. I secondly thank my colleague from West Virginia. I wish the Presiding Officer a happy new year as we start off on what I think, based upon what we heard last night, ought to be a very optimistic and productive year. I thought it was really quite an extraordinary speech.

Even at the time there seemed to be so much in it that we could do that I worried, was it too much? And I came to the conclusion, no, it was all perfectly sensible—not all of it huge, some of it incremental, some of it large and challenging—all of it doable, and I think that is our challenge.

I think our country ought to be very happy about the fact that we have a balanced budget. It really was extraordinary, $357 billion down to $10 billion. We will present a balanced budget to the President for the first time in 30 years. That is an extraordinary accomplishment. We all share in that. The Democrats probably get the lion's share of the credit for the 1993 part, but the Republicans and Democrats did it together last year and, therefore, sealed what is a remarkable accomplishment in being fiscally prudent—and I think surprising, in a good way, the American people. I think that is probably a good thing because the markets rallied by our action. The markets are now troubled because of what is happening in Asia, and our President last night held out challenges to us on that matter, too, very boldly and I thought very correctly.

The point is we really have to go forward. We have, according to whoever you listen to, somewhere between 70 days and 100 days in which to enact legislative affairs. I haven't counted it up. I don't know exactly how that works, but I will take their word for it. In any event, there is really not much time, which means we have to reach across the aisle. The Presiding Officer and I often don't agree on subjects. On the other hand, we agreed on something of monumental importance when it came to the adoption bill at the end of the last session, and that is the way things get done around here, and that is the way things ought to get done around here. Republicans can't succeed without Democrats. Democrats, obviously in the minority, cannot succeed without Republicans. Yet we often succeed and do ourselves proud here, and I feel very comfortable in saying that.

I think the President made very clear that parents want their children to have the best kind of education. He put a program on the line. It is not an extravagant program. It is a sensible program. On our side, we have been grumbling about crumbling schools for quite a long time, and now I think we have a

chance to do something about that. The President put forward some money for that.

I think workers have reason to feel—workers of all ages—have good reason to feel good about last night because I think the President is very concerned particularly about those between 55 and 65 years old who don't have health insurance. We have all watched the phenomenon as American companies, reacting to principles that I'm not prepared to argue with, which I regret I am not prepared to argue with, as they decrease coverage, as coverage becomes more expensive or they decrease coverage, perhaps, of the dependents of the worker, even if they hold on to the coverage for their worker, and often it is the coverage of the worker's children that is really the matter most at stake. I think he wants that to be solved. He wants people to be able to buy into the Medicare Program between 55 and 65.

Interestingly enough, that is a group which has an enormous amount of dependency on health care because right now 15 percent of those older Americans are completely uninsured. So that is the time in life when things begin to get more difficult in terms of health, and the President understands that and reacted to that.

I really did like, Mr. President, what he talked about in health care. I liked the idea of pushing us further than we have been on children's health care. We did a very good job last year on a bipartisan basis, and that is exactly what it was. I remember the Finance Committee meetings. They were an absolute model, Senator BYRD, of bipartisan cooperation. All staff, everybody left the room, and then there were just the 20 Senators—11 Republicans, 9 Democrats—facing each other. And rather rapidly, perhaps because there was no glare, an enormous amount of cooperation just exploded in that cooperation, and all of a sudden we had the children's health care bill which is being put to good use. Fifteen States have already asked Donna Shalala for a waiver to be able to proceed. West Virginia has not at this point concluded what it will do. Governor Underwood presented a good program to the State legislature. The State legislature is going to come back with a good program. There will be a compromise reached. The legislature is Democratic. The Governor is Republican. They both want the same thing. They both want to see children insured. So does the President, and he wanted to see more of that.

I will express a concern to the Presiding Officer that a large number of those 5 million children that we included in our bill last year are children who are already eligible for Medicaid but simply don't know it because their families are detached from the system, because somehow through the school lunch program they just have not found out they are eligible, they don't want to fill out the paper forms, or they are afraid. That is a phenomenon that one finds in the hills and hollows of various parts of this country. I worry a great deal about being able to get out to those children. In the case of West Virginia there are some 30,000 children who are already eligible for Medicaid. But the President was challenging us to do that and to do more, and well he should because there are 10 million uninsured children in this country. No other industrial nation on Earth has to go through the pain of saying that. He pushes us forward.

I think he cares very much, as I indicated, about the workers in the 55- to 65-year-old range. They worry about their future. The baby boomers, the younger generation, wonder whether there will be Social Security and Medicare for them, and they have reason to worry. I think the President, therefore, said, look, let's take the money which is going into a surplus, should there be one, and put that into Social Security. He said, ''Social Security first.'' That is strong stuff. I think the American people really identify with that. That means that, no, there cannot be some of the tax cuts which some on both sides of the aisle may want to see, some of which may be very useful. But in a sense he was saying we can't have it all. We have to make priorities. Social Security comes first.

There is also, as the Presiding Officer knows, a commission on Medicare which I am very proud to serve on. That is a huge problem that we will have to solve. Last year we bought ourselves about 10 years, but let's face it, in the buying of those 10 years we took some of the pressure off, the decision that we will have to make in the next 2 years, and we cannot allow that to happen.

The Social Security Commission of 1983 succeeded because Social Security was in the act of collapsing and the commission knew it and therefore they acted. The commission on Medicare, which affects so many in our country, is not going to be faced with that kind of immediate pressure so we will have to bring it on through our own energies, our own intellectual and moral commitments, and I believe we will be able to do that.

The other thing that the President said among many that I liked very much was the whole concept of people dealing for the first time with managed care. He pointed out the enormous number of Americans that are in managed care now and he wants to see basic rights for people that have that available to them. I think he is quite right. We will see, as we have before, insurance companies and their lobbyists talking about mandates and big Government and all kind of things like that, but I don't sign on to that. I think the President is right, that confidentiality ought to be a right, and managed care patients ought to be able to see a specialist. Just because it is the cheapest doesn't mean it is the best. Patients should not be herded into something because it is cheap. It ought to be as cheap as possible, but it has to be very, very good.

All in all, I thought the President had a lot to say. I thought he said it with eloquence. I thought he said it with strength. I thought he said it with a very, very strong vision. Health care is hard. No. 1, it is hard just as a subject, but it tends to automatically send people scurrying one direction or another direction. People either say too big Government or people say that is not enough. Somehow we have to find in this Chamber a way of understanding that the world's greatest economy can afford, even if it is on an incremental basis, that all of our citizens be insured. We really can do that and we can work together to do that.

There has been marvelous cooperation—Senator CHAFEE and myself, Senator KENNEDY, Senator HATCH—on children's health last year. There have been so many examples of that over the recent years. I think part of the lesson that he preached last night was, ''Let's do this together.'' It wasn't just ''I, a Democratic President of the United States.'' It is ''we,'' representing all of us, representing Republicans and Democrats all across this country.

I am ready to fight for a good solution for Medicare. I want to see parents satisfied that their children are getting the best education. I want to see baby boomers have a sense of security about Social Security in the future because we dedicate surpluses to that area, and I also want to see retired workers who are either kicked out of jobs or retired from jobs during the vulnerable period of their older lives, 55 to 65, to have a basic sense of being able to buy into Medicare. I think that is sound health care policy and I congratulate the President on doing that.

I yield the floor.

Mr. DORGAN. Mr. President, I thank Senator ROCKEFELLER for a wonderful presentation.

I yield 10 minutes to the Senator from New Mexico, Senator BINGAMAN, following which I yield 10 minutes to the Senator from Connecticut, Senator DODD.

Mr. BINGAMAN. Mr. President, I thank the Senator from North Dakota. I may not take a full 10 minutes, I advise the Senator from Connecticut.

Let me start and make the points that I came here to make because I do believe that some important issues were raised by the President last night in the State of the Union Address, and they are points that are worthwhile to go back and look at for just a minute.

One change that has occurred here in Washington in the time I have been here—and it was very clear last night when I listened to the President—is that we now have a consensus; at least a majority agree that education is a national responsibility as well as a State and local responsibility. I can remember very recently—and you still hear people say this, but not many anymore—but I can remember when a

substantial number of people used to say education is not an appropriate issue for the Federal Government to concern itself with.

Clearly, it is a great concern for the people I represent in New Mexico, and it is a great concern for working families all over this country; but ''it should not be a concern for people who come to Washington to make the laws or to appropriate funds or to allocate tax dollars because this is not a national responsibility.'' That was the argument that we always heard. I think one of the great legacies that this President will leave and this Congress will leave is that there is a change in that attitude. There is a recognition here in Washington, finally, that just as every other industrial nation in the world considers education a national concern as well as a State and local concern, here in America we need to consider it a national concern as well as a State and local concern as well. So I think that is a major change and a change for the better.

Last year, Congress and the President agreed on some very significant initiatives in the area of education—a new HOPE scholarship for 2 years of college, a $3 billion overall increase in education funding was included last year, and funding for a new $210 million reading initiative. There were various other initiatives in the education area that were agreed upon by Democrats and Republicans alike. So we have made progress so far in the 105th Congress, and in the second session we can make more progress. I have heard some speeches today and some comments today by my colleagues, particularly on the other side of the aisle, and they go along two lines. Number one is the old argument that this is not a national concern, education is not a national concern, we should not be doing more in this area. We ought to leave it up to local school districts if they want to do it. Second, there is no money. We may have the largest economy in the world, and we may be in a period where the Union is strong and where the economy is strong and where we are finally getting to a balanced budget, or very near to it, but there is no money. ''We now spend less than 2 percent of our Federal budget on education and that is too much. We can't afford to spend any more.'' That is the argument I hear.

I don't think the American people agree with that. When I go to my State and have town hall meetings and visits with people around New Mexico, I hear them say they are shocked to find that the Federal Government commits so little in resources relative to what the Federal Government spends in other areas. So I think we are expected by the people who sent us here to do better by education. The President is showing us the way to do that.

There are three areas in particular I want to highlight today where I think he is showing some leadership, and we need to follow that leadership and try to make a difference. One is in the very important area of lowering the dropout rate in our schools, reaching those at-risk students who historically have left high school before they graduate. We have oversized schools in this country. We have low expectations of many of our students. We have inadequate involvement of parents in the education of their children. As a result of all of these factors, over 500,000 students each year in this country drop out of school before they complete high school. Thirty percent of the young Hispanic adults in this country lack a high school degree because of that very problem. This is a national tragedy, in my opinion, and we at the Federal level can do some things to try to assist with this problem.

I hope very much we will take the lead of the President in doing that. He has proposed key programs such as title I, the TRIO program, bilingual education, and several new initiatives to make schools more conducive to learning, to raise expectations and lower dropout rates. He has proposed $12 billion for class size reduction and teacher training and a mentoring program for at-risk middle school students. He has proposed $150 million for comprehensive reform. Now, that funding would go to schools with a serious dropout problem that want to focus on restructuring those schools and coming up with ways to give attention to the at-risk student, to keep them in that school, prevent them from dropping out. That is an initiative that is worth our effort and support.

A second area, in addition to the dropout problem that the President is providing leadership on and that we here in Congress have done a substantial amount on in recent years, is providing computers and access to the Internet for the students in our schools today. Technological literacy is an essential part of being educated today. We need to ensure that the schools throughout this Nation are equipped so that students who come through those schools have access to that technology. The President is proposing significant fiscal year 1999 increases for key technology programs. For the formula grants to States there is $425 million in fiscal 1997. For competitive grants, $76 million for technology training for teachers. And all of us understand that you have to train the teachers to use the technology in order that it can be used effectively by the students as well in the classroom. The President is proposing increases in each of these areas. I believe it is in the best interest of this country for us to follow his lead in that area.

The President's $10 billion school construction initiative will also help to provide access to fully-wired, technology-ready facilities for computers, and the Internet can be readily integrated into classrooms. Schools are the last area of our society where technology is really having an impact. It is more prevalent in our homes and in our offices than it is in our schools, and it is time that we fix that problem.

The final area I want to mention is where I believe the President has made some progress and this Congress has made some progress and we need to keep moving forward in, which is the area of world-class academic standards. Too many schools still offer watered-down academic programs, general education tracks, and low expectations that will not meet the demands of local competition. The President has proposed $200 million in incentives to help districts to set high academic standards, to eliminate the problem of social promotion which he spoke about very eloquently last night, and to take other measures to upgrade the quality of education in our schools. He requested roughly $13 million to pilot and field test a new voluntary national test in reading at the fourth grade level and math at the eighth grade level. This test would be developed by the National Assessment Governing Board, which is not part of the Department of Education.

Mr. President, these three initiatives—the effort to reduce dropout rates, the effort to provide technology for our schools, and the effort to assist our local schools to achieve world-class academic standards—are all worthy goals for us in this second session of the 105th Congress. I hope very much that we will follow the lead of the President and support these efforts with real resources. We will recognize that our constituents do not want to have us debate and debate and debate about whose responsibility it is to improve the schools. They want to see progress, they want to see improvement, they want to see their children receive a better education. We have the power to do that by continuing what we started in the last session of this Congress—that is, putting more resources into education, giving the priority to education that the President talked about last night. I hope very much we will do that. I believe the President has shown a direction that the American people want to see us follow. And I hope very much we will have the good sense to follow that direction.

Mr. President, I know there are others who intend to speak. So at this point I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me, first of all, commend my colleague from New Mexico for the very thoughtful statement on education, on the importance of it. I did not hear all of the statements made earlier. I know my colleague from West Virginia, the senior Senator from West Virginia, Senator BYRD, discussed the issue of transportation and the importance of the ISTEA bill, the intermodal transportation system bill, which has to be brought up very quickly here. I heard our junior Senator from West Virginia

discuss the issue of Medicare and health care. So a number of these items the President discussed last evening in his State of the Union Message have been the subject of some discussion here today.

I think all of us were very impressed with the agenda the President has laid out for this session of this Congress, the remaining 70 to 120 days. The distinguished majority leader of the U.S. Senate, Senator LOTT, has indicated this will not be a long session. So we have a relatively short amount of time for an agenda that I think is important for the country. I hope many of these items will be considered in a strong bipartisan sense. Some will obviously provoke some disagreements. Minimum wage and family and medical leave are two items that come to mind immediately. But I hope on things like Medicare and Social Security and building our public schools and campaign finance reform, we can find some common ground here and get the business of the country done.

Mr. President, I would like to focus some remarks, if I could, on a subject that is I think critically important. The President spent some time discussing it last evening. It is one that I had worked on for about a month and a half here, during the month of December and a good part of the month of January, with a bipartisan group of Republicans and Democrats, and that subject is child care.

Unfortunately, in the last week, I received some correspondence from our colleagues on the Republican side who decided to pull out of the effort basically to come up with another bill. I understand Senator CHAFEE of Rhode Island has introduced a bill that, in many ways, reflects the work product of those 6 weeks, where I had tried to see in that quiet time if we could come out with a proposal that we could rally around here. Unfortunately—and this happens—these things break apart. I hope at some point we will come back together again. This is important. We have introduced a bill on our side, so there are two bills out there. The President laid out some thoughts and ideas on it. Let me say to you, Mr. President, how important this issue is. We are talking about millions of families in this country that are either single parents raising children, or two-income parents that need both incomes. They may have children and have to pay the tremendous cost of child care because, obviously, you can't leave them home alone. Maybe they don't necessarily have grandparents or aunts and uncles around to take care of them on a daily basis. It poses a serious problem for parents. When schools close down for snow days during the winter. What do you do with your children when you have to go off to work? You have the job you need and the children you love. How do you reconcile these issues?

In the past, many of us grew up in a situation where you had neighbors and friends and you would accommodate an occasion when a crisis like that emerged. Today, it is a daily effort, if a family is to make ends meet and fulfill these obligations. The average cost of a child care setting is between $4,000 and $9,000 per child per year. If you are making, as the average family does, $30,000, $35,000, $40,000 a year, with two children that need some care because they are minors or infants, you immediately get a sense of how difficult a situation people can be placed in financially.

What we have proposed is to expand the block grants, to come up with some tax credits—by the way, tax credits not just to families who have children they want to place in care, but to families who decide they are going to try and get along with one income. Some parents are going to stay home. We provide the credits for them as well. We make it refundable, too, Mr. President, because people who make that $30,000 and below don't pay taxes. Yet, many of them are out there just barely getting along. If they don't have a refundable tax credit, they don't get any benefit at all. So we refund the tax credits for those families that either want to stay home with their child or place that child in a child care setting, because they need that extra help to get along. On the stay-at-home parent idea—and I am delighted to see more and more coming to this issue—I authored something called the Family and Medical Leave Act, which was a source of some controversy back in the 1980's. It took me 7 years. It went through 2 vetoes, and as the President said, it was the first bill he signed into law in 1993. That was basically a stay-at-home parent idea. The idea was that if your child is facing a medical crisis or serious problem that could be documented, that a parent could make the choice to take 12 weeks away from their job, up to 12 weeks, without pay, without losing their job. We were the only country that I could find among industrialized nations that didn't permit a family and medical leave policy, giving parents the ability to stay at home and care for their children without losing the job that they need.

So the idea of providing some assistance for parents who want to stay at home and care for their children, I think, is a very sound idea. I hope we don't get into the situation where we cause stay-at-home parents and those who must work to be pitted against each other, to cause a quarrel, if you will, between parents who don't have that choice. If you are raising 2 or 3 kids on your own, the idea that you have a choice to stay home and watch them is nonexistent. You don't have that choice. Or if you are a two-income family barely getting by or you want to invest money that you are earning for their education, or to buy a better home, or to plan a vacation, you should not be branded somehow as an uncaring parent because you made that choice. I don't want to see us get into a debate here and suggest somehow that parents who need that second income are less caring about their children because they make that choice, any more than I want to see us deprive parents who make that choice to be at home by not providing them with help so that they can do that.

So I am hopeful that we can come to some common ground here. We have begun Welfare to Work. We have a lot more people in the work force. We don't have the child care vacancies, and we don't have the high-paying child care workers, as the average income is $12,000 a year. I don't know anyone who can now get along on that income. How do you attract good people to care for our children in this society?

There have been studies done recently about the quality of child care programs around the country. Some 17 States now have certification processes. Yet the Ziegler Child Study Center at Yale University would tell you that even in the States that have certification and accreditation processes the quality of child care is embarrassing. It is mortifying.

So for States that do not have that certification process you can imagine what it is like. In fact, if you pick up almost any daily newspaper in any city or any State in the country, you will find a case almost on a daily basis of parents who placed their child in what they thought was a safe, quality child care setting only to discover, of course, that child is not safe, and lost its life as we have seen in numerous cases. So we need to be far more conscientious.

We don't deal with quality here in Washington. We don't set standards. I realize that is too high a hurdle to probably overcome. So we let the States set the standards. There is nothing in our Federal bill that mandates what standards are. But we do think there ought to be at least health and safety standards. We require that for our pets. If you leave them at a vet or in one of these weekend kennels, you get a State requirement of safety and health standards for your puppies. It seems to me, if we are going to require that minimum standard for animals that we might try it for our own children in this country.

So our bill provides assistance to employers and providers of child care, and to parents who want to have the security of knowing their children are in safe places.

To give you an idea of how serious this problem is, in the State of Florida today, there is a need of 40,000 spaces for child care that are nonexistent in the State. We are told with Welfare to Work that number will increase by 440,000 in the coming year. So you are going to have an explosion, I guess, of child care providers. What will be the quality? How much will the cost be? Is it accessible to people? The State of Florida may be an example where the vacancy rate is particularly high. But it is not unique. Other States across

the country are facing similar problems.

I was disappointed when I saw the list of the 19 priority items that the majority leader has placed before us in this brief session that child care is not on that list of 19. Child care is not on that list. We went through the debate on welfare reform a year or so ago. One of the promises made in this Chamber was that as we moved people from welfare to work, we would do something about caring for the children of these people who have been on welfare. What we are being told now, with this priority list of 19, is that child care is not on that list; that working families who are trying to make ends meet in caring for their children are not going to be a part of this agenda in the next 70 or 120 days of a legislative process. I am hopeful that agenda can change, that it is not written in concrete, that there will be an opportunity to make the case that we ought to be able to come up with a compromise bill if need be between Republicans and Democrats that takes out the partisanship on this issue and says that we ought to be able to come up with some idea here that can assist these working families.

I know my colleague from Utah, Senator HATCH, with whom I wrote the child care block grant program 13 years ago, and my colleague from Kansas, Senator PAT ROBERTS, care very much about this issue. Senator JEFFORDS cares about this issue, and had his own bill up earlier. Obviously, Senator CHAFEE does. He has a bill in. I know my colleagues from Maine, Senator COLLINS and Senator SNOWE, and Senator SPECTER have an interest in this. I am just disappointed. I can't hide it—that having invested 6 weeks of staff time and effort to try to come up with a compromise bill that it all falls apart literally in the last few days after we pretty much had a work product.

So I am going to continue to raise this issue. I am glad the President did last night. I am glad he highlighted it. I think a lot of people in this country understand in very graphic ways how important this issue is to them for their neighbors and their coworkers. They understand it. They see every day what goes on, how difficult this is, how costly it is, and how worried people are. After-school care is a big issue in this context. We put over $3 billion over 5 years in after school care. 5 million children every day are home alone between 3 o'clock and 6 o'clock and 7 o'clock. Any police chief in any town will tell you the problems that kids get into is not after 11 p.m. at night when people want to put in curfews. Where kids get in trouble is in the afternoon between 3 o'clock and 8 o'clock. That is when trouble occurs. Seventy percent of our schools in this country have no after-school care programs at all. It seems to me that we ought to do something about that. I am not just talking about infants but young children in elementary schools. Try and dial a phone in a relatively small community between 3 p.m. and 3:30 p.m. in the afternoon. There is a delay between the last digit you dial and when the phone actually clicks in. That is because the phone system is overloaded with parents calling their homes to make sure their kids have gotten home safely.

So after-school care is a part of our effort and a part of this proposal that we will put before this body.

So with those thoughts I am urging our colleagues to see if we can't find some common ground. Hopefully the majority leader will change that agenda to include child care on it with the recommendation of the administration. We are not arguing now with an executive branch over whether or not we ought to do this.

There are two bills here that it seems to me we should move on. I am going to raise this issue at every opportunity I can in the coming weeks to see to it that before this session of this Congress adjourns that this U.S. Senate will address child care, after-school care, and care for parents who want to stay at home, and that these parents are going to get some relief before we call it quits. I think it is a critical issue and one that ought to be one of our top priorities rather than not a priority at all.

With that I yield the remainder of my time, if any of my colleagues want to take a few minutes before the time expires. I see my colleague from New Jersey.

Mr. TORRICELLI. I thank the Senator from Connecticut for the time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, the State of the Union Address last evening reminds me of the words of President KENNEDY who in 1962 came before the Nation and he said, ''It is my responsibility to report on the state of the Nation but it is all of our responsibility to improve it.''

Increasingly that is a responsibility that is being met. It is incredible now to remember that when President Clinton assumed office 5 years ago there was projected to be in 1998 a Federal budget deficit of $357 billion. Indeed, in the budget that the President is about to submit there is a $10 billion deficit. And the reality is within a year the U.S. Government for the first time in 30 years will be conducting its affairs in a fiscal surplus.

For 3 decades, six Presidents of both political parties in their State of the Union Addresses have had it incumbent upon them to distribute pain—not to challenge the Nation to meet problems but to distribute sacrifice because of mounting deficits that left the U.S. Government with no choice.

There have indeed been many victims of the deficit. It is common to talk about them in terms of taxpayers having to pay an ever larger share of their income in Federal tax with an ever-larger share of their taxes going to interest on the national deficit. The taxpayers were not the only victims. The Federal deficit made victims out of children who never got the education they required. Students were never able to continue with assistance into higher education because of programs we could not pass; young families that could not get day care, and people, mothers and fathers, who could not follow opportunities because of it. There were many victims of the Federal deficit, and we each now need to be reminded that the country's budget evolved into a surplus.

Alan Greenspan may have said it best when he said we cannot just balance the Federal budget and think that our work is complete for if there is no investment in the Nation's future then we have still failed. That, Mr. President, is where we find ourselves tonight. Part of our national mission is accomplished. There will be a Federal budget surplus. Now the question is are we wise enough to recognize where the sacrifices have been? Are we smart enough to plan for the future to assure that the economic growth that we are now experiencing can continue?

Last night in the State of the Union Address the President outlined several specific investments that go to the core of this question, each in a way addressing an aspect of the national infrastructure. The first was Social Security.

There are in our Nation 80 million members of my generation born in the years after the last world war. They have worked hard. They are saving diligently. They have participated in building this high-growth economy. Soon they begin to face retirement. The Social Security trust fund through their savings and participation will continue to run a surplus through the year 2014. The current projections are that the same trust fund will expire by the year 2031.

Last night the President left us with a simple challenge. In facing the Federal budget surplus let's deal with Social Security first. Let this generation of Americans now retire. My generation who will be facing it in all too few years know the trust funds will be secure, permanent. Let's begin that planning now.

Second, the President recognized that in the 21st century the foundation of our Nation's economy and perhaps its principal national infrastructure will be our educational institutions. As certainly as in the 17th century it may have been the construction of canals, as certainly as in the 18th and 19th century it may have evolved into railroads to most certainly what now are institutions of higher learning in our schools.

As part of the program to deal with this reality, the President challenged us to create a Federal program to hire 100,000 new teachers to enable the Nation to reduce the class size for first, second, and third graders to 18 students, an extraordinary challenge with everything that it could mean for expanding the quality of American schools. But it did more.

Recognizing that smaller school classes is going to mean the need for more classrooms and facing the reality that fully two-thirds of all American schools are now substandard, two-thirds have at least one serious construction problem that must be addressed, potentially $100 billion worth of necessary construction to bring America's schools up to standards, the President recommended a program whereby the Federal Government would not build the schools; that responsibility would remain local. But we could reduce the cost of the construction by the Federal Government paying the interest on the loans of local governments and State governments to build those schools.

Third, the President challenged this Congress to continue progress on access to quality health care in America. Two years ago, this Congress assured that Americans could change their jobs without losing their health care. This Congress assured that if a member of a family was taken ill, they would not lose their health care because they made use of it. Two years ago, we did right by the American people in expanding our health care opportunities. And a year ago we did so again, adding 5 million American children, previously uninsured, without access to the system. We brought them into health care insurance through the Government.

Now the question is even larger. The President challenged us in the State of the Union Address to deal with the reality of 160 million Americans who now have their health care delivered through managed care systems. I know something of this issue because only a week ago in New Jersey, meeting with 100 individuals, many of whom had had difficulties with their managed care systems, I heard the stories that Americans are experiencing every day—members of managed care systems who could not get the truth of their own files, people who needed to see specialists but were denied, people whose privacy had been violated, people who traveled needing access to emergency rooms and could not get it because care would not be received through their managed care program.

The President's challenge last evening was we can make managed care work, and, indeed, in reducing costs it has worked. We have gone from 12 and 13 and 14 percent annual increases in the cost of health care to 2.5 percent last year. But saving money is only half the equation. The remainder is assuring that what has been the finest quality care system in the world in the United States is maintained and that managed care complements that system and does not frustrate it.

Fourth, the President recognized the reality that fully 60 percent of American women today with children, with homes to maintain, are also in the work force—not always by choice, certainly not usually by luxury. But with the cost of raising children and maintaining a home today, two family incomes are often a necessity, and yet in modern America the ambitions of these women, the needs of these families are frustrated because they cannot get affordable child care. It is hard to imagine any higher priority today for young working families in America than assuring quality, safe, affordable child care. Indeed, America remains almost alone in the world in not helping our families meet this urgent need and responsibility.

Through tax credits for businesses, through a larger child care tax credit for working families, the challenge has been laid before the Congress. More directly, the President said, ''Not a single American family should ever have to choose between the job they need and the child they love.'' Exactly, Mr. President, and that is the challenge before this Congress.

And yet, finally, I recognize that having fought all of these years to balance the Federal budget, to reach the point where an American President could honestly predict a surplus in our finances, we achieve nothing if we meet these responsibilities but require higher taxes on American families that cannot afford the increased burden. It is notable that this balanced budget has been achieved and some of these social objectives already met while the country has the lowest tax burden on middle-income families in 20 years. But it is important still to recognize that that burden can still be eased more through targeted, responsible tax cuts that do not add to the deficit but help meet some of these social objectives—tax cuts to encourage and expand child care, targeted tax cuts to help with the cost of financing education, tax cuts that encourage savings and investment to maintain this rapid economic growth that is producing these extraordinary revenues.

Mr. President, this is an extraordinary time in the life of our country. We can do good and great things but not by resting on what we have achieved. This economy has not grown, our people are not productive, our industries are not competitive, we are not leading the world in finance and industry, no less in diplomacy, statesmanship and military power because we have learned to rest but, rather, because we have learned to challenge—not because we live off the growth of previous years, the investments of other generations but because we invest and save ourselves. That challenge remains with us tonight, not to accept things as they are but to invest, to educate, to build,

There is a quote that I have through the years always admired from an architect in Chicago, Daniel Burnham, who said in 1909 to his colleagues, ''Make no little plans, for they have no magic to stir men's blood and will probably never be realized. Make big plans.'' Last night, in his State of the Union Address, President Clinton made before the Nation an ambitious agenda. It is a big plan worthy of a big and a great nation.

I hope and trust in this final year of the 105th Congress our vision will be as big, our action will be as bold as the State of the Union Address this Congress heard last night from President Clinton.

Madam President, with that, if I could, I should like to yield to the Senator from Oregon.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Oregon is recognized.

Mr. WYDEN. I thank the Chair.

Madam President, by focusing on Social Security reform, educational quality, and strengthening the rights of health care patients, last night's speech zeroed in on the issues that I have been hearing Oregonians talk about during the course of 12 town meetings this month. Certainly a budget surplus, no matter how you count to create that surplus, is not going to bring us into some sort of budget nirvana if it is followed by more years of deficits. And I thought what was especially constructive about last night's speech was it zeroed in on the critical questions of retirement and health care that clearly drive the budget and the deficit for the long-term. The fact is you cannot have long-term budget discipline unless you deal with Social Security and health care, and I think last night we heard a call to arms, to dig in on a bipartisan basis on those key issues.

Now, with respect to Social Security—and I am sure it is the case for all of our colleagues on both sides of the aisle—I can report that in my State more young people think that they are going to have a date with an extraterrestrial than think they are going to get a Social Security check. They look at these whopper payroll taxes that they are paying today, more than 6 percent for the worker, more than 6 percent for the employer, millions of Americans paying more in payroll taxes than they pay in income taxes, and they see that essentially their retirement contribution in the past has gone to a great extent to operate the budget.

I think it is fair to say—and there has been a considerable amount of discussion of this in the last few weeks—that the budget surplus in America is to a great extent the Social Security surplus in America. I think last night we learned that the real challenge ahead—the President essentially called for what amounts to a year-long national teach-in on retirement finance in America—is to be straight with people. We are going to have to talk about the tough choices and in particular how we protect the millions of Americans for whom Social Security is a lifeline, vulnerable folks who every month are balancing their food costs against their medical bills and medical bills against their pharmaceutical bills, and the question is, how do we take care of those vulnerable folks and still get

ready for this demographic tsunami—75, 80 million baby boomers that are going to retire early in the next century.

But it seems to me that if we spend the next year working on a bipartisan basis to dig into these issues, look at a variety of different approaches—I am particularly attracted to the idea of trying to stimulate more private saving; I think there are a variety of ways in which that can be done—we will have said on our watch, on our watch, Madam President—and I have enjoyed serving with you on the Senate Committee on Aging—we will be able to say that on our watch we did not duck the tough and difficult questions. And certainly they are just as difficult with respect to health care as they are to retirement finance.

I come from a part of the United States where we have perhaps the highest concentration of managed care in the country. In fact, in my hometown of Portland, more than half of the older people are in HMOs, are in managed care, and the challenge always is, even in a hometown like mine where we have a lot of good managed care, how do you hold the cost down while still protecting the rights of patients in those health plans.

I am of the view that a lot of those folks feel powerless today. Frankly, they feel powerless throughout the health system, whether they are in an HMO or a fee-for-service plan or one of these hybrids that is a little bit of each. And I think that we as a body differ on lots of aspects about health care. Certainly you can differ on the role of the Federal Government, State government, tax policy, and a variety of issues, but I, for the life of me, cannot understand why any of us would not support what we heard last night with respect to patients being told about all their options in the health care system. Disagree all you want about the kind of services that ought to be part of a health plan but let us not disagree on the fundamental right to know what treatment might be available to you and what your options are. The same with the right of appeal, the right to make sure that if you felt you did not get a fair shake from the health care system you would have an opportunity to be heard and you could have another chance to make sure that your claim for services was addressed in a fair way. This issue, the question of protecting the rights of patients in health plans while holding costs down, is the essence of our challenge in health care. Of course you can hold costs down if you don't give people any care. That is a walk in the park. Anybody can do that. That is not the kind of health care system we want. We want one that both holds costs down and protects the quality of health care in our country. We have been able to achieve some of that success in my home State. I am convinced we can do it in every community in Oregon and across the country, but it is going to mean, as we heard last night, stepping forward, stepping up to the key issues.

Madam President, what I was especially pleased about with respect to last night's speech was the call for bipartisanship. I think that is critical to taking on these key issues such as retirement and health care. Again, in our home State, that's the kind of government that we are trying to practice. I can tell you that my colleague in the U.S. Senate, Senator GORDON SMITH and I, after we ran against each other for the seat to replace Bob Packwood—of all people, we could probably have come here and quarreled about all kinds of issues. We have not wanted to make that part of our service. We wanted to make part of our service tackling these issues on a bipartisan basis, in a way that makes sense for Oregon and our country. That is why, as new members of the Budget Committee, we joined in the last session in terms of Medicare reimbursement reform.

As the Presiding Officer of this body knows, regarding much of the Medicare reimbursement system, since its inception the program has actually rewarded folks for being inefficient and penalized States for holding costs down. Senator SMITH and I thought that was particularly unfair to our constituents, who have done so much heavy lifting to get the health care system back on track. We worked with other Senators, leaders on both sides, and were able to make some very dramatic changes in that reimbursement system. It has an eye-glazing name called the AAPCC, the Average Adjusted Per Capita Costs, but it's the guts of reimbursement. And I am convinced that when, on a bipartisan basis, colleagues can work for those kinds of changes, and we were successful last session, we can certainly rise to the challenge that we were given last night and move ahead with respect to reform as it relates to health maintenance organizations—consumer rights, like the right to full information and the right to appeal.

So I am optimistic, as we go forward in the days ahead to tackle these issues, Madam President. I think we have an opportunity on our watch to say that we did not duck, that we understand that these issues, with respect to retirement and health care financing, are the biggest issues that in the past folks in politics ducked. We cannot afford to do that any longer. I look forward to working on a bipartisan basis with my colleagues on those questions in the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, I do want to say to my colleague from Wyoming that I shall stay within 10 minutes. He is here on the floor. We have had a chance to speak as Democrats for a while. So I will try and stay relatively brief. When I say 10 minutes I mean by clock time, not by Senate time. So I really will try to do this.

I thank my colleague from Oregon for his fine statement.

Mr. WYDEN. I thank my colleague.

Mr. WELLSTONE. Madam President, I want to talk about the President's speech last night. Let me start out with where I disagree with some of what he had to say, and then let me talk about what I think were some of the sharp differences between Democrats and Republicans. That is not to say I am not interested in bipartisanship, but I think, frankly, if there are differences between the parties that make a difference, and people see a real debate and it is important to their lives, that will be all to the good.

I think the President is dead wrong in what he had to say about welfare reform. I never called it reform because I think that takes for granted the very question in doubt, as to whether or not it is really reform. That there are a million or 2 million or 3 million fewer women and children—those are the welfare recipients on welfare today—than several years ago does not necessarily represent reform. A reduction of the caseload, reduction of people who are receiving assistance, has nothing to do with whether or not you have reduced poverty. It is reform when we have reduced poverty.

I will just say for the record that, as I have had a chance to travel around the community, and a lot of poor communities in our country, there are several things which I found which are very troubling. I do not believe I do any damage to the truth when I say this, and think all Senators need to take note of it. First of all, it is simply true that there are 3- and 4-year-olds at home alone. It is simply true that there were long waiting lists for affordable child care, long before welfare reform, and many of these children are not receiving nurturing, important developmental care at the most critical years of their lives.

This is wrong.

It is also true, as I said the other day, that there are first and second and third graders who, when they go home, there is no parent there. I think it is poignant. I think it is wrong that there are fewer children playing outdoors now because when many of these kids go home they go into a housing project and they are told to go inside, not take any phone calls, not answer the door. That is happening in the United States of America. We need to take note of that.

I think the President is also wrong because we don't know where these mothers are. We don't know what kind of jobs they have. And what is really astounding to me, Madam President, is at the State level we are not collecting the data. I think, as responsible policymakers, since 4 years, 3 years, 2 years from now, depending upon the State, all of these women and children are going to essentially be receiving no assistance, they are going to be cut off from all assistance, don't we need to know whether or not they have reached

economic self-sufficiency? These parents, mainly women—do they have jobs that pay a decent wage? Do they have health care coverage? Can they afford child care? Where are their children? We need to know that. That is where I disagree with the President's analysis. And I will have some amendments almost on the first piece of legislation that comes to the floor of the Senate where I will try to get the Senate to address these problems.

Second, I think we have to do much better in higher education. I was a college teacher for 20 years and I believe that we didn't expand assistance gaining the best bang for the buck. The way of targeting the assistance to those students in most need would have been to dramatically expand the Pell grant program. And if you are going to have tax credits, they have to be refundable. If you don't have tax credits that are refundable and you have a student from a family earning less than $27,000, $28,000 a year—which, by the way, is the income profile of many, many community college students—it doesn't do you any good. You have no tax liability. You can't cash flow paying your tuition because you get it too late to pay your tuition, and you are not eligible anyway. So if we are going to talk about making higher education more affordable let's, for gosh sakes, talk about these working families.

That is disagree.

Agreement: I think the President's focus on education, on early childhood development, affordable child care, on health care, was extremely important. Let me make but a couple of points for my Republican colleagues. As I listened to some of my Republican colleagues talk about the President's speech last night, I felt like what they were saying is: Oh, this is just Government all over again. Americans, when it comes to these pressing issues of your lives, there is nothing the Government can or should do.

Madam President, if you own your own large corporation and you are wealthy, then that's fine. But for most of the working families in this country, affordable child care is a huge issue. For most of the working families in this country, making sure that your children get a good education and a commitment to public education and lowering class sizes and having more teachers and having more teaching assistance is hugely important to you. If you are from a working family in our country, you want to make sure, vis-a-vis an increasingly corporatized and bureaucratized health care system—listen, managed care can be good or bad. It depends upon who manages the managed care. But the fact of the matter is, the nine largest insurance companies own and control well over 60 percent of the managed care plans, and for them the bottom line has become the only line.

So of course we want to make sure that people have access to the care they need. Of course we want to make sure that nurses and doctors can provide that care. Of course we want to make sure there are some independent appeals processes for ordinary people in our country. Of course we want to make sure that there are some basic consumer protections. And I think the President is right on the mark. What I am worried about, it is a challenge to colleagues on both sides of the aisle, is that the Congress will sure enough pass a bill. It will have a great acronym. It will sound great and it will have that made-for-Congress look, because there will not be any teeth in it, enforcement teeth.

By the way, one way in which I would love to amend some of what the President was talking about last night, and I think we could get bipartisan support for this, is we ought to think about —Families USA has talked about ombudsmen, you know, through nongovernment organizations, through nonprofits, where people would have somewhere to go so they can have basic information about what their rights are as consumers. We absolutely ought to do that. We absolutely ought to do that. It's a simple proposition. Either we are here to represent big insurance companies or we are here to represent doctors, nurses, nurse's assistants, other caregivers, and consumers.

The third point I want to make has to do with jobs. I said it the other day on the floor of the Senate. I will summarize. I will say it again. No matter where I go, whether it be low-income communities, poor communities, middle-income communities, it doesn't matter—and for that matter upper-income communities. People are focused on how to earn a decent living and how to give their children the care they know they need and deserve. I am going, for a moment, to talk about low-income, since we don't talk that much about low-income, poor people. I will tell you that there are two challenges here. One, the President talked about raising the minimum wage. Senator KENNEDY and I have been out on the floor. We talked about the legislation we have introduced, 50 cents a year for 3 years and then indexing it. I will tell you that is extremely important. Because it is wrong when people work full-time, all year round, and they are still poor in America. That should not be the case. When people work, play by the rules of the game, they ought not to be poor.

My second point, however, is different. It doesn't do any good to raise the minimum wage if people live in communities where there is no work at all. We have communities in our country, ghettos and barrios in rural areas, where there is no work. And we really do need to figure out ways of combining our initiatives while at the same time providing some job opportunities for people to build up some skills and then be able to transition to private sector employers. If we are going to rebuild crumbling schools—and we should, God knows, when students go into schools that are so uninviting, with ceilings falling in. Imagine, could we do our work if the heating didn't work? If the plumbing didn't work? If the air conditioning didn't work during the summer? If we didn't have access to Internet? If we didn't have access to the best books? Could we do our work? A lot of students are going to school in decrepit buildings, unsafe, that tell those students we don't value them.

If we are going to rebuild crumbling schools, invest some money in that infrastructure, I think we ought to also make sure that a certain percentage of the jobs go to the adults, the fathers and mothers of those children who live in these communities. Because these are communities that are ravaged by high levels of unemployment. Let's combine rebuilding the schools with some job training and jobs for some of the parents in the community.

If we are going to reduce class size we can talk about 100,000 more teachers, but there is also a role for teaching assistants that can help a teacher in a classroom. That could provide employment for people who live in these communities without any jobs at all. So I would like to see us have more of a focus in this area. To a certain extent I am talking about people who all too often are faceless and voiceless here, but I think it is extremely important, as a matter elementary justice, that we focus in this area.

Finally, Madam President—I hope I have stayed within 10 minutes—an issue that you care a great deal about, an issue that I wish all of us would care a great deal about, even if we disagree on the specifics. I do not know what other people find, but I tell you I think an awful lot of people in our country, I am sorry, I think it is well over 50 percent, are just disillusioned and disaffected with politics. It is terrible. I think people think that both parties are owned and controlled by the same investors.

I think that people think that when it comes to their concerns and their hopes about themselves, their families, their communities, their loved ones, these concerns are of little concern to those of us in the Congress. I hate that.

I have two Republican colleagues on the floor with me from Wyoming and from Colorado, both of whom I respect. It does not matter if we disagree on issues, this is one thing we do not want to have happen. I mean, we do not want people to just kind of become so disillusioned that participation becomes less and less. We lose our democracy.

So, Madam President, the final issue the President talked about—I hope we can move some campaign finance reform. We cannot get all the big money out of politics. I wish we could. But if we could at least pass some reforms that would give people some confidence we are serious about trying to get some of the money out of politics and make politics more responsive to the concerns and circumstances of their lives, we would be taking a big step forward.

I look forward to the debate. I hope we have a lot of debate. I do not want it to be acrimonious. But I think differences between the political parties are healthy. I think if the differences make a difference to the people we represent, it is even better. The sooner we get substantive, the sooner we have bills out here on the floor, the sooner we have the debate, and the sooner we get on with the work of governance, the better I will like it as a Senator from Minnesota.

Madam President, I yield the floor.

The PRESIDING OFFICER. The time under the control of the Democratic leader has expired.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Thank you, Madam President.

I ask unanimous consent that I be allowed 5 minutes in morning business.

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

Mr. ENZI. Thank you.

CONGRATULATING THE DENVER BRONCOS AND COLORADO STATE UNIVERSITY

Mr. ENZI. Madam President, in the last 3 hours there has been some pretty heavy lifting and some excellent debate by both sides about what is to come of this country. But I am going to take just a moment and let everyone relax and reflect a little bit and realize that everything in the world isn't happening right here in Washington. I want to bring some attention to some things that have happened over the last weekend.

One of those, of course, was the Super Bowl game. I want to congratulate those Broncos and people in Wyoming and Colorado who are avid supporters of that team. They did a wonderful job as fans, as players. It was a great game. But something that is not as well known out of this part of the country is that there is the Western Athletic Conference. There are a bunch of basketball players out there that are having a great year.

Some people may have heard about Utah because, frankly, they are No. 4 in the Nation right now. You may have heard about New Mexico because they are also in the top 20 in the Nation. But I want to talk just for a moment about another team that is going to be in that top 20 in the Nation, and that is Colorado State University, a small university in northern Colorado just south of Wyoming. This last weekend we had an event called the ''Border Wars.'' That is an event that has been going on for 101 games in Laramie, WY, alone. They play the other half of the games in Colorado. So the oldest traditional rivalry in basketball, probably, in the United States—101 games. This last weekend was the event of that 101st game.

I cannot convey to you enough the rivalry that we have between these two schools that have been playing for that long and that are only separated by 45 miles, which out in our part of the country is very little distance.

It is my pleasure to say that Colorado State University won that game. They beat an outstanding team. That is why you are going to hear more about Colorado State University. They won that game 53–46. They got out to a 9–0 lead in the game, then a 15–2 lead, which is almost what their record is this year, 15–3, a pretty outstanding record, particularly in that conference. They are 3–2 in the Western Athletic Conference. But they have won nine of their home games, only losing one. Their coach, Stew Morrill, has done an outstanding job with the team that came back from last year. As most people do not realize, they had that entire team back for another season. And they will have a great season.

So keep your eye on the Western Athletic Conference and particularly Colorado State University.

This is such a rivalry that this last weekend I had the pleasure of hosting Senator ALLARD and his wife Joan for the basketball game in Wyoming. As part of that competition, part of that rivalry, I agreed that if Wyoming lost that game, I would wear this Colorado State tie for a week. It was really fun having the folks from Colorado come up and to have that competition continue. I want to congratulate Senator ALLARD for the outstanding job that they did.

I yield the remainder of my time.

Mr. ALLARD. Madam President, I ask unanimous consent to be recognized for 2 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Madam President, I want to stand up and thank my colleague from Wyoming for having both Joan and I join him and his lovely wife for a great, great basketball game in Laramie, WY. We look forward to a continuation of this rivalry. He is a great sport. I am so pleased that he has agreed to go ahead and wear that tie now for the rest of the week. It makes all of us feel so proud at Colorado State University to see somebody who is such a strong supporter of the University of Wyoming willing to share that win with the rest of the people in Colorado.

So we are looking forward to many, many more rivalries in the Western Athletic Conference with the University of Wyoming in Laramie. I want to wish everybody the very best.

Madam President, I yield back the remainder of my time.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. CONRAD. Madam President, I will make one correction, if I can. North Dakota.

The PRESIDING OFFICER. The Chair apologizes. The Senator from North Dakota is recognized.

Mr. CONRAD. No need to apologize. We often get mixed up with our sister State. They sometimes call us the four amigos, the four Senators from North and South Dakota. So we are always glad to be put in the class of our friends from South Dakota.

THE FISCAL CONDITION OF OUR COUNTRY

Mr. CONRAD. Madam President, last night we heard the President's State of the Union Address. It was an important review of where the country stands. I want a chance to discuss today what I think are some of the most important points that were made last night, the most important points with respect to the fiscal condition of our country.

I came here to the U.S. Senate 12 years ago. The thing that compelled me to run was the fact that fiscal conditions in the country were a disaster. I was convinced that unless steps were taken to get us back on a sound fiscal track, the future economic security of our country was threatened, which would have an adverse effect on the people that I represent in the State of North Dakota. We are very much affected by the national economy.

But I was also concerned about where we were headed in terms of a national legacy. What were we going to leave to our children? Remember those times when we were running massive deficits? It looked like there was no end to red ink. So I came here with a commitment to get our fiscal house in order. I wanted not only to balance the budget, as it is called in Washington, but I also wanted to see us stop the practice of looting the Social Security trust funds in order to make the deficit appear smaller than it really was.

So last night was a very special night for me. I was able to hear a President say he was going to submit a balanced budget for the first time in 30 years. I was also able to hear a President say that he was going to go further than that and he was going to move to stop the practice of raiding and looting Social Security trust fund surpluses.

Madam President, I think that is critically important to the Nation's future. I want to describe what has happened, what is happening and why it matters to people.

I brought this chart along to show precisely what has happened and what the differences are between the budget we talk about here in Washington and what I think any fair commentary would be on the budget. If we go back to 1992, the blue line shows what is termed the unified budget. What has happened to the so-called unified budget? That includes all of the resources of the Federal Government, all the revenues and all the expenditures. Of course, that means it also includes the Social Security surpluses.

The red line shows the budget of the United States if you exclude the Social Security surpluses. What these lines show is that in 1992 we had a unified budget deficit of $290 billion—$290 billion. And the projections were that the

deficits were just going to go up from there.

That is where we were in 1992. The next year we passed an economic plan proposed by this President. And I might say all the votes were on this side of the aisle because none of our friends on the other side would vote for it. It was controversial. And it is controversial. Any time you really are going to take action and reduce the deficit, that means you are going to cut spending, and perhaps even raise taxes. That is what the 1993 plan did. It cut spending, and it raised taxes on the wealthiest 1.5 percent of the income-tax payers of the country.

That plan has worked and worked remarkably well. You can see what has happened here to the unified deficit. It has gone down each and every year so that this year, fiscal 1998, the Congressional Budget Office is now projecting a budget deficit of only $5 billion. But let us remember that is the unified deficit.

The President said for fiscal 1999 he is going to propose a balanced budget. That means all of the revenues of the Federal Government, when matched with all of the outlays of the Federal Government, are going to balance. That is dramatic progress. That is real progress. That is important.

But we should never forget that that means we are still using Social Security trust fund surpluses. We ought to stop it. We ought to stop it because we have to get ready for the time the baby-boom generation starts to retire. It is coming sooner than any of us might think. In fact, I am one of the leading edge members of the baby-boom generation. I will be 50 years old in just a few short weeks. When I retire, along with millions of other baby boomers, that is going to put enormous pressure on the Federal budget.

I call it a demographic time bomb. It is lurking just over the horizon. We have to get ready for that time. The way we get ready is to stop using the Social Security trust fund surpluses to fund the other aspects of Government.

I said to my colleagues in the Budget Committee this morning, if any private company tried to do what we are doing, they would be in big trouble. Because if any private company took the retirement funds of its employees and threw those into the pot in order to balance its operating budget, they would be in violation of Federal law. They would be headed for a Federal institution, but it would not be the U.S. Congress. They would be headed for a Federal penitentiary because that is considered fraud.

That is the reason we ought to stop it. It is wrong. But it is not just wrong in the sense of being illegal. It is also wrong in the sense of preparing the economic future for this country. If we do not take action now, we will face very draconian decisions as we get closer to the time when the baby boomers actually start to retire.

So this blue line shows the so-called unified budget. It shows that we have made dramatic progress moving towards a so-called balanced budget. But it is not really balanced until or unless we also stop raiding the Social Security trust fund, until we stop looting the trust fund surpluses to pay for the other actions of governments. You can see that this year we will be using the difference between a $5 billion deficit and $106 billion. We will be using $101 billion of Social Security trust fund surpluses.

Last night the President said, whoa, wait a minute.

Let's not continue this practice. Let's not fool ourselves by saying we have surpluses when, in fact, we are taking trust fund money and using those moneys to make believe we have surpluses. So before anybody gets busy figuring out new spending or new tax cut schemes, let's make sure we have secured the future of Social Security. As the President said, save Social Security first. That should be the first order of business for this Congress and future Congresses to come.

Now, one reason it is important to end this raid on Social Security is because that will better secure the economic future for our country. This progress that we have made, this dramatic progress on reducing the deficit, has led to remarkably good economic conditions. We have seen over these last 4 years real business fixed investment growing at 10 percent a year, one of the strongest rates we have ever seen in our history. We have seen the unemployment rate in the United States reduced to the lowest level since 1973. We have the lowest rate of unemployment in 24 years.

The good news doesn't stop there. If you look at the inflation rate, that is the best sustained performance since 1967, the lowest rate of inflation on a sustained basis in 30 years. These are truly remarkable economic numbers. In addition to that, we know over 14 million jobs have been created. This has been one of the most successful economic policies ever put in place, and it was done at a time when there was great controversy about it. That is clear if you go back to 1993 and read the debate. Folks on the other side of the aisle said if you pass that plan, you will increase the deficit. They said you will increase unemployment. They said you will increase inflation. They were wrong. They were wrong on every single point.

They had an economic theory called trickle down economics. When we pursued that theory in the 1980s, the deficit and the debt exploded. In 1993, we reversed course and said, no, we are going back to commonsense economics, which means you look at what you are spending and what your revenues are and you put them into balance. That is how you eliminate the deficit. You cut your spending, you increase your revenue, and you eliminate the deficit. In doing this you take pressure off of interest rates and relieve that debt burden on the economy and the economy will grow. And this economic course worked. It did precisely what we hoped it would do. In fact, the results have been even better than we anticipated. The deficit has come down dramatically. We have seen remarkably strong economic growth, the lowest inflation in 30 years, the lowest unemployment in 24 years, the biggest reduction in elderly poverty in our history. That is a record we can be proud of.

Let me just say I heard the other night somebody on television saying it is not because of the fiscal policy that was passed in 1993, it is because of the monetary policy the Federal Reserve Board has been pursuing that we have had this economic success. Mr. Greenspan, the head of the Federal Reserve, doesn't even subscribe to that proposition. He has said that the 1993 economic plan has played a significant role in the good economic circumstances that we have seen since that time. He is exactly right. It is a combination of fiscal policy and monetary policy that has brought us to the strong economic position we are in today. The fiscal policy is controlled by the Congress and the White House. The fiscal policy that we put in place with the 1993 economic plan has worked and it has worked like a charm. In fact, it has permitted the Federal Reserve Board to follow the monetary policy they have pursued that has also helped create this very successful economic environment in which we are in.

Madam President, I wanted this chance to review where we have been, where we are going, how we got here, and how we can continue to make progress that strengthens the economy of this country.

In conclusion, I just want to say we have an unparalleled opportunity this year. We have a chance to build on the remarkable success that was started with the 1993 economic plan. We have a chance to take that, coupled with the bipartisan budget plan that was passed last year, and thankfully we now see we are 3 years ahead of schedule on that plan. We now can take the next step and stop the raiding and the looting of Social Security trust fund surpluses in a way that would strengthen this economy for decades to come. We shouldn't let this moment pass. We shouldn't allow ourselves to get caught up in new spending schemes or tax cut schemes that threaten and endanger this remarkable progress that we have made.

I hope that my colleagues, as we go through the legislative agenda of this year, will pay special attention to doing all that we can to secure the economic future for our country. We have, really, very few responsibilities that are more important than laying the groundwork for the economic prosperity and opportunity of the people that we represent.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

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

REPORT CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT—PM 85

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Republic of Kazakhstan Concerning Peaceful Uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with the Republic of Kazakhstan has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States. The agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Kazakhstan under appropriate conditions and controls reflecting our common commitment to nuclear nonproliferation goals.

Kazakhstan is a nonnuclear weapons state party to the Treaty on the Nonproliferation of Nuclear Weapons (NPT). Following the dissolution of the Soviet Union, the Republic of Kazakhstan agreed to the removal of all nuclear weapons from its territory. It has a full-scope safeguards agreement in force with the International Atomic Energy Agency (IAEA) to implement its safeguards obligations under the NPT. It has enacted national legislation to control the use and export of nuclear and dual-use materials and technology.

The proposed agreement with the Republic of Kazakhstan permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It provides for U.S. consent rights to retransfer, enrichment, and reprocessing as required by U.S. law. It does not permit transfers of any sensitive nuclear technology, restricted data, or sensitive nuclear facilities or major critical components thereof. In the event of termination, key conditions and controls continue with respect to material and equipment subject to the agreement.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 28, 1998.*

REPORT CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT—PM 86

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Swiss Federal Council Concerning Peaceful Uses of Nuclear Energy, with an accompanying agreed minute, annexes, and other attachments. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and other attachments, including the views of the Nuclear Regulatory Commission, is also enclosed.

The proposed new agreement with Switzerland has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (NNPA) and as otherwise amended. It replaces an earlier agreement with Switzerland signed December 30, 1965, which expired by its terms August 8, 1996. The proposed new agreement will provide an updated, comprehensive framework for peaceful nuclear cooperation between the United States and Switzerland, will facilitate such cooperation, and will establish strengthened nonproliferation conditions and controls including all those required by the NNPA. The new agreement provides for the transfer of moderator material, nuclear material, and equipment for both nuclear research and nuclear power purposes. It does not provide for transfers under the agreement of any sensitive nuclear technology (SNT). (U.S. law permits SNT to be transferred outside the coverage of an agreement for cooperation provided that certain other conditions are satisfied. However, the Administration has no plans to transfer SNT to Switzerland outside the agreement.)

The proposed agreement has an initial term of 30 years, and will continue in force indefinitely thereafter in increments of 5 years each until terminated in accordance with its provisions. In the event of termination, key nonproliferation conditions and controls, including guarantees of safeguards, peaceful use and adequate physical protection, and the U.S. right to approve retransfers to third parties, will remain effective with respect to transferred moderator materials, nuclear materials, and equipment, as well as nuclear material produced through their use. The agreement also establishes procedures for determining the survival of additional controls.

Switzerland has strong nonproliferation credentials. It is a party to the

Treat on the Non-Proliferation of Nuclear Weapons (NPT) and has an agreement with the International Atomic Energy Agency (IAEA) for the application of full-scope IAEA safeguards within its territory. In negotiating the proposed agreement, the United States and Switzerland took special care to elaborate a preamble setting forth in specific detail the broad commonality of our shared nonproliferation commitments and goals.

The proposed new agreement provides for very stringent controls over certain fuel cycle activities, including enrichment, reprocessing, and alteration in form or content and storage of plutonium and other sensitive nuclear materials. The United States and Switzerland have accepted these controls on a reciprocal basis, not as a sign of either Party's distrust of the other, and not for the purpose of interfering with each other's fuel cycle choices, which are for each Party to determine for itself, but rather as a reflection of our common conviction that the provisions in question represent an important norm for peaceful nuclear commerce.

In view of the strong commitment of Switzerland to the international nonproliferation regime, the comprehensive nonproliferation commitments that Switzerland has made, the advanced technological character of the Swiss civil nuclear program, the long history of U.S.-Swiss cooperation in the peaceful uses of nuclear energy without any risk of proliferation, and the long-standing close and harmonious political relationship between Switzerland and the United States, the proposed new agreement provides to Switzerland advance, long-term U.S. approval for retransfers to specified facilities in the European Atomic Energy Community (EURATOM) of nuclear material subject to the agreement for reprocessing, alteration in form or content, and storage, and for the return to Switzerland of recovered nuclear materials, including plutonium, for use or storage at specified Swiss facilities. The proposed agreement also provides advance, long-term U.S. approval for retransfers from Switzerland of source material, uranium (other than high enriched uranium), moderator material, and equipment to a list of countries and groups of countries acceptable to the United States. Any advance, long-term approval may be suspended or terminated if it ceases to meet the criteria set out in U.S. law, including criteria relating to safeguards and physical protection.

In providing advance, long-term approval for certain nuclear fuel cycle activities, the proposed agreement has features similar to those in several other agreements for cooperation that the United States has entered into subsequent to enactment of the NNPA. These include U.S. agreements with Japan and EURATOM. Among the documents I am transmitting herewith to the Congress is an analysis of the advance, long-term approvals contained in the proposed U.S. agreement with Switzerland. The analysis concludes that the approvals meet all requirements of the Atomic Energy Act, as amended.

I believe that the proposed agreement for cooperation with Switzerland will make an important contribution to achieving our nonproliferation, trade, and other significant foreign policy goals.

In particular, I am convinced that this agreement will strengthen the international nuclear nonproliferation regime, support of which is a fundamental objective of U.S. national security and foreign policy, by setting a high standard for rigorous nonproliferation conditions and controls.

Because the agreement contains all the consent rights and guarantees required by current U.S. law, it represents a substantial upgrading of the U.S. controls in the recently-expired 1965 agreement with Switzerland.

I believe that the new agreement will also demonstrate the U.S. intention to be a reliable nuclear trading partner with Switzerland, and thus help ensure the continuation and, I hope, growth of U.S. civil nuclear exports to Switzerland.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of the Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 28, 1998*.

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT—PM 87

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments concerning the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c).

1. On January 23, 1995, I signed Executive Order 12947, ''Prohibiting Transactions with Terrorists Who Threaten to Disrupt the Middle East Peace Process'' (the ''Order'') (60 Fed. Reg. 5079, January 25, 1995). The Order blocks all property subject to U.S. jurisdiction in which there is any interest of 12 terrorist organizations that threaten the Middle East peace process as identified in an Annex to the Order. The Order also blocks the property and interests in property subject to U.S. jurisdiction of persons designated by the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, who are found (1) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or (2) to assist in, sponsor, or provide financial, material, or technological support for, or services in support of, such acts of violence. In addition, the Order blocks all property and interests in property subject to U.S. jurisdiction in which there is any interest of persons determined by the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of, any other person designated pursuant to the Order (collectively ''Specially Designated Terrorists'' or ''SDTs'').

The Order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDTs, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons. This prohibition includes donations that are intended to relieve human suffering.

Designations of persons blocked pursuant to the Order are effective upon the date of determination by the Secretary of State or her delegate, or the Director of the Office of Foreign Assets Control (OFAC) acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the *Federal Register*, or upon prior actual notice.

Because terrorist activities continue to threaten the Middle East peace process and vital interests of the United States in the Middle East, on January 21, 1998, I continued for another year

the national emergency declared on January 23, 1995, and the measures that took effect on January 24, 1995, to deal with that emergency. This action was taken in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)).

2. On January 25, 1995, the Department of the Treasury issued a notice listing persons blocked pursuant to Executive Order 12947 who have been designated by the President as terrorist organizations threatening the Middle East peace process or who have been found to be owned or controlled by, or to be acting for or on behalf of, these terrorist organizations (60 Fed. Reg. 5084, January 25, 1995). The notice identified 31 entities that act for or on behalf of the 12 Middle East terrorist organizations listed in the Annex to Executive Order 12947, as well as 18 individuals who are leaders or representatives of these groups. In addition, the notice provided 9 name variations or pseudonyms used by the 18 individuals identified. The list identifies blocked persons who have been found to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process or to have assisted in, sponsored, or provided financial, material, or technological support for, or services in support of, such acts of violence, or are owned or controlled by, or act for or on behalf of other blocked persons. The Department of the Treasury issued three additional notices adding the names of three individuals, as well as their pseudonyms, to the List of SDTs (60 Fed. Reg. 41152, August 11, 1995; 60 Fed. Reg. 44932, August 29, 1995; and 60 Fed. Reg. 58435, November 27, 1995).

3. On February 2, 1996, OFAC issued the Terrorism Sanctions Regulations (the ''TSRs'' or the ''Regulations'') (61 Fed. Reg. 3805, February 2, 1996). The TSRs implement the President's declaration of a national emergency and imposition of sanctions against certain persons whose acts of violence have the purpose or effect of disrupting the Middle East peace process. There has been one amendment to the TSRs, 31 C.F.R. Part 595 administered by the Office of Foreign Assets Control of the Department of the Treasury, since my report of August 5, 1997. The Regulations were amended on August 25, 1997. General reporting, recordkeeping, licensing, and other procedural regulations were moved from the Regulations to a separate part (31 C.F.R. Part 501) dealing solely with such procedural matters (62 Fed. Reg. 45098, August 25, 1997). A copy of the amendment is attached.

4. Since January 25, 1995, OFAC has issued three licenses pursuant to the Regulations. These licenses authorize payment of legal expenses of individuals and the disbursement of funds for normal expenditures for the maintenance of family members of individuals designated pursuant to Executive Order 12947, and for secure storage of tangible assets of Specially Designated Terrorists.

5. The expenses incurred by the Federal Government in the 6-month period from July 22, 1997, through January 22, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to organizations that disrupt the Middle East peace process are estimated at approximately $165,000. These data do not reflect certain costs of operations by the intelligence and law enforcement communities.

6. Executive Order 12947 provides this administration with a tool for combating fundraising in this country on behalf of organizations that use terror to undermine the Middle East peace process. The order makes it harder for such groups to finance these criminal activities by cutting off their access to sources of support in the United States and to U.S. financial facilities. It is also intended to reach charitable contributions to designated organizations and individuals to preclude diversion of such donations to terrorist activities.

Executive Order 12947 demonstrates the United States determination to confront and combat those who would seek to destroy the Middle East peace process, and our commitment to the global fight against terrorism. I shall continue to exercise the powers at my disposal to apply economic sanctions against extremists seeking to destroy the hopes of peaceful coexistence between Arabs and Israelis as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 27, 1998*.

MESSAGES FROM THE HOUSE

At 10:31 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3042. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 131. Concurrent resolution acknowledging 1998 as the International Year of the Ocean and expressing the sense of Congress regarding the ocean.

MEASURE REFERRED

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 131. Concurrent resolution acknowledging 1998 as the International Year of the Ocean and expressing the sense of Congress regarding the ocean; to the Committee on Commerce, Science, and Transportation.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent and placed on the calendar:

H.R. 3042. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 1576. A bill to amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gasoline in certain areas within the State; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. HATCH, Ms. SNOWE, Mr. ROBERTS, Mr. SPECTER, and Ms. COLLINS):

S. 1577. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. COATS, Mr. FAIRCLOTH, and Mr. ASHCROFT):

S. 1578. A bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site; to the Committee on Rules and Administration.

By Mr. DEWINE (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. WELLSTONE, Mr. HARKIN, Mr. FRIST, Ms. COLLINS, Mr. DODD, Mr. REED, Mr. CHAFEE, and Mr. BINGAMAN):

S. 1579. A bill to amend the Rehabilitation Act of 1973 to extend the authorizations of appropriations for such Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SHELBY:

S. 1580. A bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. MCCONNELL, and Mr. LEAHY):

S. 1581. A bill to reauthorize child nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROBB:

S. 1582. A bill to provide market transition assistance for quota holders, active tobacco producers, and tobacco-growing counties, to authorize a private Tobacco Production Control Corporation and tobacco loan associations to control the production and marketing and ensure the quality of tobacco in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. MCCAIN, Mr. LEAHY, Mr. HELMS, Mr. DODD, Mr. BROWNBACK, Mr. BRYAN, Mr. WARNER, Mr. CLELAND, Mr. STEVENS, Mr. TORRICELLI, Mr. MACK, Mr. KERRY, Mr. COVERDELL, Mr. BYRD, Mr. SMITH of Oregon, Mr. MOYNIHAN, Mr. THOMAS, Mr. WYDEN, Mr. GORTON, Mr. GRAHAM, Mr. FAIRCLOTH, Mr. HOLLINGS, Ms. COLLINS, Mr. AKAKA, Mr. INHOFE, Mr. CONRAD, Mr. GRAMS, Mr. ROBB, Mr. BENNETT, Mr. SPECTER, and Mr. HAGEL):

S. Con. Res. 71. A concurrent resolution condemning Iraq's threat to international peace and security.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1576. A bill to amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gasoline in certain areas within the State; to the Committee on Environment and Public Works.

THE MTBE CLEAN AIR ACT AMENDMENT ACT OF 1998

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation which will amend the Clean Air Act to allow California to operate its own reformulated gasoline program, which is stricter than the federal program and meets the air quality requirements set forth in the 1990 Clean Air Act.

WHAT THE BILL DOES

The bill provides that if a state's reformulated gasoline rules achieve equal or greater emissions reductions than federal regulation, that state's rules will take precedence. This works to exempt California from overlapping federal oxygenate requirements.

The bill is the Senate version of legislation introduced last year in the House by Congressman BRIAN BILBRAY (R–San Diego) and cosponsored by 46 members of the California Congressional delegation.

The bill applies only to states which have received waivers under Section 209(b)(1) of the Clean Air Act, for which California is the only state currently eligible for such a waiver.

By exempting California from the oxygenate requirement, this legislation will give gasoline manufacturers the flexibility to reduce or even eliminate the use of gasoline oxygenates, such as methyl tertiary butyl ether (MTBE)—which has been detected in alarming amounts in California groundwater.

The legislation allows the companies who serve California's gasoline needs to continue to adopt better methods of producing California Cleaner Burning gasoline, without being restricted by oxygenate requirements.

CALIFORNIA AIR QUALITY HISTORY

California's efforts to improve air quality predate similar federal efforts, and have achieved marked success in reducing toxic emission levels, resulting in the cleanest air Californians have seen in decades. This trend will continue with the passage of this bill.

Since the introduction of the California Cleaner Burning Gasoline program, there has been a 300 ton per day decrease in ozone forming ingredients found in the air. This is the emission reduction equivalent of taking 3.5 million automobiles off the road. California reformulated gasoline reduces smog forming emissions from vehicles by 15 percent.

The state has also has seen a marked decrease in first stage smog alerts, during which residents with respiratory ailments are encouraged to stay indoors.

California Environmental Protection Agency Chairman John Dunlop, who supports this legislation, says:

> . . . our program has proven (to have) a significant effect on California's air quality. Following the introduction of California's gasoline program in the spring of 1996, monitor levels of ozone . . . were reduced by 10 percent in Northern California, and by 18 percent in the Los Angeles area. Benzene levels (have decreased) by more than 50 percent.

Although California has made great progress in decreasing the amount of toxins in the air, the overlap of federal regulations, on top of the strict state regulations, does not allow the state much flexibility in the design and implementation of its reformulated fuels program.

This inflexibility makes it difficult for gasoline producers to respond effectively to unforeseen problems associated with their product. Such is the case with the oxygenate MTBE leaking into California groundwater.

Refiners are bound by federal law to include an oxygenate in their gasoline, even if they can make gasoline which meets Clean Air Act emissions requirements without its use.

Thus, the need for the legislation is twofold—to streamline overlapping federal and state regulations, and to allow gasoline manufacturers the flexibility to make California Cleaner Burning Gasoline without oxygenated fuels.

FEDERAL REFORMULATED GASOLINE REQUIREMENT HISTORY

Federal reformulated gasoline, and the oxygenate requirement included in it, came as a response to the worsening air quality of many American cities.

For many years major cities, including San Diego, Sacramento and Los Angeles, were facing serious pollution problems due to increasing amounts of smog and ozone in the air.

As the air quality worsened, people around the country began experiencing more frequent respiratory illnesses, and increased asthma attacks due to the toxins in the air.

In 1990, Congress recognized the gravity of this national problem and amended the Clean Air Act to ensure that our nation's most smoggy and polluted areas were the beneficiaries of tougher motor vehicle emission control standards.

One of these amendments directed the United States Environmental Protection Agency (EPA) to adopt a federal reformulated gasoline program for urban areas with the most serious pollution problems.

The federal reformulated gasoline program mandated that this new cleaner burning gasoline reduce emissions of benzene, a known human carcinogen, and other toxins.

The federal program also mandated that this reformulated gasoline contain 2 percent by weight oxygenate, which functions to make the gas burn more completely and efficiently.

CALIFORNIA REFORMULATED GASOLINE

By December 1994, the oxygenate requirement went into effect. In California, this mandate affected three cities in particular, where the air quality was the worst.

Reformulated gasoline was required to be sold during the winter season in the greater Los Angeles, San Diego and Sacramento regions. This gasoline contained 11 percent MTBE, in order to meet the federal oxygenate requirement.

While federal Clean Air Act regulations were being promulgated, the California Air Resources Board developed even tougher and more stringent environmental standards. However, these standards permitted more flexibility in how they could be achieved by California's gasoline manufacturers.

By establishing a State Implementation Plan which restricts eight different properties that affect emissions of toxic air pollutants and ozone forming compounds, California's stricter regulations were approved by the U.S. EPA and are federally enforceable.

Additionally, California regulations contain an innovative predictive model which is based on the analysis of a large number of vehicle emission test studies. Refiners have the option of using this model to produce reformulated gasoline as long as its usage results in equivalent or greater reductions in emissions than federal regulations. California EPA states that the predictive model ''shows that a different formulation will achieve equivalent or better air quality benefits.''

While the amendments to the Clean Air Act have helped reduce emissions throughout the United States, they imposed limitations on the level of flexibility that U.S. EPA can grant to California.

The overlapping applicability of both the federal and state reformulated gasoline rules has actually prohibited gasoline manufacturers from responding as effectively as possible to unforeseen problems with their product. This bill addresses exactly this type of situation.

This legislation rewards California for its unique and effective approach in solving its own air quality problems by permitting it an exemption from federal oxygenate requirements as long as tough environmental standards are enforced.

MTBE CONTAMINATION OF CALIFORNIA GROUNDWATER

This legislation will allow refiners to address the problems that have occurred with the use of MTBE as it has leaked into groundwater supplies.

Such problems were certainly not anticipated during the drafting of these amendments, and therefore only exemplifies the need for a California exemption to this requirement.

MTBE is a highly soluble organic compound which moves quickly through soil and gravel, therefore posing a more rapid threat to aquifers than the other constituents of gasoline when leaks occur. MTBE is easily traced, but very difficult and expensive to clean up.

Higher quantities of MTBE in drinking water has a smell similar to turpentine and a taste like paint thinner.

Although we do not have all of the data we need to determine the potential damage of MTBE to our water and our health, we do know that it is increasingly a problem for California:

MTBE has been detected in drinking water supplies in a number of cities including Santa Monica, Riverside, Anaheim, Los Angeles and San Francisco;

MTBE has also been detected in numerous California reservoirs including Lake Shasta in Redding, San Pablo and Cherry reservoirs in the Bay Area, and Coyote and Anderson reservoirs in Santa Clara;

The largest contamination occurred in the city of Santa Monica, which lost 75% of its ground water supply as a result of MTBE leaking out of shallow gas tanks beneath the surface;

MTBE has been discovered in publicly owned wells approximately 100 feet from City Council Chamber in South Lake Tahoe;

In Glennvile, California, Near Bakersfield, MTBE levels have been detected in groundwater as high as 190,000 parts per billion—dramatically exceeding the California Department of Health advisory of 35 parts per billion; and

250 underground fuel tank sites have leaked MTBE in Santa Clara County not far from water wells used by the residents of San Jose.

In the face of mounting evidence of extensive MTBE contamination in California groundwater, several gasoline manufacturers, including Chevron and Tosco (Union 76), have made it clear they would like to have the flexibility to use only the amount and type of oxygenate necessary to continue to meet the environmental specifications of clean burning gasoline.

Many manufacturers believe that it is possible to meet California's more stringent clean air standards using reduced amounts of, or in some cases, no oxygenate in their gasolines.

In a recent letter to me, Chevron chairman Ken Derr÷ expressed his belief that while he believes MTBE is safe if handled properly, his company is exploring other options. He says:

(Chevron has) taken another look at the extensive body of data that relates to fuel composition to vehicle emissions and have concluded that it may be possible to make more gasoline without MTBE and still meet California's cleaner burning gasoline standards.

If California refiners can meet the stricter state clean air standard while reducing or eliminating the use of a chemical that is contaminating California water, it makes good sense to give them the flexibility they need to solve the problem.

By amending the Clear Air Act to waive the requirement for oxygenates in California, which already has in place its own stricter standards, this legislation does not detract in any way from the gains in emission reductions mandated in the Clear Air Act. It will simply allow for companies like Chevron to meet Clean Air Act requirements, while maximizing the advantages of increased flexibility in order to respond more efficiently and effectively to any unforseen problems encountered in the production of California cleaner burning gasoline.

If exempting California from the oxygenate requirement meant weakening the Clear Air Act in any way, I would be the first person to stand up and lead the battle against such an effort.

This bill does not weaken the Clear Air Act, but instead is a step in the right direction, towards sound environmental policy.

This narrowly-targeted legislation simply makes sense. With this bill, California is once again taking the initiative to lead the way in ensuring the protection of the air we breathe, and the water we drink.

By allowing the companies that supply our state's gasoline to utilize good science and sound environmental policy, we can achieve the goals set forth by the Clear Air Act, without sacrificing California's clean water.

In short, when we pass this legislation, we will take another step forward in ensuring that protecting our air qualify does not come at the expense of safeguarding our water.

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. 1576

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

SECTION 1. CALIFORNIA REFORMULATED GASOLINE RULES.

Section 211(c)(4)(B) of the Clean Air Act (42 U.S.C. 7545(c)(4)(B)) is amended by adding at the end the following: ''If any such State that has received a waiver under section 209(b)(1) promulgates reformulated gasoline rules for any covered area of the State (as defined in subsection (k)(10)), the rules shall apply in the area in lieu of the requirements of subsection (k) if the State rules will achieve equivalent or greater emission reductions than would result from the application of the requirements of subsection (k) in the case of the aggregate mass of emissions of toxic air pollutants and in the case of the aggregate mass of emissions of ozone-forming compounds.''.

By Mr. CHAFEE (for himself, Mr. HATCH, Ms. SNOWE, Mr. ROBERTS, Mr. SPECTER and Ms. COLLINS):

S. 1577. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes; to the Committee on Finance.

THE CARING FOR CHILDREN ACT

Mr. CHAFEE. Mr. President, I am pleased today to introduce the Caring for Children Act, legislation to help all families with their child care needs.

I want to thank my colleagues who have worked so hard to put this bill together. Senator HATCH, who was a leader in the development of the child care block grant, and is always a stalwart supporter of children. Senator SNOWE, who has worked on this issue for many years. Senator ROBERTS, who has taken an active interest in this issue. Senator SPECTER, who made an enormous contribution to the development of this bill. And Senator SUSAN COLLINS, who we are very fortunate to have on our child care proposal.

Last night, in his State of the Union Address to the nation, President Clinton issued a challenge to Congress to develop child care legislation in a bipartisan manner with the Administration. Well, that is exactly what we are doing today.

Our proposal is straightforward and far-reaching. It makes the current child care credit more equitable for lower and middle income families. And, for the first time, makes the credit available to families where one parent stays at home to care for the children. That is a critical step and an important change for families across America.

Raising children in today's world is a true challenge. In many families, both parents must work in order to support the family. Often, the child care expenses consume all or most of one parent's income. How often do we hear the refrain, particularly from women, that after they pay for day care, there is little or nothing left of their wages.

Another common complaint is from parents who desperately want to stay home and raise their children themselves—especially in those very critical, early years of childhood—but who simply cannot afford to forego that second income.

The legislation we are introducing today responds to both of these concerns. We believe that parents should make their own decisions about who is going to care for their children. The government and the tax code should not be promoting one choice over another.

By making more of the existing child care tax credit available to lower and middle income families, and making it available also to families where one parent stays at home, we are sending the message that the choice is yours, and we support your choice.

Our bill makes several changes to the existing dependent care tax credit.

First, the maximum credit percentage is increased from 30 percent to 50 percent to provide more benefits to those most in need. Second, the income level at which the maximum credit begins to be reduced is moved from $10,000 to $30,000, so that more lower-income families will qualify for the maximum amount of assistance. Third, we propose to completely phase out the credit for wealthier families. Finally, families where one spouse stays at home to care for the children will be eligible for a credit similar to the one they would receive if both parents were working outside the home and the child was in daycare.

We also acknowledge that we cannot solve the entire child care problem through the tax code alone. Many low-income families do not have taxable income, and therefore cannot benefit from a tax credit. The Child Care and Development Block Grant (CCDBG) provides critical funding to help these lower-income families—and I have been a strong supporter of the program. Recognizing the critical role CCDBG plays in subsidizing daycare for low-income families in the states, our proposal doubles the block grant over a five-year period.

Of course, the problem with child care is not limited to just affordability. Many parents cannot find an available child care slot. Our proposal addresses this issue of accessibility by providing a tax credit to businesses to build or renovate on or near-site child care centers for their employees.

Finally, there is the issue of quality daycare. Parents cannot be productive in the workplace if they are constantly worrying about the health and safety of their children in daycare. We have all read the horrifying stories in the newspapers about daycare facilities that are unsafe or unsanitary, about the poor record of enforcement of standards in many states.

while we acknowledge that the federal government should not be setting standards for daycare providers, we do believe the states should set at least minimum health and safety standards and enforce them rigorously. Our legislation beefs up this enforcement by rewarding states with a good enforcement record and penalizing those with poor records.

I am very proud of this legislation, and proud that this group was able to come together and produce this initiative. Child care is a problem that must be solved, and we are committed to doing that. I look forward to working with the President and my colleagues in the Congress to find workable, affordable solutions for all families.

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. 1577

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Caring for Children Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—TAX RELIEF TO INCREASE CHILD CARE AFFORDABILITY

Sec. 101. Expansion of dependent care tax credit.
Sec. 102. Promotion of dependent care assistance programs.
Sec. 103. Allowance of credit for employer expenses for child care assistance.

TITLE II—ENCOURAGING QUALITY CHILD CARE

Subtitle A—Dissemination of Information About Quality Child Care

Sec. 201. Collection and dissemination of information.
Sec. 202. Grants for the development of a child care training infrastructure.
Sec. 203. Authorization of appropriations.

Subtitle B—Increased Enforcement of State Health and Safety Standards

Sec. 211. Enforcement of State health and safety standards.

Subtitle C—Removal of Barriers to Increasing the Supply of Quality Child Care

Sec. 221. Increased authorization of appropriations for the Child Care and Development Block Grant Act.
Sec. 222. Small business child care grant program.
Sec. 223. GAO report regarding the relationship between legal liability concerns and the availability and affordability of child care.

Subtitle D—Quality Child Care Through Federal Facilities and Programs

Sec. 231. Providing quality child care in Federal facilities.

TITLE I—TAX RELIEF TO INCREASE CHILD CARE AFFORDABILITY

SEC. 101. EXPANSION OF DEPENDENT CARE TAX CREDIT.

(a) PERCENTAGE OF EMPLOYMENT-RELATED EXPENSES DETERMINED BY TAXPAYER STATUS.—Section 21(a)(2) of the Internal Revenue Code of 1986 (defining applicable percentage) is amended to read as follows:

''(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 50 percent reduced (but not below zero) by 1 percentage point for each $1,500, or fraction thereof, by which the taxpayers's adjusted gross income for the taxable year exceeds $30,000.''.

(b) MINIMUM CREDIT ALLOWED FOR STAY-AT-HOME PARENTS.—Section 21(e) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following:

''(11) MINIMUM CREDIT ALLOWED FOR STAY-AT-HOME PARENTS.—Notwithstanding subsection (d), in the case of any taxpayer with one or more qualifying individuals described in subsection (b)(1)(A) under the age of 4 at any time during the taxable year, such taxpayer shall be deemed to have employment-related expenses with respect to such qualifying individuals in an amount equal to the greater of—

''(A) the amount of employment-related expenses incurred for such qualifying individuals for the taxable year (determined under this section without regard to this paragraph), or

''(B) $150 for each month in such taxable year during which such qualifying individual is under the age of 4.''.

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

SEC. 102. PROMOTION OF DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) PROMOTION OF DEPENDENT CARE ASSISTANCE PROGRAMS.—The Secretary of Labor shall establish a program to promote awareness of the use of dependent care assistance programs (as described in section 129(d) of the Internal Revenue Code of 1986) by employers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program under paragraph (1) $1,000,000 for each of fiscal years 1999, 2000, 2001, and 2002.

SEC. 103. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

''SEC. 45D. EMPLOYER-PROVIDED CHILD CARE CREDIT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the employer-provided child care credit determined under this section for the taxable year is an amount equal to 20 percent of the qualified child care expenditures of the taxpayer for such taxable year.

''(b) DOLLAR LIMITATION.—The credit allowable under subsection (a) for any taxable year shall not exceed $100,000.

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

''(1) QUALIFIED CHILD CARE EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified child care expenditure' means any amount paid or incurred—

''(i) to acquire, construct, rehabilitate, or expand property—

''(I) which is to be used as part of a qualified child care facility of the taxpayer,

''(II) with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable, and

''(III) which does not constitute part of the principal residence (within the meaning of section 1034) of the taxpayer or any employee of the taxpayer,

''(ii) for the operating costs of a qualified child care facility of the taxpayer, including costs related to the training of employees,

''(iii) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer, or

''(iv) under a contract to provide child care resource and referral services to employees of the taxpayer.

''(2) EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.—The term 'qualified child care expenditure' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

''(3) QUALIFIED CHILD CARE FACILITY.—

''(A) IN GENERAL.—The term 'qualified child care facility' means a facility—

''(i) the principal use of which is to provide child care assistance, and

''(ii) which meets the requirements of all applicable laws and regulations of the State or local government in which it is located, including, but not limited to, the licensing of the facility as a child care facility.

Clause (i) shall not apply to a facility which is the principal residence (within the meaning of section 1034) of the operator of the facility.

''(B) SPECIAL RULES WITH RESPECT TO A TAXPAYER.—A facility shall not be treated as a qualified child care facility with respect to a taxpayer unless—

''(i) enrollment in the facility is open to employees of the taxpayer during the taxable year,

''(ii) the facility is not the principal trade or business of the taxpayer unless at least 30 percent of the enrollees of such facility are dependents of employees of the taxpayer, and

''(iii) the use of such facility (or the eligibility to use such facility) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

''(d) RECAPTURE OF ACQUISITION AND CONSTRUCTION CREDIT.—

''(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care facility of the taxpayer, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

''(A) the applicable recapture percentage, and

''(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified child care expenditures of the taxpayer described in subsection (c)(1)(A) with respect to such facility had been zero.

''(2) APPLICABLE RECAPTURE PERCENTAGE.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

''If the recapture event occurs in:	The applicable recapture percentage is:
Years 1–3	100
Year 4	85
Year 5	70
Year 6	55
Year 7	40
Year 8	25
Years 9 and 10	10
Years 11 and thereafter	0.

''(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care facility is placed in service by the taxpayer.

''(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

''(A) CESSATION OF OPERATION.—The cessation of the operation of the facility as a qualified child care facility.

''(B) CHANGE IN OWNERSHIP.—

''(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in a qualified child care facility with respect to which the credit described in subsection (a) was allowable.

''(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

''(4) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

''(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified child care facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

''(e) SPECIAL RULES.—For purposes of this section—

''(1) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

''(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

''(f) NO DOUBLE BENEFIT.—

''(1) REDUCTION IN BASIS.—For purposes of this subtitle—

''(A) IN GENERAL.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (c)(1)(A), the basis of such property shall be reduced by the amount of the credit so determined.

''(B) CERTAIN DISPOSITIONS.—If during any taxable year there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (d).

''(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.

''(g) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2003.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking out ''plus'' at the end of paragraph (11),

(B) by striking out the period at the end of paragraph (12), and inserting a comma and ''plus'', and

(C) by adding at the end the following new paragraph:

''(13) the employer-provided child care credit determined under section 45D.''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45D. Employer-provided child care credit.''.

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

TITLE II—ENCOURAGING QUALITY CHILD CARE

Subtitle A—Dissemination of Information About Quality Child Care

SEC. 201. COLLECTION AND DISSEMINATION OF INFORMATION.

(a) COLLECTION AND DISSEMINATION OF INFORMATION.—The Secretary of Health and Human Services shall, directly or through a contract awarded on a competitive basis to a qualified entity, collect and disseminate—

(1) information concerning health and safety in various child care settings that would assist—

(A) the provision of safe and healthful environments by child care providers; and

(B) the evaluation of child care providers by parents; and

(2) relevant findings in the field of early childhood learning and development.

(b) INFORMATION AND FINDINGS TO BE GENERALLY AVAILABLE.—

(1) SECRETARIAL RESPONSIBILITY.—The Secretary of Health and Human Services shall make the information and findings described in subsection (a) generally available to States, units of local governments, private nonprofit child care organizations (including resource and referral agencies), employers, child care providers, and parents.

(2) DEFINITION OF GENERALLY AVAILABLE.—For purposes of paragraph (1), the term ''generally available'' means that the information and findings shall be distributed through resources that are used by, and available to, the public, including such resources as brochures, Internet web sites, toll-free telephone information lines, and public and private resource and referral organizations.

SEC. 202. GRANTS FOR THE DEVELOPMENT OF A CHILD CARE TRAINING INFRASTRUCTURE.

(a) AUTHORITY TO AWARD GRANTS.—The Secretary of Health and Human Services shall award grants to eligible entities to develop distance learning child care training technology infrastructures and to develop model technology-based training courses for child care providers and child care workers. The Secretary shall, to the maximum extent possible, ensure that grants for the development of distance learning child care training technology infrastructures are awarded in those regions of the United States with the fewest training opportunities for child care providers.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) develop the technological and logistical aspects of the infrastructure described in this section and have the capability of implementing and maintaining the infrastructure;

(2) to the maximum extent possible, develop partnerships with secondary schools, institutions of higher education, State and local government agencies, and private child care organizations for the purpose of sharing equipment, technical assistance, and other technological resources, including—

(A) sites from which individuals may access the training;

(B) conversion of standard child care training courses to programs for distance learning; and

(C) ongoing networking among program participants; and

(3) develop a mechanism for participants to—

(A) evaluate the effectiveness of the infrastructure, including the availability and affordability of the infrastructure, and the training offered the infrastructure; and

(B) make recommendations for improvements to the infrastructure.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and that includes—

(1) a description of the partnership organizations through which the distance learning programs will be disseminated and made available;

(2) the capacity of the infrastructure in terms of the number and type of distance learning programs that will be made available;

(3) the expected number of individuals to participate in the distance learning programs; and

(4) such additional information as the Secretary may require.

(d) LIMITATION ON FEES.—No entity receiving a grant under this section may collect fees from an individual for participation in a distance learning child care training program funded in whole or in part by this section that exceed the pro rata share of the amount expended by the entity to provide materials for the training program and to develop, implement, and maintain the infrastructure (minus the amount of the grant awarded by this section).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring a child care provider to subscribe to or complete a distance learning child care training program made available by this section.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $50,000,000 for each of fiscal years 1999 through 2003.

Subtitle B—Increased Enforcement of State Health and Safety Standards

SEC. 211. ENFORCEMENT OF STATE HEALTH AND SAFETY STANDARDS.

(a) IDENTIFICATION OF STATE INSPECTION RATE.—

(1) IN GENERAL.—Section 658E(c)(2)(G) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(2)(G)) is amended by striking the period and inserting '', and provide the percentage of completed child care provider inspections that were required under State law for each of the 2 preceding fiscal years.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to State plans under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) on and after September 1, 1998.

(b) INCREASED OR DECREASED ALLOTMENTS.—Section 658O(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting '', subject to paragraph (5),'' after ''shall''; and

(2) by adding at the end the following:

''(5) INCREASED OR DECREASED ALLOTMENT BASED ON STATE INSPECTION RATE.—

''(A) INCREASED ALLOTMENT FOR FISCAL YEARS 1999, 2000, AND 2001.—

''(i) IN GENERAL.—Subject to clause (iii), for fiscal years 1999, 2000, and 2001, the allotment determined for a State under paragraph (1) for each such fiscal year shall be increased by an amount equal to 10 percent of such allotment for the fiscal year involved with respect to any State—

''(I) that certifies to the Secretary that the State has not reduced the scope of any State child care health or safety standards or requirements that were in effect in calendar year 1996; and

''(II) that, with respect to the preceding fiscal year, had a percentage of completed child care provider inspections (as required to be reported under section 658E(c)(2)(G)), that equaled or exceeded the target inspection and enforcement percentage specified under clause (ii) for the fiscal year for which the allotment is to be paid.

''(ii) TARGET INSPECTION AND ENFORCEMENT PERCENTAGE.—For purposes of clause (i)(II), the target inspection and enforcement percentage is—

''(I) for fiscal year 1999, 75 percent;

''(II) for fiscal year 2000, 80 percent; and

''(III) for fiscal year 2001, 100 percent.

''(iii) PRO RATA REDUCTIONS IF INSUFFICIENT APPROPRIATIONS.—The Secretary shall make pro rata reductions in the percentage increase otherwise required under clause (i) for a State allotment for a fiscal year as necessary so that the aggregate of all the allotments made under this section do not exceed the amount appropriated for that fiscal year under section 658B.

''(B) DECREASED ALLOTMENT FOR FISCAL YEARS 2000 AND 2001.—

''(i) IN GENERAL.—The allotment determined for a State under paragraph (1) for each of fiscal years 2000 and 2001 shall be decreased by an amount equal to 10 percent of such allotment for the fiscal year involved with respect to any State that, with respect to the preceding fiscal year, had a percentage of completed child care provider inspections (as required to be reported under section 658E(c)(2)(G)) that was below the minimum inspection and enforcement percentage specified under clause (ii) for the fiscal year for which the allotment is to be paid.

''(ii) MINIMUM INSPECTION AND ENFORCEMENT PERCENTAGE.—For purposes of clause (i), the minimum inspection and enforcement percentage is—

''(I) for fiscal year 2000, 50 percent; and

''(II) for fiscal year 2001, 75 percent.

''(iii) REQUIREMENT TO EXPEND STATE FUNDS TO REPLACE REDUCTION.—If the allotment determined for a State for a fiscal year is reduced by reason of clause (i), the State shall, during the immediately succeeding fiscal year, expend additional State funds under the State plan funded under this subchapter by an amount equal to the amount of such reduction.''.

Subtitle C—Removal of Barriers to Increasing the Supply of Quality Child Care

SEC. 221. INCREASED AUTHORIZATION OF APPROPRIATIONS FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

''SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subchapter—

''(1) for each of fiscal years 1996 through 1998, $1,000,000,000;

''(2) for fiscal year 1999, $1,500,000,000;

''(2) for fiscal year 2000, $1,750,000,000;

''(2) for fiscal year 2001, $2,000,000,000;

''(2) for fiscal year 2002, $2,250,000,000; and

''(2) for fiscal year 2003, $2,500,000,000.''.

SEC. 222. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish a program to award grants to States to assist States in providing funds to encourage the establishment and operation of employer operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses located in the State to enable the small businesses to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the start up costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school aged children;

(F) the entering into of contracts with local resource and referral or local health departments;

(G) care for children with disabilities; or

(H) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—To be eligible to receive assistance from a State under this section, a small business shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to applicants that desire to form a consortium to provide child care in geographic areas within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities which may include businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATION.—With respect to grant funds received under this section, a State may not provide in excess of $100,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by an entity receiving assistance in carrying out activities under this section, the entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the entity under the grant);

(2) for the second fiscal year in which an entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the entity under the grant); and

(3) for the third fiscal year in which an entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section a child care provider shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State.

(g) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering the grant awarded under this section and for monitoring entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each entity receiving assistance under a grant awarded under this section to conduct an annual audit with respect to the activities of the entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that an entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such an entity the repayment of an amount equal to the amount of any misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(h) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first provides grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of entities to meet the child care needs of communities within a State;

(ii) the kinds of partnerships that are being formed with respect to child care at the local level; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first provides grants under this section, the Secretary shall conduct a study to determine the number of child care facilities funded through entities that received assistance through a grant made under this section that remain in operation and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(i) DEFINITION.—As used in this section, the term ''small business'' means an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $60,000,000 for the period of fiscal years 1999 through 2001. With respect to the total amount appropriated for such period in accordance with this subsection, not more than $5,000,000 of that amount may be used for expenditures related to conducting evaluations required under, and the administration of, this section.

(k) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2002.

SEC. 223. GAO REPORT REGARDING THE RELATIONSHIP BETWEEN LEGAL LIABILITY CONCERNS AND THE AVAILABILITY AND AFFORDABILITY OF CHILD CARE.

Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall report to Congress regarding whether and, if so, the extent to which, concerns regarding potential legal liability exposure inhibit the availability and affordability of child care. The report shall include an assessment of whether such concerns prevent—

(1) employers from establishing on or near-site child care for their employees;

(2) schools or community centers from allowing their facilities to be used for on-site child care; and

(3) individuals from providing professional, licensed child care services in their homes.

Subtitle D—Quality Child Care Through Federal Facilities and Programs

SEC. 231. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.

(a) DEFINITION.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code, but does not include the Department of Defense.

(3) EXECUTIVE FACILITY.—The term ''executive facility'' means a facility that is owned or leased by an Executive agency.

(4) FEDERAL AGENCY.—The term ''Federal agency'' means an Executive agency, a judicial office, or a legislative office.

(5) JUDICIAL FACILITY.—The term ''judicial facility'' means a facility that is owned or leased by a judicial office.

(6) JUDICIAL OFFICE.—The term ''judicial office'' means an entity of the judicial branch of the Federal Government.

(7) LEGISLATIVE FACILITY.—The term ''legislative facility'' means a facility that is owned or leased by a legislative office.

(8) LEGISLATIVE OFFICE.—The term ''legislative office'' means an entity of the legislative branch of the Federal Government.

(b) EXECUTIVE BRANCH STANDARDS AND ENFORCEMENT.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS.—

(A) IN GENERAL.—The Administrator shall issue regulations requiring any entity operating a child care center in an executive facility to comply with applicable State and local licensing requirements related to the provision of child care.

(B) COMPLIANCE.—The regulations shall require that, not later than 6 months after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the requirements; and

(ii) any contract for the operation of such a child care center shall include a condition that the child care be provided in accordance with the requirements.

(2) EVALUATION AND ENFORCEMENT.—The Administrator shall evaluate the compliance of the entities described in paragraph (1) with the regulations issued under that paragraph. The Administrator may conduct the evaluation of such an entity directly, or through an agreement with another Federal agency, other than the Federal agency for which the entity is providing child care. If the Administrator determines, on the basis of such an evaluation, that the entity is not in compliance with the regulations, the Administrator shall notify the Executive agency.

(c) LEGISLATIVE BRANCH STANDARDS AND ENFORCEMENT.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS AND ACCREDITATION STANDARDS.—The Architect of the Capitol shall issue regulations for entities operating child care centers in legislative facilities, which shall be the same as the regulations issued by the Administrator under subsection (b)(1), except to the extent that the Architect may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in such paragraphs.

(2) EVALUATION AND ENFORCEMENT.—Subsection (b)(2) shall apply to the Architect of the Capitol, entities operating child care centers in legislative facilities, and legislative offices. For purposes of that application, references in subsection (b)(2) to regulations shall be considered to be references to regulations issued under this subsection.

(d) JUDICIAL BRANCH STANDARDS AND ENFORCEMENT.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS AND ACCREDITATION STANDARDS.—The Director of the Administrative Office of the United States Courts shall issue regulations for entities operating child care centers in judicial facilities, which shall be the same as the regulations issued by the Administrator under subsection (b)(1), except to the extent that the Director may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in such paragraphs.

(2) EVALUATION AND ENFORCEMENT.—Subsection (b)(2) shall apply to the Director described in paragraph (1), entities operating child care centers in judicial facilities, and judicial offices. For purposes of that application, references in subsection (b)(2) to regulations shall be considered to be references to regulations issued under this subsection.

(e) APPLICATION.—Notwithstanding any other provision of this section, if 3 or more child care centers are operated in facilities owned or leased by a Federal agency, the head of the Federal agency may carry out the responsibilities assigned to the Administrator under subsection (b)(2), the Architect of the Capitol under subsection (c)(2), or the Director described in subsection (d)(2) under such subsection, as appropriate.

Mr. SPECTER. Mr. President, I have sought recognition to join my colleagues in introducing the ''Caring for Children Act,'' which will ease the financial burden of child care for American families—for those parents who work, and for those who choose to stay home to raise their children for a period of time. The sponsors of this legislation recognize the importance of affordable quality child care to the successful development of our children.

Our bill would expand the Dependent Care tax credit to make it more accessible to families who need it, double the authorization for the Child Care Development Block Grant, and provide grants to small businesses to create or enhance child care facilities for their employees. This bill also includes provisions from the proposal I introduced last year with my colleague, Congressman Jon Fox, ''The Affordable Child Care Act,'' which provides a tax credit for employers who provide on-site or site-adjacent child care to their employees in order to reduce the child care expenses of the employee.

Not all families choose the same option for child care. Many families rely on relatives, centers operated by churches and other religious organizations, centers at or near their workplace, or make other arrangements to provide care for their children while they work. In light of the diverse needs for child care in America, this bill represents a good start toward expanding the choices for American parents. And, any such legislation must recognize that there is a need to provide some relief to families where one parent stays at home.

The need for affordable and accessible day care is critical given the increasing numbers of working parents and dual-income families in the United States. According to the Bureau of the Census, in 1975, 31 percent of married

mothers with a child younger than age one participated in the labor force. By 1995, that figure had risen to 59 percent. Almost 64 percent of married mothers and 53 percent of single mothers with children younger than age six participated in the labor force in 1995.

The cost of child care for families is also significant. Licensed day care centers in some urban areas cost as much as $200 per week, and the disparity in costs and availability of child care between urban and rural grows greater every day. For families which need or choose to have both parents work outside the home, the burden of making child care decisions is great. These figures serve to underscore the need for action on the part of the Federal government to provide the necessary assistance to our nation's working families.

As Chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I am pleased that this legislation would build on an existing federal child care program by authorizing an additional $5 billion over five years to the Child Care Development Block Grant program, bringing total spending for this program to $2.5 billion annually by FY2002. The CCDBG program which works well in assisting low-income families acquire child care and helped over 93,000 Pennsylvania families last year. By increasing the authorization, we can help even more families without creating a new entitlement program.

Our legislation will also require States to create and enforce safety and health standards in child care facilities, and provide money for the Department of Health and Human Services to disseminate information to parents and providers about quality child care, through brochures, toll-free hotlines, the Internet, and other technological assistance.

The ''Caring for Children Act'' complements my recent efforts to assist working families in the context of welfare reform and children's health insurance. When Congress debated welfare reform in 1995 and 1996, I worked to ensure that adequate funds were provided for child care, a critical component for welfare mothers who would be required to work to receive new limited welfare benefits. I am pleased that the welfare reform bill that became law provides $20 billion in child care funding over a six year period. Similarly, I was pleased to participate in the bipartisan effort in 1997 to enact legislation to provide $24 billion over the next five years for States to establish or broaden children's health insurance programs.

In conclusion, Mr. President, I believe that it is critical that the 105th Congress not adjourn without enacting legislation to assist families in their ability to afford safe, quality child care for their children, either at home with a parent or another arrangement. Our legislation will provide peace of mind to millions of American families struggling to balance career and child raising. I urge my colleagues to join me in cosponsoring this important legislation, and I urge its swift adoption.

Mr. HATCH. Mr. President, eight years ago, Congress passed and President Bush signed the landmark Child Care and Development Block Grant Act. I was proud to have helped lead the effort, and I am proud of what our states have been able to accomplish since its implementation.

But, it is also clear that we must do more to help families. In my home state of Utah, more than half of the children under age 6 have either their only parent or both parents in the workforce.

The ''Child Care Connection,'' a four-county resource and referral program, reported last year that there were five major Salt Lake area zip codes that had zero openings for infants.

Utah child care officials have reported that there are too few slots generally for infants and toddlers and for special needs children.

It is my pleasure to be here today with Senators CHAFEE, SNOWE, ROBERTS, and SPECTER, each of whom has a long track record of involvement in child care issues. We believe that we have developed a comprehensive, yet realistic, child care proposal that will augment the ability of the child care block grant to serve families in each state.

Of particular note, this proposal recognizes the choice that many families make to have one parent remain at home as primary caregiver. As important as it is to assist low- and middle-income families with necessary out-of-home child care expenses—and our proposal will increase the Dependent Care Tax Credit for such families—it is also important for us to realize the value of a parent in the home and that the sacrifice of a second income is also a child care expense.

Additionally, our proposal will not create major new programs in need of permanent funding. We do not intend to spend federal dollars on bigger bureaucracy in the name of expanding child care. We want available resources to be put directly in the hands of parents through tax credits and in the hands of states to address specific gaps in availability and enforcement of health and safety standards.

Our bill takes a very balanced approach to the issues of affordability, availability, and quality.

Child care costs, of course, are a significant part of a family budget. The average cost of child care has been estimated at over $4000 per child. This is a substantial increase from the $3000 average it was when we enacted the Child Care and Development Block Grant eight years ago. Clearly, low- and middle-income taxpayers devote a larger share of their earnings to child care.

And, at a time when we are trying to move families off of public assistance and into employment, child care has to be a key element of transitional support.

Our bill increases the Dependent Care Tax Credit (DCTC) for working parents. Our bill raises the maximum credit from 30 percent to 50 percent. And, it raises the maximum income level for the maximum credit from $10,000 to $30,000. No change is made in the maximum allowable expenses of $2400 for one child and $4800 for two or more children.

Thus, a family in St. George, Utah, earning $30,000, with two children, would receive a tax credit of $2400. Under current law, this family's credit would be $960.

Both our bill and the proposal made by the Clinton administration begin to gradually reduce the percentage of the credit at $30,000, but the ''Caring for Children Act'' reduces the credit at a slower rate. Thus, families earning between $30,000 and $75,000 will receive a bigger tax benefit than under either President Clinton's proposal or current law.

We can afford to provide larger benefits for this income group because we have recommended a phase-out of the credit entirely for families with incomes of $105,000 or more. Under current law, there is no income limit for eligibility for the DCTC. This is one tax credit that wealthy taxpayers do not need.

But, our bill, the ''Caring for Children Act,'' goes one step further. The bill I have developed along with Senators CHAFEE, SNOWE, ROBERTS, and SPECTER would, for the first time, recognize child care provided by a parent.

Our bill would extend eligibility for the Dependent Care Tax Credit to families with young children in which one parent remains at home as caregiver. How would this work? The bill would impute monthly child care expenses of $150 to families with children age 3 and under. For example, a family in Morgan, Utah, earning $30,000 a year and having one or more children under age 3, would receive a $900 tax credit. It works this way: 50% credit $150 monthly imputed expenses 12 months = $900.

I would like to see this tax break be even more generous. I will work toward that end. But, given our budget realities, this ground-breaking extension of the DCTC is feasible. And, I believe it is an essential component of the ''Caring for Children Act.''

It is high time we recognize the value of stay-at-home parents. This tax credit in no way offsets their work or their monetary sacrifices; but it does, at last, give a mother or father in the home standing in our tax code. It transforms the Dependent Care Tax Credit from an employment-based credit to a child-based credit.

These two changes to the DCTC will put money—their own money I might add—back into the pockets of America's families.

The ''Caring for Children Act'' also deals with the issue of availability. As I mentioned, there are areas where child care—particularly infant care,

after school care, or care for special needs children—is tough to find. The substantial increase we are recommending for the Child Care and Development Block Grant (CCDBG) will provide states with the ability to address shortages as well as to increase support to low-income families.

President Clinton has recommended solving the availability problem by creating two new programs, one for after school care and one geared to early childhood. While I can appreciate the President's concern that there may be few choices out there for parents who depend on out-of-home care, I do not believe it makes sense to create new programs when the CCDBG already permits such programs. I think the answer is not to second guess how the states have chosen to allocate their scarce resources under the block grant, but rather to give the states some additional resources so that they can better meet their own priorities.

We are proposing a $5 billion increase in the CCDBG over five years. These additional resources will give states much more flexibility in their planning. States will be able to provide subsidies for a greater number of the eligible population; they will be able to finance child care programs in underserved areas of the state; they will be able to address particular shortages. And, they will be able to better enforce critical health and safety standards.

I am a firm believer that states should be able to set their own rules and regulations for child care providers. I do not believe that the federal government can or should interfere with child care affordability in our various states by setting national standards that are unrealistic. Moreover, to the extent that child care standards reflect the values as well as the economic conditions of any given state, the federal government has no business micromanaging them.

But, I also believe that states that participate in the block grant program—and that would be all of them—have an obligation to ensure that children are in safe and healthy environments. And, they have an obligation to see that such standards are adequately enforced. A sanitary standard is no standard at all if it is unenforced.

It may not matter where you have your car washed, but it absolutely matters who is taking care of your child.

Therefore, the ''Caring for Children Act'' puts some teeth into the requirement for inspections under the block grant. A state that inspects a threshold number of facilities subject to inspection will be eligible for a 10 percent bonus. After the second year, a state failing to inspect a minimum number of child care sites will be subject to a 10 percent penalty.

Additionally, our bill authorizes $50 million a year for HHS to undertake two important quality enhancing activities. First, more information about child care can be made available to parents. Consumer information about automobiles, credit cards, and well-baby care are available. I believe parents would welcome more information on what to look for in a child care center or family-based care setting. I also believe that parents are the best form of accountability in child care. Second, to assist providers and child care workers enhance the quality of their services, the bill would enable HHS to award grants for the development of a technology infrastructure for distance learning.

Many child care providers are in rural areas. Traditional training in the form of workshops and college classes are not practical. Programs for child care providers that could be developed and made available through distance learning, however, could prove a viable alternative as well as a valued help. My home state of Utah, I might add, has been a leader in the distance learning arena. I have no doubt that such a format would be eagerly received in my state.

The ''Caring for Children Act'' contains several other provisions of interest. In order to test the effectiveness of small business consortia as employer-based child care providers, the bill authorizes $60 million over three years for demonstration grants.

To increase the awareness of the existing Dependent Care Assistance Program (DCAP), a tax provision that permits employees to authorize their employers to withhold up to $5000 of the employee's salary in a DCAP account for child care expenses to be paid by the employer, the ''Caring for Children Act'' authorizes $1 million a year for the next five years to the Secretary of Labor to conduct outreach to both employers and employees about this program and its benefits.

Finally, the bill would require that child care facilities located in federal buildings for federal employees be held to the same quality standards that apply to child care programs in the state in which the federal facility is located.

I believe the measure we have introduced is a balanced approach. It does not depend entirely on the tax code to address child care issues, nor does it depend solely on federal spending.

It does not concentrate benefits on only one income group. The DCTC expansion is geared particularly to assist the middle class. The increase in the CCDBG is targeted to subsidies for low-income families.

It recognizes that we have to make an investment in our children, but it does not propose new federal mandatory spending programs that can become wildly expensive.

Our bill gives careful attention to each of the three cornerstones of child care: affordability, availability, and quality.

And, for the first time, federal child care legislation will not ignore those families who choose to forego one income to have a parent remain at home.

I want to say again that I am proud to sponsor this bill with my colleagues, Senators CHAFEE, SNOWE, ROBERTS, and SPECTER. I urge other senators to join us in this legislation.

Mr. ROBERTS. Mr. President, I am pleased and honored to join with my colleagues to introduce legislation to help meet the child care challenges facing families around the nation. Our bill is entitled the ''Caring for Children Act.''

Child care, in the home when possible and outside the home when both parents work, goes right to the heart of keeping families strong. Unfortunately, finding quality, affordable child care is one of the most pressing problems for families in Kansas and around the country.

The ''Caring for Children Act'' takes the first steps to address this challenge through a responsible approach. This legislation expands child care opportunities without expanded government costs or intrusion in our lives. This legislation builds into the existing network without adding more government intervention or mandates. This legislation will help families that have two working parents and families that have a stay-at-home parent. This legislation will help to increase the supply of quality of child care.

First, in order to provide additional tax relief and increase affordability of child care, we expand the Dependent Care Tax Credit (DCTC) by raising the income level to $30,000 at which families become eligible for the maximum tax credit. We also raise the maximum percentage of child care expenses that parents can deduct to 50 percent. These changes make the DCTC more realistic for families that face increasing child care costs.

Increasing the income level and the percentage of child care expenses that are deductible will help families where both parents work. But, we also recognize that families who choose to have one parent remain at home have child care expenses as well. Therefore, we extend eligibility for the DCTC to families with a stay-at-home parent. This provides greater options to more families and leaves child care choices where they should be—with the family. In order to target this credit to parents who need it the most and meet our fiscal responsibilities, the credit is phased out for higher income wage earners.

Small businesses play a critical role in providing child care options to millions of working parents. Unfortunately, small businesses generally do not have the resources required to start up and support a child care center. The ''Caring for Children Act'' includes a short-term, flexible grant program to encourage small businesses to work together to provide child care services for employees. This program is more of a demonstration project that will sunset at the end of three years. In the meantime, small businesses will be eligible for grants up to $100,000 for start-up costs, training, scholarships, or other related activities. Businesses

must continue to meet state quality and health standards. Businesses will be required to match federal funds to encourage self-sustaining facilities well into the future.

''Caring for Children'' also includes provisions to provide a tax credit of expenses up to $500,000 for employers who choose to construct, renovate, or operate on- or near-site child care facilities for their employees. And, ''Caring for Children'' includes funding to promote greater availability of the Dependent Care Assistance Program (DCAP) for families with children. This will allow the Department of Labor to conduct outreach to businesses to promote awareness of the DCAP program.

All children deserve quality care. Although all states have health and safety standards in place, many times these regulations are not enforced. ''Caring for Children'' includes incentives for states to improve their inspection efforts and ensure that facilities are in compliance with their own state standards. The bill also authorizes funding for the Department of Health and Human Services to get more information in the hands of parents and help child care providers access child care training programs.

Finally, we authorize additional funding for the Child Care and Development Block Grant. This program sends federal assistance to states, permitting them to allocate resources where they are most needed in the state. We maintain maximum flexibility and allow states to make decisions about how to address their own child care challenges.

Child care is an issue that impacts each and every one of us. While parents continue to struggle to meet the constant demand of work and family, we must continue to do our part to expand child care options and protect our nation's most valuable resource, our children. I look forward to working with all of my colleagues in this important effort.

Ms. SNOWE. Thank you, Mr. President, I am pleased to join with my colleagues, Senators HATCH, ROBERTS, SPECTER, and CHAFEE to introduce a bill that I believe is an historic opportunity to help ensure the well-being of our children and by extension the very well-being of our nation: the Caring for Children Act.

I come before you as a veteran on child care issues who has worked to address child care throughout my political life, and was the lead Republican cosponsor on the Act for Better Child Care in 1989—the bill which set the stage for the bipartisan package that was adopted by the 101st Congress. Since that time we have advanced the ball in profound ways that reflect the changing nature of the American family, but our work must never cease when it comes to our children. We must build on our laurels, not rest on them: and that is precisely what this bill does.

Consider the challenge: In California alone in 1997, 500,000 children were already on waiting lists for federal child care in—half a million! Now, it is estimated that, as welfare reform proceeds, some 2 million parents across America will join the workforce and their children will require child care. A GAO report from May of last year determined that in Chicago, for example, the known supply of child care would only meet 14 percent of the need for infant child care in the first year of welfare reform implementation. And within three years, 3 out of 4 American women with children under 5 will be working and in need of child care.

With the perspective of years spent on this issue, I have come to the conclusion that what American parents need most are choices. The decision of how to care for a young child is a deeply personal and difficult one. Many feel handcuffed by economic concerns, others worry about the safety of child care, but all face different circumstances that make the decision making process unique.

Given the tremendous challenges of raising children today, and the extraordinary range of issues facing families, I believe the federal government should not be in the business of encouraging one choice over another. Instead the government's role must be to ensure that families have viable options and that the basis for decisions is the best interests of the child. If we are to care about children we must care about choices, and not politicize the issue with partisanship or ideology.

That is the spirit in which we crafted our bill. Because it is not about pitting one group against another. It is not about starting a ''mommy war''. It is about helping parents do the best they can for their children—no matter what choice they make.

The reality is that, despite our best efforts to date to make quality, affordable child care accessible, the myriad pressures facing American families today still imperil their ability to provide the best possible care for their children. In my home state of Maine, one out of every five Mainers are working multiple jobs. Across the country, 63 percent of women with children under age six are in the workforce, and as a result, over 12 million children are cared for by someone other than a parent during working hours. In Maine, there are 42,000 women in the labor force with children under 6, and 64,000 with children between the ages of 6 and 17.

At the same time, child care costs can range from $4,000 to $9,000 annually—with families earning less than $14,000 per year paying more than one quarter of their income in child support. As a result, families are often forced to make a choice between two unacceptable options: find care for their children that may not be safe or appropriate, or stay home and hope that they can somehow still put food on the table.

Our bill respects parents' decisions and expands the choices available in a number of innovative ways. By expanding the Dependent Care Tax Credit, we make it more affordable for parents to choose quality child care, but we also leave the door open for a parent to stay at home with their child. And we target our tax benefits to those who need them most: working American families.

For two-working parent families with child care expenses, we raise the income level at which parents can take the maximum credit from $10,000 to $30,000, allowing more parents to take advantage of the maximum tax credit. In addition, we raise the percentage of child care expenses that parents can put toward their credit to 50% (up from 40% under current law) of expenses up to $2400 for one child, or $4800 for two or more children. The credit will phase down 1% for every $1500 of income above $30,000, phasing out completely for families earning over $105,000 per year. Under this new scheme, the maximum tax credit will be $1200 for one child (up from $720), or $2400 for two or more children (up from $480).

For the first time, parents who forgo an income to stay at home to take care of a child between the ages of 0–3 will be able to take advantage of the Dependent Care Tax Credit. By attributing child care expenses to stay at home parents of $150 per month, they will be eligible for a maximum tax credit of up to $900 per year, depending on their income. Applying the tax credit to parents who wish to stay home for children ages 0–3 acknowledges that parents of infants and toddlers often face the toughest decisions between working or staying at home, particularly in light of recent research in the area of early childhood development which demonstrates that care from one or two consistent, loving and stimulating caregivers during these earliest years is crucial to brain development.

The Caring for Children Act will also help defray the considerable costs of child care for low-income families by *doubling* funding for the Child Care and Development Block Grant, to the time of $5 billion. This will create more child care slots for low-income families and double the amount of money devoted to improving quality, again leaving more options for parents.

And we also address the issue safety, because parents are still rightfully concerned about safety. According to a US News and World Report article last August, a query of all 50 states and the District of Columbia revealed that 76 children died in day care in 1996. The causes included drownings, falls, and being struck by automobiles. And these numbers are low because, shockingly, some states do not even track day care deaths. In terms of oversight, the US News report revealed that in Virginia, for example, the state had failed to make mandatory twice-a-year inspections of 722 of its 4,200 licensed facilities in 1996; 159 centers were not visited even once.

No parents should have to fear for their child's safety—no parent should

ever get that dreaded call that their child was hurt at day care. Bringing a young child to day care in the morning should not be an act of faith—it should be an act of confidence. While states have the responsibility to set health and safety standards, states need to be held accountable for enforcing these standards by adhering to the inspection-schedule that they establish under state law. Accordingly, our bill provides a 10 percent bonus in CCDBG funding to states that meet targeted inspection rates, while penalizing those by 10 percent that don't meet their existing responsibility to ensure health and safety. This gives our bill ''teeth'' to ensure that child care is safe and children are protected.

Finally, we encourage more American businesses to become partners in child care by offering then tax credits for child care operation, construction and renovation expenses up to $500,000. And recognizing that it is not always feasible for small businesses to assist with child care, we offer grants to small employers to provide such care. Businesses already have an incentive to provide child care in that parents who are confident in their child care arrangements are more reliable, productive workers. These initiatives will not only create more slots and make child care more affordable for parents and businesses alike, but it will help literally bring care closer to more parents.

In closing, let me emphasize that this bill is an investment in our nation's future. It is a statement by the federal government that there can be no greater cause—no more noble a purpose than providing for our children. How a nation raises its youth and the value it places on giving children a chance to grow up safe, happy, and healthy speaks volumes to its greatness. This legislation won't make decisions easier for parents but it will ensure that they have a full range of options available to them as they seek to do the very best they can for their children. That's why I'm proud to be here today and that's why I will work hard to ensure the passage of the Caring for Children Act. Thank you.

By Mr. McCAIN (for himself, Mr. COATS, Mr. FAIRCLOTH and Mr. ASHCROFT):

S. 1578. A bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site; to the Committee on Rules and Administration.

CONGRESSIONAL RESEARCH SERVICE LEGISLATION

Mr. McCAIN. Mr. President, I would like to introduce a bill that will make Congressional Research Service Reports, Issue Briefs, and Authorization and Appropriations products available on a web site to the American people. Senator COATS, Senator FAIRCLOTH, and Senator ASHCROFT are original cosponsors to this bill. Additionally, Representative SHAYS will be introducing a companion bill over in the House.

The Congressional Research Service (CRS) has a well-known reputation for producing high-quality reports and issue briefs that are unbiased, concise, and accurate. Many of us have used these CRS products to make decisions on a wide variety of legislative proposals and issues, including Amtrak, the Endangered Species Act, the Line Item Veto, and U.S. policy in Zambia. Also, we routinely issue these products to our constituents in order to help them understand the important issues of our time.

This fiscal year, the American taxpayer will pay $64.6 million to fund the Congressional Research Service. Newspapers, such as the San Jose Mercury-News and the Austin American-Statesman, and watchdog groups, such as the Congressional Accountability Project, have recently asked the Congress to allow the public access to CRS resources. The American people have paid for these valuable resources and have a right to see that their money is being well spent.

Congress can also serve two important functions by allowing public access to this information. First, public access to these CRS products will mark an important milestone in opening up the federal government. Our constituents will be able to see the research documents which influenced our decisions and understand the trade-offs and factors that we consider before a vote. This will give the public a more accurate view of the Congressional decision-making process to counter the prevailing cynical view of Members of Congress selling their votes to the highest campaign contributor.

Also, these CRS reports will serve an important role in informing the public. Members of the public will be able to read these CRS products and receive a concise, accurate summary of the issues that concern them. As elected representatives, we should do what we can to promote an informed, educated public. The educated voter is best able to make decisions and petition us to do the right things here.

The Internet provides an ideal way to inform the public while not distracting CRS from its primary mission to serve Congress. The Director of CRS can simply post CRS products on a web site, and then voters can look up information without any extra effort by CRS researchers. The public will not be allowed to write responses or research requests to CRS, so that valuable CRS time will not be diverted from helping us to do our jobs. Confidential requests by Members of Congress will not be released to the public. It is my intent that CRS establish a separate web site that will serve the public without otherwise causing CRS to do anything drastically different from its current operations when it posts CRS products on the web site accessible to Members of Congress.

I recognize that there have been a few questions about this bill. There are concerns disseminating CRS material via the Internet will remove its protection under the Speech and Debate Clause. At present, no court case has directly addressed this issue. However, the Supreme Court acknowledged in its concurrence to Doe versus McMillan that a legislator's function in informing the public concerning matters before Congress should be protected by the Speech and Debate Clause, similar to communications which relate directly to the legislative process. Furthermore, my bill gives the CRS Director discretion to not release material that he determines is confidential. This aspect of my bill has been upheld in similar circumstances where the U.S. District Court maintained the confidentiality of the underlying research used to create reports by Congressional support agencies. I am including in the RECORD a letter by Mr. Stanley M. Brand, a former General Counsel to the House of Representatives, who agrees that my legislation will not threaten CRS' protection under the Speech and Debate Clause.

I am also aware of potential copyright concerns if the CRS information is made accessible to the public. For example, CRS has informed me that it does not have a copyright agreement that will allow it to make the maps used in CRS products available electronically. I believe we can work out an equitable solution to resolve any copyright concerns that would prevent any CRS Report, Issue Brief, or Authorization or Appropriations product from being electronically disseminated to the public.

Another concern has been raised about the 30 day delay between the release of CRS material to Members of Congress and their staff and its release to the public on the web site. This delay will make sure that CRS has carried out its primary statutory duty of informing Congress before releasing information the public. Also, it will allow CRS to verify that its products are accurate and prepare them for public release in order to protect CRS from liability problems and the American people from being misinformed.

I would like to stress that opening up these select CRS products to the public will in no way compete with existing commercial information services. The public will have access to selected CRS products that are currently available only to Members of Congress and their staff. I firmly believe that the federal government should not be involved in competing with legitimate private industry.

This bill has received popular support from across the country, and I am including in the RECORD a letter of support from many concerned industries and groups including America On-Line, IBM, Public Citizen, and the League of Women Voters of the United States. I hope that my colleagues will join them

in supporting this legislation and opening up a useful source of information to the American people.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

S. 1578

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

SECTION 1. AVAILABILITY OF CERTAIN CRS WEB SITE INFORMATION.

(a) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Director of the Congressional Research Service shall make available on the Internet, for purposes of access and retrieval by the public, all information that—

(A) is available through the Congressional Research Service web site;

(B) is described in paragraph (2); and

(C) is not confidential as determined by—

(i) the Director; or

(ii) the head of a Federal department or agency that provided the information to the Congressional Research Service.

(2) INFORMATION.—The information referred to in paragraph (1)(B) is as follows:

(A) All Congressional Research Service Issue Briefs.

(B) All Congressional Research Service Reports that are available to Members of Congress through the Congressional Research Service web site.

(C) All Congressional Research Service Authorization of Appropriations Products or Appropriations Products.

(b) TIME.—The information shall be so made available not earlier than 30 days after the first day the information is available to Members of Congress through the Congressional Research Service web site.

(c) REQUIREMENTS.—The Director of the Congressional Research Service shall make the information available in a manner that the Director determines—

(1) is practical and reasonable; and

(2) does not permit the submission of comments from the public.

CONGRESSIONAL ACCOUNTABILITY PROJECT,
Washington, DC, January 26, 1998.

Hon. JOHN MCCAIN and DANIEL COATS,
Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATORS MCCAIN AND COATS: We happily endorse your draft legislation to put Congressional Research Service (CRS) reports and products on the Internet, including CRS Issue and Legislative Briefs, and Authorization and Appropriation products.

CRS products are some of the finest research prepared by the federal government. They are a precious source of government information on a huge range of topics. In a recent editorial, Roll Call described CRS reports as ''often the most trenchant and useful monographs available on a subject.'' Citizens, scholars, journalists, librarians, businesses, and many others have long wanted access to CRS reports via the Internet.

We believe that taxpayers ought to be able to read the research that we pay for. But citizens cannot obtain most CRS products directly. Instead, we must purchase them from private vendors, or engage in the burdensome and time-consuming process of requesting a member of Congress to send CRS products to us. Often, citizens must wait for weeks or even months before such a request is filled. This barrier to obtaining CRS products serves no useful purpose, and damages citizens' ability to participate in the congressional legislative process.

James Madison aptly described why the public needs reliable, accurate information about current events: ''A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.''

Your bill falls squarely within the spirit of Madison's honorable words. Thanks for your efforts in making CRS products available on the Internet.

Sincerely,

American Conservative Union.
American Protestant Health Alliance.
America Online Corp.
Danielle Brian, Executive Director, Project on Government Oversight.
Business Software Alliance.
California Budget Project (CA).
Center for Media Education.
Center for Science in the Public Interest.
Citizen Advocacy Center (IL).
Timothy J. Coleman, Director, Kettle Range Conservation Group (WA).
Computer Communications Industry Association.
Computer Professionals for Social Responsibility.
Congressional Accountability Project.
Consumer Project on Technology.
Decision Matrix Inc. (OR).
George Draffan, Director, Public Information Network (WA).
Electronic Frontier Foundation.
Fairness and Accuracy in Reporting.
Federation of American Scientists.
Ray Fenner, President, Superior Wilderness Action Network (MI).
Darlene Flowers, Executive Director, Foster Parents Association of Washington State (WA).
Forest Service Employees for Environmental Ethics.
Government Purchasing Project.
IBM.
Impact Voters of America.
Information Technology Association of America.
Institute for Local Self-Reliance.
Intel Corp.
League of Women Voters of the United States.
Marin Democratic Club (CA).
Halsey Minor, Chief Executive Officer, CNET.
Barbara J. Moore, Ph.D., President and CEO, Shape Up America!
National Association of Manufacturers.
National Citizens Communications Lobby.
Native Forest Council (OR).
NetAction.
Netscape Communications Corp.
OMB Watch.
Public Citizen.
Public Interest Projects.
Amy Ridenour, President, The National Center for Public Policy Research.
Greg Schuckman, Director of Public Affairs, American Association of Engineering Societies.
Peter J. Sepp, Vice-President for Communications, National Taxpayers Union.
Taxpayers for Common Sense.
TenantNet (NY).
Triad Healthcare Technologies, LLC (TX).
United Democratic Clubs, Orange County, CA; Larry Trullinger, President.
United Seniors Association.
U.S. Public Interest Research Group (PIRG).
U.S. Term Limits.
Russell Verney, Chairman, Reform Party.
Virginia Journal of Law and Technology.
Western Land Exchange Project (WA).

BRAND, LOWELL & RYAN,
Washington, DC, January 27, 1998.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: I am writing to amplify the comments that I recently made to the press concerning applicability of the Speech or Debate Clause, U.S. Const. art. I, §6, cl. 1, to certain CRS products which your bill would, if enacted, make available on the Internet. Juliet Eilperin, Memo Claims That McCain Legislation to Put CRS Reports Online Could Have Constitutional Problems, Roll Call, January 15, 1998, p. 8.

First, as General Counsel to the House of Representatives I litigated virtually scores of cases involving the Speech or Debate Clause, including a landmark case before the Supreme Court reaffirming the central function of the clause in protecting the legislative branch from judicial and executive branch interference, *United States* v. *Helstoski;* 442 U.S. 477, *Helstoski* v. *Meanor*, 442 U.S. 500 (1979); *see also, Vander Jagt* v. *O'Neill*, 699 F.2d 1166 (D.C. Cir. 1983); *In Re Grand Jury Investigation*, 587 F.2d 589 (3d Cir. 1978); *United States* v. *Eilberg*, 507 F. Supp. 267 (E.D. Pa. 1980); *Benford* v. *American Broadcasting Co.*, 98 F.R.D. 42 (D. Md. 1983), *rev'd sub nom. In Re: Guthrie*, 735 F.2d 634 (4th Cir. 1984). Many of these cases which I litigated were cited in the CRS memorandum as supporting their conclusion that publication on the Internet would adversely affect the Speech or Debate Clause privilege.

I believe that the concerns expressed in the CRS memorandum are either overstated, or the extent they are not, provide no basis for arguing that protection of CRS works will be weakened by your bill. I also want you to know that I was, and remain, a strong advocate for vigorous assertion and protection of the Speech or Debate Clause privilege as a great bulwark of the separation of powers doctrine that protects the Congress from Executive and Judicial branch encroachment.

The CRS memorandum states ''extensive involvement by CRS in the informing function might cause the judiciary and administrative agencies to reassess their perception of CRS as playing a substantial role in the legislative process, and thereby might endanger a claim of immunity even in an instance in which CRS was fulfilling its legislative mission.''

This fear is simply unfounded. While the courts have consistently relegated the so-called ''informing function'' to non-constitutionally protected status, they have also steadfastly refused to permit litigants to pierce the privilege for activities that are cognate to the legislative process despite later dissemination outside the Congress. So, for example, in *McSurely* v. *McClellan*, 553 F.2d 1277, 1286 n. 3 (D.C. Cir. 1976) (en banc), the Court refused to allow a litigant to question Senate aides about acts taken within the Committee, even though acts of dissemination outside the Congress were subject to discovery. Publication of a CRS product on the Internet would no more subject CRS employees to questioning about the basis for their work, consultations with colleagues or the sources of that work, than would be the case if the same CRS product were obtained by means other than the Internet. Indeed, the fact that House and Senate proceedings are televised does not alter the applicability of the clause to floor speeches, committee deliberations, staff consultation, or other legislative activities. Even certain consultations concerning press relations are protected though dissemination to the media is not protected. Mary Jacoby, Hill Press Releases Protected Speech, Roll Call, April 17,

1995, p. 1 (the Senate Legal Counsel argued that because a legislative discussion is embedded in a press release doesn't entitle a litigant to question staff about the substance of the legislation); *see also Tavoulareas* v. *Piro*, 527 F. Supp. 676, 682 (D.D.C. 1981) (court ordered congressional deponents to merely identify documents disseminated outside of Congress but did not permit questions regarding preparation of the documents, the basis of conclusions contained therein, or the sources who provided evidence relied upon in the documents), *Peroff* v. *Manual*, 421 F. Supp. 570, 574 (D.D.C. 1976) (preparation of a Committee witness by a congressional investigator is protected because ''facially legislative in character''). Under this line of caselaw, it is difficult to foresee how the mere dissemination of a CRS product could subject any CRS employee to inquiry concerning the preparation of such a product. In short, because ''discovery into alleged conduct of [legislative aides] not protected by the Speech or Debate Clause can infringe the [legislative aides'] right to be free from inquiry into legislative acts which are so protected,'' *McSurely* v. *McClellan*, 521 F.2d 1024, 1033 (D.C. Cir. 1975), *aff'd en banc by an equally divided court*, 553 F.2d 1277 (1976) courts have imposed the Clause as a bar to any inquiry into acts unrelated to dissemination of the congressional reports.

In *Tavaulareas* v. *Piro*, 527 F. Supp. at 682, the court ruled ''[t]he fact that the documents were ultimately disseminated outside the Congress does not provide any justification'' for piercing the privilege as to the staff's internal use of the document. *Accord McSurely* v. *McClellan*, 553 F.2d at 1296–1298 (use and retention of illegally seized documents by Committee not actionable); *United States* v. *Helstoski*, 442 U.S. 477, 489 (1979) (clause bars introduction into evidence of even non-contemporaneous discussions and correspondence which merely describe and refer to legislative acts in bribery prosecution of Member); *Eastland* v. *United States Serviceman's Fund*, 421 U.S. at 499 n. 13 (subpoena to Senate staff aide for documents and testimony quashed because ''received by [the employee] pursuant to his official duties as a staff employee of the Senate'' and therefore ''. . . within the privilege of the Senate''). *See also United States* v. *Hoffa*, 205 F. Supp. 710, 723 (S.D. Fla 1962), *cert, denied sub nom Hoffa* v. *Lieb*, 371 U.S. 892 (wiretap withheld by defendant by ''invocation of legislative privilege by the United States Senate'').

In the *Tavoulareas* case, in which I represented the House deponents, part of the theory of plaintiff's case against the *Post* was the reporter ''laundered'' the story through the committee ''as a means of lending legitimacy'' to the stories and information provided by other sources, *Tavoulareas* v. *Piro*, 93 F.R.D. at 18. In pursuance of validating this theory, the plaintiff sought to prove that the committee never formally authorized the investigation, but rather that the staff merely served as a conduit and engaged in no *bona fide* investigation activity. The court ruled that ''although plaintiffs have repeatedly suggested that the subject investigation was not actually aimed at uncovering information of valid legislative interest . . . it is clear that such assertions, even if true, do not pierce the legislative privilege.''

As a practical matter, therefore, a litigant suing or seeking to take testimony from a CRS employee based on dissemination of a report alleged to be libelous or actionable may be unable to obtain the collateral evidence needed to prove such a claim—a serious impediment to bringing such a case in the first place.

Even in the case of *Doe* v. *McMillan*, 412 U.S.C. 306 (1973) relied on by the CRS memorandum to support its narrow view of the Clause's protection, the Court of Appeals on remand stated: ''Restricting distribution of committee hearings and reports to Members of Congress and the federal agencies would be unthinkable.'' 566 F.2d 713, 718 (D.C. Cir. 1977). It would be similarly unthinkable to subject CRS to broad ranging discovery simply because its work product was made available on the Internet.

The CRS memorandum raises the specter that litigants might even seek ''the files of CRS analysts'' in actions challenging the privilege. It is beyond peradventure of doubt, however, that publication of even alleged defamatory or actionable congressional committee reports does not entitle a litigant to legislative flies used to created in preparing such a report. *United States* v. *Peoples Temple of the Disciples of Christ*, 515 F. Supp. 246, 248–49 (D.D.C. 1981) *In re: Guthrie, Clerk, U.S. House of Representatives*, 773 F.2d 634 (4th Cir. 1984), *Eastland* v. *United States Servicemen's Fund*, 421 U.S. at 499, n. 13. Given the foregoing caselaw, I fail to see a realistic threat that CFS employees will be subjected to any increased risk of liability, or discovery of their files. Of course, nothing can prevent litigants from filing frivolous or ill-founded suits, but their successful prosecution or ability to obtain evidence from legislative files seems remote and nothing in your bill would change that.

The CRS memoranda even goes so far as to suggest that claims of speech or debate immunity for CRS products might lead to *in camera* inspection of material, itself an incursion into legislative branch discretion. Yet in the very case cited to by CRS memo, *no court* ordered *in camera* inspection of House documents. *In Re: Guthrie, supra*, involved no *camera* inspection of legislation documents. These cases are typically litigated on the basis of the facial validity of the privilege and few, if any, courts of which I am aware have even gone so far as to order *in camera* inspection. *See United States* v. *Dowdy*, 479 F. 2d 213, 226 (4th Cir. 1973)(''Once it was determined, as here, that the legislative function. . .was *apparently* being performed, the proprietary and motivation for the action taken as well as the detail of the acts performed, are immune from judicial inquiry''). Under the Clause, courts simply do not routinely resort to *in camera* review to resolve privilege disputes. Given the now highly developed judicial analysis of the applicability of the Clause to modern legislative practices it rarely occurs. In one recent celebrated case cited to by the CRS, the Court upheld a claim of privilege for tobacco company documents obtained by Congress even though they were alleged to have been stolen, without ever seeking *in camera* review. *Brown & Williamson Tobacco Corp.* v. *Williams*, 62 F.3d 408, 417 (D.C. Cir. 1995) (''Once the documents were received by Congress for legislative use—at least so long as congressmen were not involved in the alleged theft—an absolute constitutional ban of privilege drops like a steel curtain to prevent B&W from seeking discovery'').

In an abundance of caution, and to address CRS' concerns, you might consider adding the following language to the bill: ''Nothing herein shall be deemed or considered to diminish, qualify, condition, waive or otherwide affect applicability of the Constitution's Speech or Debate Clause, or any other privilege available to Congress, its agencies or their employees, to any CRS product made available on the Internet under this bill.''

I appreciate the CRS sensitivity to subjecting its employees, or their work product, to searching discovery by litigants. Based on the very good caselaw protecting their performance of legislative duties and the strong institutional precedent in both the House and Senate in defending CRS against such intrusions, I do not believe your bill creates any greater exposure to such risks that already exists.

I hope my views are helpful in your deliberations on this issue.

Sincerely,

STANLEY M. BRAND.

Mr. COATS. Mr. President, I am pleased to join the distinguished Senator from Arizona in introducing legislation directing the Congressional Research Service to make available, online, CRS Reports, Issue Briefs, and more comprehensive CRS reports on federal authorizations and appropriations.

CRS is funded with over $64 million in taxpayer money every year and produces perhaps the most prolific and quality research available on policy and legislative issues. In making available information and materials that are used every day by Members and their staffs in developing policy initiatives and legislation, we will be opening a more informed relationship between the American people and the Congress that serves them.

Beyond the tremendous value of informing the American people on the issues before their Congress, this legislation will help to shine some light on the federal government, allowing the American people to see the documents which influence the decision-making process.

Mr. President, FDR once said that, ''The only bulwark of continuing liberty is a government strong enough to protect the interest of the people, and people strong enough and well enough informed to maintain its sovereign control over its government.'' At a time when public cynicism about government is at an all-time high, when government has encroached upon virtually every aspect of our daily lives, this statement is particularly poignant.

As I have stated, CRS information briefs play a critical role in assisting Members of Congress in policy development and the legislative process. By making these products readily available to the American people, who pay for them, we hold out the promise of demystifying a legislative process that has become so complex and arcane that many Americans have simply tuned out.

Mr. President, more than ever, information is power. It is my hope that the effect of this legislation will be to give a better informed public more power over their government.

My intention today is to keep my remarks short. As this legislation moves through the process, I will ask my colleagues to indulge me with more time to discuss the bill in detail. I would like to commend Senator MCCAIN for his leadership on this issue, and to ask my colleagues for their support in this effort to make the Congress more accessible to the people. I yield the floor.

By Mr. DEWINE (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. WELLSTONE, Mr. HARKIN, Mr. FRIST, Ms. COLLINS, Mr. DODD, Mr. REED, Mr. CHAFEE, and Mr. BINGAMAN):

S. 1579. A bill to amend the Rehabilitation Act of 1973 to extend the authorizations of appropriations for such Act, and for other purposes; to the Committee on Labor and Human Resources.

THE REHABILITATION ACT AMENDMENTS OF 1998

Mr. DEWINE. Mr. President, on September 17, 1997, as a member of the Senate Labor and Human Resources Committee and as Chairman of the Subcommittee on Employment and Training, I introduced S. 1186, the Workforce Investment Partnership Act. This legislation represents a tremendous effort to reshape our country's job training system, eliminate its fragmented and ineffective programs, and prepare it for the new demands of the next century.

Today, in the same spirit, I introduce the reauthorized Rehabilitation Act and am very pleased to be joined by Senators JEFFORDS, KENNEDY, WELLSTONE, HARKIN, FRIST, COLLINS, REED, and CHAFEE.

The Rehabilitation Act is the country's only Federally funded job training program for individuals with disabilities. If we are to truly reshape the country's job training programs—and begin to create a seamless system—we must bring all the programs, including vocational rehabilitation, in line with each other. We must link their efforts to train and place individuals. And we must ensure cooperation and awareness among their personnel.

Reauthorizing the Rehabilitation Act of 1973 gives us the perfect opportunity to ensure that the vocational rehabilitation (VR) system does just that.

It links the VR system to the states' new job training systems under the Workforce Investment Partnership Act.

It streamlines the VR system, and eliminates unnecessary and wasteful requirements on state agencies.

It improves the provision of services that lead to more jobs and better jobs for individuals with disabilities.

And it reauthorizes the Rehabilitation Act for 7 years, to mirror the reauthorization schedule of the Workforce Investment Partnership Act.

Linking the VR system to states' new workforce systems should not be confused with compromising the integrity of the VR system. Under no circumstances, proposed either in this reauthorization or in S. 1186, will funding for VR be jeopardized or diluted. However, no one should underestimate the importance of cooperation and awareness between the two systems, and the strong statutory links that are necessary to ensure such cooperation.

Mr. President, let me elaborate on some of the links included in this reauthorization.

First, one member of a state's State Partnership, under S. 1186, would also be a member of a state's State Rehabilitation Council. State Rehabilitation Councils are responsible for advising state VR agencies and helping them develop the state plan for implementing rehabilitation services. Input from a State Partnership will help assure that the programs do not duplicate each other's efforts.

Second, a state's VR agency is required to develop cooperative agreements with other components of the state's workforce investment system. These agreements should include: Arrangements for interagency staff training; arrangements to share data electronically regarding labor market information and information on specific job vacancies; arrangements to use common intake procedures, forms, and referral procedures; agreements to share client databases; and arrangements for resolving interagency disputes.

Third, the Rehabilitation Services Agency Commissioner, who is required to submit a report to Congress and the President on the activities carried out under the Rehabilitation Act for a fiscal year, must now include in his report the same information required in the Workforce Investment Partnership Act.

Linking the reporting requirements helps assure that VR and the state workforce systems will be evaluated on the same results, including statistics on job placement, job retention six and twelve months after placement, and on how many did or did not complete their training.

Finally, the bill clearly states that its purpose is to ''assist states in operating statewide comprehensive, coordinated, effective, efficient, and accountable programs of vocational rehabilitation, each of which is an integral part of a statewide workforce investment system.''

After establishing significant links between state workforce systems and state vocational rehabilitation systems, my second objective in this bill is to streamline the existing VR system. For example:

First, the duplicative and wasteful requirements to develop state plans were removed. For example, the entire concept of a ''strategic plan'' requiring states to develop already existing or required goals and standards elsewhere is eliminated. In addition to saving time for state administrators, this means that states would no longer have to spend 1.5% of their Federal allotment on the ''strategic plan.'' In Ohio, this means a savings of close to 3 million dollars—savings the state of Ohio could now spend on providing services and getting people jobs.

Second, eligibility procedures also have been simplified. Under this reauthorization bill, an individual could demonstrate eligibility for VR services based on information attained from another program with either the same or higher eligibility criteria. Therefore, state agencies would not longer have to reinvent the wheel to determine eligibility for individuals who can already demonstrate it.

Mr. President, in addition to linkages and streamlining, we have vastly improved the VR system in several ways.

First, all individuals eligible for VR programming would now receive at least basic services. Current law allows states under an ''order of selection'' to ignore eligible individuals who have come for job assistance if they do not meet the state's definition of ''most severely disabled.'' Now, even those disabled individuals who would not otherwise be served must receive at least evaluative services, job placement information, and referral services. A state may opt to provide additional services to these individuals, but not everyone will have access to basic assistance and information.

Second, individuals' roles in developing their own ''Individualized Rehabilitation Employment Plans'' have been strengthened. Individuals with disabilities, who will always have the opportunity of working as a team with a VR counselor, will also have more choice as to what their plan will provide.

Third, the dispute resolution process between clients and state agencies has been vastly improved, ensuring real due process for all parties. No longer will a state VR administrator be allowed to review decisions in which the state agency is always a party. Under this reauthorization bill, it is a state's option to have an administrative review of an initial decision, but this review must be conducted by someone not affiliated with the state VR agency.

If a state does not have such a review, any appeals from an initial hearing proceed directly to civil court.

Furthermore, assuming both parties agree, mediation is now an option for either the state VR agency or the individual.

Finally, one of the most positive changes emphasizes the value of self-employment as a possibility for individuals with disabilities. Individuals with disabilities, together with their VR counselors, can develop plans in which their goal is to be self-employed. It is a step that gives VR clients more choice in how they will live their lives and become more independent members of their communities.

Before I conclude, Mr. President, I would like to point out the broad bipartisan support for this bill and its link to the Workforce Investment Partnership Act enjoys. Members from both sides of the aisle, the Department of

Education, and many interest groups worked together in a very open negotiation to produce this legislation—one that will truly improve the lives of millions of people.

I thank the Chairman of the Labor Committee, Senator JEFFORDS; the Ranking Member of the Committee, Senator KENNEDY; the Ranking Member of the Employment and Training Subcommittee, Senator WELLSTONE, and my colleague from Iowa, Senator HARKIN for all the work they and their staffs put into this process. I also would like to thank my colleague from Tennessee, Senator FRIST and his staff for his contribution not only in the 105th Congress, but also for his contributions to developing links to our previous workforce bill in the 104th Congress.

Mr. President, I am hopeful the Senate will approve this legislation soon. Passage of this bill will create a system that will improve the lives of individuals with disabilities and provide opportunities for more jobs. This bill would streamline the VR system, making it more efficient and effective, and couple the vocational rehabilitation system's job training efforts with states' workforce systems' efforts to develop a seamless system of job training.

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. 1579

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 ''Rehabilitation Act Amendments of 1998''.

SEC. 2. TITLE.

The title of the Rehabilitation Act of 1973 is amended by striking ''to establish special responsibilities'' and all that follows and inserting the following: ''to create linkage between State vocational rehabilitation programs and workforce investment activities carried out under the Workforce Investment Partnership Act of 1998, to establish special responsibilities for the Secretary of Education for coordination of all activities with respect to individuals with disabilities within and across programs administered by the Federal Government, and for other purposes.''.

SEC. 3. GENERAL PROVISIONS.

The Rehabilitation Act of 1973 is amended by striking the matter preceding title I and inserting the following:

''Sec. 1. Short title; table of contents.
''Sec. 2. Findings; purpose; policy.
''Sec. 3 Rehabilitation Services Administration.
''Sec. 4. Advance funding.
''Sec. 5. Joint funding.
''Sec. 7. Definitions.
''Sec. 8. Allotment percentage.
''Sec. 10. Nonduplication.
''Sec. 11. Application of other laws.
''Sec. 12. Administration of the Act.
''Sec. 13. Reports.
''Sec. 14. Evaluation.
''Sec. 15. Information clearinghouse.
''Sec. 16. Transfer of funds.
''Sec. 17. State administration.
''Sec. 18. Review of applications.
''Sec. 19. Carryover.
''Sec. 20. Client assistance information.
''Sec. 21. Traditionally underserved populations.

''TITLE I—VOCATIONAL REHABILITATION SERVICES

''PART A—GENERAL PROVISIONS

''Sec. 100. Declaration of policy; authorization of appropriations.
''Sec. 101. State plans.
''Sec. 102. Eligibility and individualized rehabilitation employment plan.
''Sec. 103. Vocational rehabilitation services.
''Sec. 104. Non-Federal share for establishment of program.
''Sec. 105. State Rehabilitation Council.
''Sec. 106. Evaluation standards and performance indicators.
''Sec. 107. Monitoring and review.
''Sec. 108. Expenditure of certain amounts.
''Sec. 109. Training of employers with respect to Americans with Disabilities Act of 1990.

''PART B—BASIC VOCATIONAL REHABILITATION SERVICES

''Sec. 110. State allotments.
''Sec. 111. Payments to States.
''Sec. 112. Client assistance program.

''PART C—AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES

''Sec. 121. Vocational rehabilitation services grants.

''PART D—VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION

''Sec. 131. Data sharing.

''TITLE II—RESEARCH AND TRAINING

''Sec. 200. Declaration of purpose.
''Sec. 201. Authorization of appropriations.
''Sec. 202. National Institute on Disability and Rehabilitation Research.
''Sec. 203. Interagency Committee.
''Sec. 204. Research and other covered activities.
''Sec. 205. Rehabilitation Research Advisory Council.

''TITLE III—PROFESSIONAL DEVELOPMENT AND SPECIAL PROJECTS AND DEMONSTRATIONS

''Sec. 301. Declaration of purpose and competitive basis of grants and contracts.
''Sec. 302. Training.
''Sec. 303. Special demonstration program.
''Sec. 304. Migrant and seasonal farmworkers.
''Sec. 305. Recreational programs.
''Sec. 306. Measuring of project outcomes and performance.

''TITLE IV—NATIONAL COUNCIL ON DISABILITY

''Sec. 400. Establishment of National Council on Disability.
''Sec. 401. Duties of National Council.
''Sec. 402. Compensation of National Council members.
''Sec. 403. Staff of National Council.
''Sec. 404. Administrative powers of National Council.
''Sec. 405. Authorization of Appropriations.

''TITLE V—RIGHTS AND ADVOCACY

''Sec. 501. Employment of individuals with disabilities.
''Sec. 502. Architectural and Transportation Barriers Compliance Board.
''Sec. 503. Employment under Federal contracts.
''Sec. 504. Nondiscrimination under Federal grants and programs.
''Sec. 505. Remedies and attorneys' fees.
''Sec. 506. Secretarial responsibilities.
''Sec. 507. Interagency Disability Coordinating Council.
''Sec. 508. Electronic and information technology regulations.
''Sec. 509. Protection and advocacy of individual rights.

''TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

''Sec. 601. Short title.

''PART A—PROJECTS IN TELECOMMUTING AND SELF-EMPLOYMENT FOR INDIVIDUALS WITH DISABILITIES

''Sec. 611. Findings, policies, and purposes.
''Sec. 612. Projects in telecommuting for individuals with disabilities.
''Sec. 613. Projects in self-employment for individuals with disabilities.
''Sec. 614. Discretionary authority for dual-purpose applications.
''Sec. 615. Authorization of appropriations.

''PART B—PROJECTS WITH INDUSTRY

''Sec. 621. Projects with industry.
''Sec. 622. Authorization of appropriations.

''PART C—SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH SIGNIFICANT DISABILITIES

''Sec. 631. Purpose.
''Sec. 632. Allotments.
''Sec. 633. Availability of services.
''Sec. 634. Eligibility.
''Sec. 635. State plan.
''Sec. 636. Restriction.
''Sec. 637. Savings provision.
''Sec. 638. Authorization of appropriations.

''TITLE VII—INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

''CHAPTER 1—INDIVIDUALS WITH SIGNIFICANT DISABILITIES

''PART A—GENERAL PROVISIONS

''Sec. 701. Purpose.
''Sec. 702. Definitions.
''Sec. 703. Eligibility for receipt of services.
''Sec. 704. State plan.
''Sec. 705. Statewide Independent Living Council.
''Sec. 706. Responsibilities of the Commissioner.

''PART B—INDEPENDENT LIVING SERVICES

''Sec. 711. Allotments.
''Sec. 712. Payments to States from allotments.
''Sec. 713. Authorized uses of funds.
''Sec. 714. Authorization of appropriations.

''PART C—CENTERS FOR INDEPENDENT LIVING

''Sec. 721. Program authorization.
''Sec. 722. Grants to centers for independent living in States in which Federal funding exceeds State funding.
''Sec. 723. Grants to centers for independent living in States in which State funding equals or exceeds Federal funding.
''Sec. 724. Centers operated by State agencies.
''Sec. 725. Standards and assurances for centers for independent living.
''Sec. 726. Definitions.
''Sec. 727. Authorization of appropriations.

''CHAPTER 2—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

''Sec. 751. Definition.
''Sec. 752. Program of grants.
''Sec. 753. Authorization of appropriations.

''FINDINGS; PURPOSE; POLICY

''SEC. 2. (a) FINDINGS.—Congress finds that—

''(1) millions of Americans have one or more physical or mental disabilities and the number of Americans with such disabilities is increasing;

''(2) individuals with disabilities constitute one of the most disadvantaged groups in society;

''(3) disability is a natural part of the human experience and in no way diminishes the right of individuals to—

''(A) live independently;

''(B) enjoy self-determination;

''(C) make choices;

''(D) contribute to society;

''(E) pursue meaningful careers; and

''(F) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society;

''(4) increased employment of individuals with disabilities can be achieved through implementation of statewide activities carried out under the Workforce Investment Partnership Act of 1998 that provide meaningful and effective participation for individuals with disabilities in workforce investment activities and activities carried out under the vocational rehabilitation program established under title I, and through the provision of independent living services, support services, and meaningful opportunities for employment in integrated work settings through the provision of reasonable accommodations;

''(5) individuals with disabilities continually encounter various forms of discrimination in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and public services; and

''(6) the goals of the Nation properly include the goal of providing individuals with disabilities with the tools necessary to—

''(A) make informed choices and decisions; and

''(B) achieve equality of opportunity, full inclusion and integration in society, employment, independent living, and economic and social self-sufficiency, for such individuals.

''(b) PURPOSE.—The purposes of this Act are—

''(1) to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society, through—

''(A) statewide activities carried out in accordance with the Workforce Investment Partnership Act of 1998 that include, as integral components, comprehensive and coordinated state-of-the-art programs of vocational rehabilitation;

''(B) independent living centers and services;

''(C) research;

''(D) training;

''(E) demonstration projects; and

''(F) the guarantee of equal opportunity; and

''(2) to ensure that the Federal Government plays a leadership role in promoting the employment of individuals with disabilities, especially individuals with significant disabilities, and in assisting States and providers of services in fulfilling the aspirations of such individuals with disabilities for meaningful and gainful employment and independent living.

''(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be carried out in a manner consistent with the principles of—

''(1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

''(2) respect for the privacy, rights, and equal access (including the use of accessible formats), of the individuals;

''(3) inclusion, integration, and full participation of the individuals;

''(4) support for the involvement of an individual's representative if an individual with a disability requests, desires, or needs such support; and

''(5) support for individual and systemic advocacy and community involvement.

''REHABILITATION SERVICES ADMINISTRATION

''SEC. 3. (a) There is established in the Office of the Secretary a Rehabilitation Services Administration which shall be headed by a Commissioner (hereinafter in this Act referred to as the 'Commissioner') appointed by the President by and with the advice and consent of the Senate. Except for titles IV and V and part A of title VI and as otherwise specifically provided in this Act, such Administration shall be the principal agency, and the Commissioner shall be the principal officer, of such Department for carrying out this Act. The Commissioner shall be an individual with substantial experience in rehabilitation and in rehabilitation program management. In the performance of the functions of the office, the Commissioner shall be directly responsible to the Secretary or to the Under Secretary or an appropriate Assistant Secretary of such Department, as designated by the Secretary. The functions of the Commissioner shall not be delegated to any officer not directly responsible, both with respect to program operation and administration, to the Commissioner. Any reference in this Act to duties to be carried out by the Commissioner shall be considered to be a reference to duties to be carried out by the Secretary acting through the Commissioner. In carrying out any of the functions of the office under this Act, the Commissioner shall be guided by general policies of the National Council on Disability established under title IV of this Act.

''(b) The Secretary shall take whatever action is necessary to insure that funds appropriated pursuant to this Act, as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–42), are expended only for the programs, personnel, and administration of programs carried out under this Act.

''(c) The Secretary shall take such action as necessary to ensure that—

''(1) the staffing of the Rehabilitation Services Administration shall be in sufficient numbers to meet program needs and at levels which will attract and maintain the most qualified personnel; and

''(2) such staff includes individuals who have training and experience in the provision of rehabilitation services and that staff competencies meet professional standards.

''ADVANCE FUNDING

''SEC. 4. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

''(b) In order to effect a transition to the advance funding method of timing appropriation action, the authority provided by subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

''JOINT FUNDING

''SEC. 5. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the Rehabilitation Services Administration, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements of the administering agency under or pursuant to this Act.

"SEC. 7. DEFINITIONS.

''For the purposes of this Act:

''(1) ADMINISTRATIVE COSTS.—The term 'administrative costs' means expenditures incurred by the designated State unit in the performance of administrative functions under the vocational rehabilitation program carried out under title I, including expenses related to program planning, development, monitoring, and evaluation, including—

''(A) expenses for—

''(i) quality assurance;

''(ii) budgeting, accounting, financial management, information systems, and related data processing;

''(iii) provision of information about the program to the public;

''(iv) technical assistance and related support services to other State agencies, private nonprofit organizations, and businesses and industries, except for technical assistance and support services described in section 103(b)(5);

''(v) the State Rehabilitation Council and other entities that advise the designated State unit with regard to the provision of vocational rehabilitation services;

''(vi) removal of architectural barriers in State vocational rehabilitation agency offices and State operated rehabilitation facilities;

''(vii) operation and maintenance of designated State unit facilities, equipment, and grounds;

''(viii) supplies; and

''(ix)(I) administration of the comprehensive system of personnel development described in section 101(a)(7), including personnel administration, and administration of affirmative action plans;

''(II) training and staff development; and

''(III) administrative salaries, including clerical and other support staff salaries, in support of the administrative functions;

''(B) travel costs related to carrying out the program, other than travel costs related to the provision of services;

''(C) costs incurred in conducting reviews of rehabilitation counselor or coordinator determinations; and

''(D) legal expenses required in the administration of the program.

''(2) ASSESSMENT FOR DETERMINING ELIGIBILITY AND VOCATIONAL REHABILITATION NEEDS.—The term 'assessment for determining eligibility and vocational rehabilitation needs' means, as appropriate in each case—

''(A)(i) a review of existing data—

''(I) to determine whether an individual is eligible for vocational rehabilitation services; and

''(II) to assign priority for an order of selection described in section 101(a)(5)(A) in the States that use an order of selection pursuant to section 101(a)(5)(A); and

''(ii) to the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make such determination and assignment;

''(B) to the extent additional data is necessary to make a determination of the employment outcomes, and the objectives, nature, and scope of vocational rehabilitation

services, to be included in the individualized rehabilitation employment plan of an eligible individual,, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of the eligible individual, which comprehensive assessment—

''(i) is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the individualized rehabilitation employment plan of the eligible individual;

''(ii) uses, as a primary source of such information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements—

''(I) existing information obtained for the purposes of determining the eligibility of the individual and assigning priority for an order of selection described in section 101(a)(5)(A) for the individual; and

''(II) such information as can be provided by the individual and, where appropriate, by the family of the individual;

''(iii) may include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual, and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors, that affect the employment and rehabilitation needs of the individual; and

''(iv) may include, to the degree needed, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the utilization of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment;

''(C) referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment; and

''(D) an exploration of the individual's abilities, capabilities, and capacity to perform in work situations, through the use of trial work experiences, including experiences in which the individual is provided appropriate supports and training.

''(3) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' has the meaning given such term in section 3(2) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(2)), except that the reference in such section to the term 'individuals with disabilities' shall be deemed to mean more than one individual with a disability as defined in paragraph (20)(A).

''(4) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' has the meaning given such term in section 3(3) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(3)), except that the reference in such section—

''(A) to the term 'individual with a disability' shall be deemed to mean an individual with a disability, as defined in paragraph (20)(A); and

''(B) to the term 'individuals with disabilities' shall be deemed to mean more than one such individual.

''(5) COMMUNITY REHABILITATION PROGRAM.—The term 'community rehabilitation program' means a program that provides directly or facilitates the provision of vocational rehabilitation services to individuals with disabilities, and that provides, singly or in combination, for an individual with a disability to enable the individual to maximize opportunities for employment, including career advancement—

''(A) medical, psychiatric, psychological, social, and vocational services that are provided under one management;

''(B) testing, fitting, or training in the use of prosthetic and orthotic devices;

''(C) recreational therapy;

''(D) physical and occupational therapy;

''(E) speech, language, and hearing therapy;

''(F) psychiatric, psychological, and social services, including positive behavior management;

''(G) assessment for determining eligibility and vocational rehabilitation needs;

''(H) rehabilitation technology;

''(I) job development, placement, and retention services;

''(J) evaluation or control of specific disabilities;

''(K) orientation and mobility services for individuals who are blind;

''(L) extended employment;

''(M) psychosocial rehabilitation services;

''(N) supported employment services and extended services;

''(O) services to family members when necessary to the vocational rehabilitation of the individual;

''(P) personal assistance services; or

''(Q) services similar to the services described in one of subparagraphs (A) through (P).

''(6) CRIMINAL ACT.—The term 'criminal act' means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government, which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, or intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime.

''(7) DESIGNATED STATE AGENCY.—The term 'designated State agency' means an agency designated under section 101(a)(2)(A).

''(8) DESIGNATED STATE UNIT.—The term 'designated State unit' means—

''(A) any State agency unit required under section 101(a)(2)(B)(ii); or

''(B) in cases in which no such unit is so required, the State agency described in section 101(a)(2)(B)(i).

''(9) DISABILITY.—The term 'disability' means—

''(A) except as otherwise provided in subparagraph (B), a physical or mental impairment that constitutes or results in a substantial impediment to employment; or

''(B) for purposes of sections 2, 14, and 15, and titles II, IV, V, and VII, a physical or mental impairment that substantially limits one or more major life activities.

''(10) DRUG AND ILLEGAL USE OF DRUGS.—

''(A) DRUG.—The term 'drug' means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

''(B) ILLEGAL USE OF DRUGS.—The term 'illegal use of drugs' means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

''(11) EMPLOYMENT OUTCOME.—The term 'employment outcome' means, with respect to an individual—

''(A) entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market;

''(B) satisfying the vocational outcome of supported employment; or

''(C) satisfying any other vocational outcome the Secretary may determine to be appropriate (including satisfying the vocational outcome of self-employment or business ownership),

in a manner consistent with this Act.

''(12) ESTABLISHMENT OF A COMMUNITY REHABILITATION PROGRAM.—The term 'establishment of a community rehabilitation program' includes the acquisition, expansion, remodeling, or alteration of existing buildings necessary to adapt them to community rehabilitation program purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Secretary may determine, in accordance with regulations the Secretary shall prescribe, in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of facilities for community rehabilitation programs), and may include such additional equipment and staffing as the Commissioner considers appropriate.

''(13) EXTENDED SERVICES.—The term 'extended services' means ongoing support services and other appropriate services, needed to support and maintain an individual with a most significant disability in supported employment, that—

''(A) are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual in maintaining supported employment;

''(B) are based on a determination of the needs of an eligible individual, as specified in an individualized rehabilitation employment plan; and

''(C) are provided by a State agency, a nonprofit private organization, employer, or any other appropriate resource, after an individual has made the transition from support provided by the designated State unit.

''(14) FEDERAL SHARE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'Federal share' means 78.7 percent.

''(B) RELATIONSHIP TO EXPENDITURES BY A POLITICAL SUBDIVISION.—For the purpose of determining the non-Federal share with respect to a State, expenditures by a political subdivision thereof or by a local agency shall be regarded as expenditures by such State, subject to such limitations and conditions as the Secretary shall by regulation prescribe.

''(15) IMPARTIAL HEARING OFFICER.—

''(A) IN GENERAL.—The term 'impartial hearing officer' means an individual—

''(i) who is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);

''(ii) who is not a member of the State Rehabilitation Council described in section 105;

''(iii) who has not been involved previously in the vocational rehabilitation of the applicant or client;

''(iv) who has knowledge of the delivery of vocational rehabilitation services, the State plan under section 101, and the Federal and State rules governing the provision of such services and training with respect to the performance of official duties; and

''(v) who has no personal or financial interest that would be in conflict with the objectivity of the individual.

''(B) CONSTRUCTION.—An individual shall not be considered to be an employee of a public agency for purposes of subparagraph (A)(i) solely because the individual is paid by the agency to serve as a hearing officer.

''(16) INDEPENDENT LIVING CORE SERVICES.—The term 'independent living core services' means—

''(A) information and referral services;

''(B) independent living skills training;

''(C) peer counseling (including cross-disability peer counseling); and

''(D) individual and systems advocacy.

''(17) INDEPENDENT LIVING SERVICES.—The term 'independent living services' includes—

''(A) independent living core services; and

''(B)(i) counseling services, including psychological, psychotherapeutic, and related services;

''(ii) services related to securing housing or shelter, including services related to community group living, and supportive of the purposes of this Act and of the titles of this Act, and adaptive housing services (including appropriate accommodations to and modifications of any space used to serve, or occupied by, individuals with disabilities);

''(iii) rehabilitation technology;

''(iv) mobility training;

''(v) services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services;

''(vi) personal assistance services, including attendant care and the training of personnel providing such services;

''(vii) surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services;

''(viii) consumer information programs on rehabilitation and independent living services available under this Act, especially for minorities and other individuals with disabilities who have traditionally been unserved or underserved by programs under this Act;

''(ix) education and training necessary for living in a community and participating in community activities;

''(x) supported living;

''(xi) transportation, including referral and assistance for such transportation and training in the use of public transportation vehicles and systems;

''(xii) physical rehabilitation;

''(xiii) therapeutic treatment;

''(xiv) provision of needed prostheses and other appliances and devices;

''(xv) individual and group social and recreational services;

''(xvi) training to develop skills specifically designed for youths who are individuals with disabilities to promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career options;

''(xvii) services for children;

''(xviii) services under other Federal, State, or local programs designed to provide resources, training, counseling, or other assistance, of substantial benefit in enhancing the independence, productivity, and quality of life of individuals with disabilities;

''(xix) appropriate preventive services to decrease the need of individuals assisted under this Act for similar services in the future;

''(xx) community awareness programs to enhance the understanding and integration into society of individuals with disabilities; and

''(xxi) such other services as may be necessary and not inconsistent with the provisions of this Act.

''(18) INDIAN; AMERICAN INDIAN; INDIAN AMERICAN.—The terms 'Indian', 'American Indian', and 'Indian American' mean an individual who is a member of an Indian tribe.

''(19) INDIAN TRIBE.—The term 'Indian tribe' means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaskan native village or regional village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act).

''(20) INDIVIDUAL WITH A DISABILITY.—

''(A) IN GENERAL.—Except as otherwise provided in subparagraph (B), the term 'individual with a disability' means any individual who—

''(i) has a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment; and

''(ii) can benefit in terms of an employment outcome from vocational rehabilitation services provided pursuant to title I, III, or VI.

''(B) CERTAIN PROGRAMS; LIMITATIONS ON MAJOR LIFE ACTIVITIES.—Subject to subparagraphs (C), (D), (E), and (F), the term 'individual with a disability' means, for purposes of sections 2, 14, and 15, and titles II, IV, V, and VII of this Act, any person who—

''(i) has a physical or mental impairment which substantially limits one or more of such person's major life activities;

''(ii) has a record of such an impairment; or

''(iii) is regarded as having such an impairment.

''(C) RIGHTS AND ADVOCACY PROVISIONS.—

''(i) IN GENERAL; EXCLUSION OF INDIVIDUALS ENGAGING IN DRUG USE.—For purposes of title V, the term 'individual with a disability' does not include an individual who is currently engaging in the illegal use of drugs, when a covered entity acts on the basis of such use.

''(ii) EXCEPTION FOR INDIVIDUALS NO LONGER ENGAGING IN DRUG USE.—Nothing in clause (i) shall be construed to exclude as an individual with a disability an individual who—

''(I) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

''(II) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

''(III) is erroneously regarded as engaging in such use, but is not engaging in such use;

except that it shall not be a violation of this Act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in subclause (I) or (II) is no longer engaging in the illegal use of drugs.

''(iii) EXCLUSION FOR CERTAIN SERVICES.—Notwithstanding clause (i), for purposes of programs and activities providing health services and services provided under titles I, II and III, an individual shall not be excluded from the benefits of such programs or activities on the basis of his or her current illegal use of drugs if he or she is otherwise entitled to such services.

''(iv) DISCIPLINARY ACTION.—For purposes of programs and activities providing educational services, local educational agencies may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities. Furthermore, the due process procedures at section 104.36 of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling) shall not apply to such disciplinary actions.

''(v) EMPLOYMENT; EXCLUSION OF ALCOHOLICS.—For purposes of sections 503 and 504 as such sections relate to employment, the term 'individual with a disability' does not include any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

''(D) EMPLOYMENT; EXCLUSION OF INDIVIDUALS WITH CERTAIN DISEASES OR INFECTIONS.—For the purposes of sections 503 and 504, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.

''(E) RIGHTS PROVISIONS; EXCLUSION OF INDIVIDUALS ON BASIS OF HOMOSEXUALITY OR BISEXUALITY.—For the purposes of sections 501, 503, and 504—

''(i) for purposes of the application of subparagraph (B) to such sections, the term 'impairment' does not include homosexuality or bisexuality; and

''(ii) therefore the term 'individual with a disability' does not include an individual on the basis of homosexuality or bisexuality.

''(F) RIGHTS PROVISIONS; EXCLUSION OF INDIVIDUALS ON BASIS OF CERTAIN DISORDERS.—For the purposes of sections 501, 503, and 504, the term 'individual with a disability' does not include an individual on the basis of—

''(i) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

''(ii) compulsive gambling, kleptomania, or pyromania; or

''(iii) psychoactive substance use disorders resulting from current illegal use of drugs.

''(G) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than one individual with a disability.

''(21) INDIVIDUAL WITH A SIGNIFICANT DISABILITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) or (C), the term 'individual with a significant disability' means an individual with a disability—

''(i) who has a severe physical or mental impairment which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

''(ii) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

''(iii) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs described in subparagraphs (A) and (B) of paragraph (2) to cause comparable substantial functional limitation.

''(B) INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING.—For purposes of title VII, the term 'individual with a significant disability' means an individual with a severe physical or mental impairment

whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move towards functioning independently in the family or community or to continue in employment, respectively.

''(C) RESEARCH AND TRAINING.—For purposes of title II, the term 'individual with a significant disability' includes an individual described in subparagraph (A) or (B).

''(D) INDIVIDUALS WITH SIGNIFICANT DISABILITIES.—The term 'individuals with significant disabilities' means more than one individual with a significant disability.

''(E) INDIVIDUAL WITH A MOST SIGNIFICANT DISABILITY.—

''(i) IN GENERAL.—The term 'individual with a most significant disability', used with respect to an individual in a State, means an individual with a significant disability who meets criteria established by the State under section 101(a)(5)(C).

''(ii) INDIVIDUALS WITH THE MOST SIGNIFICANT DISABILITIES.—The term 'individuals with the most significant disabilities' means more than one individual with a most significant disability.

''(22) INDIVIDUAL'S REPRESENTATIVE; APPLICANT'S REPRESENTATIVE.—

''(A) INDIVIDUAL'S REPRESENTATIVE.—The term 'individual's representative' used with respect to an eligible individual or other individual with a disability, means—

''(i) any representative chosen by the eligible individual or other individual with a disability, including a parent, guardian, other family member, or advocate; or

''(ii) if a representative or legal guardian has been appointed by a court to represent the eligible individual or other individual with a disability, the court-appointed representative or legal guardian.

''(B) APPLICANT'S REPRESENTATIVE.—The term 'applicant's representative' means—

''(i) any representative described in subparagraph (A)(i) chosen by the applicant; or

''(ii) if a representative or legal guardian has been appointed by a court to represent the applicant, the court-appointed representative or legal guardian.

''(23) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

''(24) LOCAL AGENCY.—The term 'local agency' means an agency of a unit of general local government or of an Indian tribe (or combination of such units or tribes) which has an agreement with the designated State agency to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 101. Nothing in the preceding sentence of this paragraph or in section 101 shall be construed to prevent the local agency from arranging to utilize another local public or nonprofit agency to provide vocational rehabilitation services if such an arrangement is made part of the agreement specified in this paragraph.

''(25) LOCAL WORKFORCE INVESTMENT PARTNERSHIP.—The term 'local workforce investment partnership' means a local workforce investment partnership established under section 308 of the Workforce Investment Partnership Act of 1998.

''(26) NONPROFIT.—The term 'nonprofit', when used with respect to a community rehabilitation program, means a community rehabilitation program carried out by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

''(27) ONGOING SUPPORT SERVICES.—The term 'ongoing support services' means services—

''(A) provided to individuals with the most significant disabilities;

''(B) provided, at a minimum, twice monthly—

''(i) to make an assessment, regarding the employment situation, at the worksite of each such individual in supported employment, or, under special circumstances, especially at the request of the client, off site; and

''(ii) based on the assessment, to provide for the coordination or provision of specific intensive services, at or away from the worksite, that are needed to maintain employment stability; and

''(C) consisting of—

''(i) a particularized assessment supplementary to the comprehensive assessment described in paragraph (2)(B);

''(ii) the provision of skilled job trainers who accompany the individual for intensive job skill training at the work site;

''(iii) job development, job retention, and placement services;

''(iv) social skills training;

''(v) regular observation or supervision of the individual;

''(vi) followup services such as regular contact with the employers, the individuals, the individuals' representatives, and other appropriate individuals, in order to reinforce and stabilize the job placement;

''(vii) facilitation of natural supports at the worksite;

''(viii) any other service identified in section 103; or

''(ix) a service similar to another service described in this subparagraph.

''(28) PERSONAL ASSISTANCE SERVICES.—The term 'personal assistance services' means a range of services, provided by one or more persons, designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

''(29) PUBLIC OR NONPROFIT.—The term 'public or nonprofit', used with respect to an agency or organization, includes an Indian tribe.

''(30) REHABILITATION TECHNOLOGY.—The term 'rehabilitation technology' means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities in areas which include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

''(31) REQUIRES VOCATIONAL REHABILITATION SERVICES.—The term 'requires vocational rehabilitation services', used with respect to an individual with a disability as defined in paragraph (20)(A), means that the individual is unable to prepare for, secure, retain, or regain employment consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual without vocational rehabilitation services, because the individual—

''(A) has never been employed;

''(B) has lost employment;

''(C) is underemployed;

''(D) is at immediate risk of losing employment; or

''(E) receives benefits on the basis of disability or blindness pursuant to title II or XVI of the Social Security Act (42 U.S.C. 401 et seq. or 1381 et seq.), in a case in which the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual.

''(32) SECRETARY.—The term 'Secretary', except when the context otherwise requires, means the Secretary of Education.

''(33) STATE.—The term 'State' includes, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(34) STATEWIDE WORKFORCE INVESTMENT PARTNERSHIP.—The term 'statewide workforce investment partnership' means a partnership established under section 303 of the Workforce Investment Partnership Act of 1998.

''(35) STATEWIDE WORKFORCE INVESTMENT SYSTEM.—The term 'statewide workforce investment system' means a system described in section 301 of the Workforce Investment Partnership Act of 1998.

''(36) SUPPORTED EMPLOYMENT.—

''(A) IN GENERAL.—The term 'supported employment' means competitive work in integrated work settings, or employment in integrated work settings in which individuals are working toward competitive work, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals, for individuals with the most significant disabilities—

''(i)(I) for whom competitive employment has not traditionally occurred; or

''(II) for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and

''(ii) who, because of the nature and severity of their disability, need intensive supported employment services for the period, and any extension, described in paragraph (37)(C) and extended services after the transition described in paragraph (13)(C) in order to perform such work.

''(B) CERTAIN TRANSITIONAL EMPLOYMENT.—Such term includes transitional employment for persons who are individuals with the most significant disabilities due to mental illness.

''(37) SUPPORTED EMPLOYMENT SERVICES.—The term 'supported employment services' means ongoing support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment, that—

''(A) are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual to achieve competitive employment;

''(B) are based on a determination of the needs of an eligible individual, as specified in an individualized rehabilitation employment plan; and

''(C) are provided by the designated State unit for a period of time not to extend beyond 18 months, unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator jointly agree to extend the time in order to achieve the rehabilitation objectives identified in the individualized rehabilitation employment plan.

''(38) TRANSITION SERVICES.—The term 'transition services' means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes

movement from school to post school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

''(39) UNDEREMPLOYED.—The term 'underemployed', used with respect to an individual with a disability, as defined in paragraph (20)(A), means a situation in which the individual is employed in a job that is not consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual.

''(40) VOCATIONAL REHABILITATION SERVICES.—The term 'vocational rehabilitation services' means those services identified in section 103 which are provided to individuals with disabilities under this Act.

''(41) WORKFORCE INVESTMENT ACTIVITIES.—The term 'workforce investment activities' has the meaning given the term in section 2 of the Workforce Investment Partnership Act of 1998 carried out under that Act.

''ALLOTMENT PERCENTAGE

''SEC. 8. (a)(1) For purposes of section 110, the allotment percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that—

''(A) the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum; and

''(B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be 75 per centum.

''(2) The allotment percentages shall be promulgated by the Secretary between October 1 and December 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning on the October 1 next succeeding such promulgation.

''(3) The term 'United States' means (but only for purposes of this subsection) the fifty States and the District of Columbia.

''(b) The population of the several States and of the United States shall be determined on the basis of the most recent data available, to be furnished by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to statutory authorizations.

''NONDUPLICATION

''SEC. 10. In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved in accordance with section 101, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any other provision of law, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds. No payment may be made from funds provided under one provision of this Act relating to any cost with respect to which any payment is made under any other provision of this Act, except that this section shall not be construed to limit or reduce fees for services rendered by community rehabilitation programs.

''APPLICATION OF OTHER LAWS

''SEC. 11. The provisions of the Act of December 5, 1974 (Public Law 93–510) and of title V of the Act of October 15, 1977 (Public Law 95–134) shall not apply to the administration of the provisions of this Act or to the administration of any program or activity under this Act.

''ADMINISTRATION OF THE ACT

''SEC. 12. (a) In carrying out the purposes of this Act, the Commissioner may—

''(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations, including assistance to enable such agencies and organizations to facilitate meaningful and effective participation by individuals with disabilities in workforce investment activities;

''(2) provide short-term training and technical instruction, including training for the personnel of community rehabilitation programs, centers for independent living, and other providers of services (including job coaches);

''(3) conduct special projects and demonstrations;

''(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

''(5) provide monitoring and conduct evaluations.

''(b)(1) In carrying out the duties under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and may pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

''(2) In carrying out the provisions of this Act, the Commissioner shall appoint such task forces as may be necessary to collect and disseminate information in order to improve the ability of the Commissioner to carry out the provisions of this Act.

''(c) The Commissioner may promulgate such regulations as are considered appropriate to carry out the Commissioner's duties under this Act.

''(d) The Secretary shall promulgate regulations regarding the requirements for the implementation of an order of selection for vocational rehabilitation services under section 101(a)(5)(A) if such services cannot be provided to all eligible individuals with disabilities who apply for such services.

''(e) Not later than 180 days after the date of enactment of the Rehabilitation Act Amendments of 1998, the Secretary shall receive public comment and promulgate regulations to implement the amendments made by the Rehabilitation Act Amendments of 1998.

''(f) In promulgating regulations to carry out this Act, the Secretary shall promulgate only regulations that are necessary to administer and ensure compliance with the specific requirements of this Act.

''(g) There are authorized to be appropriated to carry out this section such sums as may be necessary.

''REPORTS

''SEC. 13. (a) Not later than one hundred and eighty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this Act, including the activities and staffing of the information clearinghouse under section 15.

''(b) The Commissioner shall collect information to determine whether the purposes of this Act are being met and to assess the performance of programs carried out under this Act. The Commissioner shall take whatever action is necessary to assure that the identity of each individual for which information is supplied under this section is kept confidential, except as otherwise required by law (including regulation).

''(c) In preparing the report, the Commissioner shall annually collect and include in the report information based on the information submitted by States in accordance with section 101(a)(10). The Commissioner shall, to the maximum extent appropriate, include in the report all information that is required to be submitted in the reports described in section 321(d) of the Workforce Investment Partnership Act of 1998 and that pertains to the employment of individuals with disabilities.

''EVALUATION

''SEC. 14. (a) For the purpose of improving program management and effectiveness, the Secretary, in consultation with the Commissioner, shall evaluate all the programs authorized by this Act, their general effectiveness in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, using appropriate methodology and evaluative research designs. The Secretary shall establish and use standards for the evaluations required by this subsection. Such an evaluation shall be conducted by a person not immediately involved in the administration of the program evaluated.

''(b) In carrying out evaluations under this section, the Secretary shall obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

''(c) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds under this Act shall become the property of the United States.

''(d) Such information as the Secretary may determine to be necessary for purposes of the evaluations conducted under this section shall be made available upon request of the Secretary, by the departments and agencies of the executive branch.

''(e)(1) To assess the linkages between vocational rehabilitation services and economic and noneconomic outcomes, the Secretary shall continue to conduct a longitudinal study of a national sample of applicants for the services.

''(2) The study shall address factors related to attrition and completion of the program through which the services are provided and factors within and outside the program affecting results. Appropriate comparisons shall be used to contrast the experiences of similar persons who do not obtain the services.

''(3) The study shall be planned to cover the period beginning on the application of individuals with disabilities for the services, through the eligibility determination and provision of services for the individuals, and a further period of not less than 2 years after the termination of services.

''(f)(1) The Commissioner shall identify and disseminate information on exemplary practices concerning vocational rehabilitation.

''(2) To facilitate compliance with paragraph (1), the Commissioner shall conduct studies and analyses that identify exemplary practices concerning vocational rehabilitation, including studies in areas relating to providing informed choice in the rehabilitation process, promoting consumer satisfaction, promoting job placement and retention,

providing supported employment, providing services to particular disability populations, financing personal assistance services, providing assistive technology devices and assistive technology services, entering into cooperative agreements, establishing standards and certification for community rehabilitation programs, converting from non-integrated to integrated employment, and providing caseload management.

''(g) There are authorized to be appropriated to carry out this section such sums as may be necessary.

''INFORMATION CLEARINGHOUSE

''SEC. 15. (a) The Secretary shall establish a central clearinghouse for information and resource availability for individuals with disabilities which shall provide information and data regarding—

''(1) the location, provision, and availability of services and programs for individuals with disabilities, including such information and data provided by statewide partnerships established under section 303 of the Workforce Investment Partnership Act of 1998 regarding such services and programs authorized under such Act;

''(2) research and recent medical and scientific developments bearing on disabilities (and their prevention, amelioration, causes, and cures); and

''(3) the current numbers of individuals with disabilities and their needs.

The clearinghouse shall also provide any other relevant information and data which the Secretary considers appropriate.

''(b) The Commissioner may assist the Secretary to develop within the Department of Education a coordinated system of information and data retrieval, which will have the capacity and responsibility to provide information regarding the information and data referred to in subsection (a) of this section to the Congress, public and private agencies and organizations, individuals with disabilities and their families, professionals in fields serving such individuals, and the general public.

''(c) The office established to carry out the provisions of this section shall be known as the 'Office of Information and Resources for Individuals with Disabilities'.

''(d) There are authorized to be appropriated to carry out this section such sums as may be necessary.

''TRANSFER OF FUNDS

''SEC. 16. (a) Except as provided in subsection (b) of this section, no funds appropriated under this Act for any research program or activity may be used for any purpose other than that for which the funds were specifically authorized.

''(b) No more than 1 percent of funds appropriated for discretionary grants, contracts, or cooperative agreements authorized by this Act may be used for the purpose of providing non-Federal panels of experts to review applications for such grants, contracts, or cooperative agreements.

''STATE ADMINISTRATION

''SEC. 17. The application of any State rule or policy relating to the administration or operation of programs funded by this Act (including any rule or policy based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State imposed requirement.

''REVIEW OF APPLICATIONS

''SEC. 18. Applications for grants in excess of $100,000 in the aggregate authorized to be funded under this Act, other than grants primarily for the purpose of conducting dissemination or conferences, shall be reviewed by panels of experts which shall include a majority of non-Federal members. Non-Federal members may be provided travel, per diem, and consultant fees not to exceed the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code.

''SEC. 19. CARRYOVER.

''(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law—

''(1) any funds appropriated for a fiscal year to carry out any grant program under part B of title I, section 509 (except as provided in section 509(b)), part C of title VI, part B or C of chapter 1 of title VII, or chapter 2 of title VII (except as provided in section 752(b)), including any funds reallotted under any such grant program, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year; or

''(2) any amounts of program income, including reimbursement payments under the Social Security Act (42 U.S.C. 301 et seq.), received by recipients under any grant program specified in paragraph (1) that are not obligated and expended by recipients prior to the beginning of the fiscal year succeeding the fiscal year in which such amounts were received,

shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.

''(b) NON-FEDERAL SHARE.—Such funds shall remain available for obligation and expenditure by a recipient as provided in subsection (a) only to the extent that the recipient complied with any Federal share requirements applicable to the program for the fiscal year for which the funds were appropriated.

''SEC. 20. CLIENT ASSISTANCE INFORMATION.

''All programs, including community rehabilitation programs, and projects, that provide services to individuals with disabilities under this Act shall advise such individuals who are applicants for or recipients of the services, or the applicants' representatives or individuals' representatives, of the availability and purposes of the client assistance program under section 112, including information on means of seeking assistance under such program.

''SEC. 21. TRADITIONALLY UNDERSERVED POPULATIONS.

''(a) FINDINGS.—With respect to the programs authorized in titles II through VII, the Congress finds as follows:

''(1) RACIAL PROFILE.—The racial profile of America is rapidly changing. While the rate of increase for white Americans is 3.2 percent, the rate of increase for racial and ethnic minorities is much higher: 38.6 percent for Latinos, 14.6 percent for African-Americans, and 40.1 percent for Asian-Americans and other ethnic groups. By the year 2000, the Nation will have 260,000,000 people, one of every three of whom will be either African-American, Latino, or Asian-American.

''(2) RATE OF DISABILITY.—Ethnic and racial minorities tend to have disabling conditions at a disproportionately high rate. The rate of work-related disability for American Indians is about one and one-half times that of the general population. African-Americans are also one and one-half times more likely to be disabled than whites and twice as likely to be significantly disabled.

''(3) INEQUITABLE TREATMENT.—Patterns of inequitable treatment of minorities have been documented in all major junctures of the vocational rehabilitation process. As compared to white Americans, a larger percentage of African-American applicants to the vocational rehabilitation system is denied acceptance. Of applicants accepted for service, a larger percentage of African-American cases is closed without being rehabilitated. Minorities are provided less training than their white counterparts. Consistently, less money is spent on minorities than on their white counterparts.

''(4) RECRUITMENT.—Recruitment efforts within vocational rehabilitation at the level of pre-service training, continuing education, and in-service training must focus on bringing larger numbers of minorities into the profession in order to provide appropriate practitioner knowledge, role models, and sufficient manpower to address the clearly changing demography of vocational rehabilitation.

''(b) OUTREACH TO MINORITIES.—

''(1) IN GENERAL.—For each fiscal year, the Commissioner and the Director of the National Institute on Disability and Rehabilitation Research (referred to in this subsection as the 'Director') shall reserve 1 percent of the funds appropriated for the fiscal year for programs authorized under titles II, III, VI, and VII to carry out this subsection. The Commissioner and the Director shall use the reserved funds to carry out 1 or more of the activities described in paragraph (2) through a grant, contract, or cooperative agreement.

''(2) ACTIVITIES.—The activities carried out by the Commissioner and the Director shall include 1 or more of the following:

''(A) Making awards to minority entities and Indian tribes to carry out activities under the programs authorized under title II, III, VI, and VII.

''(B) Making awards to minority entities and Indian tribes to conduct research, training, technical assistance, or a related activity, to improve services provided under this Act, especially services provided to individuals from minority backgrounds.

''(C) Making awards to entities described in paragraph (3) to provide outreach and technical assistance to minority entities and Indian tribes to promote their participation in activities funded under this Act, including assistance to enhance their capacity to carry out such activities.

''(3) ELIGIBILITY.—To be eligible to receive a award under paragraph (2)(C), an entity shall be a State or a public or private nonprofit agency or organization, such as an institution of higher education or an Indian tribe.

''(4) REPORT.—In each fiscal year, the Commissioner and the Director shall prepare and submit to Congress a report that describes the activities funded under this subsection for the preceding fiscal year.

''(5) DEFINITIONS.—In this subsection:

''(A) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

''(B) MINORITY ENTITY.—The term ''minority entity' means an entity that is a Historically Black College or University, a Hispanic-serving institution of higher education, an American Indian Tribal College or University, or another institution of higher education whose minority student enrollment is at least 50 percent.

''(c) DEMONSTRATION.—In awarding grants, or entering into contracts or cooperative agreements under titles I, II, III, VI, and VII, and section 509, the Commissioner and the Director, in appropriate cases, shall require applicants to demonstrate how the applicants will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds.''.

SEC. 4. VOCATIONAL REHABILITATION SERVICES.

Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) is amended to read as follows:

"TITLE I—VOCATIONAL REHABILITATION SERVICES

"PART A—GENERAL PROVISIONS

"SEC. 100. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.

''(a) FINDINGS; PURPOSE; POLICY.—

''(1) FINDINGS.—Congress finds that—

''(A) work—

''(i) is a valued activity, both for individuals and society; and

''(ii) fulfills the need of an individual to be productive, promotes independence, enhances self-esteem, and allows for participation in the mainstream of life in the United States;

''(B) as a group, individuals with disabilities experience staggering levels of unemployment and poverty;

''(C) individuals with disabilities, including individuals with the most significant disabilities, have demonstrated their ability to achieve gainful employment in integrated settings if appropriate services and supports are provided;

''(D) reasons for significant numbers of individuals with disabilities not working, or working at levels not commensurate with their abilities and capabilities, include—

''(i) discrimination;

''(ii) lack of accessible and available transportation;

''(iii) fear of losing health coverage under the medicare and medicaid programs carried out under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.) or fear of losing private health insurance; and

''(iv) lack of education, training, and supports to meet job qualification standards necessary to secure, retain, regain, or advance in employment;

''(E) enforcement of title V and of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) holds the promise of ending discrimination for individuals with disabilities;

''(F) the provision of workforce investment activities and vocational rehabilitation services can enable individuals with disabilities, including individuals with the most significant disabilities, to pursue meaningful careers by securing gainful employment commensurate with their abilities and capabilities; and

''(G) linkages between the vocational rehabilitation programs established under this title and other components of the statewide workforce investment system are critical to ensure effective and meaningful participation by individuals with disabilities in workforce investment activities.

''(2) PURPOSE.—The purpose of this title is to assist States in operating statewide comprehensive, coordinated, effective, efficient, and accountable programs of vocational rehabilitation, each of which is—

''(A) an integral part of a statewide workforce investment system; and

''(B) designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for and engage in gainful employment.

''(3) POLICY.—It is the policy of the United States that such a program shall be carried out in a manner consistent with the following principles:

''(A) Individuals with disabilities, including individuals with the most significant disabilities, are generally presumed to be capable of engaging in gainful employment and the provision of individualized vocational rehabilitation services can improve their ability to become gainfully employed.

''(B) Individuals with disabilities must be provided the opportunities to obtain gainful employment in integrated settings.

''(C) Individuals who are applicants for such programs or eligible to participate in such programs must be active and full partners, in collaboration with qualified vocational rehabilitation professionals, in the vocational rehabilitation process, making meaningful and informed choices—

''(i) during assessments for determining eligibility and vocational rehabilitation needs; and

''(ii) in the selection of employment outcomes for the individuals, services needed to achieve the outcomes, entities providing such services, and the methods used to secure such services.

''(D) Families and other natural supports can play important roles in the success of a vocational rehabilitation program, if the individual with a disability involved requests, desires, or needs such supports.

''(E) Vocational rehabilitation counselors that are trained and prepared in accordance with State policies and procedures as described in section 101(a)(7)(A)(iii) (referred to individually in this title as a 'qualified vocational rehabilitation counselor'), other qualified rehabilitation personnel, and other qualified personnel facilitate the accomplishment of the employment outcomes and objectives of an individual.

''(F) Individuals with disabilities and the individuals' representatives are full partners in a vocational rehabilitation program and must be involved on a regular basis and in a meaningful manner with respect to policy development and implementation.

''(G) Accountability measures must facilitate the accomplishment of the goals and objectives of the program, including providing vocational rehabilitation services to, among others, individuals with the most significant disabilities.

''(b) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of making grants to States under part B to assist States in meeting the costs of vocational rehabilitation services provided in accordance with State plans under section 101, there are authorized to be appropriated such sums as may be necessary for fiscal years 1998 through 2004, except that the amount to be appropriated for a fiscal year shall not be less than the amount of the appropriation under this paragraph for the immediately preceding fiscal year, increased by the percentage change in the Consumer Price Index determined under subsection (c) for the immediately preceding fiscal year.

''(2) REFERENCE.—The reference in paragraph (1) to grants to States under part B shall not be considered to refer to grants under section 112.

''(c) CONSUMER PRICE INDEX.—

''(1) PERCENTAGE CHANGE.—No later than November 15 of each fiscal year (beginning with fiscal year 1979), the Secretary of Labor shall publish in the Federal Register the percentage change in the Consumer Price Index published for October of the preceding fiscal year and October of the fiscal year in which such publication is made.

''(2) APPLICATION.—

''(A) INCREASE.—If in any fiscal year the percentage change published under paragraph (1) indicates an increase in the Consumer Price Index, then the amount to be appropriated under subsection (b)(1) for the subsequent fiscal year shall be at least the amount appropriated under subsection (b)(1) for the fiscal year in which the publication is made under paragraph (1) increased by such percentage change.

''(B) NO INCREASE OR DECREASE.—If in any fiscal year the percentage change published under paragraph (1) does not indicate an increase in the Consumer Price Index, then the amount to be appropriated under subsection (b)(1) for the subsequent fiscal year shall be at least the amount appropriated under subsection (b)(1) for the fiscal year in which the publication is made under paragraph (1).

''(3) DEFINITION.—For purposes of this section, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers, published monthly by the Bureau of Labor Statistics.

''(d) EXTENSION.—

''(1) IN GENERAL.—

''(A) AUTHORIZATION OR DURATION OF PROGRAM.—Unless the Congress in the regular session which ends prior to the beginning of the terminal fiscal year—

''(i) of the authorization of appropriations for the program authorized by the State grant program under part B of this title; or

''(ii) of the duration of the program authorized by the State grant program under part B of this title;

has passed legislation which would have the effect of extending the authorization or duration (as the case may be) of such program, such authorization or duration is automatically extended for 1 additional year for the program authorized by this title.

''(B) CALCULATION.—The amount authorized to be appropriated for the additional fiscal year described in subparagraph (A) shall be an amount equal to the amount appropriated for such program for fiscal year 2004, increased by the percentage change in the Consumer Price Index determined under subsection (c) for the immediately preceding fiscal year, if the percentage change indicates an increase.

''(2) CONSTRUCTION.—

''(A) PASSAGE OF LEGISLATION.—For the purposes of paragraph (1)(A), Congress shall not be deemed to have passed legislation unless such legislation becomes law.

''(B) ACTS OR DETERMINATIONS OF COMMISSIONER.—In any case where the Commissioner is required under an applicable statute to carry out certain acts or make certain determinations which are necessary for the continuation of the program authorized by this title, if such acts or determinations are required during the terminal year of such program, such acts and determinations shall be required during any fiscal year in which the extension described in that part of paragraph (1) that follows clause (ii) of paragraph (1)(A) is in effect.

"SEC. 101. STATE PLANS.

''(a) PLAN REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) SUBMISSION.—To be eligible to participate in programs under this title, a State shall submit to the Commissioner a State plan for vocational rehabilitation services that meets the requirements of this section, on the same date that the State submits a State plan under section 304 of the Workforce Investment Partnership Act of 1998.

''(B) NONDUPLICATION.—The State shall not be required to submit, in the State plan for vocational rehabilitation services, policies, procedures, or descriptions required under this title that have been previously submitted to the Commissioner and that demonstrate that such State meets the requirements of this title, including any policies, procedures, or descriptions submitted under this title as in effect on the day before the effective date of the Rehabilitation Act Amendments of 1998.

''(C) DURATION.—The State plan shall remain in effect subject to the submission of such modifications as the State determines to be necessary or as the Commissioner may require based on a change in State policy, a change in Federal law (including regulations), an interpretation of this Act by a

Federal court or the highest court of the State, or a finding by the Commissioner of State noncompliance with the requirements of this Act, until the State submits and receives approval of a new State plan.

''(2) DESIGNATED STATE AGENCY; DESIGNATED STATE UNIT.—

''(A) DESIGNATED STATE AGENCY.—The State plan shall designate a State agency as the sole State agency to administer the plan, or to supervise the administration of the plan by a local agency, except that—

''(i) where, under State law, the State agency for individuals who are blind or another agency that provides assistance or services to adults who are blind is authorized to provide vocational rehabilitation services to individuals who are blind, that agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for individuals who are blind (or to supervise the administration of such part by a local agency) and a separate State agency may be designated as the sole State agency to administer or supervise the administration of the rest of the State plan;

''(ii) the Commissioner, on the request of a State, may authorize the designated State agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit the agencies to carry out a joint program to provide services to individuals with disabilities, and may waive compliance, with respect to vocational rehabilitation services furnished under the joint program, with the requirement of paragraph (4) that the plan be in effect in all political subdivisions of the State; and

''(iii) in the case of American Samoa, the appropriate State agency shall be the Governor of American Samoa.

''(B) DESIGNATED STATE UNIT.—The State agency designated under subparagraph (A) shall be—

''(i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities; or

''(ii) if not such an agency, the State agency (or each State agency if 2 are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit that—

''(I) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities, and is responsible for the vocational rehabilitation program of the designated State agency;

''(II) has a full-time director;

''(III) has a staff employed on the rehabilitation work of the organizational unit all or substantially all of whom are employed full time on such work; and

''(IV) is located at an organizational level and has an organizational status within the designated State agency comparable to that of other major organizational units of the designated State agency.

''(C) RESPONSIBILITY FOR SERVICES FOR THE BLIND.—If the State has designated only 1 State agency pursuant to subparagraph (A), the State may assign responsibility for the part of the plan under which vocational rehabilitation services are provided for individuals who are blind to an organizational unit of the designated State agency and assign responsibility for the rest of the plan to another organizational unit of the designated State agency, with the provisions of subparagraph (B) applying separately to each of the designated State units.

''(3) NON-FEDERAL SHARE.—The State plan shall provide for financial participation by the State, or if the State so elects, by the State and local agencies, to provide the amount of the non-Federal share of the cost of carrying out part B.

''(4) STATEWIDENESS.—The State plan shall provide that the plan shall be in effect in all political subdivisions of the State, except that in the case of any activity that, in the judgment of the Commissioner, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of individuals with disabilities or groups of individuals with disabilities, the Commissioner may waive compliance with the requirement that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by the Commissioner. The Commissioner may waive compliance with the requirement only if the non-Federal share of the cost of the vocational rehabilitation services is provided from funds made available by a local agency (including, to the extent permitted by such regulations, funds contributed to such agency by a private agency, organization, or individual).

''(5) ORDER OF SELECTION FOR VOCATIONAL REHABILITATION SERVICES.—In the event that vocational rehabilitation services cannot be provided to all eligible individuals with disabilities in the State who apply for the services, the State plan shall—

''(A) show the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services;

''(B) provide the justification for the order of selection;

''(C) include an assurance that, in accordance with criteria established by the State for the order of selection, individuals with the most significant disabilities will be selected first for the provision of vocational rehabilitation services; and

''(D) provide that eligible individuals, who do not meet the order of selection criteria, shall have access to services provided through the information and referral system implemented under paragraph (20).

''(6) METHODS FOR ADMINISTRATION.—

''(A) IN GENERAL.—The State plan shall provide for such methods of administration as are found by the Commissioner to be necessary for the proper and efficient administration of the plan.

''(B) EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.—The State plan shall provide that the designated State agency, and entities carrying out community rehabilitation programs in the State, who are in receipt of assistance under this title shall take affirmative action to employ and advance in employment qualified individuals with disabilities covered under, and on the same terms and conditions as set forth in, section 503.

''(C) PERSONNEL AND PROGRAM STANDARDS FOR COMMUNITY REHABILITATION PROGRAMS.—The State plan shall provide that the designated State unit shall establish, maintain, and implement minimum standards for community rehabilitation programs providing services to individuals under this title, including—

''(i) standards—

''(I) governing community rehabilitation programs and qualified personnel utilized for the provision of vocational rehabilitation services through such programs; and

''(II) providing, to the extent that providers of vocational rehabilitation services utilize personnel who do not meet the highest requirements in the State applicable to a particular profession or discipline, that the providers shall take steps to ensure the retraining or hiring of personnel so that such personnel meet appropriate professional standards in the State; and

''(ii) minimum standards to ensure the availability of personnel, to the maximum extent feasible, trained to communicate in the native language or mode of communication of an individual receiving services through such programs.

''(D) FACILITIES.—The State plan shall provide that facilities used in connection with the delivery of services assisted under the State plan shall comply with the Act entitled 'An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped', approved on August 12, 1968 (commonly known as the 'Architectural Barriers Act of 1968'), with section 504, and with the Americans with Disabilities Act of 1990.

''(7) COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT.—The State plan shall include—

''(A) a description, consistent with the purposes of this Act, of a comprehensive system of personnel development for personnel involved in carrying out this title, which, at a minimum, shall consist of—

''(i) a description of the procedures and activities the designated State agency will implement and undertake to address the current and projected needs for personnel, and training needs of such personnel, in the designated State unit to ensure that the personnel are adequately trained and prepared;

''(ii) a plan to coordinate and facilitate efforts between the designated State unit and institutions of higher education and professional associations to recruit, prepare, and retain qualified personnel, including personnel from culturally or linguistically diverse backgrounds, and personnel that include individuals with disabilities;

''(iii) a description of policies and procedures on the establishment and maintenance of reasonable standards to ensure that personnel, including professionals and paraprofessionals, are adequately trained and prepared, including—

''(I) standards that are consistent with any national or State approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which such personnel are providing vocational rehabilitation services; and

''(II) to the extent that such standards are not based on the highest requirements in the State applicable to a particular profession or discipline, the steps the State will take to ensure the retraining or hiring of personnel within the designated State unit so that such personnel meet appropriate professional standards in the State;

''(iv) a description of a system for evaluating the performance of vocational rehabilitation counselors, coordinators, and other personnel used in the State, including a description of how the system facilitates the accomplishment of the purpose and policy of this title, including the policy of serving individuals with the most significant disabilities;

''(v) a description of standards to ensure the availability of personnel within the designated State unit who are, to the maximum extent feasible, trained to communicate in the native language or mode of communication of an applicant or eligible individual; and

''(vi) a detailed description, including a budget, of how the funds reserved under subparagraph (B) will be expended to carry out the comprehensive system for personnel development, including the provision of in-service training for personnel of the designated State unit;

''(B) assurances that—

''(i) at a minimum, the State will reserve from the allotment made to the State under section 110 an amount to carry out the comprehensive system of personnel development, including the provision of in-service training for personnel of the designated State unit;

''(ii) for fiscal year 1999, the amount reserved will be equal to the amount of the funds the State received for fiscal year 1998 to provide in-service training under section 302, or for any State that did not receive those funds for fiscal year 1998, an amount determined by the Commissioner; and

''(iii) for each subsequent year, the amount reserved under this subparagraph will be equal to the amount reserved under this subparagraph for the previous fiscal year, increased by the percentage change in the Consumer Price Index published under section 100(c) in such previous fiscal year, if the percentage change indicates an increase; and

''(C) an assurance that the standards adopted by a State in accordance with subparagraph (A)(iii) shall not permit discrimination on the basis of disability with regard to training and hiring.

''(8) COMPARABLE SERVICES AND BENEFITS.—

''(A) DETERMINATION OF AVAILABILITY.—

''(i) IN GENERAL.—The State plan shall include an assurance that, prior to providing any vocational rehabilitation service to an eligible individual, except those services specified in paragraph (5)(D) and in paragraphs (1) through (4) and (14) of section 103(a), the designated State unit will determine whether comparable services and benefits are available under any other program (other than a program carried out under this title) unless such a determination would interrupt or delay—

''(I) the progress of the individual toward achieving the employment outcome identified in the individualized rehabilitation employment plan of the individual in accordance with section 102(b); or

''(II) the provision of such service to any individual at extreme medical risk.

''(ii) AWARDS AND SCHOLARSHIPS.—For purposes of clause (i), comparable benefits do not include awards and scholarships based on merit.

''(B) INTERAGENCY AGREEMENT.—The State plan shall include an assurance that the Chief Executive Officer of the State or the designee of such officer will ensure that an interagency agreement or other mechanism for interagency coordination takes effect between any appropriate public entity, including a component of the statewide workforce investment system, and the designated State unit, in order to ensure the provision of vocational rehabilitation services described in subparagraph (A) (other than those services specified in paragraph (5)(D), and in paragraphs (1) through (4) and (14) of section 103(a)), that are included in the individualized rehabilitation employment plan of an eligible individual, including the provision of such vocational rehabilitation services during the pendency of any dispute described in clause (iii). Such agreement or mechanism shall include the following:

''(i) AGENCY FINANCIAL RESPONSIBILITY.—An identification of, or a description of a method for defining, the financial responsibility of such public entity for providing such services, and a provision stating that the financial responsibility of such public entity for providing such services, including the financial responsibility of the State agency responsible for administering the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), other public agencies, and public institutions of higher education, shall precede the financial responsibility of the designated State unit especially with regard to the provision of auxiliary aids and services to the maximum extent allowed by law.

''(ii) CONDITIONS, TERMS, AND PROCEDURES OF REIMBURSEMENT.—Information specifying the conditions, terms, and procedures under which a designated State unit shall pursue and obtain reimbursement by other public agencies for providing such services.

''(iii) INTERAGENCY DISPUTES.—Information specifying procedures for resolving interagency disputes under the agreement or other mechanism (including procedures under which the designated State unit may initiate proceedings to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism).

''(iv) COORDINATION OF SERVICES PROCEDURES.—Information specifying policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely delivery of vocational rehabilitation services (except those services specified in paragraph (5)(D) and in paragraphs (1) through (4) and (14) of section 103(a)).

''(C) RESPONSIBILITIES OF OTHER AGENCIES.—

''(i) RESPONSIBILITIES UNDER OTHER LAW.—Notwithstanding subparagraph (B), if any public agency other than a designated State unit is obligated under Federal or State law, or assigned responsibility under State policy or under this paragraph, to provide or pay for any services that are also considered to be vocational rehabilitation services (other than those specified in paragraph (5)(D) and in paragraphs (1) through (4) and (14) of section 103(a)), such public agency shall fulfill that obligation or responsibility, either directly or by contract or other arrangement.

''(ii) REIMBURSEMENT.—In a case in which a public agency other than the designated State unit fails to fulfill the financial responsibility of the agency described in this paragraph to provide services described in clause (i), the designated State unit may claim reimbursement from such public agency for such services. Such public agency shall reimburse the designated State unit pursuant to the terms of the interagency agreement or other mechanism in effect under this paragraph according to the procedures established pursuant to subparagraph (B)(ii).

''(D) METHODS.—The Chief Executive Officer of a State may meet the requirements of subparagraph (B) through—

''(i) a State statute or regulation;

''(ii) a signed agreement between the respective agency officials that clearly identifies the responsibilities of each agency relating to the provision of services; or

''(iii) another appropriate method, as determined by the designated State unit.

''(9) INDIVIDUALIZED REHABILITATION EMPLOYMENT PLAN.—

''(A) DEVELOPMENT AND IMPLEMENTATION.—The State plan shall include an assurance that an individualized rehabilitation employment plan meeting the requirements of section 102(b) will be developed and implemented in a timely manner for an individual subsequent to the determination of the eligibility of the individual for services under this title, except that in a State operating under an order of selection described in paragraph (5), the plan will be developed and implemented only for individuals meeting the order of selection criteria of the State.

''(B) PROVISION OF SERVICES.—The State plan shall include an assurance that such services will be provided in accordance with the provisions of the individualized rehabilitation employment plan.

''(10) REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—The State plan shall include an assurance that the designated State agency will submit reports in the form and level of detail and at the time required by the Commissioner regarding applicants for, and eligible individuals receiving, services under this title.

''(B) ANNUAL REPORTING.—In specifying the information to be submitted in the reports, the Commissioner shall require annual reporting on the eligible individuals receiving the services, on those specific data elements described in section 321(d)(2) of the Workforce Investment Partnership Act of 1998 that are determined by the Secretary to be relevant in assessing the performance of designated State units in carrying out the vocational rehabilitation program established under this title.

''(C) ADDITIONAL DATA.—In specifying the information required to be submitted in the reports, the Commissioner shall require additional data with regard to applicants and eligible individuals related to—

''(i) the number of applicants and the number of individuals determined to be eligible or ineligible for the program carried out under this title, including—

''(I) the number of individuals determined to be ineligible because they did not require vocational rehabilitation services, as provided in section 102(a); and

''(II) the number of individuals determined, on the basis of clear and convincing evidence, to be too severely disabled to benefit in terms of an employment outcome from vocational rehabilitation services;

''(ii) the number of individuals who received vocational rehabilitation services through the program, including—

''(I) the number who received services under paragraph (5)(D), but not assistance under an individualized rehabilitation employment plan; and

''(II) the number who received assistance under an individualized rehabilitation employment plan consistent with section 102(b);

''(iii) the number of individuals receiving public assistance and the amount of the public assistance on the date of application and on the last date of participation in the program carried out under this title;

''(iv) the number of individuals with disabilities who ended their participation in the program and the number who achieved employment outcomes after receiving vocational rehabilitation services; and

''(v) the number of individuals who ended their participation in the program and who were employed 6 months and 12 months after securing or regaining employment, or, in the case of individuals whose employment outcome was to retain or advance in employment, who were employed 6 months and 12 months after achieving their employment outcome, including—

''(I) the number of such individuals who earned the minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or another wage level set by the Commissioner, during such employment;

''(II) the number of such individuals who received employment benefits from an employer during such employment; and

''(III) the number of such individuals whose public assistance was terminated or reduced after such participation;

''(D) COSTS AND RESULTS.—The Commissioner shall also require that the designated State agency include in the reports information on—

''(i) the costs under this title of conducting administration, providing assessment services, counseling and guidance, and other direct services provided by designated State agency staff, providing services purchased under individualized rehabilitation employment plans, supporting small business enterprises, establishing, developing, and improving community rehabilitation programs, and providing other services to groups; and

''(ii) the results of annual evaluation by the State of program effectiveness under paragraph (15)(E).

''(E) ADDITIONAL INFORMATION.—The Commissioner shall require that each designated State unit include in the reports additional information related to the applicants and eligible individuals, obtained either through a complete count or sampling, including—

''(i) information on—

''(I) age, gender, race, ethnicity, education, type of impairment, severity of disability, and whether the individuals are students described in clause (i) or (ii)(II) of paragraph (11)(D);

''(II) dates of application, determination of eligibility or ineligibility, initiation of the individualized rehabilitation employment plan, and termination of participation in the program;

''(III) earnings at the time of application for the program and termination of participation in the program;

''(IV) work status and occupation;

''(V) types of services, including assistive technology services and assistive technology devices, provided under the program;

''(VI) types of public or private programs or agencies that furnished services under the program; and

''(VII) the reasons for individuals terminating participation in the program without achieving an employment outcome; and

''(ii) information necessary to determine the success of the State in meeting—

''(I) the State performance measures established under section 321(b) of the Workforce Investment Partnership Act of 1998 to the extent the measures are applicable to individuals with disabilities; and

''(II) the standards and indicators established pursuant to section 106.

''(F) COMPLETENESS AND CONFIDENTIALITY.—The State plan shall include an assurance that the information submitted in the reports will include a complete count, except as provided in subparagraph (E), of the applicants and eligible individuals, in a manner permitting the greatest possible cross-classification of data and that the identity of each individual for which information is supplied under this paragraph will be kept confidential.

''(11) COOPERATION, COLLABORATION, AND COORDINATION.—

''(A) COOPERATIVE AGREEMENTS WITH OTHER COMPONENTS OF STATEWIDE WORKFORCE INVESTMENT SYSTEMS.—The State plan shall provide that the designated State unit or designated State agency shall enter into a cooperative agreement with other entities that are components of the statewide workforce investment system of the State, regarding the system, which agreement may provide for—

''(i) provision of intercomponent staff training and technical assistance with regard to—

''(I) the availability and benefits of, and eligibility standards for, vocational rehabilitation services; and

''(II) the promotion of equal, effective, and meaningful participation by individuals with disabilities in workforce investment activities in the State through the promotion of program accessibility, the use of nondiscriminatory policies and procedures, and the provision of reasonable accommodations, auxiliary aids and services, and rehabilitation technology, for individuals with disabilities;

''(ii) use of information and financial management systems that link all components of the statewide workforce investment system, that link the components to other electronic networks, including nonvisual electronic networks, and that relate to such subjects as labor market information, and information on job vacancies, career planning, and workforce investment activities;

''(iii) use of customer service features such as common intake and referral procedures, customer databases, resource information, and human services hotlines;

''(iv) establishment of cooperative efforts with employers to—

''(I) facilitate job placement; and

''(II) carry out any other activities that the designated State unit and the employers determine to be appropriate;

''(v) identification of staff roles, responsibilities, and available resources, and specification of the financial responsibility of each component of the statewide workforce investment system with regard to paying for necessary services (consistent with State law and Federal requirements); and

''(vi) specification of procedures for resolving disputes among such components.

''(B) REPLICATION OF COOPERATIVE AGREEMENTS.—The State plan shall provide for the replication of such cooperative agreements at the local level between individual offices of the designated State unit and local entities carrying out activities through the statewide workforce investment system.

''(C) INTERAGENCY COOPERATION WITH OTHER AGENCIES.—The State plan shall include descriptions of interagency cooperation with, and utilization of the services and facilities of, the Federal, State, and local agencies and programs that are not carrying out activities through the statewide workforce investment system.

''(D) COORDINATION WITH EDUCATION OFFICIALS.—The State plan shall contain plans, policies, and procedures for coordination between the designated State agency and education officials that are designed to facilitate the transition of students who are individuals with disabilities described in section 7(20)(B) from the receipt of educational services in school to the receipt of vocational rehabilitation services under this title, including information on a formal interagency agreement with the State educational agency that, at a minimum, provides for—

''(i) consultation and technical assistance to assist educational agencies in planning for the transition of students who are individuals with disabilities described in section 7(20)(B) from school to post-school activities, including vocational rehabilitation services;

''(ii)(I) transition planning by personnel of the designated State agency and educational agency personnel for students with disabilities described in clause (i) that facilitates the development and completion of their individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (as added by section 101 of Public Law 105–17); and

''(II) transition planning and services for students who are eligible to receive services under this title and who will be exiting school in the school year in which the planning and services are provided;

''(iii) the roles and responsibilities, including financial responsibilities, of each agency, including provisions for determining State lead agencies and qualified personnel responsible for the transition services described in clause (ii)(II); and

''(iv) procedures for outreach to and identification of students with disabilities described in clause (ii)(II) who need the transition services.

''(E) COORDINATION WITH STATEWIDE INDEPENDENT LIVING COUNCILS AND INDEPENDENT LIVING CENTERS.—The State plan shall include an assurance that the designated State unit, the Statewide Independent Living Council established under section 705, and the independent living centers described in part C of title VII within the State have developed working relationships and coordinate their activities.

''(F) COOPERATIVE AGREEMENT WITH RECIPIENTS OF GRANTS FOR SERVICES TO AMERICAN INDIANS.—In applicable cases, the State plan shall include an assurance that the State has entered into a formal cooperative agreement with each grant recipient in the State that receives funds under part C. The agreement shall describe strategies for collaboration and coordination in providing vocational rehabilitation services to American Indians who are individuals with disabilities, including—

''(i) strategies for interagency referral and information sharing that will assist in eligibility determinations and the development of individualized rehabilitation employment plans;

''(ii) procedures for ensuring that American Indians who are individuals with disabilities and are living near a reservation or tribal service area are provided vocational rehabilitation services; and

''(iii) provisions for sharing resources in cooperative studies and assessments, joint training activities, and other collaborative activities designed to improve the provision of services to American Indians who are individuals with disabilities.

''(12) RESIDENCY.—The State plan shall include an assurance that the State will not impose a residence requirement that excludes from services provided under the plan any individual who is present in the State.

''(13) SERVICES TO AMERICAN INDIANS.—The State plan shall include an assurance that, except as otherwise provided in part C, the designated State agency will provide vocational rehabilitation services to American Indians who are individuals with disabilities residing in the State to the same extent as the designated State agency provides such services to other significant populations of individuals with disabilities residing in the State.

''(14) ANNUAL REVIEW OF INDIVIDUALS IN EXTENDED EMPLOYMENT OR OTHER EMPLOYMENT UNDER SPECIAL CERTIFICATE PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938.—The State plan shall provide for—

''(A) an annual review and reevaluation of the status of each individual with a disability served under this title who has achieved an employment outcome either in an extended employment setting in a community rehabilitation program or any other employment under section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)) for 2 years after the achievement of the outcome (and annually thereafter if requested by the individual or, if appropriate, the individual's representative), to determine the interests, priorities, and needs of the individual with respect to competitive employment or training for competitive employment;

''(B) input into the review and reevaluation, and a signed acknowledgement that such review and reevaluation have been conducted, by the individual with a disability, or, if appropriate, the individual's representative; and

''(C) maximum efforts, including the identification and provision of vocational rehabilitation services, reasonable accommodations, and other necessary support services, to assist the individuals described in subparagraph (A) in engaging in competitive employment.

''(15) ANNUAL STATE GOALS AND REPORTS OF PROGRESS.—

''(A) ASSESSMENTS AND ESTIMATES.—The State plan shall—

''(i) include the results of a comprehensive, statewide assessment, jointly conducted by the designated State unit and the State Rehabilitation Council (if the State has such a Council) every 3 years, describing the rehabilitation needs of individuals with disabilities residing within the State, particularly the vocational rehabilitation services needs of—

''(I) individuals with the most significant disabilities, including their need for supported employment services;

''(II) individuals with disabilities who are minorities and individuals with disabilities who have been unserved or underserved by the vocational rehabilitation program carried out under this title; and

''(III) individuals with disabilities served through other components of the statewide workforce investment system (other than the vocational rehabilitation program), as identified by such individuals and personnel assisting such individuals through the components;

''(ii) include an assessment of the need to establish, develop, or improve community rehabilitation programs within the State; and

''(iii) provide that the State shall submit to the Commissioner a report containing information regarding updates to the assessments, for any year in which the State updates the assessments.

''(B) ANNUAL ESTIMATES.—The State plan shall include, and shall provide that the State shall annually submit a report to the Commissioner that includes, State estimates of—

''(i) the number of individuals in the State who are eligible for services under this title;

''(ii) the number of such individuals who will receive services provided with funds provided under part B and under part C of title VI, including, if the designated State agency uses an order of selection in accordance with paragraph (5), estimates of the number of individuals to be served under each priority category within the order; and

''(iii) the costs of the services described in clause (i), including, if the designated State agency uses an order of selection in accordance with paragraph (5), the service costs for each priority category within the order.

''(C) GOALS AND PRIORITIES.—

''(i) IN GENERAL.—The State plan shall identify the goals and priorities of the State in carrying out the program. The goals and priorities shall be jointly developed, agreed to, and reviewed annually by the designated State unit and the State Rehabilitation Council, if the State has such a Council. Any revisions to the goals and priorities shall be jointly agreed to by the designated State unit and the State Rehabilitation Council, if the State has such a Council. The State plan shall provide that the State shall submit to the Commissioner a report containing information regarding revisions in the goals and priorities, for any year in which the State revises the goals and priorities.

''(ii) BASIS.—The State goals and priorities shall be based on an analysis of—

''(I) the comprehensive assessment described in subparagraph (A), including any updates to the assessment;

''(II) the performance of the State on the standards and indicators established under section 106; and

''(III) other available information on the operation and the effectiveness of the vocational rehabilitation program carried out in the State, including any reports received from the State Rehabilitation Council, under section 105(c) and the findings and recommendations from monitoring activities conducted under section 107.

''(iii) SERVICE AND OUTCOME GOALS FOR CATEGORIES IN ORDER OF SELECTION.—If the designated State agency uses an order of selection in accordance with paragraph (5), the State shall also identify in the State plan service and outcome goals and the time within which these goals may be achieved for individuals in each priority category within the order.

''(D) STRATEGIES.—The State plan shall contain a description of the strategies the State will use to address the needs identified in the assessment conducted under subparagraph (A) and achieve the goals and priorities identified in subparagraph (C), including—

''(i) the methods to be used to expand and improve services to individuals with disabilities, including how a broad range of assistive technology services and assistive technology devices will be provided to such individuals at each stage of the rehabilitation process and how such services and devices will be provided to such individuals on a statewide basis;

''(ii) outreach procedures to identify and serve individuals with disabilities who are minorities and individuals with disabilities who have been unserved or underserved by the vocational rehabilitation program;

''(iii) where necessary, the plan of the State for establishing, developing, or improving community rehabilitation programs;

''(iv) strategies to improve the performance of the State with respect to the evaluation standards and performance indicators established pursuant to section 106; and

''(v) strategies for assisting entities carrying out other components of the statewide workforce investment system (other than the vocational rehabilitation program) in assisting individuals with disabilities.

''(E) EVALUATION AND REPORTS OF PROGRESS.—The State plan shall—

''(i) include the results of an evaluation of the effectiveness of the vocational rehabilitation program, and a joint report by the designated State unit and the State Rehabilitation Council, if the State has such a Council, to the Commissioner on the progress made in improving the effectiveness from the previous year, which evaluation and report shall include—

''(I) an evaluation of the extent to which the goals identified in subparagraph (C) were achieved;

''(II) a description of strategies that contributed to achieving the goals;

''(III) to the extent to which the goals were not achieved, a description of the factors that impeded that achievement; and

''(IV) an assessment of the performance of the State on the standards and indicators established pursuant to section 106; and

''(ii) provide that the designated State unit and the State Rehabilitation Council, if the State has such a Council, shall jointly submit to the Commissioner an annual report that contains the information described in clause (i).

''(16) PUBLIC COMMENT.—The State plan shall—

''(A) provide that the designated State agency, prior to the adoption of any policies or procedures governing the provision of vocational rehabilitation services under the State plan (including making any amendment to such policies and procedures), shall conduct public meetings throughout the State, after providing adequate notice of the meetings, to provide the public, including individuals with disabilities, an opportunity to comment on the policies or procedures, and actively consult with the Director of the client assistance program carried out under section 112, and, as appropriate, Indian tribes, tribal organizations, and Native Hawaiian organizations on the policies or procedures; and

''(B) provide that the designated State agency (or each designated State agency if 2 agencies are designated) and any sole agency administering the plan in a political subdivision of the State, shall take into account, in connection with matters of general policy arising in the administration of the plan, the views of—

''(i) individuals and groups of individuals who are recipients of vocational rehabilitation services, or in appropriate cases, the individuals' representatives;

''(ii) personnel working in programs that provide vocational rehabilitation services to individuals with disabilities;

''(iii) providers of vocational rehabilitation services to individuals with disabilities;

''(iv) the director of the client assistance program; and

''(v) the State Rehabilitation Council, if the State has such a Council.

''(17) PROHIBITION ON USE OF FUNDS FOR CONSTRUCTION OF FACILITIES.—The State plan shall contain an assurance that the State will not use any funds made available under this title for the construction of facilities.

''(18) INNOVATION AND EXPANSION ACTIVITIES.—The State plan shall—

''(A) include an assurance that the State will reserve and use a portion of the funds allotted to the State under section 110—

''(i) for the development and implementation of innovative approaches to expand and improve the provision of vocational rehabilitation services to individuals with disabilities under this title, particularly individuals with the most significant disabilities, consistent with the findings of the statewide assessment and goals and priorities of the State as described in paragraph (15); and

''(ii) to support the funding of—

''(I) the State Rehabilitation Council, if the State has such a Council, consistent with the plan prepared under section 105(d)(1); and

''(II) the Statewide Independent Living Council, consistent with the plan prepared under section 705(e)(1);

''(B) include a description of how the reserved funds will be utilized; and

''(C) provide that the State shall submit to the Commissioner an annual report containing a description of how the reserved funds will be utilized.

''(19) CHOICE.—The State plan shall include an assurance that applicants and eligible individuals or, as appropriate, the applicants' representatives or individuals' representatives, will be provided information and support services to assist the applicants and individuals in exercising informed choice throughout the rehabilitation process, consistent with the provisions of section 102(d).

''(20) INFORMATION AND REFERRAL SERVICES.—

''(A) IN GENERAL.—The State plan shall include an assurance that the designated State agency will implement an information and referral system adequate to ensure that individuals with disabilities will be provided accurate vocational rehabilitation information, using appropriate modes of communication, to assist such individuals in preparing for, securing, retaining, or regaining employment, and will be appropriately referred to Federal and State programs (other than the vocational rehabilitation program carried out under this title), including other components of the statewide workforce investment system in the State.

''(B) SERVICES.—In providing activities through the system established under subparagraph (A), the State may include services consisting of the provision of individualized counseling and guidance, individualized vocational exploration, supervised job placement referrals, and assistance in securing reasonable accommodations for eligible individuals who do not meet the order of selection criteria used by the State, to the extent that such services are not purchased by the designated State unit.

''(21) STATE INDEPENDENT CONSUMER-CONTROLLED COMMISSION; STATE REHABILITATION COUNCIL.—

''(A) COMMISSION OR COUNCIL.—The State plan shall provide that either—

''(i) the designated State agency is an independent commission that—

''(I) is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State;

''(II) is consumer-controlled by persons who—

''(aa) are individuals with physical or mental impairments that substantially limit major life activities; and

''(bb) represent individuals with a broad range of disabilities, unless the designated State unit under the direction of the commission is the State agency for individuals who are blind;

''(III) includes family members, advocates, or other representatives, of individuals with mental impairments; and

''(IV) undertakes the functions set forth in section 105(c)(4); or

''(ii) the State has established a State Rehabilitation Council that meets the criteria set forth in section 105 and the designated State unit—

''(I) in accordance with paragraph (15), jointly develops, agrees to, and reviews annually State goals and priorities, and jointly submits annual reports of progress with the Council;

''(II) regularly consults with the Council regarding the development, implementation, and revision of State policies and procedures of general applicability pertaining to the provision of vocational rehabilitation services;

''(III) includes in the State plan and in any revision to the State plan, a summary of input provided by the Council, including recommendations from the annual report of the Council described in section 105(c)(5), the review and analysis of consumer satisfaction described in section 105(c)(4), and other reports prepared by the Council, and the response of the designated State unit to such input and recommendations, including explanations for rejecting any input or recommendation; and

''(IV) transmits to the Council—

''(aa) all plans, reports, and other information required under this title to be submitted to the Secretary;

''(bb) all policies, and information on all practices and procedures, of general applicability provided to or used by rehabilitation personnel in carrying out this title; and

''(cc) copies of due process hearing decisions issued under this title, which shall be transmitted in such a manner as to ensure that the identity of the participants in the hearings is kept confidential.

''(B) MORE THAN 1 DESIGNATED STATE AGENCY.—In the case of a State that, under section 101(a)(2), designates a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind (or to supervise the administration of such part by a local agency) and designates a separate State agency to administer the rest of the State plan, the State shall either establish a State Rehabilitation Council for each of the 2 agencies that does not meet the requirements in subparagraph (A)(i), or establish 1 State Rehabilitation Council for both agencies if neither agency meets the requirements of subparagraph (A)(i).

''(22) SUPPORTED EMPLOYMENT STATE PLAN SUPPLEMENT.—The State plan shall include an assurance that the State has an acceptable plan for carrying out part C of title VI, including the use of funds under that part to supplement funds made available under part B of this title to pay for the cost of services leading to supported employment.

''(23) ELECTRONIC AND INFORMATION TECHNOLOGY REGULATIONS.—The State plan shall include an assurance that the State, and any recipient or subrecipient of funds made available to the State under this title—

''(A) will comply with the requirements of section 508, including the regulations established under that section; and

''(B) will designate an employee to coordinate efforts to comply with section 508 and will adopt grievance procedures that incorporate due process standards and provide for the prompt and equitable resolution of complaints concerning such requirements.

''(24) ANNUAL UPDATES.—The plan shall include an assurance that the State will submit to the Commissioner reports containing annual updates of the information required under paragraph (7) (relating to a comprehensive system of personnel development) and any other updates of the information required under this section that are requested by the Commissioner, and annual reports as provided in paragraphs (15) (relating to assessments, estimates, goals and priorities, and reports of progress) and (18) (relating to innovation and expansion), at such time and in such manner as the Secretary may determine to be appropriate.

''(b) APPROVAL; DISAPPROVAL OF THE STATE PLAN.—

''(1) APPROVAL.—The Commissioner shall approve any plan that the Commissioner finds fulfills the conditions specified in this section, and shall disapprove any plan that does not fulfill such conditions.

''(2) DISAPPROVAL.—Prior to disapproval of the State plan, the Commissioner shall notify the State of the intention to disapprove the plan and shall afford the State reasonable notice and opportunity for a hearing.

''SEC. 102. ELIGIBILITY AND INDIVIDUALIZED REHABILITATION EMPLOYMENT PLAN.

''(a) ELIGIBILITY.—

''(1) CRITERION FOR ELIGIBILITY.—An individual is eligible for assistance under this title if the individual—

''(A) is an individual with a disability under section 7(20)(A); and

''(B) requires vocational rehabilitation services to prepare for, secure, retain, or regain employment.

''(2) PRESUMPTION OF BENEFIT.—

''(A) DEMONSTRATION.—For purposes of this section, an individual shall be presumed to be an individual that can benefit in terms of an employment outcome from vocational rehabilitation services under section 7(20)(A), unless the designated State unit involved can demonstrate by clear and convincing evidence that such individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability of the individual.

''(B) METHODS.—In making the demonstration required under subparagraph (A), the designated State unit shall explore the individual's abilities, capabilities, and capacity to perform in work situations, through the use of trial work experiences, as described in section 7(2)(D), with appropriate supports provided through the designated State unit, except under limited circumstances when an individual can not take advantage of such experiences. Such experiences shall be of sufficient variety and over a sufficient period of time to determine the eligibility of the individual or to determine the existence of clear and convincing evidence that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability of the individual.

''(3) PRESUMPTION OF ELIGIBILITY.—For purposes of this section, an individual who has a disability or is blind as determined pursuant to title II or title XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.) shall be—

''(A) considered to be an individual with a significant disability under section 7(21)(A); and

''(B) presumed to be eligible for vocational rehabilitation services under this title (provided that the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual) unless the designated State unit involved can demonstrate by clear and convincing evidence that such individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability of the individual in accordance with paragraph (2).

''(4) USE OF EXISTING INFORMATION.—

''(A) IN GENERAL.—To the maximum extent appropriate and consistent with the requirements of this part, for purposes of determining the eligibility of an individual for vocational rehabilitation services under this title and developing the individualized rehabilitation employment plan described in subsection (b) for the individual, the designated State unit shall use information that is existing and current (as of the date of the determination of eligibility or of the development of the individualized rehabilitation employment plan), including information available from other programs and providers, particularly information used by education officials and the Social Security Administration, information provided by the individual and the family of the individual, and information obtained under the assessment for determining eligibility and vocational rehabilitation needs.

''(B) DETERMINATIONS BY OFFICIALS OF OTHER AGENCIES.—Determinations made by officials of other agencies, particularly education officials described in section 101(a)(11)(D), regarding whether an individual satisfies 1 or more factors relating to whether an individual is an individual with a disability under section 7(20)(A) or an individual with a significant disability under section 7(21)(A) shall be used, to the extent appropriate and consistent with the requirements of this part, in assisting the designated State unit in making such determinations.

''(C) BASIS.—The determination of eligibility for vocational rehabilitation services shall be based on—

''(i) the review of existing data described in section 7(2)(A)(i); and

''(ii) to the extent that such data is unavailable or insufficient for determining eligibility, the provision of assessment activities described in section 7(2)(A)(ii).

''(5) DETERMINATION OF INELIGIBILITY.—If an individual who applies for services under this title is determined, based on the review of existing data and, to the extent necessary, the assessment activities described in section 7(2)(A)(ii), not to be eligible for the services, or if an eligible individual receiving services under an individualized rehabilitation employment plan is determined to be no longer eligible for the services—

''(A) the ineligibility determination involved shall be made only after providing an opportunity for full consultation with the individual or, as appropriate, the individual's representative;

''(B) the individual or, as appropriate, the individual's representative, shall be informed in writing (supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual) of the ineligibility determination, including—

''(i) the reasons for the determination; and

''(ii) a description of the means by which the individual may express, and seek a remedy for, any dissatisfaction with the determination, including the procedures for review by an impartial hearing officer under subsection (c);

''(C) the individual shall be provided with a description of services available from the client assistance program under section 112 and information on how to contact that program; and

''(D) any ineligibility determination that is based on a finding that the individual is incapable of benefiting in terms of an employment outcome shall be reviewed—

''(i) within 12 months; and

''(ii) annually thereafter, if such a review is requested by the individual or, if appropriate, by the individual's representative.

''(6) TIMEFRAME FOR MAKING AN ELIGIBILITY DETERMINATION.—The designated State unit shall determine whether an individual is eligible for vocational rehabilitation services under this title within a reasonable period of time, not to exceed 60 days, after the individual has submitted an application for the services unless—

''(A) exceptional and unforeseen circumstances beyond the control of the designated State unit preclude making an eligibility determination within 60 days and the designated State unit and the individual agree to a specific extension of time; or

''(B) the designated State unit is exploring an individual's abilities, capabilities, and capacity to perform in work situations under paragraph (2)(B).

''(b) DEVELOPMENT OF AN INDIVIDUALIZED REHABILITATION EMPLOYMENT PLAN.—

''(1) OPTIONS FOR DEVELOPING AN INDIVIDUALIZED REHABILITATION EMPLOYMENT PLAN.—If an individual is determined to be eligible for vocational rehabilitation services as described in subsection (a), the designated State unit shall complete the assessment for determining eligibility and vocational rehabilitation needs, as appropriate, and shall provide the eligible individual or the individual's representative, in writing and in an appropriate mode of communication, with information on the individual's options for developing an individualized rehabilitation employment plan, including—

''(A) information on the availability of assistance, to the extent determined to be appropriate by the eligible individual, from a qualified vocational rehabilitation counselor in developing all or part of the individualized rehabilitation employment plan for the individual, and the availability of technical assistance in developing all or part of the individualized rehabilitation employment plan for the individual;

''(B) a description of the full range of components that shall be included in an individualized rehabilitation employment plan;

''(C) as appropriate—

''(i) an explanation of agency guidelines and criteria associated with financial commitments concerning an individualized rehabilitation employment plan;

''(ii) additional information the eligible individual requests or the designated State unit determines to be necessary; and

''(iii) information on the availability of assistance in completing designated State agency forms required in developing an individualized rehabilitation employment plan; and

''(D)(i) a description of the rights and remedies available to such an individual including, if appropriate, recourse to the processes set forth in subsection (c); and

''(ii) a description of the availability of a client assistance program established pursuant to section 112 and information about how to contact the client assistance program.

''(2) MANDATORY PROCEDURES.—

''(A) WRITTEN DOCUMENT.—An individualized rehabilitation employment plan shall be a written document prepared on forms provided by the designated State unit.

''(B) INFORMED CHOICE.—An individualized rehabilitation employment plan shall be developed and implemented in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting an employment outcome, the specific vocational rehabilitation services to be provided under the plan, the entity that will provide the vocational rehabilitation services, and the methods used to procure the services, consistent with subsection (d).

''(C) SIGNATORIES.—An individualized rehabilitation employment plan shall be—

''(i) agreed to, and signed by, such eligible individual or, as appropriate, the individual's representative; and

''(ii) approved and signed by a qualified vocational rehabilitation counselor employed by the designated State unit.

''(D) COPY.—A copy of the individualized rehabilitation employment plan for an eligible individual shall be provided to the individual or, as appropriate, to the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or, as appropriate, of the individual's representative.

''(E) REVIEW AND AMENDMENT.—The individualized rehabilitation employment plan shall be—

''(i) reviewed at least annually by—

''(I) a qualified vocational rehabilitation counselor; and

''(II) the eligible individual or, as appropriate, the individual's representative; and

''(ii) amended, as necessary, by the individual or, as appropriate, the individual's representative, in collaboration with a representative of the designated State agency or a qualified vocational rehabilitation counselor, if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the service providers of the services (which amendments shall not take effect until agreed to and signed by the eligible individual or, as appropriate, the individual's representative, and by a qualified vocational rehabilitation counselor).

''(3) MANDATORY COMPONENTS OF AN INDIVIDUALIZED REHABILITATION EMPLOYMENT PLAN.—Regardless of the approach selected by an eligible individual to develop an individualized rehabilitation employment plan, an individualized rehabilitation employment plan shall, at a minimum, contain mandatory components consisting of—

''(A) a description of the specific employment outcome that is chosen by the eligible individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the eligible individual, and, to the maximum extent appropriate, results in employment in an integrated setting;

''(B)(i) a description of the specific vocational rehabilitation services that are—

''(I) needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices and assistive technology services, and personal assistance services, including training in the management of such services; and

''(II) provided in the most integrated setting that is appropriate for the service involved and is consistent with the informed choice of the eligible individual; and

''(ii) timelines for the achievement of the employment outcome and for the initiation of the services;

''(C) a description of the entity chosen by the eligible individual or, as appropriate, the individual's representative, that will provide the vocational rehabilitation services, and the methods used to procure such services;

''(D) a description of criteria to evaluate progress toward achievement of the employment outcome;

''(E) the terms and conditions of the individualized rehabilitation employment plan, including, as appropriate, information describing—

''(i) the responsibilities of the designated State unit;

''(ii) the responsibilities of the eligible individual, including—

''(I) the responsibilities the eligible individual will assume in relation to the employment outcome of the individual;

''(II) if applicable, the participation of the eligible individual in paying for the costs of the plan; and

''(III) the responsibility of the eligible individual with regard to applying for and securing comparable benefits as described in section 101(a)(8);

''(iii) the responsibilities of other entities as the result of arrangements made pursuant to comparable services or benefits requirements as described in section 101(a)(8);

''(F) for an eligible individual with the most significant disabilities for whom an employment outcome in a supported employment setting has been determined to be appropriate, information identifying—

''(i) the extended services needed by the eligible individual; and

''(ii) the source of extended services or, to the extent that the source of the extended services cannot be identified at the time of the development of the individualized rehabilitation employment plan, a description of the basis for concluding that there is a reasonable expectation that such source will become available; and

''(G) as determined to be necessary, a statement of projected need for post-employment services.

''(c) PROCEDURES.—

''(1) IN GENERAL.—Each State shall establish procedures for mediation of, and procedures for review through an impartial due process hearing of, determinations made by personnel of the designated State unit that affect the provision of vocational rehabilitation services to applicants or eligible individuals.

''(2) NOTIFICATION.—

''(A) RIGHTS AND ASSISTANCE.—The procedures shall provide that an applicant or an eligible individual or, as appropriate, the applicant's representative or individual's representative shall be notified of—

''(i) the right to obtain review of determinations described in paragraph (1) in an impartial due process hearing under paragraph (5);

''(ii) the right to pursue mediation with respect to the determinations under paragraph (4); and

''(iii) the availability of assistance from the client assistance program under section 112.

''(B) TIMING.—Such notification shall be provided in writing—

''(i) at the time an individual applies for vocational rehabilitation services provided under this title;

''(ii) at the time the individualized rehabilitation employment plan for the individual is developed; and

''(iii) upon reduction, suspension, or cessation of vocational rehabilitation services for the individual.

''(3) EVIDENCE AND REPRESENTATION.—The procedures required under this subsection shall, at a minimum—

''(A) provide an opportunity for an applicant or an eligible individual, or, as appropriate, the applicant's representative or individual's representative, to submit at the mediation session or hearing evidence and information to support the position of the applicant or eligible individual; and

''(B) include provisions to allow an applicant or an eligible individual to be represented in the mediation session or hearing

by a person selected by the applicant or eligible individual.

''(4) MEDIATION.—

''(A) PROCEDURES.—Each State shall ensure that procedures are established and implemented under this subsection to allow parties described in paragraph (1) to disputes involving any determination described in paragraph (1) to resolve such disputes through a mediation process that, at a minimum, shall be available whenever a hearing is requested under this subsection.

''(B) REQUIREMENTS.—Such procedures shall ensure that the mediation process—

''(i) is voluntary on the part of the parties;

''(ii) is not used to deny or delay the right of an individual to a hearing under this subsection, or to deny any other right afforded under this title; and

''(iii) is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

''(C) LIST OF MEDIATORS.—The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws (including regulations) relating to the provision of vocational rehabilitation services under this title, from which the mediators described in subparagraph (B) shall be selected.

''(D) COST.—The State shall bear the cost of the mediation process.

''(E) SCHEDULING.—Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

''(F) AGREEMENT.—An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement.

''(G) CONFIDENTIALITY.—Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. The parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of such process.

''(H) CONSTRUCTION.—Nothing in this subsection shall be construed to preclude the parties to such a dispute from informally resolving the dispute prior to proceedings under this paragraph or paragraph (5), if the informal process used is not used to deny or delay the right of the applicant or eligible individual to a hearing under this subsection or to deny any other right afforded under this title.

''(5) HEARINGS.—

''(A) OFFICER.—A due process hearing described in paragraph (2) shall be conducted by an impartial hearing officer who shall issue a decision based on the provisions of the approved State plan, this Act (including regulations implementing this Act), and State regulations and policies that are consistent with the Federal requirements specified in this title. The officer shall provide the decision in writing to the applicant or eligible individual, or, as appropriate, the applicant's representative or individual's representative, and to the designated State unit.

''(B) LIST.—The designated State unit shall maintain a list of qualified impartial hearing officers who are knowledgeable in laws (including regulations) relating to the provision of vocational rehabilitation services under this title from which the officer described in subparagraph (A) shall be selected. For the purposes of maintaining such list, impartial hearing officers shall be identified jointly by—

''(i) the designated State unit; and

''(ii) members of the Council or commission, as appropriate, described in section 101(a)(21).

''(C) SELECTION.—Such an impartial hearing officer shall be selected to hear a particular case relating to a determination—

''(i) on a random basis; or

''(ii) by agreement between—

''(I) the Director of the designated State unit and the individual with a disability; or

''(II) in appropriate cases, the Director and the individual's representative.

''(D) PROCEDURES FOR SEEKING REVIEW.—A State may establish procedures to enable a party involved in a hearing under this paragraph to seek an impartial review of the decision of the hearing officer under subparagraph (A) by—

''(i) the chief official of the designated State agency if the State has established both a designated State agency and a designated State unit under section 101(a)(2); or

''(ii) an official from the office of the Governor or the chief official of another State office or agency that has supervisory authority over the designated State agency.

''(E) REVIEW REQUEST.—If the State establishes impartial review procedures under subparagraph (D), either party may request the review of the decision of the hearing officer within 20 days after the decision.

''(F) REVIEWING OFFICIAL.—The reviewing official described in subparagraph (D) shall—

''(i) in conducting the review, provide an opportunity for the submission of additional evidence and information relevant to a final decision concerning the matter under review;

''(ii) not overturn or modify the decision of the hearing officer, or part of the decision, that supports the position of the applicant or eligible individual unless the reviewing official concludes, based on clear and convincing evidence, that the decision of the impartial hearing officer is clearly erroneous on the basis of being contrary to the approved State plan, this Act (including regulations implementing this Act) or any State regulation or policy that is consistent with the Federal requirements specified in this title; and

''(iii) make a final decision with respect to the matter in a timely manner and provide such decision in writing to the applicant or eligible individual, or, as appropriate, the applicant's representative or individual's representative, and to the designated State unit, including a full report of the findings and the grounds for such decision.

''(G) FINALITY OF HEARING DECISION.—A decision made after a hearing under subparagraph (A) shall be final, except that a party may request an impartial review if the State has established procedures for such review under subparagraph (D) and a party involved in a hearing may bring a civil action under subparagraph (J).

''(H) FINALITY OF REVIEW.—A decision made under subparagraph (F) shall be final unless such a party brings a civil action under subparagraph (J).

''(I) IMPLEMENTATION.—If a party brings a civil action under subparagraph (J) to challenge a final decision of a hearing officer under subparagraph (A) or to challenge a final decision of a State reviewing official under subparagraph (F), the final decision involved shall be implemented pending review by the court.

''(J) CIVIL ACTION.—

''(i) IN GENERAL.—Any party aggrieved by a final decision described in subparagraph (I), may bring a civil action for review of such decision. The action may be brought in any State court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy.

''(ii) PROCEDURE.—In any action brought under this subparagraph, the court—

''(I) shall receive the records relating to the hearing under subparagraph (A) and the records relating to the State review under subparagraphs (D) through (F), if applicable;

''(II) shall hear additional evidence at the request of a party to the action; and

''(III) basing the decision of the court on the preponderance of the evidence, shall grant such relief as the court determines to be appropriate.

''(6) HEARING BOARD.—

''(A) IN GENERAL.—A fair hearing board, established by a State before January 1, 1985, and authorized under State law to review determinations or decisions under this Act, is authorized to carry out the responsibilities of the impartial hearing officer under this subsection.

''(B) APPLICATION.—The provisions of paragraphs (1), (2), and (3) that relate to due process hearings do not apply, and paragraph (5) (other than subparagraph (J)) does not apply, to any State to which subparagraph (A) applies.

''(7) IMPACT ON PROVISION OF SERVICES.—Unless the individual with a disability so requests, or, in an appropriate case, the individual's representative, so requests, pending a decision by a mediator, hearing officer, or reviewing officer under this subsection, the designated State unit shall not institute a suspension, reduction, or termination of services being provided for the individual, including evaluation and assessment services and plan development, unless such services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual, or the individual's representative.

''(8) INFORMATION COLLECTION AND REPORT.—

''(A) IN GENERAL.—The Director of the designated State unit shall collect information described in subparagraph (B) and prepare and submit to the Commissioner a report containing such information. The Commissioner shall prepare a summary of the information furnished under this paragraph and include the summary in the annual report submitted under section 13. The Commissioner shall also collect copies of the final decisions of impartial hearing officers conducting hearings under this subsection and State officials conducting reviews under this subsection.

''(B) INFORMATION.—The information required to be collected under this subsection includes—

''(i) a copy of the standards used by State reviewing officials for reviewing decisions made by impartial hearing officers under this subsection;

''(ii) information on the number of hearings and reviews sought from the impartial hearing officers and the State reviewing officials, including the type of complaints and the issues involved;

''(iii) information on the number of hearing decisions made under this subsection that were not reviewed by the State reviewing officials; and

''(iv) information on the number of the hearing decisions that were reviewed by the State reviewing officials, and, based on such reviews, the number of hearing decisions that were—

''(I) sustained in favor of an applicant or eligible individual;

''(II) sustained in favor of the designated State unit;

''(III) reversed in whole or in part in favor of the applicant or eligible individual; and

''(IV) reversed in whole or in part in favor of the designated State unit.

''(C) CONFIDENTIALITY.—The confidentiality of records of applicants and eligible individuals maintained by the designated State unit shall not preclude the access of the Commissioner to those records for the purposes described in subparagraph (A).

''(d) POLICIES AND PROCEDURES.—Each designated State agency, in consultation with the State Rehabilitation Council, if the State has such a council, shall, consistent with section 100(a)(3)(C), develop and implement written policies and procedures that enable each individual who is an applicant for or eligible to receive vocational rehabilitation services under this title to exercise informed choice throughout the vocational rehabilitation process carried out under this title, including policies and procedures that require the designated State agency—

''(1) to inform each such applicant and eligible individual (including students with disabilities described in section 101(a)(11)(D)(ii)(II) who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the designated State unit), through appropriate modes of communication, about the availability of, and opportunities to exercise, informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice, throughout the vocational rehabilitation process;

''(2) to assist applicants and eligible individuals in exercising informed choice in decisions related to the provision of assessment services under this title;

''(3) to develop and implement flexible procurement policies and methods that facilitate the provision of services, and that afford eligible individuals meaningful choices among the methods used to procure services, under this title;

''(4) to provide or assist eligible individuals in acquiring information that enables those individuals to exercise informed choice under this title in the selection of—

''(A) the employment outcome;

''(B) the specific vocational rehabilitation services needed to achieve the employment outcome;

''(C) the entity that will provide the services;

''(D) the employment setting and the settings in which the services will be provided; and

''(E) the methods available for procuring the services; and

''(5) to ensure that the availability and scope of informed choice provided under this section is consistent with the obligations of the designated State agency under this title.

''SEC. 103. VOCATIONAL REHABILITATION SERVICES.

''(a) VOCATIONAL REHABILITATION SERVICES FOR INDIVIDUALS.—Vocational rehabilitation services provided under this title are any services described in an individualized rehabilitation employment plan necessary to assist an individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual, including—

''(1) an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;

''(2) counseling and guidance, including information and support services to assist an individual in exercising informed choice consistent with the provisions of section 102(d);

''(3) referral and other services to secure needed services from other agencies through agreements developed under section 101(b)(11), if such services are not available under this title;

''(4) job-related services, including job search and placement assistance, job retention services, followup services, and followalong services;

''(5) vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials, except that no training services provided at an institution of higher education shall be paid for with funds under this title unless maximum efforts have been made by the designated State unit and the individual to secure grant assistance, in whole or in part, from other sources to pay for such training;

''(6) to the extent that financial support is not readily available from a source (such as through health insurance of the individual or through comparable services and benefits consistent with section 101(a)(8)(A)), other than the designated State unit, diagnosis and treatment of physical and mental impairments, including—

''(A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;

''(B) necessary hospitalization in connection with surgery or treatment;

''(C) prosthetic and orthotic devices;

''(D) eyeglasses and visual services as prescribed by qualified personnel who meet State licensure laws and who are selected by the individual;

''(E) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals with end-stage renal disease; and

''(F) diagnosis and treatment for mental and emotional disorders by qualified personnel who meet State licensure laws;

''(7) maintenance for additional costs incurred while participating in an assessment for determining eligibility and vocational rehabilitation needs or while receiving services under an individualized rehabilitation employment plan;

''(8) transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the individual to achieve an employment outcome;

''(9) on-the-job or other related personal assistance services provided while an individual is receiving other services described in this section;

''(10) interpreter services provided by qualified personnel for individuals who are deaf or hard of hearing, and reader services for individuals who are determined to be blind, after an examination by qualified personnel who meet State licensure laws;

''(11) rehabilitation teaching services, and orientation and mobility services, for individuals who are blind;

''(12) occupational licenses, tools, equipment, and initial stocks and supplies;

''(13) technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided under the statewide workforce investment system, to eligible individuals who are pursuing self-employment or establishing a small business operation as an employment outcome;

''(14) rehabilitation technology, including telecommunications, sensory, and other technological aids and devices;

''(15) transition services for students with disabilities described in section 101(a)(11)(D)(ii)(II), that facilitate the achievement of the employment outcome identified in the individualized rehabilitation employment plan;

''(16) supported employment services;

''(17) services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome; and

''(18) specific post-employment services necessary to assist an individual with a disability to, retain, regain, or advance in employment.

''(b) VOCATIONAL REHABILITATION SERVICES FOR GROUPS OF INDIVIDUALS.—Vocational rehabilitation services provided for the benefit of groups of individuals with disabilities may also include the following:

''(1) In the case of any type of small business operated by individuals with significant disabilities the operation of which can be improved by management services and supervision provided by the designated State agency, the provision of such services and supervision, along or together with the acquisition by the designated State agency of vending facilities or other equipment and initial stocks and supplies.

''(2) The establishment, development, or improvement of community rehabilitation programs, that promise to contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individualized rehabilitation employment plan of any 1 individual with a disability. Such programs shall be used to provide services that promote integration and competitive employment.

''(3) The use of telecommunications systems (including telephone, television, satellite, radio, and other similar systems) that have the potential for substantially improving delivery methods of activities described in this section and developing appropriate programming to meet the particular needs of individuals with disabilities.

''(4)(A) Special services to provide nonvisual access to information for individuals who are blind, including the use of telecommunications, Braille, sound recordings, or other appropriate media.

''(B) Captioned television, films, or video cassettes for individuals who are deaf or hard of hearing.

''(C) Tactile materials for individuals who are deaf-blind.

''(D) Other special services that provide information through tactile, vibratory, auditory, and visual media.

''(5) Technical assistance and support services to businesses that are not subject to title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and that are seeking to employ individuals with disabilities.

''(6) Consultative and technical assistance services to assist educational agencies in planning for the transition of students with disabilities described in section 101(a)(11)(D)(i) from school to post-school activities, including employment.

''SEC. 104. NON-FEDERAL SHARE FOR ESTABLISHMENT OF PROGRAM.

''For the purpose of determining the amount of payments to States for carrying out part B of this title (or to an Indian tribe under part C), the non-Federal share, subject to such limitations and conditions as may be prescribed in regulations by the Commissioner, shall include contributions of funds made by any private agency, organization, or individual to a State or local agency to assist in meeting the costs of establishment of a community rehabilitation program, which would be regarded as State or local funds except for the condition, imposed by the contributor, limiting use of such funds to establishment of such a program.''.

''SEC. 105. STATE REHABILITATION COUNCIL.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Except as provided in section 101(a)(21)(A)(i), to be eligible to receive financial assistance under this title a State shall establish a State Rehabilitation Council (referred to in this section as the 'Council') in accordance with this section.

''(2) SEPARATE AGENCY FOR INDIVIDUALS WHO ARE BLIND.—A State that designates a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind under section 101(a)(2)(A)(i) may establish a separate Council in accordance with this section to perform the duties of such a Council with respect to such State agency.

''(b) COMPOSITION AND APPOINTMENT.—

''(1) COMPOSITION.—

''(A) IN GENERAL.—Except in the case of a separate Council established under subsection (a)(2), the Council shall be composed of—

''(i) at least one representative of the Statewide Independent Living Council established under section 705, which representative may be the chairperson or other designee of the Council;

''(ii) at least one representative of a parent training and information center established pursuant to section 682(a) of the Individuals with Disabilities Education Act (as added by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105–17);

''(iii) at least one representative of the client assistance program established under section 112;

''(iv) at least one vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of the Council if the counselor is an employee of the designated State agency;

''(v) at least one representative of community rehabilitation program service providers;

''(vi) four representatives of business, industry, and labor;

''(vii) representatives of disability advocacy groups representing a cross section of—

''(I) individuals with physical, cognitive, sensory, and mental disabilities; and

''(II) individuals' representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves;

''(viii) current or former applicants for, or recipients of, vocational rehabilitation services;

''(ix) in a State in which one or more projects are carried out under section 121, at least one representative of the directors of the projects;

''(x) at least one representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services under this title and part B of the Individuals with Disabilities Education Act; and

''(xi) at least one representative of the statewide workforce investment partnership.

''(B) SEPARATE COUNCIL.—In the case of a separate Council established under subsection (a)(2), the Council shall be composed of—

''(i) at least one representative described in subparagraph (A)(i);

''(ii) at least one representative described in subparagraph (A)(ii);

''(iii) at least one representative described in subparagraph (A)(iii);

''(iv) at least one vocational rehabilitation counselor described in subparagraph (A)(iv), who shall serve as described in such subparagraph;

''(v) at least one representative described in subparagraph (A)(v);

''(vi) four representatives described in subparagraph (A)(vi);

''(vii) at least one representative of a disability advocacy group representing individuals who are blind;

''(viii) at least one individual's representative, of an individual who—

''(I) is an individual who is blind and has multiple disabilities; and

''(II) has difficulty in representing himself or herself or is unable due to disabilities to represent himself or herself;

''(ix) applicants or recipients described in subparagraph (A)(viii);

''(x) in a State described in subparagraph (A)(ix), at least one representative described in such subparagraph;

''(xi) at least one representative described in subparagraph (A)(x); and

''(xii) at least one representative described in subparagraph (A)(xi).

''(C) EXCEPTION.—In the case of a separate Council established under subsection (a)(2), any Council that is required by State law, as in effect on the date of enactment of the Rehabilitation Act Amendments of 1992, to have fewer than 15 members shall be deemed to be in compliance with subparagraph (B) if the Council—

''(i) meets the requirements of subparagraph (B), other than the requirements of clauses (vi) and (ix) of such subparagraph; and

''(ii) includes at least—

''(I) one representative described in subparagraph (B)(vi); and

''(II) one applicant or recipient described in subparagraph (B)(ix).

''(2) EX OFFICIO MEMBER.—The Director of the designated State unit shall be an ex officio, nonvoting member of the Council.

''(3) APPOINTMENT.—Members of the Council shall be appointed by the Governor. In the case of a State that, under State law, vests appointment authority in an entity in lieu of, or in conjunction with, the Governor, such as one or more houses of the State legislature, or an independent board that has general appointment authority, that entity shall make the appointments. The appointing authority shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In selecting members, the appointing authority shall consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

''(4) QUALIFICATIONS.—A majority of Council members shall be persons who are—

''(A) individuals with disabilities described in section 7(20)(A); and

''(B) not employed by the designated State unit.

''(5) CHAIRPERSON.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Council shall select a chairperson from among the membership of the Council.

''(B) DESIGNATION BY GOVERNOR.—In States in which the Governor does not have veto power pursuant to State law, the Governor shall designate a member of the Council to serve as the chairperson of the Council or shall require the Council to so designate such a member.

''(6) TERMS OF APPOINTMENT.—

''(A) LENGTH OF TERM.—Each member of the Council shall serve for a term of not more than 3 years, except that—

''(i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

''(ii) the terms of service of the members initially appointed shall be (as specified by the appointing authority) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

''(B) NUMBER OF TERMS.—No member of the Council, other than a representative described in clause (iii) or (ix) of paragraph (1)(A), or clause (iii) or (x) of paragraph (1)(B), may serve more than two consecutive full terms.

''(7) VACANCIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

''(B) DELEGATION.—The Governor (including an entity described in paragraph (3)) may delegate the authority to fill such a vacancy to the remaining members of the Council after making the original appointment.

''(c) FUNCTIONS OF COUNCIL.—The Council shall, after consulting with the statewide workforce investment partnership—

''(1) review, analyze, and advise the designated State unit regarding the performance of the responsibilities of the unit under this title, particularly responsibilities relating to—

''(A) eligibility (including order of selection);

''(B) the extent, scope, and effectiveness of services provided; and

''(C) functions performed by State agencies that affect or that potentially affect the ability of individuals with disabilities in achieving employment outcomes under this title;

''(2) in partnership with the designated State unit—

''(A) develop, agree to, and review State goals and priorities in accordance with section 101(a)(15)(C); and

''(B) evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Commissioner in accordance with section 101(a)(15)(E);

''(3) advise the designated State agency and the designated State unit regarding activities authorized to be carried out under this title, and assist in the preparation of the State plan and amendments to the plan, applications, reports, needs assessments, and evaluations required by this title;

''(4) to the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with—

''(A) the functions performed by the designated State agency;

''(B) vocational rehabilitation services provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under this Act; and

''(C) employment outcomes achieved by eligible individuals receiving services under this title, including the availability of health and other employment benefits in connection with such employment outcomes;

''(5) prepare and submit an annual report to the Governor or appropriate State entity and the Commissioner on the status of vocational rehabilitation programs operated within the State, and make the report available to the public;

''(6) to avoid duplication of efforts and enhance the number of individuals served, coordinate activities with the activities of other councils within the State, including the Statewide Independent Living Council established under section 705, the advisory panel established under section 612(a)(21) of the Individual with Disabilities Education Act (as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105–17), the State Developmental Disabilities Council described in section 124 of the Developmental

Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024), the State mental health planning council established under section 1914(a) of the Public Health Service Act (42 U.S.C. 300x–4(a)), and the statewide workforce investment partnership;

''(7) provide for coordination and the establishment of working relationships between the designated State agency and the Statewide Independent Living Council and centers for independent living within the State; and

''(8) perform such other functions, consistent with the purpose of this title, as the State Rehabilitation Council determines to be appropriate, that are comparable to the other functions performed by the Council.

''(d) RESOURCES.—

''(1) PLAN.—The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and other personnel, as may be necessary and sufficient to carry out the functions of the Council under this section. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

''(2) RESOLUTION OF DISAGREEMENTS.—To the extent that there is a disagreement between the Council and the designated State unit in regard to the resources necessary to carry out the functions of the Council as set forth in this section, the disagreement shall be resolved by the Governor or appointing agency consistent with paragraph (1).

''(3) SUPERVISION AND EVALUATION.—Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out its functions under this section.

''(4) PERSONNEL CONFLICT OF INTEREST.—While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State unit or any other agency or office of the State, that would create a conflict of interest.

''(e) CONFLICT OF INTEREST.—No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under State law.

''(f) MEETINGS.—The Council shall convene at least 4 meetings a year in such places as it determines to be necessary to conduct Council business and conduct such forums or hearings as the Council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the general public unless there is a valid reason for an executive session.

''(g) COMPENSATION AND EXPENSES.—The Council may use funds allocated to the Council by the designated State unit under this title (except for funds appropriated to carry out the client assistance program under section 112 and funds reserved pursuant to section 110(c) to carry out part C) to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing the duties of the Council.

''(h) HEARINGS AND FORUMS.—The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

"SEC. 106. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT OF STANDARDS AND INDICATORS.—The Commissioner shall, not later than September 30, 1998, establish and publish evaluation standards and performance indicators for the vocational rehabilitation program carried out under this title.

''(B) REVIEW AND REVISION.—Effective September 30, 1998, the Commissioner shall review and, if necessary, revise the evaluation standards and performance indicators every 3 years. Any revisions of the standards and indicators shall be developed with input from State vocational rehabilitation agencies, related professional and consumer organizations, recipients of vocational rehabilitation services, and other interested parties. Any revisions of the standards and indicators shall be subject to the publication, review, and comment provisions of paragraph (3).

''(C) BASES.—Effective July 1, 1999, to the maximum extent practicable, the standards and indicators shall be consistent with the core indicators of performance established under section 321(b) of the Workforce Investment Partnership Act of 1998.

''(2) MEASURES.—The standards and indicators shall include outcome and related measures of program performance that facilitate the accomplishment of the purpose and policy of this title.

''(3) COMMENT.—The standards and indicators shall be developed with input from State vocational rehabilitation agencies, related professional and consumer organizations, recipients of vocational rehabilitation services, and other interested parties. The Commissioner shall publish in the Federal Register a notice of intent to regulate regarding the development of proposed standards and indicators. Proposed standards and indicators shall be published in the Federal Register for review and comment. Final standards and indicators shall be published in the Federal Register.

''(b) COMPLIANCE.—

''(1) STATE REPORTS.—In accordance with regulations established by the Secretary, each State shall report to the Commissioner after the end of each fiscal year the extent to which the State is in compliance with the standards and indicators.

''(2) PROGRAM IMPROVEMENT.—

''(A) PLAN.—If the Commissioner determines that the performance of any State is below established standards, the Commissioner shall provide technical assistance to the State and the State and the Commissioner shall jointly develop a program improvement plan outlining the specific actions to be taken by the State to improve program performance.

''(B) REVIEW.—The Commissioner shall—

''(i) review the program improvement efforts of the State on a biannual basis and, if necessary, request the State to make further revisions to the plan to improve performance; and

''(ii) continue to conduct such reviews and request such revisions until the State sustains satisfactory performance over a period of more than 1 year.

''(c) WITHHOLDING.—If the Commissioner determines that a State whose performance falls below the established standards has failed to enter into a program improvement plan, or is not complying substantially with the terms and conditions of such a program improvement plan, the Commissioner shall, consistent with subsections (c) and (d) of section 107, reduce or make no further payments to the State under this program, until the State has entered into an approved program improvement plan, or satisfies the Commissioner that the State is complying substantially with the terms and conditions of such a program improvement plan, as appropriate.

''(d) REPORT TO CONGRESS.—Beginning in fiscal year 1999, the Commissioner shall include in each annual report to the Congress under section 13 an analysis of program performance, including relative State performance, based on the standards and indicators.

"SEC. 107. MONITORING AND REVIEW.

''(a) IN GENERAL.—

''(1) DUTIES.—In carrying out the duties of the Commissioner under this title, the Commissioner shall—

''(A) provide for the annual review and periodic onsite monitoring of programs under this title; and

''(B) determine whether, in the administration of the State plan, a State is complying substantially with the provisions of such plan and with evaluation standards and performance indicators established under section 106.

''(2) PROCEDURES FOR REVIEWS.—In conducting reviews under this section the Commissioner shall consider, at a minimum—

''(A) State policies and procedures;

''(B) guidance materials;

''(C) decisions resulting from hearings conducted in accordance with due process;

''(D) State goals established under section 101(a)(15) and the extent to which the State has achieved such goals;

''(E) plans and reports prepared under section 106(b);

''(F) consumer satisfaction reviews and analyses described in section 105(c)(4);

''(G) information provided by the State Rehabilitation Council established under section 105, if the State has such a Council, or by the commission described in section 101(a)(21)(A)(i), if the State has such a commission;

''(H) reports; and

''(I) budget and financial management data.

''(3) PROCEDURES FOR MONITORING.—In conducting monitoring under this section the Commissioner shall conduct—

''(A) onsite visits, including onsite reviews of records to verify that the State is following requirements regarding the order of selection set forth in section 101(a)(5)(A);

''(B) public hearings and other strategies for collecting information from the public;

''(C) meetings with the State Rehabilitation Council, if the State has such a Council or with the commission described in section 101(a)(21)(A)(i), if the State has such a commission;

''(D) reviews of individual case files, including individualized rehabilitation employment plans and ineligibility determinations; and

''(E) meetings with rehabilitation counselors and other personnel.

''(4) AREAS OF INQUIRY.—In conducting the review and monitoring, the Commissioner shall examine—

''(A) the eligibility process;

''(B) the provision of services, including, if applicable, the order of selection;

''(C) whether the personnel evaluation system described in section 101(a)(7)(A)(iv) facilitates the accomplishments of the program;

''(D) such other areas as may be identified by the public or through meetings with the State Rehabilitation Council, if the State has such a Council or with the commission described in section 101(a)(21)(A)(i), if the State has such a commission; and

''(E) such other areas of inquiry as the Commissioner may consider appropriate.

''(5) REPORTS.—If the Commissioner issues a report detailing the findings of an annual review or onsite monitoring conducted under

this section, the report shall be made available to the State Rehabilitation Council, if the State has such a Council.

''(b) TECHNICAL ASSISTANCE.—The Commissioner shall—

''(1) provide technical assistance to programs under this title regarding improving the quality of vocational rehabilitation services provided; and

''(2) provide technical assistance and establish a corrective action plan for a program under this title if the Commissioner finds that the program fails to comply substantially with the provisions of the State plan, or with evaluation standards or performance indicators established under section 106, in order to ensure that such failure is corrected as soon as practicable.

''(c) FAILURE TO COMPLY WITH PLAN.—

''(1) WITHHOLDING PAYMENTS.—Whenever the Commissioner, after providing reasonable notice and an opportunity for a hearing to the State agency administering or supervising the administration of the State plan approved under section 101, finds that—

''(A) the plan has been so changed that it no longer complies with the requirements of section 101(a); or

''(B) in the administration of the plan there is a failure to comply substantially with any provision of such plan or with an evaluation standard or performance indicator established under section 106,

the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in the discretion of the Commissioner, that such further payments will be reduced, in accordance with regulations the Commissioner shall prescribe, or that further payments will not be made to the State only for the projects under the parts of the State plan affected by such failure), until the Commissioner is satisfied there is no longer any such failure.

''(2) PERIOD.—Until the Commissioner is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall reduce payments or limit payments to projects under those parts of the State plan in which there is no such failure).

''(3) DISBURSAL OF WITHHELD FUNDS.—The Commissioner may, in accordance with regulations the Secretary shall prescribe, disburse any funds withheld from a State under paragraph (1) to any public or nonprofit private organization or agency within such State or to any political subdivision of such State submitting a plan meeting the requirements of section 101(a). The Commissioner may not make any payment under this paragraph unless the entity to which such payment is made has provided assurances to the Commissioner that such entity will contribute, for purposes of carrying out such plan, the same amount as the State would have been obligated to contribute if the State received such payment.

''(d) REVIEW.—

''(1) PETITION.—Any State that is dissatisfied with a final determination of the Commissioner under section 101(b) or subsection (c) may file a petition for judicial review of such determination in the United States Court of Appeals for the circuit in which the State is located. Such a petition may be filed only within the 30-day period beginning on the date that notice of such final determination was received by the State. The clerk of the court shall transmit a copy of the petition to the Commissioner or to any officer designated by the Commissioner for that purpose. In accordance with section 2112 of title 28, United States Code, the Commissioner shall file with the court a record of the proceeding on which the Commissioner based the determination being appealed by the State. Until a record is so filed, the Commissioner may modify or set aside any determination made under such proceedings.

''(2) SUBMISSIONS AND DETERMINATIONS.—If, in an action under this subsection to review a final determination of the Commissioner under section 101(b) or subsection (c), the petitioner or the Commissioner applies to the court for leave to have additional oral submissions or written presentations made respecting such determination, the court may, for good cause shown, order the Commissioner to provide within 30 days an additional opportunity to make such submissions and presentations. Within such period, the Commissioner may revise any findings of fact, modify or set aside the determination being reviewed, or make a new determination by reason of the additional submissions and presentations, and shall file such modified or new determination, and any revised findings of fact, with the return of such submissions and presentations. The court shall thereafter review such new or modified determination.

''(3) STANDARDS OF REVIEW.—

''(A) IN GENERAL.—Upon the filing of a petition under paragraph (1) for judicial review of a determination, the court shall have jurisdiction—

''(i) to grant appropriate relief as provided in chapter 7 of title 5, United States Code, except for interim relief with respect to a determination under subsection (c); and

''(ii) except as otherwise provided in subparagraph (B), to review such determination in accordance with chapter 7 of title 5, United States Code.

''(B) SUBSTANTIAL EVIDENCE.—Section 706 of title 5, United States Code, shall apply to the review of any determination under this subsection, except that the standard for review prescribed by paragraph (2)(E) of such section 706 shall not apply and the court shall hold unlawful and set aside such determination if the court finds that the determination is not supported by substantial evidence in the record of the proceeding submitted pursuant to paragraph (1), as supplemented by any additional submissions and presentations filed under paragraph (2).

''SEC. 108. EXPENDITURE OF CERTAIN AMOUNTS.

''(a) EXPENDITURE.—Amounts described in subsection (b) may not be expended by a State for any purpose other than carrying out programs for which the State receives financial assistance under this title, under part C of title VI, or under title VII.

''(b) AMOUNTS.—The amounts referred to in subsection (a) are amounts provided to a State under the Social Security Act (42 U.S.C. 301 et seq.) as reimbursement for the expenditure of payments received by the State from allotments under section 110 of this Act.

''SEC. 109. TRAINING OF EMPLOYERS WITH RESPECT TO AMERICANS WITH DISABILITIES ACT OF 1990.

''A State may expend payments received under section 111—

''(1) to carry out a program to train employers with respect to compliance with the requirements of title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.); and

''(2) to inform employers of the existence of the program and the availability of the services of the program.

''PART B—BASIC VOCATIONAL REHABILITATION SERVICES

''STATE ALLOTMENTS

''SEC. 110. (a)(1) Subject to the provisions of subsection (c), for each fiscal year beginning before October 1, 1978, each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated under section 100(b)(1) for allotment under this section as the product of—

''(A) the population of the State; and

''(B) the square of its allotment percentage,

bears to the sum of the corresponding products for all the States.

''(2)(A) For each fiscal year beginning on or after October 1, 1978, each State shall be entitled to an allotment in an amount equal to the amount such State received under paragraph (1) for the fiscal year ending September 30, 1978, and an additional amount determined pursuant to subparagraph (B) of this paragraph.

''(B) For each fiscal year beginning on or after October 1, 1978, each State shall be entitled to an allotment, from any amount authorized to be appropriated for such fiscal year under section 100(b)(1) for allotment under this section in excess of the amount appropriated under section 100(b)(1)(A) for the fiscal year ending September 30, 1978, in an amount equal to the sum of—

''(i) an amount bearing the same ratio to 50 percent of such excess amount as the product of the population of the State and the square of its allotment percentage bears to the sum of the corresponding products for all the States; and

''(ii) an amount bearing the same ratio to 50 percent of such excess amount as the product of the population of the State and its allotment percentage bears to the sum of the corresponding products for all the States.

''(3) The sum of the payment to any State (other than Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands) under this subsection for any fiscal year which is less than one-third of 1 percent of the amount appropriated under section 100(b)(1), or $3,000,000, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotment to each of the remaining such States under this subsection, but with such adjustments as may be necessary to prevent the sum of the allotments made under this subsection to any such remaining State from being thereby reduced to less than that amount.

''(b)(1) Not later than forty-five days prior to the end of the fiscal year, the Commissioner shall determine, after reasonable opportunity for the submission to the Commissioner of comments by the State agency administering or supervising the program established under this title, that any payment of an allotment to a State under section 111(a) for any fiscal year will not be utilized by such State in carrying out the purposes of this title.

''(2) As soon as practicable but not later than the end of the fiscal year, the Commissioner shall make such amount available for carrying out the purposes of this title to one or more other States to the extent the Commissioner determines such other State will be able to use such additional amount during that fiscal year or the subsequent fiscal year for carrying out such purposes. The Commissioner shall make such amount available only if such other State will be able to make sufficient payments from non-Federal sources to pay for the non-Federal share of the cost of vocational rehabilitation services under the State plan for the fiscal year for which the amount was appropriated.

''(3) For the purposes of this part, any amount made available to a State for any fiscal year pursuant to this subsection shall be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

''(c)(1) For fiscal year 1987 and for each subsequent fiscal year, the Commissioner

shall reserve from the amount appropriated under section 100(b)(1) for allotment under this section a sum, determined under paragraph (2), to carry out the purposes of part C.

''(2) The sum referred to in paragraph (1) shall be, as determined by the Secretary—

''(A) not less than three-quarters of 1 percent and not more than 1.5 percent of the amount referred to in paragraph (1), for fiscal year 1998; and

''(B) not less than 1 percent and not more than 1.5 percent of the amount referred to in paragraph (1), for each of fiscal years 1999 through 2004.

''PAYMENTS TO STATES

''SEC. 111. (a)(1) Except as provided in paragraph (2), from each State's allotment under this part for any fiscal year, the Commissioner shall pay to a State an amount equal to the Federal share of the cost of vocational rehabilitation services under the plan for that State approved under section 101, including expenditures for the administration of the State plan.

''(2)(A) The total of payments under paragraph (1) to a State for a fiscal year may not exceed its allotment under subsection (a) of section 110 for such year.

''(B) For fiscal year 1994 and each fiscal year thereafter, the amount otherwise payable to a State for a fiscal year under this section shall be reduced by the amount by which expenditures from non-Federal sources under the State plan under this title for the previous fiscal year are less than the total of such expenditures for the second fiscal year preceding the previous fiscal year.

''(C) The Commissioner may waive or modify any requirement or limitation under paragraphs (A) and (B) if the Commissioner determines that a waiver or modification is an equitable response to exceptional or uncontrollable circumstances affecting the State.

''(b) The method of computing and paying amounts pursuant to subsection (a) shall be as follows:

''(1) The Commissioner shall, prior to the beginning of each calendar quarter or other period prescribed by the Commissioner, estimate the amount to be paid to each State under the provisions of such subsection for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation as the Commissioner may find necessary.

''(2) The Commissioner shall pay, from the allotment available therefor, the amount so estimated by the Commissioner for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which the Commissioner finds that the estimate of the amount to be paid the State for any prior period under such subsection was greater or less than the amount which should have been paid to the State for such prior period under such subsection. Such payment shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Commissioner may determine.

''CLIENT ASSISTANCE PROGRAM

''SEC. 112. (a) From funds appropriated under subsection (h), the Secretary shall, in accordance with this section, make grants to States to establish and carry out client assistance programs to provide assistance in informing and advising all clients and client applicants of all available benefits under this Act, and, upon request of such clients or client applicants, to assist and advocate for such clients or applicants in their relationships with projects, programs, and services provided under this Act, including assistance and advocacy in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the rights of such individuals under this Act and to facilitate access to the services funded under this Act through individual and systemic advocacy. The client assistance program shall provide information on the available services and benefits under this Act and title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) to individuals with disabilities in the State, especially with regard to individuals with disabilities who have traditionally been unserved or underserved by vocational rehabilitation programs. In providing assistance and advocacy under this subsection with respect to services under this title, a client assistance program may provide the assistance and advocacy with respect to services that are directly related to facilitating the employment of the individual.

''(b) No State may receive payments from its allotment under this Act in any fiscal year unless the State has in effect not later than October 1, 1984, a client assistance program which—

''(1) has the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of rights of individuals with disabilities who are receiving treatments, services, or rehabilitation under this Act within the State; and

''(2) meets the requirements of designation under subsection (c).

''(c)(1)(A) The Governor shall designate a public or private agency to conduct the client assistance program under this section. Except as provided in the last sentence of this subparagraph, the Governor shall designate an agency which is independent of any agency which provides treatment, services, or rehabilitation to individuals under this Act. If there is an agency in the State which has, or had, prior to the date of enactment of the Rehabilitation Amendments of 1984, served as a client assistance agency under this section and which received Federal financial assistance under this Act, the Governor may, in the initial designation, designate an agency which provides treatment, services, or rehabilitation to individuals with disabilities under this Act.

''(B)(i) The Governor may not redesignate the agency designated under subparagraph (A) without good cause and unless—

''(I) the Governor has given the agency 30 days notice of the intention to make such redesignation, including specification of the good cause for such redesignation and an opportunity to respond to the assertion that good cause has been shown;

''(II) individuals with disabilities or the individuals' representatives have timely notice of the redesignation and opportunity for public comment; and

''(III) the agency has the opportunity to appeal to the Commissioner on the basis that the redesignation was not for good cause.

''(ii) If, after the date of enactment of the Rehabilitation Act Amendments of 1998—

''(I) a designated State agency undergoes any change in the organizational structure of the agency that results in the creation of 1 or more new State agencies or departments or results in the merger of the designated State agency with 1 or more other State agencies or departments; and

''(II) an agency (including an office or other unit) within the designated State agency was conducting a client assistance program before the change under the last sentence of subparagraph (A),

the Governor shall redesignate the agency conducting the program. In conducting the redesignation, the Governor shall designate to conduct the program an agency that is independent of any agency that provides treatment, services, or rehabilitation to individuals with disabilities under this Act.

''(2) In carrying out the provisions of this section, the Governor shall consult with the director of the State vocational rehabilitation agency, the head of the developmental disability protection and advocacy agency, and with representatives of professional and consumer organizations serving individuals with disabilities in the State.

''(3) The agency designated under this subsection shall be accountable for the proper use of funds made available to the agency.

''(4) For the purpose of this subsection, the term 'Governor' means the chief executive of the State.

''(d) The agency designated under subsection (c) of this section may not bring any class action in carrying out its responsibilities under this section.

''(e)(1)(A) The Secretary shall allot the sums appropriated for each fiscal year under this section among the States on the basis of relative population of each State, except that no State shall receive less than $50,000.

''(B) The Secretary shall allot $30,000 each to American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(C) For the purpose of this paragraph, the term 'State' does not include American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(D)(i) In any fiscal year that the funds appropriated for such fiscal year exceed $7,500,000, the minimum allotment shall be $100,000 for States and $45,000 for territories.

''(ii) For any fiscal year in which the total amount appropriated under subsection (h) exceeds the total amount appropriated under such subsection for the preceding fiscal year, the Secretary shall increase each of the minimum allotments under clause (i) by a percentage that shall not exceed the percentage increase in the total amount appropriated under such subsection between the preceding fiscal year and the fiscal year involved.

''(2) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary at appropriate times to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period, and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any such amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment for such fiscal year.

''(3) Except as specifically prohibited by or as otherwise provided in State law, the Secretary shall pay to the agency designated under subsection (c) the amount specified in the application approved under subsection (f).

''(f) No grant may be made under this section unless the State submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary to meet the requirements of this section.

''(g) The Secretary shall prescribe regulations applicable to the client assistance program which shall include the following requirements:

''(1) No employees of such programs shall, while so employed, serve as staff or consultants of any rehabilitation project, program,

or facility receiving assistance under this Act in the State.

''(2) Each program shall be afforded reasonable access to policymaking and administrative personnel in the State and local rehabilitation programs, projects, or facilities.

''(3)(A) Each program shall contain provisions designed to assure that to the maximum extent possible alternative means of dispute resolution are available for use at the discretion of an applicant or client of the program prior to resorting to litigation or formal adjudication to resolve a dispute arising under this section.

''(B) In subparagraph (A), the term 'alternative means of dispute resolution' means any procedure, including good faith negotiation, conciliation, facilitation, mediation, fact finding, and arbitration, and any combination of procedures, that is used in lieu of litigation in a court or formal adjudication in an administrative forum, to resolve a dispute arising under this section.

''(4) For purposes of any periodic audit, report, or evaluation of the performance of a client assistance program under this section, the Secretary shall not require such a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

''(h) There are authorized to be appropriated such sums as may be necessary for fiscal years 1998 through 2004 to carry out the provisions of this section.

''PART C—AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES

''VOCATIONAL REHABILITATION SERVICES GRANTS

''SEC. 121. (a) The Commissioner, in accordance with the provisions of this part, may make grants to the governing bodies of Indian tribes located on Federal and State reservations (and consortia of such governing bodies) to pay 90 percent of the costs of vocational rehabilitation services for American Indians who are individuals with disabilities residing on such reservations. The non-Federal share of such costs may be in cash or in kind, fairly valued, and the Commissioner may waive such non-Federal share requirement in order to carry out the purposes of this Act.

''(b)(1) No grant may be made under this part for any fiscal year unless an application therefor has been submitted to and approved by the Commissioner. The Commissioner may not approve an application unless the application—

''(A) is made at such time, in such manner, and contains such information as the Commissioner may require;

''(B) contains assurances that the rehabilitation services provided under this part to American Indians who are individuals with disabilities residing on a reservation in a State shall be, to the maximum extent feasible, comparable to rehabilitation services provided under this title to other individuals with disabilities residing in the State and that, where appropriate, may include services traditionally used by Indian tribes; and

''(C) contains assurances that the application was developed in consultation with the designated State unit of the State.

''(2) The provisions of sections 5, 6, 7, and 102(a) of the Indian Self-Determination and Education Assistance Act shall be applicable to any application submitted under this part. For purposes of this paragraph, any reference in any such provision to the Secretary of Education or to the Secretary of the Interior shall be considered to be a reference to the Commissioner.

''(3) Any application approved under this part shall be effective for not more than 60 months, except as determined otherwise by the Commissioner pursuant to prescribed regulations. The State shall continue to provide vocational rehabilitation services under its State plan to American Indians residing on a reservation whenever such State includes any such American Indians in its State population under section 110(a)(1).

''(4) In making grants under this part, the Secretary shall give priority consideration to applications for the continuation of programs which have been funded under this part.

''(5) Nothing in this section may be construed to authorize a separate service delivery system for Indian residents of a State who reside in non-reservation areas.

''(c) The term 'reservation' includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act.

''PART D—VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION

"SEC. 131. DATA SHARING.

''(a) IN GENERAL.—

''(1) MEMORANDUM OF UNDERSTANDING.—The Secretary of Education and the Secretary of Health and Human Services shall enter into a memorandum of understanding for the purposes of exchanging data of mutual importance—

''(A) that concern clients of designated State agencies; and

''(B) that are data maintained either by—

''(i) the Rehabilitation Services Administration, as required by section 13; or

''(ii) the Social Security Administration, from its Summary Earnings and Records and Master Beneficiary Records.

''(2) LABOR MARKET INFORMATION.—The Secretary of Labor shall provide the Commissioner with labor market information that facilitates evaluation by the Commissioner of the program carried out under part B, and allows the Commissioner to compare the progress of individuals with disabilities who are assisted under the program in securing, retaining, regaining, and advancing in employment with the progress made by individuals who are assisted under title III of the Workforce Investment Partnership Act of 1998.

''(b) TREATMENT OF INFORMATION.—For purposes of the exchange described in subsection (a)(1), the data described in subsection (a)(1)(B)(ii) shall not be considered return information (as defined in section 6103(b)(2) of the Internal Revenue Code of 1986) and, as appropriate, the confidentiality of all client information shall be maintained by the Rehabilitation Services Administration and the Social Security Administration.''.

SEC. 5. RESEARCH AND TRAINING.

Title II of the Rehabilitation Act of 1973 (29 U.S.C. 760 et seq.) is amended to read as follows:

''TITLE II—RESEARCH AND TRAINING

''DECLARATION OF PURPOSE

''SEC. 200. The purpose of this title is to—

''(1) provide for research, demonstration projects, training, and related activities to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities of all ages, with particular emphasis on improving the effectiveness of services authorized under this Act;

''(2) provide for a comprehensive and coordinated approach to the support and conduct of such research, demonstration projects, training, and related activities and to ensure that the approach is in accordance with the 5-year plan developed under section 202(h);

''(3) promote the transfer of rehabilitation technology to individuals with disabilities through research and demonstration projects relating to—

''(A) the procurement process for the purchase of rehabilitation technology;

''(B) the utilization of rehabilitation technology on a national basis;

''(C) specific adaptations or customizations of products to enable individuals with disabilities to live more independently; and

''(D) the development or transfer of assistive technology;

''(4) ensure the widespread distribution, in usable formats, of practical scientific and technological information—

''(A) generated by research, demonstration projects, training, and related activities; and

''(B) regarding state-of-the-art practices, improvements in the services authorized under this Act, rehabilitation technology, and new knowledge regarding disabilities,

to rehabilitation professionals, individuals with disabilities, and other interested parties, including the general public;

''(5) identify effective strategies that enhance the opportunities of individuals with disabilities to engage in employment, including employment involving telecommuting and self-employment; and

''(6) increase opportunities for researchers who are members of traditionally underserved populations, including researchers who are members of minority groups and researchers who are individuals with disabilities.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 201. (a) There are authorized to be appropriated—

''(1) for the purpose of providing for the expenses of the National Institute on Disability and Rehabilitation Research under section 202, which shall include the expenses of the Rehabilitation Research Advisory Council under section 205, and shall not include the expenses of such Institute to carry out section 204, such sums as may be necessary for each of fiscal years 1998 through 2004; and

''(2) to carry out section 204, such sums as may be necessary for each of fiscal years 1998 through 2004.

''(b) Funds appropriated under this title shall remain available until expended.

''NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH

''SEC. 202. (a)(1) There is established within the Department of Education a National Institute on Disability and Rehabilitation Research (hereinafter in this title referred to as the 'Institute'), which shall be headed by a Director (hereinafter in this title referred to as the 'Director'), in order to—

''(A) promote, coordinate, and provide for—

''(i) research;

''(ii) demonstration projects and training; and

''(iii) related activities,

with respect to individuals with disabilities;

''(B) more effectively carry out activities through the programs under section 204 and activities under this section;

''(C) widely disseminate information from the activities described in subparagraphs (A) and (B); and

''(D) provide leadership in advancing the quality of life of individuals with disabilities.

''(2) In the performance of the functions of the office, the Director shall be directly responsible to the Secretary or to the same Under Secretary or Assistant Secretary of the Department of Education to whom the Commissioner is responsible under section 3(a).

''(b) The Director, through the Institute, shall be responsible for—

''(1) administering the programs described in section 204 and activities under this section;

''(2) widely disseminating findings, conclusions, and recommendations, resulting from research, demonstration projects, training, and related activities (referred to in this title as 'covered activities') funded by the Institute, to—

''(A) other Federal, State, tribal, and local public agencies;

''(B) private organizations engaged in research relating to rehabilitation or providing rehabilitation services;

''(C) rehabilitation practitioners; and

''(D) individuals with disabilities and the individuals' representatives;

''(3) coordinating, through the Interagency Committee established by section 203 of this Act, all Federal programs and policies relating to research in rehabilitation;

''(4) widely disseminating educational materials and research results, concerning ways to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, to—

''(A) public and private entities, including—

''(i) elementary and secondary schools (as defined in section 14101 of the Elementary and Secondary Education Act of 1965; and

''(ii) institutions of higher education;

''(B) rehabilitation practitioners;

''(C) individuals with disabilities (especially such individuals who are members of minority groups or of populations that are unserved or underserved by programs under this Act); and

''(D) the individuals' representatives for the individuals described in subparagraph (C);

''(5)(A) conducting an education program to inform the public about ways of providing for the rehabilitation of individuals with disabilities, including information relating to—

''(i) family care;

''(ii) self-care; and

''(iii) assistive technology devices and assistive technology services; and

''(B) as part of the program, disseminating engineering information about assistive technology devices;

''(6) conducting conferences, seminars, and workshops (including in-service training programs and programs for individuals with disabilities) concerning advances in rehabilitation research and rehabilitation technology (including advances concerning the selection and use of assistive technology devices and assistive technology services), pertinent to the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities;

''(7) taking whatever action is necessary to keep the Congress fully and currently informed with respect to the implementation and conduct of programs and activities carried out under this title, including dissemination activities;

''(8) producing, in conjunction with the Department of Labor, the National Center for Health Statistics, the Bureau of the Census, the Health Care Financing Administration, the Social Security Administration, the Bureau of Indian Affairs, the Indian Health Service, and other Federal departments and agencies, as may be appropriate, statistical reports and studies on the employment, health, income, and other demographic characteristics of individuals with disabilities, including information on individuals with disabilities who live in rural or inner-city settings, with particular attention given to underserved populations, and widely disseminating such reports and studies to rehabilitation professionals, individuals with disabilities, the individuals' representatives, and others to assist in the planning, assessment, and evaluation of vocational and other rehabilitation services for individuals with disabilities;

''(9) conducting research on consumer satisfaction with vocational rehabilitation services for the purpose of identifying effective rehabilitation programs and policies that promote the independence of individuals with disabilities and achievement of long-term vocational goals;

''(10) conducting research to examine the relationship between the provision of specific services and successful, sustained employment outcomes, including employment outcomes involving self-employment; and

''(11) coordinating activities with the Attorney General regarding the provision of information, training, or technical assistance regarding the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) to ensure consistency with the plan for technical assistance required under section 506 of such Act (42 U.S.C. 12206).

''(c)(1) The Director, acting through the Institute or 1 or more entities funded by the Institute, shall provide for the development and dissemination of models to address consumer-driven information needs related to assistive technology devices and assistive technology services.

''(2) The development and dissemination of models may include—

''(A) convening groups of individuals with disabilities, family members and advocates of such individuals, commercial producers of assistive technology, and entities funded by the Institute to develop, assess, and disseminate knowledge about information needs related to assistive technology;

''(B) identifying the types of information regarding assistive technology devices and assistive technology services that individuals with disabilities find especially useful;

''(C) evaluating current models, and developing new models, for transmitting the information described in subparagraph (B) to consumers and to commercial producers of assistive technology; and

''(D) disseminating through 1 or more entities funded by the Institute, the models described in subparagraph (C) and findings regarding the information described in subparagraph (B) to consumers and commercial producers of assistive technology.

''(d)(1) The Director of the Institute shall be appointed by the Secretary. The Director shall be an individual with substantial experience in rehabilitation and in research administration. The Director shall be compensated at the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Director shall not delegate any of his functions to any officer who is not directly responsible to the Director.

''(2) There shall be a Deputy Director of the Institute (referred to in this section as the 'Deputy Director') who shall be appointed by the Secretary. The Deputy Director shall be an individual with substantial experience in rehabilitation and in research administration. The Deputy Director shall be compensated at the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code, and shall act for the Director during the absence of the Director or the inability of the Director to perform the essential functions of the job, exercising such powers as the Director may prescribe. In the case of any vacancy in the office of the Director, the Deputy Director shall serve as Director until a Director is appointed under paragraph (1). The position created by this paragraph shall be a Senior Executive Service position, as defined in section 3132 of title 5, United States Code.

''(3) The Director, subject to the approval of the President, may appoint, for terms not to exceed three years, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and may compensate, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, such technical and professional employees of the Institute as the Director determines to be necessary to accomplish the functions of the Institute and also appoint and compensate without regard to such provisions, in a number not to exceed one-fifth of the number of full-time, regular technical and professional employees of the Institute.

''(4) The Director may obtain the services of consultants, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

''(e) The Director, pursuant to regulations which the Secretary shall prescribe, may establish and maintain fellowships with such stipends and allowances, including travel and subsistence expenses provided for under title 5, United States Code, as the Director considers necessary to procure the assistance of highly qualified research fellows, including individuals with disabilities, from the United States and foreign countries.

''(f)(1) The Director shall, pursuant to regulations that the Secretary shall prescribe, provide for scientific peer review of all applications for financial assistance for research, training, and demonstration projects over which the Director has authority. The Director shall provide for the review by utilizing, to the maximum extent possible, appropriate peer review panels established within the Institute. The panels shall be standing panels if the grant period involved or the duration of the program involved is not more than 3 years. The panels shall be composed of individuals who are not Federal employees, who are scientists or other experts in the rehabilitation field (including the independent living field), including knowledgeable individuals with disabilities, and the individuals' representatives, and who are competent to review applications for the financial assistance.

''(2) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panels.

''(3) The Director shall solicit nominations for such panels from the public and shall publish the names of the individuals selected. Individuals comprising each panel shall be selected from a pool of qualified individuals to facilitate knowledgeable, cost-effective review.

''(4) In providing for such scientific peer review, the Secretary shall provide for training, as necessary and appropriate, to facilitate the effective participation of those individuals selected to participate in such review.

''(g) Not less than 90 percent of the funds appropriated under this title for any fiscal year shall be expended by the Director to carry out activities under this title through grants, contracts, or cooperative agreements. Up to 10 percent of the funds appropriated under this title for any fiscal year may be expended directly for the purpose of carrying out the functions of the Director under this section.

''(h)(1) The Director shall—

''(A) by October 1, 1998 and every fifth October 1 thereafter, prepare and publish in the Federal Register for public comment a draft of a 5-year plan that outlines priorities for rehabilitation research, demonstration projects, training, and related activities and explains the basis for such priorities;

''(B) by June 1, 1999, and every fifth June 1 thereafter, after considering public comments, submit the plan in final form to the appropriate committees of Congress;

''(C) at appropriate intervals, prepare and submit revisions in the plan to the appropriate committees of Congress; and

''(D) annually prepare and submit progress reports on the plan to the appropriate committees of Congress.

''(2) Such plan shall—

''(A) identify any covered activity that should be conducted under this section and section 204 respecting the full inclusion and integration into society of individuals with disabilities, especially in the area of employment;

''(B) determine the funding priorities for covered activities to be conducted under this section and section 204;

''(C) specify appropriate goals and timetables for covered activities to be conducted under this section and section 204;

''(D) be developed by the Director—

''(i) after consultation with the Rehabilitation Research Advisory Council established under section 205;

''(ii) in coordination with the Commissioner;

''(iii) after consultation with the National Council on Disability established under title IV, the Secretary of Education, officials responsible for the administration of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), and the Interagency Committee on Disability Research established under section 203; and

''(iv) after full consideration of the input of individuals with disabilities and the individuals' representatives, organizations representing individuals with disabilities, providers of services furnished under this Act, researchers in the rehabilitation field, and any other persons or entities the Director considers to be appropriate;

''(E) specify plans for widespread dissemination of the results of covered activities, in accessible formats, to rehabilitation practitioners, individuals with disabilities, and the individuals' representatives; and

''(F) specify plans for widespread dissemination of the results of covered activities that concern individuals with disabilities who are members of minority groups or of populations that are unserved or underserved by programs carried out under this Act.

''(i) In order to promote cooperation among Federal departments and agencies conducting research programs, the Director shall consult with the administrators of such programs, and with the Interagency Committee established by section 203, regarding the design of research projects conducted by such entities and the results and applications of such research.

''(j)(1) The Director shall take appropriate actions to provide for a comprehensive and coordinated research program under this title. In providing such a program, the Director may undertake joint activities with other Federal entities engaged in research and with appropriate private entities. Any Federal entity proposing to establish any research project related to the purposes of this Act shall consult, through the Interagency Committee established by section 203, with the Director as Chairperson of such Committee and provide the Director with sufficient prior opportunity to comment on such project.

''(2) Any person responsible for administering any program of the National Institutes of Health, the Department of Veterans Affairs, the National Science Foundation, the National Aeronautics and Space Administration, the Office of Special Education and Rehabilitative Services, or of any other Federal entity, shall, through the Interagency Committee established by section 203, consult and cooperate with the Director in carrying out such program if the program is related to the purposes of this title.

''(k) The Director shall make grants to institutions of higher education for the training of rehabilitation researchers, including individuals with disabilities, with particular attention to research areas that support the implementation and objectives of this Act and that improve the effectiveness of services authorized under this Act.

''INTERAGENCY COMMITTEE

''SEC. 203. (a)(1) In order to promote coordination and cooperation among Federal departments and agencies conducting rehabilitation research programs, there is established within the Federal Government an Interagency Committee on Disability Research (hereinafter in this section referred to as the 'Committee'), chaired by the Director and comprised of such members as the President may designate, including the following (or their designees): the Director, the Commissioner of the Rehabilitation Services Administration, the Assistant Secretary for Special Education and Rehabilitative Services, the Secretary of Education, the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Director of the National Institute of Mental Health, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, the Assistant Secretary of the Interior for Indian Affairs, the Director of the Indian Health Service, and the Director of the National Science Foundation.

''(2) The Committee shall meet not less than four times each year.

''(b) After receiving input from individuals with disabilities and the individuals' representatives, the Committee shall identify, assess, and seek to coordinate all Federal programs, activities, and projects, and plans for such programs, activities, and projects with respect to the conduct of research related to rehabilitation of individuals with disabilities.

''(c) The Committee shall annually submit to the President and to the appropriate committees of the Congress a report making such recommendations as the Committee deems appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research related to rehabilitation of individuals with disabilities.

''RESEARCH AND OTHER COVERED ACTIVITIES

''SEC. 204. (a)(1) To the extent consistent with priorities established in the 5-year plan described in section 202(h), the Director may make grants to and contracts with States and public or private agencies and organizations, including institutions of higher education, Indian tribes, and tribal organizations, to pay part of the cost of projects for the purpose of planning and conducting research, demonstration projects, training, and related activities, the purposes of which are to develop methods, procedures, and rehabilitation technology, that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most significant disabilities, and improve the effectiveness of services authorized under this Act.

''(2)(A) In carrying out this section, the Director shall emphasize projects that support the implementation of titles I, III, V, VI, and VII, including projects addressing the needs described in the State plans submitted under section 101 or 704 by State agencies.

''(B) Such projects, as described in the State plans submitted by State agencies, may include—

''(i) medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques, including basic research where related to rehabilitation techniques or services;

''(ii) studies and analysis of industrial, vocational, social, recreational, psychiatric, psychological, economic, and other factors affecting rehabilitation of individuals with disabilities;

''(iii) studies and analysis of special problems of individuals who are homebound and individuals who are institutionalized;

''(iv) studies, analyses, and demonstrations of architectural and engineering design adapted to meet the special needs of individuals with disabilities;

''(v) studies, analyses, and other activities related to supported employment;

''(vi) related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of individuals with disabilities and individuals with the most significant disabilities, particularly individuals with disabilities, and individuals with the most significant disabilities, who are members of populations that are unserved or underserved by programs under this Act; and

''(vii) studies, analyses, and other activities related to job accommodations, including the use of rehabilitation engineering and assistive technology.

''(b)(1) In addition to carrying out projects under subsection (a), the Director may make grants under this subsection (referred to in this subsection as 'research grants') to pay part or all of the cost of the research or other specialized covered activities described in paragraphs (2) through (18). A research grant made under any of paragraphs (2) through (18) may only be used in a manner consistent with priorities established in the 5-year plan described in section 202(h).

''(2)(A) Research grants may be used for the establishment and support of Rehabilitation Research and Training Centers, for the purpose of providing an integrated program of research, which Centers shall—

''(i) be operated in collaboration with institutions of higher education or providers of rehabilitation services or other appropriate services; and

''(ii) serve as centers of national excellence and national or regional resources for providers and individuals with disabilities and the individuals' representatives.

''(B) The Centers shall conduct research and training activities by—

''(i) conducting coordinated and advanced programs of research in rehabilitation targeted toward the production of new knowledge that will improve rehabilitation methodology and service delivery systems, alleviate or stabilize disabling conditions, and promote maximum social and economic independence of individuals with disabilities, especially promoting the ability of the individuals to prepare for, secure, retain, regain, or advance in employment;

''(ii) providing training (including graduate, pre-service, and in-service training) to assist individuals to more effectively provide rehabilitation services;

''(iii) providing training (including graduate, pre-service, and in-service training) for rehabilitation research personnel and other rehabilitation personnel; and

''(iv) serving as an informational and technical assistance resource to providers, individuals with disabilities, and the individuals' representatives, through conferences, workshops, public education programs, in-service training programs, and similar activities.

''(C) The research to be carried out at each such Center may include—

''(i) basic or applied medical rehabilitation research;

''(ii) research regarding the psychological and social aspects of rehabilitation, including disability policy;

''(iii) research related to vocational rehabilitation;

''(iv) continuation of research that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities;

''(v) continuation of research to develop and evaluate interventions, policies, and services that support families of those children and adults who are individuals with disabilities; and

''(vi) continuation of research that will improve services and policies that foster the productivity, independence, and social integration of individuals with disabilities, and enable individuals with disabilities, including individuals with mental retardation and other developmental disabilities, to live in their communities.

''(D) Training of students preparing to be rehabilitation personnel shall be an important priority for such a Center.

''(E) The Director shall make grants under this paragraph to establish and support both comprehensive centers dealing with multiple disabilities and centers primarily focused on particular disabilities.

''(F) Grants made under this paragraph may be used to provide funds for services rendered by such a Center to individuals with disabilities in connection with the research and training activities.

''(G) Grants made under this paragraph may be used to provide faculty support for teaching—

''(i) rehabilitation-related courses of study for credit; and

''(ii) other courses offered by the Centers, either directly or through another entity.

''(H) The research and training activities conducted by such a Center shall be conducted in a manner that is accessible to and usable by individuals with disabilities.

''(I) The Director shall encourage the Centers to develop practical applications for the findings of the research of the Centers.

''(J) In awarding grants under this paragraph, the Director shall take into consideration the location of any proposed Center and the appropriate geographic and regional allocation of such Centers.

''(K) To be eligible to receive a grant under this paragraph, each such institution or provider described in subparagraph (A) shall—

''(i) be of sufficient size, scope, and quality to effectively carry out the activities in an efficient manner consistent with appropriate State and Federal law; and

''(ii) demonstrate the ability to carry out the training activities either directly or through another entity that can provide such training.

''(L) The Director shall make grants under this paragraph for periods of 5 years, except that the Director may make a grant for a period of less than 5 years if—

''(i) the grant is made to a new recipient; or

''(ii) the grant supports new or innovative research.

''(M) Grants made under this paragraph shall be made on a competitive basis. To be eligible to receive a grant under this paragraph, a prospective grant recipient shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(N) In conducting scientific peer review under section 202(f) of an application for the renewal of a grant made under this paragraph, the peer review panel shall take into account the past performance of the applicant in carrying out the grant and input from individuals with disabilities and the individuals' representatives.

''(O) An institution or provider that receives a grant under this paragraph to establish such a Center may not collect more than 15 percent of the amount of the grant received by the Center in indirect cost charges.

''(3)(A) Research grants may be used for the establishment and support of Rehabilitation Engineering Research Centers, operated by or in collaboration with institutions of higher education or nonprofit organizations, to conduct research or demonstration activities, and training activities, regarding rehabilitation technology, including rehabilitation engineering, assistive technology devices, and assistive technology services, for the purposes of enhancing opportunities for better meeting the needs of, and addressing the barriers confronted by, individuals with disabilities in all aspects of their lives.

''(B) In order to carry out the purposes set forth in subparagraph (A), such a Center shall carry out the research or demonstration activities by—

''(i) developing and disseminating innovative methods of applying advanced technology, scientific achievement, and psychological and social knowledge to—

''(I) solve rehabilitation problems and remove environmental barriers through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge, and new or improved methods, equipment, and devices; and

''(II) study new or emerging technologies, products, or environments, and the effectiveness and benefits of such technologies, products, or environments;

''(ii) demonstrating and disseminating—

''(I) innovative models for the delivery, to rural and urban areas, of cost-effective rehabilitation technology services that promote utilization of assistive technology devices; and

''(II) other scientific research to assist in meeting the employment and independent living needs of individuals with significant disabilities; or

''(iii) conducting research or demonstration activities that facilitate service delivery systems change by demonstrating, evaluating, documenting, and disseminating—

''(I) consumer responsive and individual and family-centered innovative models for the delivery to both rural and urban areas, of innovative cost-effective rehabilitation technology services that promote utilization of rehabilitation technology; and

''(II) other scientific research to assist in meeting the employment and independent living needs of, and addressing the barriers confronted by, individuals with disabilities, including individuals with significant disabilities.

''(C) To the extent consistent with the nature and type of research or demonstration activities described in subparagraph (B), each Center established or supported through a grant made available under this paragraph shall—

''(i) cooperate with programs established under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) and other regional and local programs to provide information to individuals with disabilities and the individuals' representatives to—

''(I) increase awareness and understanding of how rehabilitation technology can address their needs; and

''(II) increase awareness and understanding of the range of options, programs, services, and resources available, including financing options for the technology and services covered by the area of focus of the Center;

''(ii) provide training opportunities to individuals, including individuals with disabilities, to become researchers of rehabilitation technology and practitioners of rehabilitation technology in conjunction with institutions of higher education and nonprofit organizations; and

''(iii) respond, through research or demonstration activities, to the needs of individuals with all types of disabilities who may benefit from the application of technology within the area of focus of the Center.

''(D)(i) In establishing Centers to conduct the research or demonstration activities described in subparagraph (B)(iii), the Director may establish one Center in each of the following areas of focus:

''(I) Early childhood services, including early intervention and family support.

''(II) Education at the elementary and secondary levels, including transition from school to postschool activities.

''(III) Employment, including supported employment, and reasonable accommodations and the reduction of environmental barriers as required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and title V.

''(IV) Independent living, including transition from institutional to community living, maintenance of community living on leaving the work force, self-help skills, and activities of daily living.

''(ii) Each Center conducting the research or demonstration activities described in subparagraph (B)(iii) shall have an advisory committee, of which the majority of members are individuals with disabilities who are users of rehabilitation technology, and the individuals' representatives.

''(E) Grants made under this paragraph shall be made on a competitive basis and shall be for a period of 5 years, except that the Director may make a grant for a period of less than 5 years if—

''(i) the grant is made to a new recipient; or

''(ii) the grant supports new or innovative research.

''(F) To be eligible to receive a grant under this paragraph, a prospective grant recipient shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(G) Each Center established or supported through a grant made available under this paragraph shall—

''(i) cooperate with State agencies and other local, State, regional, and national programs and organizations developing or delivering rehabilitation technology, including State programs funded under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.); and

''(ii) prepare and submit to the Director as part of an application for continuation of a grant, or as a final report, a report that documents the outcomes of the program of the Center in terms of both short- and long-term impact on the lives of individuals with disabilities, and such other information as may be requested by the Director.

''(4)(A) Research grants may be used to conduct a program for spinal cord injury research, including conducting such a program by making grants to public or private agencies and organizations to pay part or all of the costs of special projects and demonstration projects for spinal cord injuries, that will—

''(i) ensure widespread dissemination of research findings among all Spinal Cord Injury Centers, to rehabilitation practitioners, individuals with spinal cord injury, the individuals' representatives, and organizations receiving financial assistance under this paragraph;

''(ii) provide encouragement and support for initiatives and new approaches by individual and institutional investigators; and

''(iii) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigations.

''(B) Any agency or organization carrying out a project or demonstration project assisted by a grant under this paragraph that provides services to individuals with spinal cord injuries shall—

''(i) establish, on an appropriate regional basis, a multidisciplinary system of providing vocational and other rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries, including acute care as well as periodic inpatient or outpatient followup and services;

''(ii) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree of cost effectiveness of, such a regional system;

''(iii) demonstrate and evaluate existing, new, and improved methods and rehabilitation technology essential to the care, management, and rehabilitation of individuals with spinal cord injuries; and

''(iv) demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities.

''(C) In awarding grants under this paragraph, the Director shall take into account the location of any proposed Spinal Cord Injury Center and the appropriate geographic and regional allocation of such Centers.

''(5) Research grants may be used to conduct a program for end-stage renal disease research, to include support of projects and demonstrations for providing special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the rehabilitation of individuals with such disease and which will—

''(A) insure dissemination of research findings;

''(B) provide encouragement and support for initiatives and new approaches by individuals and institutional investigators; and

''(C) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts,

in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among investigators in the field of end-stage renal disease. No person shall be selected to participate in such program who is eligible for services for such disease under any other provision of law.

''(6) Research grants may be used to conduct a program for international rehabilitation research, demonstration, and training for the purpose of developing new knowledge and methods in the rehabilitation of individuals with disabilities in the United States, cooperating with and assisting in developing and sharing information found useful in other nations in the rehabilitation of individuals with disabilities, and initiating a program to exchange experts and technical assistance in the field of rehabilitation of individuals with disabilities with other nations as a means of increasing the levels of skill of rehabilitation personnel.

''(7) Research grants may be used to conduct a research program concerning the use of existing telecommunications systems (including telephone, television, satellite, radio, and other similar systems) which have the potential for substantially improving service delivery methods, and the development of appropriate programing to meet the particular needs of individuals with disabilities.

''(8) Research grants may be used to conduct a program of joint projects with the National Institutes of Health, the National Institute of Mental Health, the Health Services Administration, the Administration on Aging, the National Science Foundation, the Veterans' Administration, the Department of Health and Human Services, the National Aeronautics and Space Administration, other Federal agencies, and private industry in areas of joint interest involving rehabilitation.

''(9) Research grants may be used to conduct a program of research related to the rehabilitation of children, or older individuals, who are individuals with disabilities, including older American Indians who are individuals with disabilities. Such research program may include projects designed to assist the adjustment of, or maintain as residents in the community, older workers who are individuals with disabilities on leaving the work force.

''(10) Research grants may be used to conduct a research program to develop and demonstrate innovative methods to attract and retain professionals to serve in rural areas in the rehabilitation of individuals with disabilities, including individuals with significant disabilities.

''(11) Research grants may be used to conduct a model research and demonstration project designed to assess the feasibility of establishing a center for producing and distributing to individuals who are deaf or hard of hearing captioned video cassettes providing a broad range of educational, cultural, scientific, and vocational programing.

''(12) Research grants may be used to conduct a model research and demonstration program to develop innovative methods of providing services for preschool age children who are individuals with disabilities, including the—

''(A) early intervention, assessment, parent counseling, infant stimulation, early identification, diagnosis, and evaluation of children who are individuals with significant disabilities up to the age of five, with a special emphasis on children who are individuals with significant disabilities up to the age of three;

''(B) such physical therapy, language development, pediatric, nursing, psychological, and psychiatric services as are necessary for such children; and

''(C) appropriate services for the parents of such children, including psychological and psychiatric services, parent counseling, and training.

''(13) Research grants may be used to conduct a model research and training program under which model training centers shall be established to develop and use more advanced and effective methods of evaluating and addressing the employment needs of individuals with disabilities, including programs which—

''(A) provide training and continuing education for personnel involved with the employment of individuals with disabilities;

''(B) develop model procedures for testing and evaluating the employment needs of individuals with disabilities;

''(C) develop model training programs to teach individuals with disabilities skills which will lead to appropriate employment;

''(D) develop new approaches for job placement of individuals with disabilities, including new followup procedures relating to such placement;

''(E) provide information services regarding education, training, employment, and job placement for individuals with disabilities; and

''(F) develop new approaches and provide information regarding job accommodations, including the use of rehabilitation engineering and assistive technology.

''(14) Research grants may be used to conduct a rehabilitation research program under which financial assistance is provided in order to—

''(A) test new concepts and innovative ideas;

''(B) demonstrate research results of high potential benefits;

''(C) purchase prototype aids and devices for evaluation;

''(D) develop unique rehabilitation training curricula; and

''(E) be responsive to special initiatives of the Director.

No single grant under this paragraph may exceed $50,000 in any fiscal year and all payments made under this paragraph in any fiscal year may not exceed 5 percent of the amount available for this section to the National Institute on Disability and Rehabilitation Research in any fiscal year. Regulations and administrative procedures with respect to financial assistance under this paragraph shall, to the maximum extent possible, be expedited.

''(15) Research grants may be used to conduct studies of the rehabilitation needs of American Indian populations and of effective mechanisms for the delivery of rehabilitation services to Indians residing on and off reservations.

''(16) Research grants may be used to conduct a demonstration program under which one or more projects national in scope shall be established to develop procedures to provide incentives for the development, manufacturing, and marketing of orphan technological devices, including technology transfer concerning such devices, designed to enable individuals with disabilities to achieve independence and access to gainful employment.

''(17)(A) Research grants may be used to conduct a research program related to quality assurance in the area of rehabilitation technology.

''(B) Activities carried out under the research program may include—

''(i) the development of methodologies to evaluate rehabilitation technology products and services and the dissemination of the methodologies to consumers and other interested parties;

''(ii) identification of models for service provider training and evaluation and certification of the effectiveness of the models;

''(iii) identification and dissemination of outcome measurement models for the assessment of rehabilitation technology products and services; and

''(iv) development and testing of research-based tools to enhance consumer decision-making about rehabilitation technology products and services.

''(C) The Director shall develop the quality assurance research program after consultation with representatives of all types of organizations interested in rehabilitation technology quality assurance.

''(18) Research grants may be used to provide for research and demonstration projects and related activities that explore the use and effectiveness of specific alternative or complementary medical practices for individuals with disabilities. Such projects and activities may include projects and activities designed to—

''(A) determine the use of specific alternative or complementary medical practices

among individuals with disabilities and the perceived effectiveness of the practices;

''(B) determine the specific information sources, decisionmaking methods, and methods of payment used by individuals with disabilities who access alternative or complementary medical services;

''(C) develop criteria to screen and assess the validity of research studies of such practices for individuals with disabilities; and

''(D) determine the effectiveness of specific alternative or complementary medical practices that show promise for promoting increased functioning, prevention of secondary disabilities, or other positive outcomes for individuals with certain types of disabilities, by conducting controlled research studies.

''(c)(1) In carrying out evaluations of covered activities under this section, the Director is authorized to make arrangements for site visits to obtain information on the accomplishments of the projects.

''(2) The Director shall not make a grant under this section which exceeds $499,999 unless the peer review of the grant application has included a site visit.

''REHABILITATION RESEARCH ADVISORY COUNCIL

''SEC. 205. (a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary shall establish in the Department of Education a Rehabilitation Research Advisory Council (referred to in this section as the 'Council') composed of 12 members appointed by the Secretary.

''(b) DUTIES.—The Council shall advise the Director with respect to research priorities and the development and revision of the 5-year plan required by section 202(h).

''(c) QUALIFICATIONS.—Members of the Council shall be generally representative of the community of rehabilitation professionals, the community of rehabilitation researchers, the community of individuals with disabilities, and the individuals' representatives. At least one-half of the members shall be individuals with disabilities or the individuals' representatives.

''(d) TERMS OF APPOINTMENT.—

''(1) LENGTH OF TERM.—Each member of the Council shall serve for a term of up to 3 years, determined by the Secretary, except that—

''(A) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

''(B) the terms of service of the members initially appointed shall be (as specified by the Secretary) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

''(2) NUMBER OF TERMS.—No member of the Council may serve more than two consecutive full terms. Members may serve after the expiration of their terms until their successors have taken office.

''(e) VACANCIES.—Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

''(f) PAYMENT AND EXPENSES.—

''(1) PAYMENT.—Each member of the Council who is not an officer or full-time employee of the Federal Government shall receive a payment of $150 for each day (including travel time) during which the member is engaged in the performance of duties for the Council. All members of the Council who are officers or full-time employees of the United States shall serve without compensation in addition to compensation received for their services as officers or employees of the United States.

''(2) TRAVEL EXPENSES.—Each member of the Council may receive travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for employees serving intermittently in the Government service, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

''(g) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Council, the Secretary may detail, with or without reimbursement, any of the personnel of the Department of Education to the Council to assist the Council in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

''(h) TECHNICAL ASSISTANCE.—On the request of the Council, the Secretary shall provide such technical assistance to the Council as the Council determines to be necessary to carry out its duties.

''(i) TERMINATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Council.''.

SEC. 6. PROFESSIONAL DEVELOPMENT AND SPECIAL PROJECTS AND DEMONSTRATIONS.

Title III of the Rehabilitation Act of 1973 (29 U.S.C. 770 et seq.) is amended to read as follows:

''TITLE III—PROFESSIONAL DEVELOPMENT AND SPECIAL PROJECTS AND DEMONSTRATIONS

''SEC. 301. DECLARATION OF PURPOSE AND COMPETITIVE BASIS OF GRANTS AND CONTRACTS.

''(a) PURPOSE.—It is the purpose of this title to authorize grants and contracts to—

''(1)(A) provide academic training to ensure that skilled personnel are available to provide rehabilitation services to individuals with disabilities through vocational, medical, social, and psychological rehabilitation programs (including supported employment programs), through independent living services programs, and through client assistance programs; and

''(B) provide training to maintain and upgrade basic skills and knowledge of personnel employed to provide state-of-the-art service delivery and rehabilitation technology services;

''(2) conduct special projects and demonstrations that expand and improve the provision of rehabilitation and other services authorized under this Act, or that otherwise further the purposes of this Act, including related research and evaluation;

''(3) provide vocational rehabilitation services to individuals with disabilities who are migrant or seasonal farmworkers;

''(4) initiate recreational programs to provide recreational activities and related experiences for individuals with disabilities to aid such individuals in employment, mobility, socialization, independence, and community integration; and

''(5) provide training and information to individuals with disabilities and the individuals' representatives, and other appropriate parties to develop the skills necessary for individuals with disabilities to gain access to the rehabilitation system and workforce investment system and to become active decisionmakers in the rehabilitation process.

''(b) COMPETITIVE BASIS OF GRANTS AND CONTRACTS.—The Secretary shall ensure that all grants and contracts are awarded under this title on a competitive basis.

''SEC. 302. TRAINING.

''(a) GRANTS AND CONTRACTS FOR PERSONNEL TRAINING.—

''(1) AUTHORITY.—The Commissioner shall make grants to, and enter into contracts with, States and public or nonprofit agencies and organizations (including institutions of higher education) to pay part of the cost of projects to provide training, traineeships, and related activities, including the provision of technical assistance, that are designed to assist in increasing the numbers of, and upgrading the skills of, qualified personnel (especially rehabilitation counselors) who are trained in providing vocational, medical, social, and psychological rehabilitation services, who are trained to assist individuals with communication and related disorders, who are trained to provide other services provided under this Act, to individuals with disabilities, and who may include—

''(A) personnel specifically trained in providing employment assistance to individuals with disabilities through job development and job placement services;

''(B) personnel specifically trained to identify, assess, and meet the individual rehabilitation needs of individuals with disabilities, including needs for rehabilitation technology;

''(C) personnel specifically trained to deliver services to individuals who may benefit from receiving independent living services;

''(D) personnel specifically trained to deliver services in the client assistance programs;

''(E) personnel specifically trained to deliver services, through supported employment programs, to individuals with a most significant disability;

''(F) personnel providing vocational rehabilitation services specifically trained in the use of braille, the importance of braille literacy, and in methods of teaching braille; and

''(G) personnel trained in performing other functions necessary to the provision of vocational, medical, social, and psychological rehabilitation services, and other services provided under this Act.

''(2) AUTHORITY TO PROVIDE SCHOLARSHIPS.—Grants and contracts under paragraph (1) may be expended for scholarships and may include necessary stipends and allowances.

''(3) RELATED FEDERAL STATUTES.—In carrying out this subsection, the Commissioner may make grants to and enter into contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to furnish training regarding related Federal statutes (other than this Act).

''(4) TRAINING FOR STATEWIDE WORKFORCE SYSTEMS PERSONNEL.—The Commissioner may make grants to and enter into contracts under this subsection with States and public or nonprofit agencies and organizations, including institutions of higher education, to furnish training to personnel providing services to individuals with disabilities under the Workforce Investment Partnership Act of 1998. Under this paragraph, personnel may be trained—

''(A) in evaluative skills to determine whether an individual with a disability may be served by the State vocational rehabilitation program or another component of the statewide workforce investment system; or

''(B) to assist individuals with disabilities seeking assistance through one-stop customer service centers established under section 315 of the Workforce Investment Partnership Act of 1998.

''(5) JOINT FUNDING.—Training and other activities provided under paragraph (4) for personnel may be jointly funded with the Department of Labor, using funds made available under title III of the Workforce Investment Partnership Act of 1998.

''(b) GRANTS AND CONTRACTS FOR ACADEMIC DEGREES AND ACADEMIC CERTIFICATE GRANTING TRAINING PROJECTS.—

''(1) AUTHORITY.—

''(A) IN GENERAL.—The Commissioner may make grants to, and enter into contracts with, States and public or nonprofit agencies and organizations (including institutions of higher education) to pay part of the costs of academic training projects to provide training that leads to an academic degree or academic certificate. In making such grants or entering into such contracts, the Commissioner shall target funds to areas determined under subsection (e) to have shortages of qualified personnel.

''(B) TYPES OF PROJECTS.—Academic training projects described in this subsection may include—

''(i) projects to train personnel in the areas of vocational rehabilitation counseling, rehabilitation technology, rehabilitation medicine, rehabilitation nursing, rehabilitation social work, rehabilitation psychiatry, rehabilitation psychology, rehabilitation dentistry, physical therapy, occupational therapy, speech pathology and audiology, physical education, therapeutic recreation, community rehabilitation programs, or prosthetics and orthotics;

''(ii) projects to train personnel to provide—

''(I) services to individuals with specific disabilities or individuals with disabilities who have specific impediments to rehabilitation, including individuals who are members of populations that are unserved or underserved by programs under this Act;

''(II) job development and job placement services to individuals with disabilities;

''(III) supported employment services, including services of employment specialists for individuals with disabilities;

''(IV) specialized services for individuals with significant disabilities; or

''(V) recreation for individuals with disabilities;

''(iii) projects to train personnel in other fields contributing to the rehabilitation of individuals with disabilities; and

''(iv) projects to train personnel in the use, applications, and benefits of rehabilitation technology.

''(2) APPLICATION.—No grant shall be awarded or contract entered into under this subsection unless the applicant has submitted to the Commissioner an application at such time, in such form, in accordance with such procedures, and including such information as the Secretary may require, including—

''(A) a description of how the designated State unit or units will participate in the project to be funded under the grant or contract, including, as appropriate, participation on advisory committees, as practicum sites, in curriculum development, and in other ways so as to build closer relationships between the applicant and the designated State unit and to encourage students to pursue careers in public vocational rehabilitation programs;

''(B) the identification of potential employers that would meet the requirements of paragraph (4)(A)(i); and

''(C) an assurance that data on the employment of graduates or trainees who participate in the project is accurate.

''(3) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no grant or contract under this subsection may be used to provide any one course of study to an individual for a period of more than 4 years.

''(B) EXCEPTION.—If a grant or contract recipient under this subsection determines that an individual has a disability which seriously affects the completion of training under this subsection, the grant or contract recipient may extend the period referred to in subparagraph (A).

''(4) REQUIRED AGREEMENTS.—

''(A) IN GENERAL.—A recipient of a grant or contract under this subsection shall provide assurances to the Commissioner that each individual who receives a scholarship, for the first academic year after the date of enactment of the Rehabilitation Act Amendments of 1998, utilizing funds provided under such grant or contract shall enter into an agreement with the recipient under which the individual shall—

''(i) maintain employment—

''(I) with an employer that is a State rehabilitation or other agency or organization (including a professional corporation or practice group) that provides services to individuals with disabilities under this Act, or with an institution of higher education or other organization that conducts rehabilitation education, training, or research under this Act;

''(II) on a full- or part-time basis; and

''(III) for a period of not less than the full-time equivalent of 2 years for each year for which assistance under this subsection was received by the individual, within a period, beginning after the recipient completes the training for which the scholarship was awarded, of not more than the sum of the number of years in the period described in this subclause and 2 additional years;

''(ii) directly provide or administer services, conduct research, or furnish training, funded under this Act; and

''(iii) repay all or part of the amount of any scholarship received under the grant or contract, plus interest, if the individual does not fulfill the requirements of clauses (i) and (ii), except that the Commissioner may by regulation provide for repayment exceptions and deferrals.

''(B) ENFORCEMENT.—The Commissioner shall be responsible for the enforcement of each agreement entered into under subparagraph (A) upon the completion of the training involved with respect to such agreement.

''(c) GRANTS TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The Commissioner, in carrying out this section, shall make grants to Historically Black Colleges and Universities and other institutions of higher education whose minority student enrollment is at least 50 percent of the total enrollment of the institution.

''(d) APPLICATION.—A grant may not be awarded to a State or other organization under this section unless the State or organization has submitted an application to the Commissioner at such time, in such form, in accordance with such procedures, and containing such information as the Commissioner may require, including a detailed description of strategies that will be utilized to recruit and train individuals so as to reflect the diverse populations of the United States as part of the effort to increase the number of individuals with disabilities, and individuals who are from linguistically and culturally diverse backgrounds, who are available to provide rehabilitation services.

''(e) EVALUATION AND COLLECTION OF DATA.—The Commissioner shall evaluate the impact of the training programs conducted under this section, and collect information on the training needs of, and data on shortages of qualified personnel necessary to provide services to individuals with disabilities.

''(f) GRANTS FOR THE TRAINING OF INTERPRETERS.—

''(1) AUTHORITY.—

''(A) IN GENERAL.—For the purpose of training a sufficient number of qualified interpreters to meet the communications needs of individuals who are deaf or hard of hearing, and individuals who are deaf-blind, the Commissioner, acting through a Federal office responsible for deafness and communicative disorders, may award grants to public or private nonprofit agencies or organizations to pay part of the costs—

''(i) for the establishment of interpreter training programs; or

''(ii) to enable such agencies or organizations to provide financial assistance for ongoing interpreter training programs.

''(B) GEOGRAPHIC AREAS.—The Commissioner shall award grants under this subsection for programs in geographic areas throughout the United States that the Commissioner considers appropriate to best carry out the objectives of this section.

''(C) PRIORITY.—In awarding grants under this subsection, the Commissioner shall give priority to public or private nonprofit agencies or organizations with existing programs that have a demonstrated capacity for providing interpreter training services.

''(D) FUNDING.—The Commissioner may award grants under this subsection through the use of—

''(i) amounts appropriated to carry out this section; or

''(ii) pursuant to an agreement with the Director of the Office of the Special Education Program (established under section 603 of the Individuals with Disabilities Education Act (as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997 (Public Law 105-17))), amounts appropriated under section 686 of the Individuals with Disabilities Education Act.

''(2) APPLICATION.—A grant may not be awarded to an agency or organization under paragraph (1) unless the agency or organization has submitted an application to the Commissioner at such time, in such form, in accordance with such procedures, and containing such information as the Commissioner may require, including—

''(A) a description of the manner in which an interpreter training program will be developed and operated during the 5-year period following the date on which a grant is received by the applicant under this subsection;

''(B) a demonstration of the applicant's capacity or potential for providing training for interpreters for individuals who are deaf or hard of hearing, and individuals who are deaf-blind;

''(C) assurances that any interpreter trained or retrained under a program funded under the grant will meet such minimum standards of competency as the Commissioner may establish for purposes of this subsection; and

''(D) such other information as the Commissioner may require.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1998 through 2004.

''(h) PROVISION OF INFORMATION.—The Commissioner, subject to the provisions of section 306, may require that recipients of grants or contracts under this section provide information, including data, with regard to the impact of activities funded under this section.

"SEC. 303. SPECIAL DEMONSTRATION PROGRAM.

''(a) AUTHORITY.—The Commissioner, subject to the provisions of section 306, may award grants or contracts to eligible entities to pay all or part of the cost of programs that expand and improve the provision of rehabilitation and other services authorized under this Act or that further the purposes of the Act, including related research and evaluation activities.

''(b) ELIGIBLE ENTITIES AND TERMS AND CONDITIONS.—

''(1) ELIGIBLE ENTITIES.—To be eligible to receive a grant or contract under subsection

(a), an entity shall be a State vocational rehabilitation agency, community rehabilitation program, Indian tribe or tribal organization, or other public or nonprofit agency or organization, or as the Commissioner determines appropriate, a for-profit organization. The Commissioner may limit competitions to 1 or more types of organizations described in this paragraph.

''(2) TERMS AND CONDITIONS.—Awards under this section shall contain such terms and conditions as the Commissioner may require.

''(c) APPLICATION.—An eligible entity that desires to receive an award under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Commissioner may require, including, if the Commissioner determines appropriate, a description of how the proposed project or demonstration program—

''(1) is based on current research findings, which may include research conducted by the National Institute on Disability and Rehabilitation Research, the National Institutes of Health, and other public or private organizations; and

''(2) is of national significance.

''(d) TYPES OF PROJECTS.—The programs that may be funded under this section include—

''(1) special projects and demonstrations of service delivery;

''(2) model demonstration projects;

''(3) technical assistance projects;

''(4) systems change projects;

''(5) special studies and evaluations; and

''(6) dissemination and utilization activities.

''(e) PRIORITY FOR COMPETITIONS.—

''(1) IN GENERAL.—In announcing competitions for grants and contracts under this section, the Commissioner shall give priority consideration to—

''(A) projects to provide training, information, and technical assistance that will enable individuals with disabilities and the individuals' representatives, to participate more effectively in meeting the vocational, independent living, and rehabilitation needs of the individuals with disabilities;

''(B) special projects and demonstration programs of service delivery for adults who are either low-functioning and deaf or low-functioning and hard of hearing;

''(C) innovative methods of promoting consumer choice in the rehabilitation process;

''(D) supported employment, including community-based supported employment programs to meet the needs of individuals with the most significant disabilities or to provide technical assistance to States and community organizations to improve and expand the provision of supported employment services; and

''(E) model transitional planning services for youths with disabilities;

''(2) ELIGIBILITY AND COORDINATION.—

''(A) ELIGIBILITY.—Eligible applicants for grants and contracts under this section for projects described in paragraph (1)(A) include—

''(i) Parent Training and Information Centers funded under section 682 of the Individuals with Disabilities Education Act (as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997 (Public Law 105-17));

''(ii) organizations that meet the definition of a parent organization in section 682 of such Act; and

''(iii) private nonprofit organizations assisting parent training and information centers.

''(B) COORDINATION.—Recipients of grants and contracts under this section for projects described in paragraph (1)(A) shall, to the extent practicable, coordinate training and information activities with Centers for Independent Living.

''(3) ADDITIONAL COMPETITIONS.—In announcing competitions for grants and contracts under this section, the Commissioner may require that applicants address 1 or more of the following:

''(A) Age ranges.

''(B) Types of disabilities.

''(C) Types of services.

''(D) Models of service delivery.

''(E) Stage of the rehabilitation process.

''(F) The needs of—

''(i) underserved populations;

''(ii) unserved and underserved areas;

''(iii) individuals with significant disabilities;

''(iv) low-incidence disability populations; and

''(v) individuals residing in federally designated empowerment zones and enterprise communities.

''(G) Expansion of employment opportunities for individuals with disabilities.

''(H) Systems change projects to promote meaningful access of individual with disabilities to employment related services under the Workforce Investment Partnership Act of 1998 and under other Federal laws.

''(I) Innovative methods of promoting the achievement of high-quality employment outcomes.

''(J) The demonstration of the effectiveness of early intervention activities in improving employment outcomes.

''(K) Alternative methods of providing affordable transportation services to individuals with disabilities who are employed, seeking employment, or receiving vocational rehabilitation services from public or private organizations and who reside in geographic areas in which public transportation or paratransit service is not available.

''(f) USE OF FUNDS FOR CONTINUATION AWARDS.—The Commissioner may use funds made available to carry out this section for continuation awards for projects that were funded under sections 12 and 311 (as such sections were in effect on the day prior to the date of the enactment of the Rehabilitation Act Amendments of 1998).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1998 through 2004.

''SEC. 304. MIGRANT AND SEASONAL FARMWORKERS.

''(a) GRANTS.—

''(1) AUTHORITY.—The Commissioner, subject to the provisions of section 306, may make grants to eligible entities to pay up to 90 percent of the cost of projects or demonstration programs for the provision of vocational rehabilitation services to individuals with disabilities who are migrant or seasonal farmworkers, as determined in accordance with rules prescribed by the Secretary of Labor, and to the family members who are residing with such individuals (whether or not such family members are individuals with disabilities).

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under paragraph (1), an entity shall be—

''(A) a State designated agency;

''(B) a nonprofit agency working in collaboration with a State agency described in subparagraph (A); or

''(C) a local agency working in collaboration with a State agency described in subparagraph (A).

''(3) MAINTENANCE AND TRANSPORTATION.—

''(A) IN GENERAL.—Amounts provided under a grant under this section may be used to provide for the maintenance of and transportation for individuals and family members described in paragraph (1) as necessary for the rehabilitation of such individuals.

''(B) REQUIREMENT.—Maintenance payments under this paragraph shall be provided in a manner consistent with any maintenance payments provided to other individuals with disabilities in the State under this Act.

''(4) ASSURANCE OF COOPERATION.—To be eligible to receive a grant under this section an entity shall provide assurances (satisfactory to the Commissioner) that in the provision of services under the grant there will be appropriate cooperation between the grantee and other public or nonprofit agencies and organizations having special skills and experience in the provision of services to migrant or seasonal farmworkers or their families.

''(5) COORDINATION WITH OTHER PROGRAMS.—The Commissioner shall administer this section in coordination with other programs serving migrant and seasonal farmworkers, including programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), section 330 of the Public Health Service Act (42 U.S.C. 254b), the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), and the Workforce Investment Partnership Act of 1998.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, for each of the fiscal years 1998 through 2004.

''SEC. 305. RECREATIONAL PROGRAMS.

''(a) GRANTS.—

''(1) AUTHORITY.—

''(A) IN GENERAL.—The Commissioner, subject to the provisions of section 306, shall make grants to States, public agencies, and nonprofit private organizations to pay the Federal share of the cost of the establishment and operation of recreation programs to provide individuals with disabilities with recreational activities and related experiences to aid in the employment, mobility, socialization, independence, and community integration of such individuals.

''(B) RECREATION PROGRAMS.—The recreation programs that may be funded using assistance provided under a grant under this section may include vocational skills development, leisure education, leisure networking, leisure resource development, physical education and sports, scouting and camping, 4-H activities, music, dancing, handicrafts, art, and homemaking. When possible and appropriate, such programs and activities should be provided in settings with peers who are not individuals with disabilities.

''(C) DESIGN OF PROGRAM.—Programs and activities carried out under this section shall be designed to demonstrate ways in which such programs assist in maximizing the independence and integration of individuals with disabilities.

''(2) MAXIMUM TERM OF GRANT.—A grant under this section shall be made for a period of not more than 3 years.

''(3) AVAILABILITY OF NON GRANT RESOURCES.—

''(A) IN GENERAL.—A grant may not be made to an applicant under this section unless the applicant provides assurances that, with respect to costs of the recreation program to be carried out under the grant, the applicant, to the maximum extent practicable, will make available non-Federal resources (in cash or in-kind) to pay the non-Federal share of such costs.

''(B) FEDERAL SHARE.—The Federal share of the costs of the recreation programs carried out under this section shall be—

''(i) with respect to the first year in which assistance is provided under a grant under this section, 100 percent;

''(ii) with respect to the second year in which assistance is provided under a grant under this section, 75 percent; and

''(iii) with respect to the third year in which assistance is provided under a grant under this section, 50 percent.

''(4) APPLICATION.—To be eligible to receive a grant under this section, a State, agency, or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including a description of—

''(A) the manner in which the findings and results of the project to be funded under the grant, particularly information that facilitates the replication of the results of such projects, will be made generally available; and

''(B) the manner in which the service program funded under the grant will be continued after Federal assistance ends.

''(5) LEVEL OF SERVICES.—Recreation programs funded under this section shall maintain, at a minimum, the same level of services over a 3-year project period.

''(6) REPORTS BY GRANTEES.—

''(A) REQUIREMENT.—The Commissioner shall require that each recipient of a grant under this section annually prepare and submit to the Commissioner a report concerning the results of the activities funded under the grant.

''(B) LIMITATION.—The Commissioner may not make financial assistance available to a grant recipient for a subsequent year until the Commissioner has received and evaluated the annual report of the recipient under subparagraph (A) for the current year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1998 through 2004.

''SEC. 306. MEASURING OF PROJECT OUTCOMES AND PERFORMANCE.

''The Commissioner may require that recipients of grants under this title submit information, including data, as determined by the Commissioner to be necessary to measure project outcomes and performance, including any data needed to comply with the Government Performance and Results Act.''.

SEC. 7. NATIONAL COUNCIL ON DISABILITY.

Title IV of the Rehabilitation Act of 1973 (29 U.S.C. 780 et seq.) is amended to read as follows:

''TITLE IV—NATIONAL COUNCIL ON DISABILITY

''ESTABLISHMENT OF NATIONAL COUNCIL ON DISABILITY

''SEC. 400. (a)(1)(A) There is established within the Federal Government a National Council on Disability (hereinafter in this title referred to as the 'National Council'), which shall be composed of fifteen members appointed by the President, by and with the advice and consent of the Senate.

''(B) The President shall select members of the National Council after soliciting recommendations from representatives of—

''(i) organizations representing a broad range of individuals with disabilities; and

''(ii) organizations interested in individuals with disabilities.

''(C) The members of the National Council shall be individuals with disabilities, parents or guardians of individuals with disabilities, or other individuals who have substantial knowledge or experience relating to disability policy or programs. The members of the National Council shall be appointed so as to be representative of individuals with disabilities, national organizations concerned with individuals with disabilities, providers and administrators of services to individuals with disabilities, individuals engaged in conducting medical or scientific research relating to individuals with disabilities, business concerns, and labor organizations. A majority of the members of the National Council shall be individuals with disabilities. The members of the National Council shall be broadly representative of minority and other individuals and groups.

''(2) The purpose of the National Council is to promote policies, programs, practices, and procedures that—

''(A) guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and

''(B) empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

''(b)(1) Each member of the National Council shall serve for a term of 3 years, except that the terms of service of the members initially appointed after the date of enactment of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 shall be (as specified by the President) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

''(2)(A) No member of the National Council may serve more than two consecutive full terms beginning on the date of commencement of the first full term on the Council. Members may serve after the expiration of their terms until their successors have taken office.

''(B) As used in this paragraph, the term 'full term' means a term of 3 years.

''(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

''(c) The President shall designate the Chairperson from among the members appointed to the National Council. The National Council shall meet at the call of the Chairperson, but not less often than four times each year.

''(d) Eight members of the National Council shall constitute a quorum and any vacancy in the National Council shall not affect its power to function.

''DUTIES OF NATIONAL COUNCIL

''SEC. 401. (a) The National Council shall—

''(1) provide advice to the Director with respect to the policies and conduct of the National Institute on Disability and Rehabilitation Research, including ways to improve research concerning individuals with disabilities and the methods of collecting and disseminating findings of such research;

''(2) provide advice to the Commissioner with respect to the policies of and conduct of the Rehabilitation Services Administration;

''(3) advise the President, the Congress, the Commissioner, the appropriate Assistant Secretary of the Department of Education, and the Director of the National Institute on Disability and Rehabilitation Research on the development of the programs to be carried out under this Act;

''(4) provide advice regarding priorities for the activities of the Interagency Disability Coordinating Council and review the recommendations of such Council for legislative and administrative changes to ensure that such recommendations are consistent with the purposes of the Council to promote the full integration, independence, and productivity of individuals with disabilities;

''(5) review and evaluate on a continuing basis—

''(A) policies, programs, practices, and procedures concerning individuals with disabilities conducted or assisted by Federal departments and agencies, including programs established or assisted under this Act or under the Developmental Disabilities Assistance and Bill of Rights Act; and

''(B) all statutes and regulations pertaining to Federal programs which assist such individuals with disabilities;

in order to assess the effectiveness of such policies, programs, practices, procedures, statutes, and regulations in meeting the needs of individuals with disabilities;

''(6) assess the extent to which such policies, programs, practices, and procedures facilitate or impede the promotion of the policies set forth in subparagraphs (A) and (B) of section 400(a)(2);

''(7) gather information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

''(8) make recommendations to the President, the Congress, the Secretary, the Director of the National Institute on Disability and Rehabilitation Research, and other officials of Federal agencies or other Federal entities, respecting ways to better promote the policies set forth in section 400(a)(2);

''(9) provide to the Congress on a continuing basis advice, recommendations, legislative proposals, and any additional information which the National Council or the Congress deems appropriate; and

''(10) review and evaluate on a continuing basis new and emerging disability policy issues affecting individuals with disabilities at the international, Federal, State, and local levels, and in the private sector, including the need for and coordination of adult services, access to personal assistance services, school reform efforts and the impact of such efforts on individuals with disabilities, access to health care, and policies that operate as disincentives for the individuals to seek and retain employment.

''(b)(1) Not later than July 26, 1998, and annually thereafter, the National Council shall prepare and submit to the President and the appropriate committees of the Congress a report entitled 'National Disability Policy: A Progress Report'.

''(2) The report shall assess the status of the Nation in achieving the policies set forth in section 400(a)(2), with particular focus on the new and emerging issues impacting on the lives of individuals with disabilities. The report shall present, as appropriate, available data on health, housing, employment, insurance, transportation, recreation, training, prevention, early intervention, and education. The report shall include recommendations for policy change.

''(3) In determining the issues to focus on and the findings, conclusions, and recommendations to include in the report, the National Council shall seek input from the public, particularly individuals with disabilities, representatives of organizations representing a broad range of individuals with disabilities, and organizations and agencies interested in individuals with disabilities.

''COMPENSATION OF NATIONAL COUNCIL MEMBERS

''SEC. 402. (a) Members of the National Council shall be entitled to receive compensation at a rate equal to the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code, including travel time, for each day they are engaged in the performance of their duties as members of the National Council.

''(b) Members of the National Council who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the National Council except for compensation for travel expenses as provided under subsection (c) of this section.

''(c) While away from their homes or regular places of business in the performance of

services for the National Council, members of the National Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

''STAFF OF NATIONAL COUNCIL

''SEC. 403. (a)(1) The Chairperson of the National Council may appoint and remove, without regard to the provisions of title 5, United States Code, governing appointments, the provisions of chapter 75 of such title (relating to adverse actions), the provisions of chapter 77 of such title (relating to appeals), or the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates), an Executive Director to assist the National Council to carry out its duties. The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for individuals with disabilities.

''(2) The Executive Director is authorized to hire technical and professional employees to assist the National Council to carry out its duties.

''(b)(1) The National Council may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code (but at rates for individuals not to exceed the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code).

''(2) The National Council may—

''(A) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, United States Code;

''(B) in the name of the Council, solicit, accept, employ, and dispose of, in furtherance of this Act, any money or property, real or personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise; and

''(C) enter into contracts and cooperative agreements with Federal and State agencies, private firms, institutions, and individuals for the conduct of research and surveys, preparation of reports and other activities necessary to the discharge of the Council's duties and responsibilities.

''(3) Not more than 10 per centum of the total amounts available to the National Council in each fiscal year may be used for official representation and reception.

''(c) The Administrator of General Services shall provide to the National Council on a reimbursable basis such administrative support services as the Council may request.

''(d)(1) It shall be the duty of the Secretary of the Treasury to invest such portion of the amounts made available under subsection (a)(2)(B) as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

''(2) The amounts described in paragraph (1), and the interest on, and the proceeds from the sale or redemption of, the obligations described in paragraph (1) shall be available to the National Council to carry out this title.

''ADMINISTRATIVE POWERS OF NATIONAL COUNCIL

''SEC. 404. (a) The National Council may prescribe such bylaws and rules as may be necessary to carry out its duties under this title.

''(b) The National Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable.

''(c) The National Council may appoint advisory committees to assist the National Council in carrying out its duties. The members thereof shall serve without compensation.

''(d) The National Council may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

''(e) The National Council may use, with the consent of the agencies represented on the Interagency Disability Coordinating Council, and as authorized in title V, such services, personnel, information, and facilities as may be needed to carry out its duties under this title, with or without reimbursement to such agencies.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 405. There are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal years 1998 through 2004.''.

SEC. 8. RIGHTS AND ADVOCACY.

(a) CONFORMING AMENDMENTS TO RIGHTS AND ADVOCACY PROVISIONS.—

(1) EMPLOYMENT.—Section 501 (29 U.S.C. 791) is amended—

(A) in the third sentence of subsection (a), by striking ''President's Committees on Employment of the Handicapped'' and inserting ''President's Committees on Employment of People With Disabilities''; and

(B) in subsection (e), by striking ''individualized written rehabilitation program'' and inserting ''individualized rehabilitation employment plan''.

(2) ACCESS BOARD.—Section 502 (29 U.S.C. 792) is amended—

(A) in subsection (b)—

(i) in paragraph (9), by striking ''; and'' and inserting a semicolon;

(ii) in paragraph (10), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(11) carry out the responsibilities specified for the Access Board in section 508'';

(B) in subsection (d)(2)(A), by inserting before the semicolon the following: ''and section 508(d)(2)(C)'';

(C) in subsection (g)(2), by striking ''Committee on Education and Labor'' and inserting ''Committee on Education and the Workforce''; and

(D) in subsection (i), by striking ''fiscal years 1993 through 1997'' and inserting ''fiscal years 1998 through 2004''.

(3) FEDERAL GRANTS AND CONTRACTS.—Section 504(a) (29 U.S.C.) is amended in the first sentence by striking ''section 7(8)'' and inserting ''section 7(20)''.

(4) SECRETARIAL RESPONSIBILITIES.—Section 506(a) (29 U.S.C. 794b(a)) is amended—

(A) by striking the second sentence and inserting the following: ''Any concurrence of the Access Board under paragraph (2) shall reflect its consideration of cost studies carried out by States.''; and

(B) in the second sentence of subsection (c), by striking ''provided under this paragraph'' and inserting ''provided under this subsection''.

(b) ELECTRONIC AND INFORMATION TECHNOLOGY REGULATIONS.—Section 508 (29 U.S.C. 794d) is amended to read as follows:

''SEC. 508. ELECTRONIC AND INFORMATION TECHNOLOGY REGULATIONS.

''(a) DEFINITION.—In this section, the term 'electronic and information technology' includes—

''(1) any equipment, software, interface system, operating system, or interconnected system or subsystem of equipment, whether or not accessed remotely, that is used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information; and

''(2) any related service (including a support service) and any related resource.

''(b) PROMULGATION OF RULES AND REGULATIONS.—

''(1) PROCUREMENT, MAINTENANCE, AND USE OF ELECTRONIC AND INFORMATION TECHNOLOGY.—Consistent with paragraph (2), each Federal agency shall procure, maintain, and use electronic and information technology that allows, regardless of the type of medium of the technology, individuals with disabilities to produce information and data, and have access to information and data, comparable to the information and data, and access, respectively, of individuals who are not individuals with disabilities.

''(2) REGULATIONS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Rehabilitation Act Amendments of 1998, the Access Board, after consultation with the Secretary of Education, the Administrator of the General Services Administration, and the head of any other Federal agency that the Access Board may determine to be appropriate, and after consultation with the electronic and information technology industry and appropriate public or nonprofit agencies or organizations, shall issue regulations, including criteria for procurement of accessible electronic and information technology, to implement this section.

''(B) CRITERIA.—The Access Board shall consult with the Director of the National Institute on Disability and Rehabilitation Research and the heads of other Federal agencies that conduct applicable research, regarding relevant research findings to assist the Access Board in developing and updating the criteria for procurement of accessible technology required under subparagraph (A).

''(C) REVIEWS AND AMENDMENTS.—The Access Board shall review and amend the regulations periodically to reflect technological advances or changes in electronic and information technology.

''(c) TECHNICAL ASSISTANCE.—The Access Board shall provide technical assistance to individuals and Federal agencies concerning the rights and responsibilities provided under this section. The Administrator of the General Services Administration shall provide technical assistance to Federal agencies concerning the rights and responsibilities provided under this section, in coordination with the activities of the Access Board.

''(d) COMPLIANCE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Rehabilitation Act Amendments of 1998, the Access Board shall establish, by regulation issued under subsection (b), procedures for ensuring the compliance of Federal agencies with this section (including the regulation).

''(2) PROCEDURES.—At a minimum the regulation shall establish procedures by which—

''(A) the head of each Federal agency shall assess the compliance of the agency with this section and report periodically to the Access Board and the Director of the Office of Management and Budget on such compliance;

''(B) any aggrieved person may file a complaint with the Access Board regarding noncompliance by a Federal agency with this section; and

''(C) the Access Board may, after providing notice and an opportunity for a hearing, issue an order requiring compliance with this section, which shall be final and binding on the affected Federal agency.

''(3) OFFICE OF MANAGEMENT AND BUDGET OVERSIGHT.—

''(A) OVERSIGHT AND COORDINATION.—The Director of the Office of Management and Budget shall oversee and coordinate the procurement, financial management, information, and regulatory policies of the executive

branch of the Federal Government relating to electronic and information technology.

''(B) ISSUANCE OF POLICIES.—In issuing circulars, bulletins, directives, memoranda, and other policies affecting the procurement, maintenance, and use of electronic and information technology, by Federal agencies, as appropriate, the Director of the Office of Management and Budget shall require compliance with this section, including the regulations and criteria described in subsection (b).

''(e) RELATIONSHIP TO OTHER LAWS.—This section shall not be construed to limit a remedy, right, or procedure available under any other provision of Federal law (including title V and the Americans with Disabilities Act of 1990), or State or local law (including State common law) that provides greater or equal protection for the rights of individuals with disabilities.''.

(c) PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.—Section 509 (29 U.S.C. 794e) is amended to read as follows:

''SEC. 509. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

''(a) PURPOSE.—The purpose of this section is to support a system in each State to protect the legal and human rights of individuals with disabilities who—

''(1) need services that are beyond the scope of services authorized to be provided by the client assistance program under section 112; and

''(2) are ineligible for protection and advocacy programs under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) because the individuals do not have a developmental disability, as defined in section 102 of such Act (42 U.S.C. 6002) and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) because the individuals are not individuals with mental illness, as defined in section 102 of such Act (42 U.S.C. 10802).

''(b) APPROPRIATIONS LESS THAN $5,500,000.—For any fiscal year in which the amount appropriated to carry out this section is less than $5,500,000, the Commissioner may make grants from such amount to eligible systems within States to plan for, develop outreach strategies for, and carry out protection and advocacy programs authorized under this section for individuals with disabilities who meet the requirements of paragraphs (1) and (2) of subsection (a).

''(c) APPROPRIATIONS OF $5,500,000 OR MORE.—

''(1) RESERVATIONS.—

''(A) TECHNICAL ASSISTANCE.—For any fiscal year in which the amount appropriated to carry out this section equals or exceeds $5,500,000, the Commissioner shall set aside not less than 1.8 percent and not more than 2.2 percent of the amount to provide training and technical assistance to the systems established under this section.

''(B) GRANT FOR THE ELIGIBLE SYSTEM SERVING THE AMERICAN INDIAN CONSORTIUM.—For any fiscal year in which the amount appropriated to carry out this section equals or exceeds $10,500,000, the Commissioner shall reserve a portion, and use the portion to make a grant for the eligible system serving the American Indian consortium. The Commission shall make the grant in an amount of not less than $50,000 for the fiscal year.

''(2) ALLOTMENTS.—For any such fiscal year, after the reservations required by paragraph (1) have been made, the Commissioner shall make allotments from the remainder of such amount in accordance with paragraph (3) to eligible systems within States to enable such systems to carry out protection and advocacy programs authorized under this section for such individuals.

''(3) SYSTEMS WITHIN STATES.—

''(A) POPULATION BASIS.—Except as provided in subparagraph (B), from such remainder for each such fiscal year, the Commissioner shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

''(B) MINIMUMS.—Subject to the availability of appropriations to carry out this section, and except as provided in paragraph (4), the allotment to any system under subparagraph (A) shall be not less than $100,000 or one-third of one percent of the remainder for the fiscal year for which the allotment is made, whichever is greater, and the allotment to any system under this section for any fiscal year that is less than $100,000 or one-third of one percent of such remainder shall be increased to the greater of the two amounts.

''(4) SYSTEMS WITHIN OTHER JURISDICTIONS.—

''(A) IN GENERAL.—For the purposes of paragraph (3)(B), Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

''(B) ALLOTMENT.—The eligible system within a jurisdiction described in subparagraph (A) shall be allotted under paragraph (3)(A) not less than $50,000 for the fiscal year for which the allotment is made.

''(5) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1999, in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section for the preceding fiscal year, the Commissioner shall increase each of the minimum grants or allotments under paragraphs (1)(B), (3)(B), and (4)(B) by a percentage that shall not exceed the percentage increase in the total amount appropriated to carry out this section between the preceding fiscal year and the fiscal year involved.

''(d) PROPORTIONAL REDUCTION.—To provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(3)(B), or to provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(4)(B), the Commissioner shall proportionately reduce the allotments of the remaining systems within States under subsection (c)(3), with such adjustments as may be necessary to prevent the allotment of any such remaining system within a State from being reduced to less than the minimum allotment for a system within a State (as increased under subsection (c)(5)) under subsection (c)(3)(B), or the minimum allotment for a State (as increased under subsection (c)(5)) under subsection (c)(4)(B), as appropriate.

''(e) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a system within a State for any fiscal year described in subsection (c)(1) will not be expended by such system in carrying out the provisions of this section, the Commissioner shall make such amount available for carrying out the provisions of this section to one or more of the systems that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a system for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the system (as determined under the preceding provisions of this section) for such year.

''(f) APPLICATION.—In order to receive assistance under this section, an eligible system shall submit an application to the Commissioner, at such time, in such form and manner, and containing such information and assurances as the Commissioner determines necessary to meet the requirements of this section, including assurances that the eligible system will—

''(1) have in effect a system to protect and advocate the rights of individuals with disabilities;

''(2) have the same general authorities, including access to records and program income, as are set forth in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.);

''(3) have the authority to pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the State or the American Indian consortium who are individuals described in subsection (a);

''(4) provide information on and make referrals to programs and services addressing the needs of individuals with disabilities in the State or the American Indian consortium;

''(5) develop a statement of objectives and priorities on an annual basis, and provide to the public, including individuals with disabilities and, as appropriate, the individuals' representatives, an opportunity to comment on the objectives and priorities established by, and activities of, the system including—

''(A) the objectives and priorities for the activities of the system for each year and the rationale for the establishment of such objectives and priorities; and

''(B) the coordination of programs provided through the system under this section with the advocacy programs of the client assistance program under section 112, the State long-term care ombudsman program established under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.);

''(6) establish a grievance procedure for clients or prospective clients of the system to ensure that individuals with disabilities are afforded equal opportunity to access the services of the system;

''(7) provide assurances to the Commissioner that funds made available under this section will be used to supplement and not supplant the non-Federal funds that would otherwise be made available for the purpose for which Federal funds are provided; and

''(8) not use allotments or grants provided under this section in a manner inconsistent with section 5 of the Assisted Suicide Funding Restriction Act of 1997.

''(g) CARRYOVER AND DIRECT PAYMENT.—

''(1) DIRECT PAYMENT.—Notwithstanding any other provision of law, the Commissioner shall pay directly to any system that complies with the provisions of this section, the amount of the allotment of the State or the grant for the eligible system that serves the American Indian consortium involved under this section, unless the State or American Indian consortium provides otherwise.

''(2) CARRYOVER.—Any amount paid to an eligible system that serves a State or American Indian consortium for a fiscal year that remains unobligated at the end of such year shall remain available to such system that serves the State or American Indian consortium for obligation during the next fiscal year for the purposes for which such amount was paid.

''(h) LIMITATION ON DISCLOSURE REQUIREMENTS.—For purposes of any audit, report, or evaluation of the performance of the program established under this section, the Commissioner shall not require such a program to disclose the identity of, or any other personally identifiable information related

to, any individual requesting assistance under such program.

''(i) ADMINISTRATIVE COST.—In any State in which an eligible system is located within a State agency, a State may use a portion of any allotment under subsection (c) for the cost of the administration of the system required by this section. Such portion may not exceed 5 percent of the allotment.

''(j) DELEGATION.—The Commissioner may delegate the administration of this program to the Commissioner of the Administration on Developmental Disabilities within the Department of Health and Human Services.

''(k) REPORT.—The Commissioner shall annually prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report describing the types of services and activities being undertaken by programs funded under this section, the total number of individuals served under this section, the types of disabilities represented by such individuals, and the types of issues being addressed on behalf of such individuals.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1998 through 2004.

''(m) DEFINITIONS.—As used in this section:

''(1) ELIGIBLE SYSTEM.—The term 'eligible system' means a protection and advocacy system that is established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) and that meets the requirements of subsection (f).

''(2) AMERICAN INDIAN CONSORTIUM.—The term 'American Indian consortium' means a consortium established as described in section 142 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042).''.

SEC. 9. EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.

Title VI of the Rehabilitation Act of 1973 (29 U.S.C. 795 et seq.) is amended to read as follows:

''TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

''SEC. 601. SHORT TITLE.

''This title may be cited as the ''Employment Opportunities for Individuals With Disabilities Act.

''PART A—PROJECTS IN TELECOMMUTING AND SELF-EMPLOYMENT FOR INDIVIDUALS WITH DISABILITIES

''SEC. 611. FINDINGS, POLICIES, AND PURPOSES.

''(a) FINDINGS.—Congress makes the following findings:

''(1) It is in the best interest of the United States to identify and promote increased employment opportunities for individuals with disabilities.

''(2) Telecommuting is one of the most rapidly expanding forms of employment. In 1990 there were 4,000,000 telecommuters and that number has risen to 11,100,000 in 1997.

''(3) It is in the best interest of the United States to ensure that individuals with disabilities have access to telecommuting employment opportunities. It has been estimated that 10 percent of individuals with disabilities, who are unemployed, could benefit from telecommuting opportunities.

''(4) It is in the interest of employers to recognize that individuals with disabilities are excellent candidates for telecommuting employment opportunities.

''(5) Individuals with disabilities, especially those living in rural areas, often do not have access to accessible transportation, and in such cases telecommuting presents an excellent opportunity for the employment of such individuals.

''(6) It is in the best interests of economic development agencies, venture capitalists, and financial institutions for the Federal Government to demonstrate that individuals with disabilities, who wish to become or who are self-employed, can meet the criteria for assistance, investment of capital, and business that other entrepreneurs meet.

''(b) POLICIES.—It is the policy of the United States to—

''(1) promote opportunities for individuals with disabilities to—

''(A) secure, retain, regain, or advance in employment involving telecommuting;

''(B) gain access to employment opportunities; and

''(C) demonstrate their abilities, capabilities, interests, and preferences regarding employment in positions that are increasingly being offered to individuals in the workplace; and

''(2) promote opportunities for individuals with disabilities to engage in self-employment enterprises that permit these individuals to achieve significant levels of independence, participate in and contribute to the life of their communities, and offer employment opportunities to others.

''(c) PURPOSES.—It is the purpose of this part to—

''(1) through the awarding of 1-time, time-limited grants, contracts, or cooperative agreements to public and private entities—

''(A) provide funds, in accordance with section 612, to enable individuals with disabilities to identify and secure employment opportunities involving telecommuting; and

''(B) encourage employers to become partners in providing telecommuting placements for individuals with disabilities through the involvement of such employers in telecommuting projects that continue and expand opportunities for the provision of telecommuting placements to individuals with disabilities beyond those opportunities that are currently facilitated by the telecommuting projects; and

''(2) through the awarding of 1-time, time-limited grants, contracts, cooperative agreements, or other appropriate mechanisms of providing assistance to public or private entities—

''(A) assist individuals with disabilities to engage in self-employment enterprises in accordance with section 613; and

''(B) encourage entities to assist more individuals with disabilities to engage in self-employment enterprises.

''SEC. 612. PROJECTS IN TELECOMMUTING FOR INDIVIDUALS WITH DISABILITIES.

''(a) IN GENERAL.—The Commissioner shall, on a competitive basis, award 1-time, time-limited grants, contracts, or cooperative agreements to eligible entities for the establishment and operation of projects in telecommuting for individuals with disabilities.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a) an entity shall—

''(1) be—

''(A) an entity carrying out a Project With Industry described in part B;

''(B) a designated State agency;

''(C) a statewide workforce investment partnership or local workforce investment partnership;

''(D) a public educational agency;

''(E) a training institution, which may include an institution of higher education;

''(F) a private organization, with priority given to organizations of or for individuals with disabilities;

''(G) a public or private employer;

''(H) any other entity that the Commissioner determines to be appropriate; or

''(I) a combination or consortium of the entities described in subparagraphs (A) through (H);

''(2) have 3 or more years of experience in assisting individuals with disabilities in securing, retaining, regaining, or advancing in employment;

''(3) demonstrate that such entity has the capacity to secure full- and part-time employment involving telecommuting for individuals with disabilities; and

''(4) submit an application that meets the requirements of subsection (c).

''(c) APPLICATION REQUIREMENTS.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Commissioner at such time, in such manner, and containing such information concerning the telecommuting project to be funded under the grant, contract, or agreement as the Commissioner may require, including—

''(1) a description of how and the extent to which the applicant meets the requirement of subsection (b)(2);

''(2) with respect to any partners who will participate in the implementation of activities under the telecommuting project, a description of—

''(A) the identity of such partners; and

''(B) the roles and responsibilities of each partner in preparing the application, and if funded, the roles and responsibility of each partner during the telecommuting project;

''(3) a description of the geographic region that will be the focus of activity under the telecommuting project;

''(4) a projection for each year of a 3-year period of the grant, contract, or agreement, of the number of individuals with disabilities who will be employed as the result of the assistance provided by the telecommuting project;

''(5) with respect to any employers that have indicated an interest in offering telecommuting employment opportunities to individuals with disabilities, a description of—

''(A) the identity of such employers; and

''(B) the manner in which additional employers would be recruited under the telecommuting project;

''(6) a description of the manner in which individuals with disabilities will be identified and selected to participate in the telecommuting project;

''(7) a description of the jobs that will be targeted by the telecommuting project;

''(8) a description of the process by which individuals with disabilities will be matched with employers for telecommuting placements;

''(9) a description of the manner in which the project will become self-sustaining in the third year of the telecommuting project; and

''(10) a description of the nature and amount of funding, including in-kind support, other than funds received under this part, that will be available to be used by the telecommuting project.

''(d) USE OF FUNDS.—Amounts received under a grant, contract, or cooperative agreement under subsection (a) shall be used for—

''(1) the recruitment of individuals with disabilities for telecommuting placements;

''(2) the conduct of marketing activities with respect to employers;

''(3) the purchase of training services for an individual with a disability who is going to assume a telecommuting placement;

''(4) the purchase of equipment, materials, telephone lines, auxiliary aids, and services related to telecommuting placements;

''(5) the provision of orientation services and training to the supervisors of employers participating in the project and to co-workers of individuals with disabilities who are selected for telecommuting placements;

''(6) the provision of technical assistance to employers, including technical assistance regarding reasonable accommodations with regard to individuals with disabilities participating in telecommuting placements; and

''(7) other uses determined appropriate by the Commissioner.

''(e) PROJECT REQUIREMENTS.—Telecommuting projects funded under this section shall—

''(1) establish criteria for safety with regard to the telecommuting work space, which at a minimum meet guidelines established by the Occupational Safety and Health Administration for a work space of comparable size and function;

''(2) on an annual basis, enter into agreements with the Commissioner that contain goals concerning the number of individuals with disabilities that the project will place in telecommuting positions;

''(3) establish procedures for ensuring that prospective employers and individuals with disabilities, who are to assume telecommuting placements, have a clear understanding of how the individual's work performance will be monitored and evaluated by the employer;

''(4) identify and make available support services for individuals with disabilities in telecommuting placements;

''(5) develop procedures that allow the telecommuting project, the employer, and the individual with a disability to reach agreement on their respective responsibilities with regard to establishing and maintaining the telecommuting placement;

''(6) for each year of a telecommuting project, submit an annual report to the Commissioner concerning—

''(A) the number of individuals with disabilities placed in telecommuting positions and whether the goal described in the agreement entered into paragraph (2) was met;

''(B) the number of individuals with disabilities employed as salaried employees and their annual salaries;

''(C) the number of individuals with disabilities employed as independent contractors and their annual incomes;

''(D) the number of individuals with disabilities that received benefits from their employers;

''(E) the number of individuals with disabilities in telecommuting placements still working after—

''(i) 6 months; and

''(ii) 12 months; and

''(F) any reports filed with the Occupational Safety and Health Administration.

''(f) LIMITATIONS.—

''(1) PERIOD OF AWARD.—A grant, contract, or cooperative agreement under subsection (a) shall be for a 3-year period.

''(2) AMOUNT.—The amount of a grant, contract, or cooperative agreement under subsection (a) shall not be less than $250,000 nor more than $1,000,000.

''SEC. 613. PROJECTS IN SELF-EMPLOYMENT FOR INDIVIDUALS WITH DISABILITIES.

''(a) IN GENERAL.—The Commissioner shall, on a competitive basis, award 1-time, time-limited grants, contracts, or cooperative agreements to eligible entities for the establishment and operation of projects in self-employment for individuals with disabilities.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a) an entity shall—

''(1) be—

''(A) a financial institution;

''(B) an economic development agency;

''(C) a venture capitalist;

''(D) an entity carrying out a Project With Industry described in part B;

''(E) a designated State agency, or other public entity;

''(F) a private organization, including employers and organizations related to individuals with disabilities;

''(G) any other entity that the Commissioner determines to be appropriate; or

''(H) a combination or consortium of the entities described in subparagraphs (A) through (G);

''(2) demonstrate that such entity has the capacity to assist clients, including clients with disabilities, to successfully engage in self-employment enterprises; and

''(3) submit an application that meets the requirements of subsection (c).

''(c) APPLICATION REQUIREMENTS.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Commissioner at such time, in such manner, and containing such information concerning the self-employment project to be funded under the grant, contract, or agreement as the Commissioner may require, including—

''(1) a description of how and the extent to which the applicant has assisted individuals, including individuals with disabilities, if appropriate, to successfully engage in self-employment enterprises;

''(2) with respect to any partners who will participate in the implementation of activities under the self-employment project, a description of—

''(A) the identity of such partners; and

''(B) the roles and responsibilities of each partner in preparing the application, and if funded, the roles and responsibility of each partner during the self-employment project;

''(3) a description of the geographic region that will be the focus of activity in the self-employment project;

''(4) a projection for each year of a 3-year period of the grant, contract, or agreement, of the number of clients who will be assisted to engage in self-employment enterprises through the self-employment project;

''(5) a description of the manner in which potential clients will be identified and selected to be assisted by the self-employment project;

''(6) a description of the manner in which self-employment enterprises (or market niches) will be identified for the geographic areas to be targeted in the self-employment project;

''(7) a description of the process by which prospective clients will be matched with self-employment opportunities;

''(8) a description of the manner in which the project will become self-sustaining in the third year of the self-employment project; and

''(9) a description of the nature and amount of funding, including in-kind support, other than funds received under this part, that will be available to be used during the self-employment project.

''(d) USE OF FUNDS.—Amounts received under a grant, contract, or cooperative agreement under subsection (a) shall be used—

''(1) for the preparation of marketing analyses to identify self-employment opportunities;

''(2) for the conduct of marketing activities with respect to financial institutions or venture capitalists concerning the benefits of investing in individuals with disabilities who are engaged in self-employment enterprises;

''(3) for the conduct of marketing activities with respect to potential clients who engage in or might engage in self-employment enterprises;

''(4) for the provision of training for clients to be assisted through the project who seek to engage or are engaging in self-employment enterprises;

''(5) to cover the costs of business expenses specifically related to an individual's disability;

''(6) to provide assistance for clients in developing business plans for capital investment;

''(7) to provide assistance for clients in securing capital to engage in a self-employment enterprise;

''(8) to provide technical assistance to clients engaged in self-employment enterprises who seek such assistance in order to sustain or expand their enterprises; and

''(9) for other uses as determined appropriate by the Commissioner.

''(e) PROJECT REQUIREMENTS.—Self-employment projects funded under this section shall—

''(1) establish criteria for and apply such criteria in selecting clients to be assisted through the project;

''(2) on an annual basis, enter into agreements with the Commissioner that contain goals concerning the number of individuals with disabilities that the project will assist in starting and sustaining self-employment enterprises;

''(3) establish and apply criteria to determine whether an enterprise is a viable option in which to invest project funds;

''(4) establish and apply criteria to determine when and if the project would provide assistance in sustaining an ongoing enterprise engaged in by a client or potential client;

''(5) establish and apply criteria to determine when and if the project would provide assistance in expanding an ongoing enterprise engaged in by a client or potential client;

''(6) establish and apply procedures to ensure that a potential client has a clear understanding of the scope and limits of assistance from the project that will be applicable in such client's case;

''(7) develop procedures, which include a written agreement, that provides for the documentation of the respective responsibilities of the self-employment project and any client with regard to the creation, maintenance, or expansion of the client's self-employment enterprise; and

''(8) with respect to the project, submit a report to the Commissioner—

''(A) for each project year, concerning the number of clients assisted by the project who are engaging in self-employment enterprises and whether the goal described in the agreement entered into under paragraph (2) was met; and

''(B) the number of clients assisted by the project who are still engaged in such an enterprise on the date that is—

''(i) 6 months after the date on which assistance provided by the project was terminated; and

''(ii) 12 months after the date of which assistance provided by the project was terminated.

''(f) DURATION OF AWARDS.—A grant, contract, or cooperative agreement under subsection (a) shall be for a 3-year period.

''(g) DEFINITION.—For the purpose of this section, the term 'client' means 1 or more individuals with disabilities who engage in or seek to engage in a self-employment enterprise.

''SEC. 614. DISCRETIONARY AUTHORITY FOR DUAL-PURPOSE APPLICATIONS.

''(a) IN GENERAL.—The Commissioner may establish procedures to permit applicants for grants, contracts, or cooperative agreements under this part to submit applications that serve dual purposes, so long as such applications meet the requirements of sections 612 and section 613.

''(b) AMOUNT OF ASSISTANCE.—In a case described in subsection (a), the minimum

amount of a grant, contract, or cooperative agreement awarded under a dual-purpose application may, at the discretion of the Commissioner, exceed the limitations described in section 612(f)(2).

"SEC. 615. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this part, $10,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2004.

''PART B—PROJECTS WITH INDUSTRY

''PROJECTS WITH INDUSTRY

''SEC. 621. (a)(1) The purpose of this part is to create and expand job and career opportunities for individuals with disabilities in the competitive labor market by engaging the talent and leadership of private industry as partners in the rehabilitation process, to identify competitive job and career opportunities and the skills needed to perform such jobs, to create practical job and career readiness and training programs, and to provide job placements and career advancement.

''(2) The Commissioner, in consultation with the Secretary of Labor and with designated State units, may award grants to individual employers, community rehabilitation program providers, labor unions, trade associations, Indian tribes, tribal organizations, designated State units, and other entities to establish jointly financed Projects With Industry to create and expand job and career opportunities for individuals with disabilities, which projects shall—

''(A) provide for the establishment of business advisory councils, which shall—

''(i) be comprised of—

''(I) representatives of private industry, business concerns, and organized labor;

''(II) individuals with disabilities and representatives of individuals with disabilities; and

''(III) a representative of the appropriate designated State unit;

''(ii) identify job and career availability within the community, consistent with the current and projected local employment opportunities identified by the local workforce investment partnership for the community under section 308(e)(6) of the Workforce Investment Partnership Act of 1998;

''(iii) identify the skills necessary to perform the jobs and careers identified; and

''(iv) prescribe training programs designed to develop appropriate job and career skills, or job placement programs designed to identify and develop job placement and career advancement opportunities, for individuals with disabilities in fields related to the job and career availability identified under clause (ii);;

''(B) provide job development, job placement, and career advancement services;

''(C) to the extent appropriate, provide for—

''(i) training in realistic work settings in order to prepare individuals with disabilities for employment and career advancement in the competitive market; and

''(ii) the modification of any facilities or equipment of the employer involved that are used primarily by individuals with disabilities, except that a project shall not be required to provide for such modification if the modification is required as a reasonable accommodation under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

''(D) provide individuals with disabilities with such support services as may be required in order to maintain the employment and career advancement for which the individuals have received training under this part.

''(3)(A) An individual shall be eligible for services described in paragraph (2) if the individual is determined to be an individual described in section 102(a)(1), and if the determination is made in a manner consistent with section 102(a).

''(B) Such a determination may be made by the recipient of a grant under this part, to the extent the determination is appropriate and available and consistent with the requirements of section 102(a).

''(4) The Commissioner shall enter into an agreement with the grant recipient regarding the establishment of the project. Any agreement shall be jointly developed by the Commissioner, the grant recipient, and, to the extent practicable, the appropriate designated State unit and the individuals with disabilities (or the individuals' representatives) involved. Such agreements shall specify the terms of training and employment under the project, provide for the payment by the Commissioner of part of the costs of the project (in accordance with subsection (c)), and contain the items required under subsection (b) and such other provisions as the parties to the agreement consider to be appropriate.

''(5) Any agreement shall include a description of a plan to annually conduct a review and evaluation of the operation of the project in accordance with standards developed by the Commissioner under subsection (d), and, in conducting the review and evaluation, to collect data and information of the type described in subparagraphs (A) through (C) of section 101(a)(10), as determined to be appropriate by the Commissioner.

''(6) The Commissioner may include, as part of agreements with grant recipients, authority for such grant recipients to provide technical assistance to—

''(A) assist employers in hiring individuals with disabilities; or

''(B) improve or develop relationships between—

''(i) grant recipients or prospective grant recipients; and

''(ii) employers or organized labor; or

''(C) assist employers in understanding and meeting the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) as the Act relates to employment of individuals with disabilities.

''(b) No payment shall be made by the Commissioner under any agreement with a grant recipient entered into under subsection (a) unless such agreement—

''(1) provides an assurance that individuals with disabilities placed under such agreement shall receive at least the applicable minimum wage;

''(2) provides an assurance that any individual with a disability placed under this part shall be afforded terms and benefits of employment equal to terms and benefits that are afforded to the similarly situated nondisabled co-workers of the individual, and that such individuals with disabilities shall not be segregated from their co-workers; and

''(3) provides an assurance that an annual evaluation report containing information specified under subsection (a)(5) shall be submitted as determined to be appropriate by the Commissioner.

''(c) Payments under this section with respect to any project may not exceed 80 per centum of the costs of the project.

''(d)(1) The Commissioner shall develop standards for the evaluation described in subsection (a)(5) and shall review and revise the evaluation standards as necessary, subject to paragraphs (2) and (3).

''(2) In revising the standards for evaluation to be used by the grant recipients, the Commissioner shall obtain and consider recommendations for such standards from State vocational rehabilitation agencies, current and former grant recipients, professional organizations representing business and industry, organizations representing individuals with disabilities, individuals served by grant recipients, organizations representing community rehabilitation program providers, and labor organizations.

''(3) No standards may be established under this subsection unless the standards are approved by the National Council on Disability. The Council shall be afforded adequate time to review and approve the standards.

''(e)(1)(A) A grant may be awarded under this section for a period of up to 5 years and such grant may be renewed.

''(B) Grants under this section shall be awarded on a competitive basis. To be eligible to receive such a grant, a prospective grant recipient shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

''(2) The Commissioner shall to the extent practicable ensure an equitable distribution of payments made under this section among the States. To the extent funds are available, the Commissioner shall award grants under this section to new projects that will serve individuals with disabilities in States, portions of States, Indian tribes, or tribal organizations, that are currently unserved or underserved by projects.

''(f)(1) The Commissioner shall, as necessary, develop and publish in the Federal Register in final form indicators of what constitutes minimum compliance consistent with the evaluation standards under subsection (d)(1).

''(2) Each grant recipient shall report to the Commissioner at the end of each project year the extent to which the grant recipient is in compliance with the evaluation standards.

''(3)(A) The Commissioner shall annually conduct on-site compliance reviews of at least 15 percent of grant recipients. The Commissioner shall select grant recipients for review on a random basis.

''(B) The Commissioner shall use the indicators in determining compliance with the evaluation standards.

''(C) The Commissioner shall ensure that at least one member of a team conducting such a review shall be an individual who—

''(i) is not an employee of the Federal Government; and

''(ii) has experience or expertise in conducting projects.

''(D) The Commissioner shall ensure that—

''(i) a representative of the appropriate designated State unit shall participate in the review; and

''(ii) no person shall participate in the review of a grant recipient if—

''(I) the grant recipient provides any direct financial benefit to the reviewer; or

''(II) participation in the review would give the appearance of a conflict of interest.

''(4) In making a determination concerning any subsequent grant under this section, the Commissioner shall consider the past performance of the applicant, if applicable. The Commissioner shall use compliance indicators developed under this subsection that are consistent with program evaluation standards developed under subsection (d) to assess minimum project performance for purposes of making continuation awards in the third, fourth, and fifth years.

''(5) Each fiscal year the Commissioner shall include in the annual report to Congress required by section 13 an analysis of the extent to which grant recipients have complied with the evaluation standards. The Commissioner may identify individual grant recipients in the analysis. In addition, the Commissioner shall report the results of on-site compliance reviews, identifying individual grant recipients.

''(g) The Commissioner may provide, directly or by way of grant, contract, or cooperative agreement, technical assistance to—

''(1) entities conducting projects for the purpose of assisting such entities in—

''(A) the improvement of or the development of relationships with private industry or labor; or

''(B) the improvement of relationships with State vocational rehabilitation agencies; and

''(2) entities planning the development of new projects.

''(h) As used in this section:

''(1) The term 'agreement' means an agreement described in subsection (a)(4).

''(2) The term 'project' means a Project With Industry established under subsection (a)(2).

''(3) The term 'grant recipient' means a recipient of a grant under subsection (a)(2).

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 622. There are authorized to be appropriated to carry out the provisions of this part, such sums as may be necessary for each of fiscal years 1998 through 2004.

''PART C—SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH THE MOST SIGNIFICANT DISABILITIES

''SEC. 631. PURPOSE.

''It is the purpose of this part to authorize allotments, in addition to grants for vocational rehabilitation services under title I, to assist States in developing collaborative programs with appropriate entities to provide supported employment services for individuals with the most significant disabilities to enable such individuals to achieve the employment outcome of supported employment.

''SEC. 632. ALLOTMENTS.

''(a) IN GENERAL.—

''(1) STATES.—The Secretary shall allot the sums appropriated for each fiscal year to carry out this part among the States on the basis of relative population of each State, except that—

''(A) no State shall receive less than $250,000, or one-third of one percent of the sums appropriated for the fiscal year for which the allotment is made, whichever is greater; and

''(B) if the sums appropriated to carry out this part for the fiscal year exceed by $1,000,000 or more the sums appropriated to carry out this part in fiscal year 1992, no State shall receive less than $300,000, or one-third of one percent of the sums appropriated for the fiscal year for which the allotment is made, whichever is greater.

''(2) CERTAIN TERRITORIES.—

''(A) IN GENERAL.—For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

''(B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted not less than one-eighth of one percent of the amounts appropriated for the fiscal year for which the allotment is made.

''(b) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State for carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

''SEC. 633. AVAILABILITY OF SERVICES.

''Funds provided under this part may be used to provide supported employment services to individuals who are eligible under this part. Funds provided under this part, or title I, may not be used to provide extended services to individuals who are eligible under this part or title I.

''SEC. 634. ELIGIBILITY.

''An individual shall be eligible under this part to receive supported employment services authorized under this Act if—

''(1) the individual is eligible for vocational rehabilitation services;

''(2) the individual is determined to be an individual with a most significant disability; and

''(3) a comprehensive assessment of rehabilitation needs of the individual described in section 7(2)(B), including an evaluation of rehabilitation, career, and job needs, identifies supported employment as the appropriate employment outcome for the individual.

''SEC. 635. STATE PLAN.

''(a) STATE PLAN SUPPLEMENTS.—To be eligible for an allotment under this part, a State shall submit to the Commissioner, as part of the State plan under section 101, a State plan supplement for providing supported employment services authorized under this Act to individuals who are eligible under this Act to receive the services. Each State shall make such annual revisions in the plan supplement as may be necessary.

''(b) CONTENTS.—Each such plan supplement shall—

''(1) designate each designated State agency as the agency to administer the program assisted under this part;

''(2) summarize the results of the comprehensive, statewide assessment conducted under section 101(a)(15)(A)(i), with respect to the rehabilitation needs of individuals with significant disabilities and the need for supported employment services, including needs related to coordination;

''(3) describe the quality, scope, and extent of supported employment services authorized under this Act to be provided to individuals who are eligible under this Act to receive the services and specify the goals and plans of the State with respect to the distribution of funds received under section 632;

''(4) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other State agencies and other appropriate entities to assist in the provision of supported employment services;

''(5) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other public or nonprofit agencies or organizations within the State, employers, natural supports, and other entities with respect to the provision of extended services;

''(6) provide assurances that—

''(A) funds made available under this part will only be used to provide supported employment services authorized under this Act to individuals who are eligible under this part to receive the services;

''(B) the comprehensive assessments of individuals with significant disabilities conducted under section 102(b)(1) and funded under title I will include consideration of supported employment as an appropriate employment outcome;

''(C) an individualized rehabilitation employment plan, as required by section 102, will be developed and updated using funds under title I in order to—

''(i) specify the supported employment services to be provided;

''(ii) specify the expected extended services needed; and

''(iii) identify the source of extended services, which may include natural supports, or to the extent that it is not possible to identify the source of extended services at the time the individualized rehabilitation employment plan is developed, a statement describing the basis for concluding that there is a reasonable expectation that such sources will become available;

''(D) the State will use funds provided under this part only to supplement, and not supplant, the funds provided under title I, in providing supported employment services specified in the individualized rehabilitation employment plan;

''(E) services provided under an individualized rehabilitation employment plan will be coordinated with services provided under other individualized plans established under other Federal or State programs;

''(F) to the extent jobs skills training is provided, the training will be provided on-site; and

''(G) supported employment services will include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities;

''(7) provide assurances that the State agencies designated under paragraph (1) will expend not more than 5 percent of the allotment of the State under this part for administrative costs of carrying out this part; and

''(8) contain such other information and be submitted in such manner as the Commissioner may require.

''SEC. 636. RESTRICTION.

''Each State agency designated under section 635(b)(1) shall collect the information required by section 101(a)(10) separately for eligible individuals receiving supported employment services under this part and for eligible individuals receiving supported employment services under title I.

''SEC. 637. SAVINGS PROVISION.

''(a) SUPPORTED EMPLOYMENT SERVICES.—Nothing in this Act shall be construed to prohibit a State from providing supported employment services in accordance with the State plan submitted under section 101 by using funds made available through a State allotment under section 110.

''(b) POSTEMPLOYMENT SERVICES.—Nothing in this part shall be construed to prohibit a State from providing discrete postemployment services in accordance with the State plan submitted under section 101 by using funds made available through a State allotment under section 110 to an individual who is eligible under this part.

''SEC. 638. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 1998 through 2004.''.

SEC. 10. INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING.

Title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.) is amended to read as follows:

''TITLE VII—INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

''CHAPTER 1—INDIVIDUALS WITH SIGNIFICANT DISABILITIES

''PART A—GENERAL PROVISIONS

''SEC. 701. PURPOSE.

''The purpose of this chapter is to promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with

disabilities into the mainstream of American society, by—

''(1) providing financial assistance to States for providing, expanding, and improving the provision of independent living services;

''(2) providing financial assistance to develop and support statewide networks of centers for independent living; and

''(3) providing financial assistance to States for improving working relationships among State independent living rehabilitation service programs, centers for independent living, Statewide Independent Living Councils established under section 705, State vocational rehabilitation programs receiving assistance under title I, State programs of supported employment services receiving assistance under part C of title VI, client assistance programs receiving assistance under section 112, programs funded under other titles of this Act, programs funded under other Federal law, and programs funded through non-Federal sources.

''SEC. 702. DEFINITIONS.

''As used in this chapter:

''(1) CENTER FOR INDEPENDENT LIVING.—The term 'center for independent living' means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency that—

''(A) is designed and operated within a local community by individuals with disabilities; and

''(B) provides an array of independent living services.

''(2) CONSUMER CONTROL.—The term 'consumer control' means, with respect to a center for independent living, that the center vests power and authority in individuals with disabilities.

''SEC. 703. ELIGIBILITY FOR RECEIPT OF SERVICES.

''Services may be provided under this chapter to any individual with a significant disability, as defined in section 7(21)(B).

''SEC. 704. STATE PLAN.

''(a) IN GENERAL.—

''(1) REQUIREMENT.—To be eligible to receive financial assistance under this chapter, a State shall submit to the Commissioner, and obtain approval of, a State plan containing such provisions as the Commissioner may require, including, at a minimum, the provisions required in this section.

''(2) JOINT DEVELOPMENT.—The plan under paragraph (1) shall be jointly developed and signed by—

''(A) the director of the designated State unit; and

''(B) the chairperson of the Statewide Independent Living Council, acting on behalf of and at the direction of the Council.

''(3) PERIODIC REVIEW AND REVISION.—The plan shall provide for the review and revision of the plan, not less than once every 3 years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, needs in the State for—

''(A) the provision of State independent living services;

''(B) the development and support of a statewide network of centers for independent living; and

''(C) working relationships between—

''(i) programs providing independent living services and independent living centers; and

''(ii) the vocational rehabilitation program established under title I, and other programs providing services for individuals with disabilities.

''(4) DATE OF SUBMISSION.—The State shall submit the plan to the Commissioner 90 days before the completion date of the preceding plan. If a State fails to submit such a plan that complies with the requirements of this section, the Commissioner may withhold financial assistance under this chapter until such time as the State submits such a plan.

''(b) STATEWIDE INDEPENDENT LIVING COUNCIL.—The plan shall provide for the establishment of a Statewide Independent Living Council in accordance with section 705.

''(c) DESIGNATION OF STATE UNIT.—The plan shall designate the designated State unit of such State as the agency that, on behalf of the State, shall—

''(1) receive, account for, and disburse funds received by the State under this chapter based on the plan;

''(2) provide administrative support services for a program under part B, and a program under part C in a case in which the program is administered by the State under section 723;

''(3) keep such records and afford such access to such records as the Commissioner finds to be necessary with respect to the programs; and

''(4) submit such additional information or provide such assurances as the Commissioner may require with respect to the programs.

''(d) OBJECTIVES.—The plan shall—

''(1) specify the objectives to be achieved under the plan and establish timelines for the achievement of the objectives; and

''(2) explain how such objectives are consistent with and further the purpose of this chapter.

''(e) INDEPENDENT LIVING SERVICES.—The plan shall provide that the State will provide independent living services under this chapter to individuals with significant disabilities, and will provide the services to such an individual in accordance with an independent living plan mutually agreed upon by an appropriate staff member of the service provider and the individual, unless the individual signs a waiver stating that such a plan is unnecessary.

''(f) SCOPE AND ARRANGEMENTS.—The plan shall describe the extent and scope of independent living services to be provided under this chapter to meet such objectives. If the State makes arrangements, by grant or contract, for providing such services, such arrangements shall be described in the plan.

''(g) NETWORK.—The plan shall set forth a design for the establishment of a statewide network of centers for independent living that comply with the standards and assurances set forth in section 725.

''(h) CENTERS.—In States in which State funding for centers for independent living equals or exceeds the amount of funds allotted to the State under part C, as provided in section 723, the plan shall include policies, practices, and procedures governing the awarding of grants to centers for independent living and oversight of such centers consistent with section 723.

''(i) COOPERATION, COORDINATION, AND WORKING RELATIONSHIPS AMONG VARIOUS ENTITIES.—The plan shall set forth the steps that will be taken to maximize the cooperation, coordination, and working relationships among—

''(1) the independent living rehabilitation service program, the Statewide Independent Living Council, and centers for independent living; and

''(2) the designated State unit, other State agencies represented on such Council, other councils that address the needs of specific disability populations and issues, and other public and private entities determined to be appropriate by the Council.

''(j) COORDINATION OF SERVICES.—The plan shall describe how services funded under this chapter will be coordinated with, and complement, other services, in order to avoid unnecessary duplication with other Federal, State, and local programs.

''(k) COORDINATION BETWEEN FEDERAL AND STATE SOURCES.—The plan shall describe efforts to coordinate Federal and State funding for centers for independent living and independent living services.

''(l) OUTREACH.—With respect to services and centers funded under this chapter, the plan shall set forth steps to be taken regarding outreach to populations that are unserved or underserved by programs under this title, including minority groups and urban and rural populations.

''(m) REQUIREMENTS.—The plan shall provide satisfactory assurances that all recipients of financial assistance under this chapter will—

''(1) notify all individuals seeking or receiving services under this chapter about the availability of the client assistance program under section 112, the purposes of the services provided under such program, and how to contact such program;

''(2) take affirmative action to employ and advance in employment qualified individuals with disabilities on the same terms and conditions required with respect to the employment of such individuals under the provisions of section 503;

''(3) adopt such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of and accounting for funds paid to the State under this chapter;

''(4)(A) maintain records that fully disclose—

''(i) the amount and disposition by such recipient of the proceeds of such financial assistance;

''(ii) the total cost of the project or undertaking in connection with which such financial assistance is given or used; and

''(iii) the amount of that portion of the cost of the project or undertaking supplied by other sources;

''(B) maintain such other records as the Commissioner determines to be appropriate to facilitate an effective audit;

''(C) afford such access to records maintained under subparagraphs (A) and (B) as the Commissioner determines to be appropriate; and

''(D) submit such reports with respect to such records as the Commissioner determines to be appropriate;

''(5) provide access to the Commissioner and the Comptroller General or any of their duly authorized representatives, for the purpose of conducting audits and examinations, of any books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under this chapter; and

''(6) provide for public hearings regarding the contents of the plan during both the formulation and review of the plan.

''(n) EVALUATION.—The plan shall establish a method for the periodic evaluation of the effectiveness of the plan in meeting the objectives established in subsection (d), including evaluation of satisfaction by individuals with disabilities.

''SEC. 705. STATEWIDE INDEPENDENT LIVING COUNCIL.

''(a) ESTABLISHMENT.—To be eligible to receive financial assistance under this chapter, each State shall establish a Statewide Independent Living Council (referred to in this section as the 'Council'). The Council shall not be established as an entity within a State agency.

''(b) COMPOSITION AND APPOINTMENT.—

''(1) APPOINTMENT.—Members of the Council shall be appointed by the Governor or the appropriate entity within the State responsible for making appointments. The appointing authority shall select members after soliciting recommendations from representatives of organizations representing a broad

range of individuals with disabilities and organizations interested in individuals with disabilities.

''(2) COMPOSITION.—The Council shall include—

''(A) at least one director of a center for independent living chosen by the directors of centers for independent living within the State;

''(B) as ex officio, nonvoting members—

''(i) a representative from the designated State unit; and

''(ii) representatives from other State agencies that provide services for individuals with disabilities; and

''(C) in a State in which 1 or more projects are carried out under section 121, at least 1 representative of the directors of the projects.

''(3) ADDITIONAL MEMBERS.—The Council may include—

''(A) other representatives from centers for independent living;

''(B) parents and guardians of individuals with disabilities;

''(C) advocates of and for individuals with disabilities;

''(D) representatives from private businesses;

''(E) representatives from organizations that provide services for individuals with disabilities; and

''(F) other appropriate individuals.

''(4) QUALIFICATIONS.—

''(A) IN GENERAL.—The Council shall be composed of members—

''(i) who provide statewide representation;

''(ii) who represent a broad range of individuals with disabilities from diverse backgrounds;

''(iii) who are knowledgeable about centers for independent living and independent living services; and

''(iv) a majority of whom are persons who are—

''(I) individuals with disabilities described in section 7(20)(B); and

''(II) not employed by any State agency or center for independent living.

''(B) VOTING MEMBERS.—A majority of the voting members of the Council shall be—

''(i) individuals with disabilities described in section 7(20)(B); and

''(ii) not employed by any State agency or center for independent living.

''(5) CHAIRPERSON.—The Council shall select a chairperson from among the voting membership of the Council.

''(6) TERMS OF APPOINTMENT.—

''(A) LENGTH OF TERM.—Each member of the Council shall serve for a term of 3 years, except that—

''(i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

''(ii) the terms of service of the members initially appointed shall be (as specified by the appointing authority) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

''(B) NUMBER OF TERMS.—No member of the Council may serve more than two consecutive full terms.

''(7) VACANCIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

''(B) DELEGATION.—The Governor (including an entity described in paragraph (1)) may delegate the authority to fill such a vacancy to the remaining voting members of the Council after making the original appointment.

''(c) DUTIES.—The Council shall—

''(1) jointly develop and sign (in conjunction with the designated State unit) the State plan required in section 704;

''(2) monitor, review, and evaluate the implementation of the State plan;

''(3) coordinate activities with the State Rehabilitation Council established under section 105, if the State has such a Council, or the commission described in section 101(a)(21)(A), if the State has such a commission, and councils that address the needs of specific disability populations and issues under other Federal law;

''(4) ensure that all regularly scheduled meetings of the Statewide Independent Living Council are open to the public and sufficient advance notice is provided; and

''(5) submit to the Commissioner such periodic reports as the Commissioner may reasonably request, and keep such records, and afford such access to such records, as the Commissioner finds necessary to verify such reports.

''(d) HEARINGS AND FORUMS.—The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

''(e) PLAN.—

''(1) IN GENERAL.—The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and personnel, as may be necessary and sufficient to carry out the functions of the Council under this section, with funds made available under this chapter, and under section 110 (consistent with section 101(a)(18)), and from other public and private sources. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

''(2) SUPERVISION AND EVALUATION.—Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out the functions of the Council under this section.

''(3) CONFLICT OF INTEREST.—While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State agency or any other agency or office of the State, that would create a conflict of interest.

''(f) COMPENSATION AND EXPENSES.—The Council may use such resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties.

''SEC. 706. RESPONSIBILITIES OF THE COMMISSIONER.

''(a) APPROVAL OF STATE PLANS.—

''(1) IN GENERAL.—The Commissioner shall approve any State plan submitted under section 704 that the Commissioner determines meets the requirements of section 704, and shall disapprove any such plan that does not meet such requirements, as soon as practicable after receiving the plan. Prior to such disapproval, the Commissioner shall notify the State of the intention to disapprove the plan, and shall afford such State reasonable notice and opportunity for a hearing.

''(2) PROCEDURES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the provisions of subsections (c) and (d) of section 107 shall apply to any State plan submitted to the Commissioner under section 704.

''(B) APPLICATION.—For purposes of the application described in subparagraph (A), all references in such provisions—

''(i) to the Secretary shall be deemed to be references to the Commissioner; and

''(ii) to section 101 shall be deemed to be references to section 704.

''(b) INDICATORS.—Not later than October 1, 1993, the Commissioner shall develop and publish in the Federal Register indicators of minimum compliance consistent with the standards set forth in section 725.

''(c) ON-SITE COMPLIANCE REVIEWS.—

''(1) REVIEWS.—The Commissioner shall annually conduct on-site compliance reviews of at least 15 percent of the centers for independent living that receive funds under section 722 and shall periodically conduct such a review of each such center. The Commissioner shall select such centers for review on a random basis. The Commissioner shall annually conduct onsite compliance reviews of at least one-third of the designated State units that receive funding under section 723, and, to the extent necessary to determine the compliance of such a State unit with subsections (f) and (g) of section 723, centers that receive funding under section 723 in such State.

''(2) QUALIFICATIONS OF EMPLOYEES CONDUCTING REVIEWS.—The Commissioner shall—

''(A) to the maximum extent practicable, carry out such a review by using employees of the Department who are knowledgeable about the provision of independent living services;

''(B) ensure that the employee of the Department with responsibility for supervising such a review shall have such knowledge; and

''(C) ensure that at least one member of a team conducting such a review shall be an individual who—

''(i) is not a government employee; and

''(ii) has experience in the operation of centers for independent living.

''(d) REPORTS.—The Commissioner shall include, in the annual report required under section 13, information on the extent to which centers for independent living receiving funds under part C have complied with the standards and assurances set forth in section 725. The Commissioner may identify individual centers for independent living in the analysis. The Commissioner shall report the results of on-site compliance reviews, identifying individual centers for independent living and other recipients of assistance under this chapter.

''PART B—INDEPENDENT LIVING SERVICES

''SEC. 711. ALLOTMENTS.

''(a) IN GENERAL.—

''(1) STATES.—

''(A) POPULATION BASIS.—Except as provided in subparagraphs (B) and (C), from sums appropriated for each fiscal year to carry out this part, the Commissioner shall make an allotment to each State whose State plan has been approved under section 706 of an amount bearing the same ratio to such sums as the population of the State bears to the population of all States.

''(B) MAINTENANCE OF 1992 AMOUNTS.—Subject to the availability of appropriations to carry out this part, the amount of any allotment made under subparagraph (A) to a State for a fiscal year shall not be less than the amount of an allotment made to the State for fiscal year 1992 under part A of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.

''(C) MINIMUMS.—Subject to the availability of appropriations to carry out this part,

and except as provided in subparagraph (B), the allotment to any State under subparagraph (A) shall be not less than $275,000 or one-third of one percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $275,000 or one-third of one percent of such sums shall be increased to the greater of the two amounts.

''(2) CERTAIN TERRITORIES.—

''(A) IN GENERAL.—For the purposes of paragraph (1)(C), Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

''(B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted under paragraph (1)(A) not less than one-eighth of one percent of the amounts made available for purposes of this part for the fiscal year for which the allotment is made.

''(3) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1999, in which the total amount appropriated to carry out this part exceeds the total amount appropriated to carry out this part for the preceding fiscal year, the Commissioner shall increase the minimum allotment under paragraph (1)(C) by a percentage that shall not exceed the percentage increase in the total amount appropriated to carry out this part between the preceding fiscal year and the fiscal year involved.

''(b) PROPORTIONAL REDUCTION.—To provide allotments to States in accordance with subsection (a)(1)(B), to provide minimum allotments to States (as increased under subsection (a)(3)) under subsection (a)(1)(C), or to provide minimum allotments to States under subsection (a)(2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under subsection (a)(1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the amount required by subsection (a)(1)(B).

''(c) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State in carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

''SEC. 712. PAYMENTS TO STATES FROM ALLOTMENTS.

''(a) PAYMENTS.—From the allotment of each State for a fiscal year under section 711, the State shall be paid the Federal share of the expenditures incurred during such year under its State plan approved under section 706. Such payments may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Commissioner may determine.

''(b) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share with respect to any State for any fiscal year shall be 90 percent of the expenditures incurred by the State during such year under its State plan approved under section 706.

''(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any project that receives assistance through an allotment under this part may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

''SEC. 713. AUTHORIZED USES OF FUNDS.

''The State may use funds received under this part to provide the resources described in section 705(e), relating to the Statewide Independent Living Council, and may use funds received under this part—

''(1) to provide independent living services to individuals with significant disabilities;

''(2) to demonstrate ways to expand and improve independent living services;

''(3) to support the operation of centers for independent living that are in compliance with the standards and assurances set forth in subsections (b) and (c) of section 725;

''(4) to support activities to increase the capacities of public or nonprofit agencies and organizations and other entities to develop comprehensive approaches or systems for providing independent living services;

''(5) to conduct studies and analyses, gather information, develop model policies and procedures, and present information, approaches, strategies, findings, conclusions, and recommendations to Federal, State, and local policymakers in order to enhance independent living services for individuals with disabilities;

''(6) to train individuals with disabilities and individuals providing services to individuals with disabilities and other persons regarding the independent living philosophy; and

''(7) to provide outreach to populations that are unserved or underserved by programs under this title, including minority groups and urban and rural populations.

''SEC. 714. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of the fiscal years 1998 through 2004.

''PART C—CENTERS FOR INDEPENDENT LIVING

''SEC. 721. PROGRAM AUTHORIZATION.

''(a) IN GENERAL.—From the funds appropriated for fiscal year 1998 and for each subsequent fiscal year to carry out this part, the Commissioner shall allot such sums as may be necessary to States and other entities in accordance with subsections (b) through (d).

''(b) TRAINING.—

''(1) GRANTS; CONTRACTS; OTHER ARRANGEMENTS.—For any fiscal year in which the funds appropriated to carry out this part exceed the funds appropriated to carry out this part for fiscal year 1993, the Commissioner shall first reserve from such excess, to provide training and technical assistance to eligible agencies, centers for independent living, and Statewide Independent Living Councils for such fiscal year, not less than 1.8 percent, and not more than 2 percent, of the funds appropriated to carry out this part for the fiscal year involved.

''(2) ALLOCATION.—From the funds reserved under paragraph (1), the Commissioner shall make grants to, and enter into contracts and other arrangements with, entities who have experience in the operation of centers for independent living to provide such training and technical assistance with respect to planning, developing, conducting, administering, and evaluating centers for independent living.

''(3) FUNDING PRIORITIES.—The Commissioner shall conduct a survey of Statewide Independent Living Councils and centers for independent living regarding training and technical assistance needs in order to determine funding priorities for such grants, contracts, and other arrangements.

''(4) REVIEW.—To be eligible to receive a grant or enter into a contract or other arrangement under this subsection, such an entity shall submit an application to the Commissioner at such time, in such manner, and containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require. The Commissioner shall provide for peer review of grant applications by panels that include persons who are not government employees and who have experience in the operation of centers for independent living.

''(5) PROHIBITION ON COMBINED FUNDS.—No funds reserved by the Commissioner under this subsection may be combined with funds appropriated under any other Act or part of this Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this chapter are separately identified in such grant or payment and are used for the purposes of this chapter.

''(c) IN GENERAL.—

''(1) STATES.—

''(A) POPULATION BASIS.—After the reservation required by subsection (b) has been made, and except as provided in subparagraphs (B) and (C), from the remainder of the amounts appropriated for each such fiscal year to carry out this part, the Commissioner shall make an allotment to each State whose State plan has been approved under section 706 of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

''(B) MAINTENANCE OF 1992 AMOUNTS.—Subject to the availability of appropriations to carry out this part, the amount of any allotment made under subparagraph (A) to a State for a fiscal year shall not be less than the amount of financial assistance received by centers for independent living in the State for fiscal year 1992 under part B of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.

''(C) MINIMUMS.—Subject to the availability of appropriations to carry out this part and except as provided in subparagraph (B), for a fiscal year in which the amounts appropriated to carry out this part exceed the amounts appropriated for fiscal year 1992 to carry out part B of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992—

''(i) if such excess is not less than $8,000,000, the allotment to any State under subparagraph (A) shall be not less than $450,000 or one-third of one percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $450,000 or one-third of one percent of such sums shall be increased to the greater of the two amounts;

''(ii) if such excess is not less than $4,000,000 and is less than $8,000,000, the allotment to any State under subparagraph (A) shall be not less than $400,000 or one-third of one percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $400,000 or one-third of one percent of such sums shall be increased to the greater of the two amounts; and

''(iii) if such excess is less than $4,000,000, the allotment to any State under subparagraph (A) shall approach, as nearly as possible, the greater of the two amounts described in clause (ii).

''(2) CERTAIN TERRITORIES.—

''(A) IN GENERAL.—For the purposes of paragraph (1)(C), Guam, American Samoa,

the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

''(B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted under paragraph (1)(A) not less than one-eighth of one percent of the remainder for the fiscal year for which the allotment is made.

''(3) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1999, in which the total amount appropriated to carry out this part exceeds the total amount appropriated to carry out this part for the preceding fiscal year, the Commissioner shall increase the minimum allotment under paragraph (1)(C) by a percentage that shall not exceed the percentage increase in the total amount appropriated to carry out this part between the preceding fiscal year and the fiscal year involved.

''(4) PROPORTIONAL REDUCTION.—To provide allotments to States in accordance with paragraph (1)(B), to provide minimum allotments to States (as increased under paragraph (3)) under paragraph (1)(C), or to provide minimum allotments to States under paragraph (2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under paragraph (1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the amount required by paragraph (1)(B).

''(d) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State for carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

''SEC. 722. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Unless the director of a designated State unit awards grants under section 723 to eligible agencies in a State for a fiscal year, the Commissioner shall award grants under this section to such eligible agencies for such fiscal year from the amount of funds allotted to the State under subsection (c) or (d) of section 721 for such year.

''(2) GRANTS.—The Commissioner shall award such grants, from the amount of funds so allotted, to such eligible agencies for the planning, conduct, administration, and evaluation of centers for independent living that comply with the standards and assurances set forth in section 725.

''(b) ELIGIBLE AGENCIES.—In any State in which the Commissioner has approved the State plan required by section 704, the Commissioner may make a grant under this section to any eligible agency that—

''(1) has the power and authority to carry out the purpose of this part and perform the functions set forth in section 725 within a community and to receive and administer funds under this part, funds and contributions from private or public sources that may be used in support of a center for independent living, and funds from other public and private programs;

''(2) is determined by the Commissioner to be able to plan, conduct, administer, and evaluate a center for independent living consistent with the standards and assurances set forth in section 725; and

''(3) submits an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

''(c) EXISTING ELIGIBLE AGENCIES.—In the administration of the provisions of this section, the Commissioner shall award grants to any eligible agency that has been awarded a grant under this part by September 30, 1997 unless the Commissioner makes a finding that the agency involved fails to meet program and fiscal standards and assurances set forth in section 725.

''(d) NEW CENTERS FOR INDEPENDENT LIVING.—

''(1) IN GENERAL.—If there is no center for independent living serving a region of the State or a region is underserved, and the increase in the allotment of the State is sufficient to support an additional center for independent living in the State, the Commissioner may award a grant under this section to the most qualified applicant proposing to serve such region, consistent with the provisions in the State plan setting forth the design of the State for establishing a statewide network of centers for independent living.

''(2) SELECTION.—In selecting from among applicants for a grant under this section for a new center for independent living, the Commissioner—

''(A) shall consider comments regarding the application, if any, by the Statewide Independent Living Council in the State in which the applicant is located;

''(B) shall consider the ability of each such applicant to operate a center for independent living based on—

''(i) evidence of the need for such a center;

''(ii) any past performance of such applicant in providing services comparable to independent living services;

''(iii) the plan for satisfying or demonstrated success in satisfying the standards and the assurances set forth in section 725;

''(iv) the quality of key personnel and the involvement of individuals with significant disabilities;

''(v) budgets and cost-effectiveness;

''(vi) an evaluation plan; and

''(vii) the ability of such applicant to carry out the plans; and

''(C) shall give priority to applications from applicants proposing to serve geographic areas within each State that are currently unserved or underserved by independent living programs, consistent with the provisions of the State plan submitted under section 704 regarding establishment of a statewide network of centers for independent living.

''(3) CURRENT CENTERS.—Notwithstanding paragraphs (1) and (2), a center for independent living that receives assistance under part B for a fiscal year shall be eligible for a grant for the subsequent fiscal year under this subsection.

''(e) ORDER OF PRIORITIES.—The Commissioner shall be guided by the following order of priorities in allocating funds among centers for independent living within a State, to the extent funds are available:

''(1) The Commissioner shall support existing centers for independent living, as described in subsection (c), that comply with the standards and assurances set forth in section 725, at the level of funding for the previous year.

''(2) The Commissioner shall provide for a cost-of-living increase for such existing centers for independent living.

''(3) The Commissioner shall fund new centers for independent living, as described in subsection (d), that comply with the standards and assurances set forth in section 725.

''(f) NONRESIDENTIAL AGENCIES.—A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.

''(g) REVIEW.—

''(1) IN GENERAL.—The Commissioner shall periodically review each center receiving funds under this section to determine whether such center is in compliance with the standards and assurances set forth in section 725. If the Commissioner determines that any center receiving funds under this section is not in compliance with the standards and assurances set forth in section 725, the Commissioner shall immediately notify such center that it is out of compliance.

''(2) ENFORCEMENT.—The Commissioner shall terminate all funds under this section to such center 90 days after the date of such notification unless the center submits a plan to achieve compliance within 90 days of such notification and such plan is approved by the Commissioner.

''SEC. 723. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH STATE FUNDING EQUALS OR EXCEEDS FEDERAL FUNDING.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—

''(A) INITIAL YEAR.—

''(i) DETERMINATION.—The director of a designated State unit, as provided in paragraph (2), or the Commissioner, as provided in paragraph (3), shall award grants under this section for an initial fiscal year if the Commissioner determines that the amount of State funds that were earmarked by a State for a preceding fiscal year to support the general operation of centers for independent living meeting the requirements of this part equaled or exceeded the amount of funds allotted to the State under subsection (c) or (d) of section 721 for such year.

''(ii) GRANTS.—The director or the Commissioner, as appropriate, shall award such grants, from the amount of funds so allotted for the initial fiscal year, to eligible agencies in the State for the planning, conduct, administration, and evaluation of centers for independent living that comply with the standards and assurances set forth in section 725.

''(iii) REGULATION.—The Commissioner shall by regulation specify the preceding fiscal year with respect to which the Commissioner will make the determinations described in clause (i) and subparagraph (B), making such adjustments as may be necessary to accommodate State funding cycles such as 2-year funding cycles or State fiscal years that do not coincide with the Federal fiscal year.

''(B) SUBSEQUENT YEARS.—For each year subsequent to the initial fiscal year described in subparagraph (A), the director of the designated State unit shall continue to have the authority to award such grants under this section if the Commissioner determines that the State continues to earmark the amount of State funds described in subparagraph (A)(i). If the State does not continue to earmark such an amount for a fiscal year, the State shall be ineligible to make grants under this section after a final year following such fiscal year, as defined in accordance with regulations established by the Commissioner, and for each subsequent fiscal year.

''(2) GRANTS BY DESIGNATED STATE UNITS.—In order for the designated State unit to be eligible to award the grants described in paragraph (1) and carry out this section for a fiscal year with respect to a State, the designated State agency shall submit an application to the Commissioner at such time, and in such manner as the Commissioner may require, including information about

the amount of State funds described in paragraph (1) for the preceding fiscal year. If the Commissioner makes a determination described in subparagraph (A)(i) or (B), as appropriate, of paragraph (1), the Commissioner shall approve the application and designate the director of the designated State unit to award the grant and carry out this section.

''(3) GRANTS BY COMMISSIONER.—If the designated State agency of a State described in paragraph (1) does not submit and obtain approval of an application under paragraph (2), the Commissioner shall award the grant described in paragraph (1) to eligible agencies in the State in accordance with section 722.

''(b) ELIGIBLE AGENCIES.—In any State in which the Commissioner has approved the State plan required by section 704, the director of the designated State unit may award a grant under this section to any eligible agency that—

''(1) has the power and authority to carry out the purpose of this part and perform the functions set forth in section 725 within a community and to receive and administer funds under this part, funds and contributions from private or public sources that may be used in support of a center for independent living, and funds from other public and private programs;

''(2) is determined by the director to be able to plan, conduct, administer, and evaluate a center for independent living, consistent with the standards and assurances set forth in section 725; and

''(3) submits an application to the director at such time, in such manner, and containing such information as the head of the designated State unit may require.

''(c) EXISTING ELIGIBLE AGENCIES.—In the administration of the provisions of this section, the director of the designated State unit shall award grants under this section to any eligible agency that has been awarded a grant under this part by September 30, 1997, unless the director makes a finding that the agency involved fails to comply with the standards and assurances set forth in section 725.

''(d) NEW CENTERS FOR INDEPENDENT LIVING.—

''(1) IN GENERAL.—If there is no center for independent living serving a region of the State or the region is unserved or underserved, and the increase in the allotment of the State is sufficient to support an additional center for independent living in the State, the director of the designated State unit may award a grant under this section from among eligible agencies, consistent with the provisions of the State plan under section 704 setting forth the design of the State for establishing a statewide network of centers for independent living.

''(2) SELECTION.—In selecting from among eligible agencies in awarding a grant under this part for a new center for independent living—

''(A) the director of the designated State unit and the chairperson of, or other individual designated by, the Statewide Independent Living Council acting on behalf of and at the direction of the Council, shall jointly appoint a peer review committee that shall rank applications in accordance with the standards and assurances set forth in section 725 and criteria jointly established by such director and such chairperson or individual;

''(B) the peer review committee shall consider the ability of each such applicant to operate a center for independent living, and shall recommend an applicant to receive a grant under this section, based on—

''(i) evidence of the need for a center for independent living, consistent with the State plan;

''(ii) any past performance of such applicant in providing services comparable to independent living services;

''(iii) the plan for complying with, or demonstrated success in complying with, the standards and the assurances set forth in section 725;

''(iv) the quality of key personnel of the applicant and the involvement of individuals with significant disabilities by the applicant;

''(v) the budgets and cost-effectiveness of the applicant;

''(vi) the evaluation plan of the applicant; and

''(vii) the ability of such applicant to carry out the plans; and

''(C) the director of the designated State unit shall award the grant on the basis of the recommendations of the peer review committee if the actions of the committee are consistent with Federal and State law.

''(3) CURRENT CENTERS.—Notwithstanding paragraphs (1) and (2), a center for independent living that receives assistance under part B for a fiscal year shall be eligible for a grant for the subsequent fiscal year under this subsection.

''(e) ORDER OF PRIORITIES.—Unless the director of the designated State unit and the chairperson of the Council or other individual designated by the Council acting on behalf of and at the direction of the Council jointly agree on another order of priority, the director shall be guided by the following order of priorities in allocating funds among centers for independent living within a State, to the extent funds are available:

''(1) The director of the designated State unit shall support existing centers for independent living, as described in subsection (c), that comply with the standards and assurances set forth in section 725, at the level of funding for the previous year.

''(2) The director of the designated State unit shall provide for a cost-of-living increase for such existing centers for independent living.

''(3) The director of the designated State unit shall fund new centers for independent living, as described in subsection (d), that comply with the standards and assurances set forth in section 725.

''(f) NONRESIDENTIAL AGENCIES.—A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.

''(g) REVIEW.—

''(1) IN GENERAL.—The director of the designated State unit shall periodically review each center receiving funds under this section to determine whether such center is in compliance with the standards and assurances set forth in section 725. If the director of the designated State unit determines that any center receiving funds under this section is not in compliance with the standards and assurances set forth in section 725, the director of the designated State unit shall immediately notify such center that it is out of compliance.

''(2) ENFORCEMENT.—The director of the designated State unit shall terminate all funds under this section to such center 90 days after—

''(A) the date of such notification; or

''(B) in the case of a center that requests an appeal under subsection (i), the date of any final decision under subsection (i),

unless the center submits a plan to achieve compliance within 90 days and such plan is approved by the director, or if appealed, by the Commissioner.

''(h) ON-SITE COMPLIANCE REVIEW.—The director of the designated State unit shall annually conduct onsite compliance reviews of at least 15 percent of the centers for independent living that receive funding under this section in the State. Each team that conducts on-site compliance review of centers for independent living shall include at least one person who is not an employee of the designated State agency, who has experience in the operation of centers for independent living, and who is jointly selected by the director of the designated State unit and the chairperson of or other individual designated by the Council acting on behalf of and at the direction of the Council. A copy of this review shall be provided to the Commissioner.

''(i) ADVERSE ACTIONS.—If the director of the designated State unit proposes to take a significant adverse action against a center for independent living, the center may seek mediation and conciliation to be provided by an individual or individuals who are free of conflicts of interest identified by the chairperson of or other individual designated by the Council. If the issue is not resolved through the mediation and conciliation, the center may appeal the proposed adverse action to the Commissioner for a final decision.

''SEC. 724. CENTERS OPERATED BY STATE AGENCIES.

''A State that receives assistance for fiscal year 1993 with respect to a center in accordance with subsection (a) of this section (as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1998) may continue to receive assistance under this part for fiscal year 1994 or a succeeding fiscal year if, for such fiscal year—

''(1) no nonprofit private agency—

''(A) submits an acceptable application to operate a center for independent living for the fiscal year before a date specified by the Commissioner; and

''(B) obtains approval of the application under section 722 or 723; or

''(2) after funding all applications so submitted and approved, the Commissioner determines that funds remain available to provide such assistance.

''SEC. 725. STANDARDS AND ASSURANCES FOR CENTERS FOR INDEPENDENT LIVING.

''(a) IN GENERAL.—Each center for independent living that receives assistance under this part shall comply with the standards set out in subsection (b) and provide and comply with the assurances set out in subsection (c) in order to ensure that all programs and activities under this part are planned, conducted, administered, and evaluated in a manner consistent with the purposes of this chapter and the objective of providing assistance effectively and efficiently.

''(b) STANDARDS.—

''(1) PHILOSOPHY.—The center shall promote and practice the independent living philosophy of—

''(A) consumer control of the center regarding decisionmaking, service delivery, management, and establishment of the policy and direction of the center;

''(B) self-help and self-advocacy;

''(C) development of peer relationships and peer role models; and

''(D) equal access of individuals with significant disabilities to society and to all services, programs, activities, resources, and facilities, whether public or private and regardless of the funding source.

''(2) PROVISION OF SERVICES.—The center shall provide services to individuals with a range of significant disabilities. The center shall provide services on a cross-disability basis (for individuals with all different types of significant disabilities, including individuals with significant disabilities who are members of populations that are unserved or underserved by programs under this title). Eligibility for services at any center for independent living shall be determined by the center, and shall not be based on the presence of any one or more specific significant disabilities.

''(3) INDEPENDENT LIVING GOALS.—The center shall facilitate the development and achievement of independent living goals selected by individuals with significant disabilities who seek such assistance by the center.

''(4) COMMUNITY OPTIONS.—The center shall work to increase the availability and improve the quality of community options for independent living in order to facilitate the development and achievement of independent living goals by individuals with significant disabilities.

''(5) INDEPENDENT LIVING CORE SERVICES.—The center shall provide independent living core services and, as appropriate, a combination of any other independent living services.

''(6) ACTIVITIES TO INCREASE COMMUNITY CAPACITY.—The center shall conduct activities to increase the capacity of communities within the service area of the center to meet the needs of individuals with significant disabilities.

''(7) RESOURCE DEVELOPMENT ACTIVITIES.—The center shall conduct resource development activities to obtain funding from sources other than this chapter.

''(c) ASSURANCES.—The eligible agency shall provide at such time and in such manner as the Commissioner may require, such satisfactory assurances as the Commissioner may require, including satisfactory assurances that—

''(1) the applicant is an eligible agency;

''(2) the center will be designed and operated within local communities by individuals with disabilities, including an assurance that the center will have a Board that is the principal governing body of the center and a majority of which shall be composed of individuals with significant disabilities;

''(3) the applicant will comply with the standards set forth in subsection (b);

''(4) the applicant will establish clear priorities through annual and 3-year program and financial planning objectives for the center, including overall goals or a mission for the center, a work plan for achieving the goals or mission, specific objectives, service priorities, and types of services to be provided, and a description that shall demonstrate how the proposed activities of the applicant are consistent with the most recent 3-year State plan under section 704;

''(5) the applicant will use sound organizational and personnel assignment practices, including taking affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503;

''(6) the applicant will ensure that the majority of the staff, and individuals in decisionmaking positions, of the applicant are individuals with disabilities;

''(7) the applicant will practice sound fiscal management, including making arrangements for an annual independent fiscal audit, notwithstanding section 7502(a)(2)(A) of title 31, United States Code;

''(8) the applicant will conduct annual self-evaluations, prepare an annual report, and maintain records adequate to measure performance with respect to the standards, containing information regarding, at a minimum—

''(A) the extent to which the center is in compliance with the standards;

''(B) the number and types of individuals with significant disabilities receiving services through the center;

''(C) the types of services provided through the center and the number of individuals with significant disabilities receiving each type of service;

''(D) the sources and amounts of funding for the operation of the center;

''(E) the number of individuals with significant disabilities who are employed by, and the number who are in management and decisionmaking positions in, the center; and

''(F) a comparison, when appropriate, of the activities of the center in prior years with the activities of the center in the most recent year;

''(9) individuals with significant disabilities who are seeking or receiving services at the center will be notified by the center of the existence of, the availability of, and how to contact, the client assistance program;

''(10) aggressive outreach regarding services provided through the center will be conducted in an effort to reach populations of individuals with significant disabilities that are unserved or underserved by programs under this title, especially minority groups and urban and rural populations;

''(11) staff at centers for independent living will receive training on how to serve such unserved and underserved populations, including minority groups and urban and rural populations;

''(12) the center will submit to the Statewide Independent Living Council a copy of its approved grant application and the annual report required under paragraph (8);

''(13) the center will prepare and submit a report to the designated State unit or the Commissioner, as the case may be, at the end of each fiscal year that contains the information described in paragraph (8) and information regarding the extent to which the center is in compliance with the standards set forth in subsection (b); and

''(14) an independent living plan described in section 704(e) will be developed unless the individual who would receive services under the plan signs a waiver stating that such a plan is unnecessary.

''SEC. 726. DEFINITIONS.

''As used in this part, the term 'eligible agency' means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency.

''SEC. 727. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of the fiscal years 1998 through 2004.

''CHAPTER 2—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

''SEC. 751. DEFINITION.

''For purposes of this chapter, the term 'older individual who is blind' means an individual age 55 or older whose significant visual impairment makes competitive employment extremely difficult to attain but for whom independent living goals are feasible.

''SEC. 752. PROGRAM OF GRANTS.

''(a) IN GENERAL.—

''(1) AUTHORITY FOR GRANTS.—Subject to subsections (b) and (c), the Commissioner may make grants to States for the purpose of providing the services described in subsection (d) to older individuals who are blind.

''(2) DESIGNATED STATE AGENCY.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees that the grant will be administered solely by the agency described in section 101(a)(2)(A)(i).

''(b) CONTINGENT COMPETITIVE GRANTS.—Beginning with fiscal year 1993, in the case of any fiscal year for which the amount appropriated under section 753 is less than $13,000,000, grants made under subsection (a) shall be—

''(1) discretionary grants made on a competitive basis to States; or

''(2) grants made on a noncompetitive basis to pay for the continuation costs of activities for which a grant was awarded—

''(A) under this chapter; or

''(B) under part C, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.

''(c) CONTINGENT FORMULA GRANTS.—

''(1) IN GENERAL.—In the case of any fiscal year for which the amount appropriated under section 753 is equal to or greater than $13,000,000, grants under subsection (a) shall be made only to States and shall be made only from allotments under paragraph (2).

''(2) ALLOTMENTS.—For grants under subsection (a) for a fiscal year described in paragraph (1), the Commissioner shall make an allotment to each State in an amount determined in accordance with subsection (j), and shall make a grant to the State of the allotment made for the State if the State submits to the Commissioner an application in accordance with subsection (i).

''(d) SERVICES GENERALLY.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees that the grant will be expended only for purposes of—

''(1) providing independent living services to older individuals who are blind;

''(2) conducting activities that will improve or expand services for such individuals; and

''(3) conducting activities to help improve public understanding of the problems of such individuals.

''(e) INDEPENDENT LIVING SERVICES.—Independent living services for purposes of subsection (d)(1) include—

''(1) services to help correct blindness, such as—

''(A) outreach services;

''(B) visual screening;

''(C) surgical or therapeutic treatment to prevent, correct, or modify disabling eye conditions; and

''(D) hospitalization related to such services;

''(2) the provision of eyeglasses and other visual aids;

''(3) the provision of services and equipment to assist an older individual who is blind to become more mobile and more self-sufficient;

''(4) mobility training, Braille instruction, and other services and equipment to help an older individual who is blind adjust to blindness;

''(5) guide services, reader services, and transportation;

''(6) any other appropriate service designed to assist an older individual who is blind in coping with daily living activities, including supportive services and rehabilitation teaching services;

''(7) independent living skills training, information and referral services, peer counseling, and individual advocacy training; and

''(8) other independent living services.

''(f) MATCHING FUNDS.—

''(1) IN GENERAL.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees, with respect to the costs of the program to be carried out by the State pursuant to such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than $1 for each $9 of Federal funds provided in the grant.

''(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(g) CERTAIN EXPENDITURES OF GRANTS.—A State may expend a grant under subsection (a) to carry out the purposes specified in subsection (d) through grants to public and nonprofit private agencies or organizations.

''(h) REQUIREMENT REGARDING STATE PLAN.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees that, in carrying out subsection (d)(1), the State will seek to incorporate into the State plan under section 704 any new methods and approaches relating to independent living services for older individuals who are blind.

''(i) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—The Commissioner may not make a grant under subsection (a) unless an application for the grant is submitted to the Commissioner and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Commissioner determines to be necessary to carry out this section (including agreements, assurances, and information with respect to any grants under subsection (j)(4)).

''(2) CONTENTS.—An application for a grant under this section shall contain—

''(A) an assurance that the agency described in subsection (a)(2) will prepare and submit to the Commissioner a report, at the end of each fiscal year, with respect to each project or program the agency operates or administers under this section, whether directly or through a grant or contract, which report shall contain, at a minimum, information on—

''(i) the number and types of older individuals who are blind and are receiving services;

''(ii) the types of services provided and the number of older individuals who are blind and are receiving each type of service;

''(iii) the sources and amounts of funding for the operation of each project or program;

''(iv) the amounts and percentages of resources committed to each type of service provided;

''(v) data on actions taken to employ, and advance in employment, qualified individuals with significant disabilities, including older individuals who are blind; and

''(vi) a comparison, if appropriate, of prior year activities with the activities of the most recent year;

''(B) an assurance that the agency will—

''(i) provide services that contribute to the maintenance of, or the increased independence of, older individuals who are blind; and

''(ii) engage in—

''(I) capacity-building activities, including collaboration with other agencies and organizations;

''(II) activities to promote community awareness, involvement, and assistance; and

''(III) outreach efforts; and

''(C) an assurance that the application is consistent with the State plan for providing independent living services required by section 704.

''(j) AMOUNT OF FORMULA GRANT.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the amount of an allotment under subsection (a) for a State for a fiscal year shall be the greater of—

''(A) the amount determined under paragraph (2); or

''(B) the amount determined under paragraph (3).

''(2) MINIMUM ALLOTMENT.—

''(A) STATES.—In the case of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, the amount referred to in subparagraph (A) of paragraph (1) for a fiscal year is the greater of—

''(i) $225,000; or

''(ii) an amount equal to one-third of one percent of the amount appropriated under section 753 for the fiscal year and available for allotments under subsection (a).

''(B) CERTAIN TERRITORIES.—In the case of Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the amount referred to in subparagraph (A) of paragraph (1) for a fiscal year is $40,000.

''(3) FORMULA.—The amount referred to in subparagraph (B) of paragraph (1) for a State for a fiscal year is the product of—

''(A) the amount appropriated under section 753 and available for allotments under subsection (a); and

''(B) a percentage equal to the quotient of—

''(i) an amount equal to the number of individuals residing in the State who are not less than 55 years of age; divided by

''(ii) an amount equal to the number of individuals residing in the United States who are not less than 55 years of age.

''(4) DISPOSITION OF CERTAIN AMOUNTS.—

''(A) GRANTS.—From the amounts specified in subparagraph (B), the Commissioner may make grants to States whose population of older individuals who are blind has a substantial need for the services specified in subsection (d) relative to the populations in other States of older individuals who are blind.

''(B) AMOUNTS.—The amounts referred to in subparagraph (A) are any amounts that are not paid to States under subsection (a) as a result of—

''(i) the failure of any State to submit an application under subsection (i);

''(ii) the failure of any State to prepare within a reasonable period of time such application in compliance with such subsection; or

''(iii) any State informing the Commissioner that the State does not intend to expend the full amount of the allotment made for the State under subsection (a).

''(C) CONDITIONS.—The Commissioner may not make a grant under subparagraph (A) unless the State involved agrees that the grant is subject to the same conditions as grants made under subsection (a).

''SEC. 753. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this chapter such sums as may be necessary for each of the fiscal years 1998 through 2004.''.

SEC. 11. HELEN KELLER NATIONAL CENTER ACT.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking ''1993 through 1997'' and inserting ''1998 through 2000''.

(b) HELEN KELLER NATIONAL CENTER FEDERAL ENDOWMENT FUND.—The first sentence of section 208(h) of such Act (29 U.S.C. 1907(h)) is amended by striking ''1993 through 1997'' and inserting ''1998 through 2000''.

(c) REGISTRY.—Such Act (29 U.S.C. 1901 et seq.) is amended by adding at the end the following:

''SEC. 209. NATIONAL REGISTRY AND AUTHORIZATION OF APPROPRIATIONS.

''(a) The Center shall establish and maintain a national registry of individuals who are deaf-blind, using funds made available under subsection (b).

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a) such sums as may be necessary for each of fiscal years 1998 through 2000.''.

SEC. 12. PRESIDENT'S COMMITTEE ON NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK.

Section 2(2) of the Joint Resolution entitled ''Joint Resolution authorizing an appropriation for the work of the President's Committee on National Employ the Physically Handicapped Week'', approved July 11, 1949 (36 U.S.C. 155b(2)) is amended by inserting ''solicit,'' before ''accept,''.

SEC. 13. PEER REVIEW.

Part B of title IV of the Department of Education Organization Act (20 U.S.C. 3471 et seq.) is amended by inserting before section 427 the following:

''SEC. 426A. PEER REVIEW.

''The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to peer review panels established by the Secretary to evaluate applications for financial assistance awarded on a competitive basis.''.

SEC. 14. CONFORMING AMENDMENTS.

(a) PREPARATION.—After consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, the Secretary of Education shall prepare recommended legislation containing technical and conforming amendments to reflect the changes made by this Act.

(b) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Education shall submit to Congress the recommended legislation referred to under subsection (a).

Mr. JEFFORDS. Mr. President, I am pleased to join my colleagues Senators DEWINE, KENNEDY, WELLSTONE, HARKIN, FRIST, COLLINS, CHAFEE, and REED in introducing the Rehabilitation Act Amendments of 1998. We began the process of drafting this bipartisan, consensus-based legislation shortly after completing the reauthorization of the Individuals with Disabilities Education Act (IDEA). Just as we sought the assistance of the disability community and professionals who serve individuals with disabilities in determining the direction we took in drafting the IDEA legislation, so we did with this bill. Just as we welcomed the assistance of the Administration in drafting the IDEA legislation, so we did with this bill.

As a result, this legislation will open up more employment opportunities to individuals with disabilities. It will also provide State vocational rehabilitation agencies and others who provide employment-related assistance to individuals with disabilities with the tools they need to provide appropriate, timely help to individuals with disabilities who want to work. The combination of the 1997 reauthorization of IDEA and this reauthorization brings us closer to a seamless system in which parents of children with disabilities will envision and expect greater opportunities for their children to have productive and satisfying lives as adults.

The Rehabilitation Act Amendments of 1997 will increase opportunities for individuals with disabilities to prepare for, secure, maintain, and regain employment by linking vocational rehabilitation services to those services that are available under current State workforce systems and those that will be available under the Workforce Investment Partnership Act of 1997. It will simplify access to vocational rehabilitation services and streamline the administration of the vocational rehabilitation program. It makes additional improvements in discretionary

programs related to personnel training, research, and demonstration projects and consumer-controlled Centers for Independent Living. It provides greater access to information technology. The reauthorization will extend through fiscal year 2004.

The bill includes extensive links between vocational rehabilitation agencies and State workforce systems. For example, amendments related to linkage are found throughout the bill in sections pertaining to the findings and purposes of the legislation, definitions, program administration, reports, information dissemination, and State plan requirements, including those concerning data reporting. Complementary and parallel provisions to promote linkage between vocational rehabilitation agencies and State workforce systems also are included in the Workforce Investment Partnership Act of 1997.

The bill makes important changes in title I of the Act. The State plan requirements have been rewritten to simplify administration of the vocational rehabilitation program and reinforce its intent, helping individuals secure employment. The amendments reduce the 36 State plan requirements in current law to 24 and require the submission of one State plan, with amendments thereafter under certain circumstances. The bill allows, when a State is operating under an order of selection, for core services to be available to individuals with disabilities who do not meet a State's criteria for full services from the vocational rehabilitation agency. The legislation gives vocational rehabilitation agencies the ability to secure financial support from other entities who could or should pay for certain services needed by an individual with a disability, who is being assisted by the vocational rehabilitation agency to prepare for or secure a job. The bill requires State vocational rehabilitation agencies and State Rehabilitation Councils to jointly develop and conduct a comprehensive needs assessment every three years. Based on such an assessment, they will annually set and report on progress in achieving employment goals set for individuals with disability. The bill simplifies procedures for establishing eligibility, by requiring consideration of existing evaluating information in determining an individual's eligibility for vocational rehabilitation services. The bill strengthens eligible individuals' roles in developing their individualized rehabilitation employment plans. Such individuals will be given greater flexibility in how they develop their plans. The amendments give all States dollars for inservice training, and State allotments for training dollars will increase with increases in the Consumer Price Index. The bill requires that voluntary mediation be available for resolving disputes between vocational rehabilitation agencies and individuals with disabilities.

The bill selectively amends other titles in the Rehabilitation Act. Title II, which authorizes the National Institute on Disability and Rehabilitation Research, is amended to require that all funding priorities of the Institute be derived from a five-year plan that will be subjected to public comment and then submitted to Congress. The bill expands the authority of the Institute to allow funding of initiatives related to the quality assurance of assistive technology and the effectiveness of alternative medicine when used to treat individuals with disabilities. The legislation streamlines and updates title III of the Act, which authorizes training and demonstration activities, by clearly delineating funding priorities, simplifying the notification of interested parties about upcoming grant opportunities, and permitting funding for training of personnel in one-stop centers so that they will be more able to appropriately and effectively assist individuals with disabilities seeking employment-related assistance through such centers.

With guidance from Senator DODD, we strengthened the provisions in title V of the Act pertaining to the accessibility of electronic and information technology for individuals with disabilities by designating that the Access Board to write regulations and by requiring the Office of Management and Budget to oversee Federal agencies' compliance with such regulations. The legislation amends title VI of the Act by adding a new initiative, Projects in Telecommuting and Self-Employment for Individuals with Disabilities, and by permitting Projects with Industry to assist eligible individuals without waiting for referrals or eligibility status determinations from vocational rehabilitation agencies and to provide training and/or placement services.

These amendments build on and complement those that were enacted in 1992. The 1992 amendments to the Rehabilitation Act had a significant, positive effect in my State, Vermont.

There, one out of every eight residents is disabled. The Division of Vocational Rehabilitation has enabled many Vermonters with disabilities to exercise the choices the 1992 amendments triggered, to become employed, and to live successfully in their communities. In 1996, Vermont's vocational rehabilitation program provided an array of services to almost 5,000 Vermonters, while directly assisting 850 individuals with disabilities to become successfully employed.

The benefits of Vermont's efforts are many. Most important is the fact that Vermont consumers of vocational rehabilitation services who secure employment enjoy an average increase in income exceeding $8,000 per year. Seventy-three percent of these individuals enter the workforce earning more than minimum wage. Seventy-eight percent of those Vermonters who were assisted by the Vermont Division of Rehabilitation in 1996 remain employed today. In addition, the Vermont Consumer Choice Project, made possible by the 1992 amendments, has allowed my State to create organizational structures, policies and practices that have resulted in a greater degree of informed choice for individuals seeking and receiving vocational rehabilitation services.

The Rehabilitation Act Amendments of 1998 truly reflect a team effort by committed Senators, their staff, Federal officials, individuals with disabilities, rehabilitation professionals and others who know through experience that for individuals with disabilities, as for other individuals, having a job and liking it are the bottom line. Through these amendments we have secured and extended that bottom line for individuals with disabilities—more jobs, better jobs—into the next century.

Mr. KENNEDY. Mr. President, I was proud to be a sponsor of the Rehabilitation Act Amendments of 1992, and I am proud to support the current reauthorization. I commend Senator JEFFORDS, Senator DEWINE, and Senator WELLSTONE for their leadership in expediting our consideration of this important legislation. And I commend all the staff members for their skillful work in making this a successful bipartisan consensus bill. I especially thank Senator TOM HARKIN for his leadership and continued commitment to individuals with disabilities in this country.

The Rehabilitation Amendments of 1992 developed the foundation for a rehabilitation system which recognizes competence and choice, and which gives individuals with disabilities the services and support they need to live, work and participate as fully as possible in their communities. For millions of individuals with disabilities, vocational rehabilitation has meant the difference between dependence and independence, between lost potential and productive careers.

Most important, the vocational rehabilitation in this country provides the necessary skills and support to keep the promise of the Americans with Disabilities Act—so that all individuals with disabilities, especially those with significant disabilities, will have the opportunity to achieve their full potential and be part of the mainstream of American life.

The bill being introduced today builds on the gains of the past two decades, by strengthening employment possibilities, encouraging self-employment, providing better outreach to underserved populations, and streamlining the role of the government. This bill also establishes a stronger linkage between vocational rehabilitation and the larger statewide job training system.

I look forward to working with my colleagues in Congress to enact this important legislation, so that the talents, strengths, competence and interests of all individuals with disabilities will be recognized, enhanced, and fairly rewarded in communities and workplaces across the nation.

Mr. HARKIN. Mr. President, I am pleased to join my colleagues in cosponsoring the Rehabilitation Act Amendments of 1998. I particularly wish to thank my Republican colleagues, Senators DEWINE and JEFFORDS, for developing this bill in a bipartisan manner. The bill that we introduce today represents the work of Republicans, Democrats, and the Administration. I am pleased that our work together continues the long history of bipartisanship in developing legislation that addresses the needs of persons with disabilities.

The State Vocational Rehabilitation Service Program provides $2.2 billion in formula grant assistance to States to help individuals with disabilities prepare for an engage in gainful employment. Since established by the Smith-Fess Act 75 years ago, state vocational rehabilitation programs have served some nine million people. This program promotes economic independence for persons with disabilities, and the numbers reflect that:

The percentage of individuals who reported that their income was their primary source of support increased from 18% at the time of application to 71% at the time of exit from the program;

The percentage of individuals with earned income of any kind increased from 22% at application to 93% at program exit; and

The number of individuals working at or above the Federal minimum wage rate increased from 18% at application to 86% at closure.

In 1992, Congress made major changes to the Act, namely, increasing consumer participation, streamlining processes, and reducing unnecessary paperwork. In the bill we introduce today, we have built on the '92 amendments. The bill preserves and strengthens the themes of the '92 amendments while fine-tuning and aligning the Act with other workforce reforms so that individuals with disabilities can benefit from them.

This bill strengthens the role of the consumer throughout the vocational rehabilitation process, particularly in the development of the individual's employment plan. It reduces unnecessary burdens on State VR agencies by streamlining the State plan. The bill also refocuses the State plan on improving outcomes for individuals with disabilities by requiring States to develop, jointly with the State Rehabilitation Council, annual goals and strategies for improving results.

The due process protections provided in the State Grant program to VR applicants and clients are strengthened by eliminating State VR agency review of decisions by impartial hearing officers. The bill would also require States to provide for voluntary mediation (modeled on the provisions in IDEA) as another mechanism to resolve disputes.

Access of Social Security beneficiaries to VR services if facilitated, and unnecessary gatekeeping is eliminated, by making SSI and SSDI beneficiaries presumptively eligible for services under the VR State Grants program. This change would eliminate the need for the VR agency to determine on a case-by-case basis whether these individuals ''require'' VR services in order to gain employment.

Of particular interest to me and to Senator DODD are the changes to Section 508 of the Act which pertain to electronic and information technology accessibility. This bill strengthens the provisions regarding procurement by Federal agencies of technology that is accessible to individuals with disabilities.

I am pleased to co-sponsor this bill and look forward to its passage.

Mr. FRIST. Mr. President. I am pleased to join the Chairman of the Employment and Training Subcommittee, Senator DEWINE and the Chairman of the Labor and Human Resources Committee Senator JEFFORDS in introducing the Rehabilitation Act Amendments of 1998. I am grateful for their strong leadership in drafting this important legislation.

The vocational rehabilitation program was begun in 1921 to help disabled war veterans obtain rehabilitation and employment assistance. Today it is a major source of employment assistance for many individuals with disabilities, including individuals with severe disabilities. Vocational rehabilitation programs, although operated by State vocational rehabilitation agencies are located throughout a State. These programs help about a million individuals with disabilities a year, about 20 percent of whom enter the competitive labor market within 12 months. The average cost per person aided is about $2,500.

The Tennessee Vocational Rehabilitation Program provides one example of what can happen when the focus of an agency is clear—getting people with disabilities jobs. In 1996, this program in my State served 26,032 individuals with disabilities of which 81 percent were severely disabled. Of the individuals served 5,820 were successfully employed with 90.4 percent of them working in the competitive labor market. The annualized income of these 5,820 individuals, once they entered the work force increased from $8.732 million to $64.233 million. I am proud of this record, while realizing that more can and should be done.

The main goal of the reauthorization, which has previously been discussed in detail today by Senators DEWINE and JEFFORDS is to increase opportunities for individuals with disabilities to prepare for, secure, maintain, and regain employment. There is also a great effort to simplify access to vocational rehabilitation services, while reducing costs and increasing effectiveness through streamlining the administration of the vocational rehabilitation program.

Also included in this reauthorization is the effort that I began as Chairman of the Subcommittee on Disability Policy in the 104th Congress, the linking of vocational rehabilitation programs to a new state system of work force development. The intention is to create a seamless system of increasing employment assistance for individuals with disabilities with a new state workforce system. The reauthorization of the Rehabilitation Act includes this important goal by linking vocational rehabilitation services to those that will be available under the Workforce Investment Partnership Act of 1997.

I would like to acknowledge the bipartisan effort brought forth to build the consensus that is evident by this bill. I am pleased to see the tradition of bipartisanship corporation on disability policy issues continued through this effort. I would especially like to recognize Aaron Grau with Senator DEWINE, and Dr. Patricia Morrissey with Senator JEFFORDS for their hard work and dedication which has made legislation a reality.

I am confident that the Rehabilitation Act Amendments of 1998 will take this seventy-seven year old program into the next century as a strong and integral part of providing opportunities for individuals with disabilities to prepare for, secure, maintain, and regain employment.

Ms. COLLINS. Mr. President, I am pleased to join my distinguished colleagues as one of the original cosponsors of the Rehabilitation Act Amendments of 1998. The Rehabilitation Act, originally adopted almost 80 years ago, has developed during succeeding years into one of this country's most important efforts assisting disabled persons in achieving their potentials for employment.

This law authorizes programs helping persons with disabilities attain their full employment potential as self-supporting, contributing members of society. It provides supported employment services for persons who cannot work independently and offers the services disabled persons need to lead independent lives even if an individual is not capable of working. Through the Rehabilitation Act, federal-state programs provide comprehensive services that help persons with physical and mental disabilities become employable, achieve independence, and participate more fully in society.

The Rehabilitation Amendments of 1998, which we are introducing today, reaffirm the commitment of the federal government to its disabled citizens and continues the progress we have seen in previous reauthorizations. This bill advances Federal-State rehabilitation efforts in numerous ways. This morning I want to mention three of the changes I believe are the most significant: first, the linking of vocational rehabilitation services to other workforce investment programs; second, the authorization of core services to individuals not eligible for services under an order of selection; and third, the simplification of access to vocational rehabilitation services.

This bill, which will be incorporated into the S. 1186, the Workforce Investment Partnership Act, will be functionally linked to the state workforce, job training, and vocational and adult education systems authorized by S. 1186. The Rehabilitation Act will thereby become part of the effort by Congress to replace a fragmented array of programs with an integrated federal system of workforce development without sacrificing the integrity and effectiveness of the vocational rehabilitation program. This process is already underway in Maine through the Maine Department of Labor's one stop career centers. This legislation will make it easier for Maine and other states to create a seamless system of employment assistance for our disabled citizens.

The second improvement is the authorization of core services to all eligible disabled persons. Because the Rehabilitation Act requires the states to serve the most severely disabled individuals, large numbers of individuals with lesser disabilities have been cut off from services. The Rehabilitation Act Amendments of 1998 will permit a state to provide core services to those individuals who are not eligible for full services under the state's criteria for order of selection. Under this provision of the law the states may provide individualized counseling and guidance, individualized vocational exploration, supervised job placement referrals, and assistance obtaining reasonable accommodations even if the individual does not qualify for actual rehabilitation services. This will extend important and highly effective services to a large, deserving population and should greatly enhance these individuals' success in obtaining employment.

A third advance is the simplification of the procedures by which eligibility for rehabilitation is established. Under these amendments, individuals receiving Supplemental Security Income or Social Security Disability Income are presumed to be eligible for services providing they intend to seek employment and have an impediment to employment caused by their disability.

In addition to these significant changes that directly affect the clients of the vocational rehabilitation program, this act makes important changes that will make the administration of the vocational rehabilitation program more efficient and reduce a state's administrative burden. One example of this is the coordination of a states vocational rehabilitation plan with the submission of the other job training plans submitted under the Workforce Investment Partnership Act. This will help to eliminate duplicative provisions, submissions and reports.

Another is the requirement for cooperation and collaboration through cooperative agreements among the state's vocational rehabilitation agency and other components of a state's workforce investment system. While these agreements will be most visible as they affect access and delivery of services, they will also bring about coordination of information and financial management systems leading to simplified and improved management of a state's job training efforts.

I am proud to cosponsor the reauthorization of an act which has helped so many disabled individuals achieve employment and independent lives.

By Mr. SHELBY:

S. 1580. A bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services; to the Committee on Finance.

THE MEDICARE VENIPUNCTURE ASSESSMENT ACT OF 1998

Mr. SHELBY. Mr. President, the Balanced Budget Act (BBA) of 1997 took important steps to begin to combat the financial problems that have plagued the Medicare system for some time. However, the BBA included a provision that may disqualify Medicare beneficiaries who receive home health care stemming from their need for venipuncture services. Many Alabamians who rely on the Medicare home health care program have contacted me expressing their concern with this provision. Much of the concern has resulted from a lack of information as to the true effects of this provision.

Therefore, I rise today to offer the Medicare Venipuncture Assessment Act of 1998. This legislation will provide an eighteen month moratorium on the venipuncture provision included in last year's BBA, and direct the Secretary of Health and Human Services (HHS) to conduct a study to determine what the specific effects will be of doing away with venipuncture as a qualifying skill for home health care.

In addition, this legislation provides a window of time for Congress to address any problems found by HHS, and craft an appropriate solution that protects the seniors who receive home health care, without perpetuating fraud and abuse in the system. But perhaps the most important aspect of the Medicare Venipuncture Assessment Act is that it will provide much needed piece of mind to many of our seniors. Mr. President, we owe it to our constituents to separate fact from fiction with regard to this matter, and fully inform them of the effects of the venipuncture provision contained in last year's BBA.

If administered correctly, home health care can be a cost effective alternative to nursing home and hospital based care. This legislation protects the Medicare home health care system by providing specific statutory action to root out fraud and abuse in the program, while ensuring that the seniors who truly need home care receive it. I strongly encourage my colleagues to join me in this effort by cosponsoring the Medicare Venipuncture Assessment Act of 1998.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. MCCONNELL and Mr. LEAHY):

S. 1581. A bill to reauthorize child nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE CHILD NUTRITION REAUTHORIZATION ACT OF 1998

Mr. LUGAR. Mr. President, I rise today to introduce legislation to reauthorize those child nutrition provisions expiring in 1998. The child nutrition programs have been critically important in helping meet the nutritional needs of our children. Although not all child nutrition programs need to be reauthorized, this process gives us the opportunity to review all programs under the National School Lunch Act and the Child Nutrition Act of 1966.

As an Indianapolis school board member and the city's mayor in the late 1960's and early 1970's, I saw firsthand the need to provide nutritional assistance to children. Since that time, the child nutrition programs have changed in many ways. Today's programs have been successful in ensuring that our nation's children have access to nutritious foods, providing a critical safety net for children. Although the programs may need some fine tuning, the programs have ensured that America's school children, in a country of abundance, have a chance to eat. This is fundamental and something we must preserve.

Some of the larger programs that must be reauthorized include: 1) the Special Supplemental Nutrition Program for Women, Infants and Children, often referred to as the WIC program; 2) State Administrative Expenses, a program which provides grants to states to help cover general administrative costs associated with child nutrition programs; 3) the WIC Farmers' Market program which allows states and tribal organizations to offer special WIC vouchers to buy fresh produce; 4) the Summer Food Service program which provides reimbursements for meals served to children in summer programs operated in lower-income areas; and 5) the requirement to use certain funds to purchase commodities to maintain commodity assistance for child nutrition programs. In addition, there are a few other expiring provisions that must be reauthorized. This bill extends all expiring programs through 2003. Although it is not necessary to reauthorize the National School Lunch and Breakfast Programs, we hope to review and improve those programs during this reauthorization process.

The child nutrition programs continue to successfully feed our nation's children to help them prepare for the future. In 1997, approximately 89,000 schools enrolling 46 million children participated in the National School Lunch program. Although participation in the school breakfast program is

not as large as that in the school lunch program, it has continued to grow. Since 1994, school breakfast participation has increased about 13% so that now over 70% of schools operating a school lunch program also operate a school breakfast program.

The WIC program, which provides nutritious foods and other support to lower-income infants and children (up to age 5), and pregnant, postpartum, and breast-feeding women, has been successful at reducing the number of low-birth-weight babies. Its success has led to strong support over the years. In 1997, average monthly WIC participation was 7.4 million persons. In many states, the program has reached the long sought after goal of full funding. This year as we reauthorize the program, we will look to see if there are ways to make this successful program run even better.

Senators HARKIN, MCCONNELL and LEAHY have joined with me today to introduce this important bill. I wish to stress that this bill is a starting point for debate on child nutrition reauthorization. I am sure that the Ranking Minority Member of the Committee as well as the Chairman and Ranking Minority Member of the subcommittee have additional ideas to improve these programs. Nutrition programs in the Congress have a long history of bipartisan support and cooperation and I am certain that we will continue that tradition. I look forward to working with them and other members of the Agriculture Committee, on both sides of the aisle, to craft a thoughtful and sensible bill to reauthorize the child nutrition programs.

I ask unanimous consent that the text of the bill be printed in full in the RECORD.

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

S. 1581

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Child Nutrition Reauthorization Act of 1998''.

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

Sec. 1. Short title; table of contents.
TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS
Sec. 101. Grants to integrate food and nutrition projects with elementary school curricula.
Sec. 102. Summer food service program for children.
Sec. 103. Commodity distribution program.
Sec. 104. Child and adult care food program.
Sec. 105. Pilot projects.
Sec. 106. Training, technical assistance, and food service management institute.
Sec. 107. Compliance and accountability.
Sec. 108. Information clearinghouse.
Sec. 109. Guidance and grants for accommodating special dietary needs of children with disabilities.
TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS
Sec. 201. State administrative expenses.
Sec. 202. Special supplemental nutrition program for women, infants, and children.
Sec. 203. Nutrition education and training.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

SEC. 101. GRANTS TO INTEGRATE FOOD AND NUTRITION PROJECTS WITH ELEMENTARY SCHOOL CURRICULA.

Section 12(m) of the National School Lunch Act (42 U.S.C. 1760(m)) is amended by striking ''1998'' each place it appears and inserting ''2003''.

SEC. 102. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

Section 13(q) of the National School Lunch Act (42 U.S.C. 1761(q)) is amended by striking ''1998'' and inserting ''2003''.

SEC. 103. COMMODITY DISTRIBUTION PROGRAM.

Section 14(a) of the National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking ''1998'' and inserting ''2003''.

SEC. 104. CHILD AND ADULT CARE FOOD PROGRAM.

Section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended—

(1) in subsection (c)(6)(B), by striking ''1997'' and inserting ''2003''; and

(2) in subsection (p), by striking ''1998'' each place it appears and inserting ''2003''.

SEC. 105. PILOT PROJECTS.

Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended—

(1) in subsection (c), by striking ''1998'' each place it appears and inserting ''2003'';

(2) in subsection (e)(5), by striking ''and 1998'' and inserting ''through 2003'';

(3) in subsections (g)(5) and (h)(5), by striking ''1997'' each place it appears and inserting ''2003''; and

(4) in subsection (i)(8), by striking ''1998'' and inserting ''2003''.

SEC. 106. TRAINING, TECHNICAL ASSISTANCE, AND FOOD SERVICE MANAGEMENT INSTITUTE.

Section 21(e)(1) of the National School Lunch Act (42 U.S.C. 1769b–1(e)(1)) is amended by striking ''1998'' and inserting ''2003''.

SEC. 107. COMPLIANCE AND ACCOUNTABILITY.

Section 22(d) of the National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking ''1996'' and inserting ''2003''.

SEC. 108. INFORMATION CLEARINGHOUSE.

Section 26(d) of the National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking ''fiscal year 1998'' and inserting ''each of fiscal years 1998 through 2003''.

SEC. 109. GUIDANCE AND GRANTS FOR ACCOMMODATING SPECIAL DIETARY NEEDS OF CHILDREN WITH DISABILITIES.

Section 27(c)(6) of the National School Lunch Act (42 U.S.C. 1769h(c)(6)) is amended by striking ''1998'' and inserting ''2003''.

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

SEC. 201. STATE ADMINISTRATIVE EXPENSES.

Section 7(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(g)) is amended by striking ''1998'' and inserting ''2003''.

SEC. 202. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended in subsections (g)(1), (h)(2)(A), (h)(10)(A), and (m)(9)(A) by striking ''1998'' each place it appears and inserting ''2003''.

SEC. 203. NUTRITION EDUCATION AND TRAINING.

Section 19(i)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(i)(3)) is amended—

(1) in the paragraph heading, by striking ''2002'' and inserting ''2003''; and

(2) in subparagraph (A), by striking ''2002'' and inserting ''2003''.

Mr. HARKIN. Mr. President, I am pleased to have this opportunity to join Chairman LUGAR, Senator MCCONNELL and Senator LEAHY in introducing legislation to reauthorize several programs, primarily relating to nutrition assistance for children, whose authorizations are set to end this year. These programs are vitally important to our nation, and I applaud the introduction of this legislation as a clear demonstration of our strong support for them in the Agriculture, Nutrition, and Forestry Committee and our commitment to reenacting authorizing legislation this year.

The bill introduced today is a simple extension of expiring authorizations, without amendments or modifications, and thus only marks the beginning of the legislative process. As Chairman LUGAR has indicated, the Committee will complete the normal child nutrition reauthorization process, as in past years, allowing for full discussion and consideration of the programs requiring reauthorization as well as those having permanent authorizations. I look forward to working with colleagues on the Committee, in this body, and in the House of Representatives on this very important legislation.

An essential part of our work on this reauthorization bill involves examining the child nutrition programs to ensure they are functioning well, particularly in responding to changing circumstances and new demands. Another, no less important, part of our efforts must focus on making the programs more effective by finding better ways to address longstanding unmet needs and reach individuals who are not adequately served by the programs in their present form. Of course, we must always be alert to opportunities for streamlining, paring paperwork and reducing administrative burdens. A number of thoughtful proposals for improvements and modifications have already been made, and I know that we will receive more of them as work on the legislation proceeds.

All of the programs involved in this reauthorization are important, but I want to mention specifically a few of my priorities. We should strengthen the school breakfast program in order to reach students who need school breakfasts but do not currently have access to them. We also should improve the child nutrition programs in ways that enhance their effectiveness in helping families obtain quality child care. And we need to ensure that the summer food program is adequately serving kids who without it are quite vulnerable once school is out for the summer. In addition to reauthorizing the Iowa and Kentucky child care nutrition pilot project, we ought to examine its positive results for guidance in shaping our national approach to child care nutrition assistance. With respect to the Special Supplemental Nutrition Program for Women, Infants, and Children, it is important to continue an effective competitive bidding system for

infant formula and to extend and strengthen the WIC farmers market program.

Nothing is more important to the future of our nation than its children, and nothing is more important to children than the sound nutrition they need each day. It is beyond dispute that good nutrition is critical to physical growth, intellectual development and lives that are healthy, productive and happy. Trying to educate children who are hungry or malnourished is just as foolish as trying to build a house on a crumbling foundation. Federal child nutrition programs constitute investments in the future—of our children and our nation. This legislation will ensure that we continue to reap the immeasurable dividends of those wise investments.

Mr. MCCONNELL. Mr. President, I rise in strong support of the Child Nutrition Reauthorization Act of 1998 being introduced today by the Chairman of the Agriculture, Nutrition and Forestry Committee, Senator LUGAR; Ranking Member HARKIN; and Ranking Member LEAHY, of the Research, Nutrition, and General Legislation and myself as Chairman of that Subcommittee.

In the past, nutrition programs under the jurisdiction of the Agriculture Committee have been fashioned in a bipartisan manner. Today's introduction of legislation to reauthorize those child nutrition programs expiring in 1998, is a starting point.

Our Child Nutrition Programs have played an essential role in promoting the long-term health of our children. These programs provide a vital link between diet and health, ensuring that our children have access to nutritious food.

Mr. President, Chairman LUGAR has described the programs that must be reauthorized and the critical importance these programs serve in providing a safety net for children. While, I agree that these programs must be reauthorized, we must not overlook the opportunity to review the existing structure of these programs, review priorities, and determine if improvements and streamlining can enhance their effectiveness.

One area of particular interest to me is a provision expiring under the National School Lunch Act which required a two state pilot project for for-profit day care centers in the Child and Adult Care Food Program. The two states were Kentucky and Iowa. In Kentucky, 242 for-profit child care centers participate in the demonstration project, providing meals to over 10,500 children each day.

Many of these child centers are in rural areas or in lower income municipalities. Without the demonstration project, fees would increase placing a greater financial burden on parents and some smaller centers may be forced to close. This demonstration project provides needed nutritional assistance to financially disadvantaged children. I believe that continued operation and possible expansion of this type of demonstration project is essential as we consider policies to help working families with children.

I am sure Members will have many ideas and changes to improve these programs.

Mr. President, everyone agrees how critical good nutrition is to our children's ability to learn. This reauthorization represents our opportunity to work together to craft a thoughtful bill that will be the building block to our children's successful learning so they can have a healthy and productive future.

Mr. LEAHY. Mr. President, I am pleased to join with my colleagues on the Agriculture, Nutrition, and Forestry Committee, as I have done many times before on nutrition issues, to introduce a bill that begins the child nutrition reauthorization process.

For many years on the Committee, when I was Chairman, and later Ranking Member, we always tried to make our nutrition efforts consensus bills—agreed to by all members of the Committee. Now as Ranking Member of the nutrition subcommittee I look forward to working with the Committee to report out a strong child nutrition reauthorization bill.

The bill I cosponsor today extends existing programs but does not include improvements which I will discuss with other Committee members and the Secretary in the near future.

Last November, I introduced the ''Child Nutrition Initiatives Act'' which contained a number of changes that I will discuss with my colleagues. That was not a reauthorization bill but rather an effort that I hope will be carefully looked at by my colleagues in the Senate and in the House.

I intend to meet with representatives of the various nutrition programs as I work with other Members to help craft a good bill. I look forward to meeting with Under Secretary Shirley Watkins who has a number a great ideas to improve our child nutrition programs. In addition, I will carefully review Senator JOHNSON's school breakfast bill which has been strongly endorsed by many groups at that national and local level.

I will also gain input from Vermont nutrition leaders, Vermont program directors, community leaders and program participants.

My November 13 statement explains the basis for my bill—I am hopeful that many of those provisions will be supported by the Committee and the Senate as a whole.

By Mr. ROBB:

S. 1582. A bill to provide market transition assistance for quota holders, active tobacco producers, and tobacco-growing counties, to authorize a private Tobacco Production Control Corporation and tobacco loan associations to control the production and marketing and ensure the quality of tobacco in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE TOBACCO MARKET TRANSITION ACT

Mr. ROBB. Mr. President, on behalf of many tobacco growers with whom I have worked, I rise today to introduce the Tobacco Market Transition Act. The comprehensive tobacco settlement announced on June 20 of last year simply did not include provisions for tobacco growers. This provision is designed to fill that void.

This legislation is truly the result of a grassroots effort and elaborates the concepts I discussed in the Chamber on November 3. Tobacco-dependent regions realize that their lives will be directly affected by comprehensive tobacco legislation and they want to prepare for that future.

Key members of my staff and I have worked with tobacco growers, leaders in tobacco growing communities and members of the public health community to develop legislation which will provide a soft landing to those regions that have so long depended on the production of tobacco.

In short, because Government action is about to erode the value of quota, there would be a buyout of existing quota at $8 a pound. A privatized tobacco program limiting supply would be reinstituted, providing growers with a license to grow tobacco based on historical average production for that grower. To provide long-term economic security in tobacco communities, $250 million will be provided annually for economic development. Finally, a transition payment would be offered to growers as the system changes from its present form to a new one.

Tobacco quota, Mr. President, represents the amount of tobacco allowed to be produced domestically. Over the years, individuals have accumulated the right to grow a certain proportion of that total quota. This individual quota, this right to produce, has liquid value that can be bought or sold or leased. Many have acquired quota over the years and planned to retire or in some cases have retired on the funds received from selling or leasing quota. When the Government depresses demand for tobacco, it depresses the value of that asset.

The legislation I am introducing recognizes the value of that quota asset by paying quota holders $8 a pound for the quota they own over 5 years. Once the quota holder has been made whole, a new supply-limiting program would be instituted giving licenses to grow tobacco to actual producers of tobacco. Unlike the present system, those licenses would not cost money to acquire. Eliminating the crushing cost of quota, which adds 40 cents a pound to the cost of producing flue-cured tobacco, will allow these growers to become more competitive even as demand declines in the United States as a result of any comprehensive bill that we pass. By becoming more competitive with imported tobacco, U.S. growers could keep the demand for their

product from declining as steeply as demand for cigarettes and other finished products if we pass comprehensive legislation.

The legislation also provides a transition payment for existing tobacco producers as we move into the new system and provides $250 million annually to tobacco-growing communities for economic development. These economic development funds can be used for local communities to improve education, enhance transportation, promote small business incubators or develop high technology infrastructure. In short, these economic development funds will help keep these communities from exporting their most valuable asset, and that is their children.

Finally, this proposal recognizes the benefits of a supply-limiting program for tobacco. A supply-limiting program is absolutely essential to stabilize the income of tobacco farmers and to protect tobacco-growing communities from the utter destruction that would follow if the program is totally eliminated.

A supply-limiting program is also appropriate in the unique circumstance of tobacco. Unlike other commodities where we are trying to lower the cost to consumers, pending Federal legislation is designed to do just the opposite. Every comprehensive tobacco proposal I have seen would increase the cost of tobacco products to lower demand. Indeed, the President said last night that he would approve something up to $1.50 a pack.

There has been much healthy discussion in tobacco growing communities about whether to retain the current Federal tobacco program or to avoid the annual battles that threaten it and privatize the program, allowing growers and others to operate it.

This is an important debate. The Federal program has served tobacco-growing communities well for over 60 years, and it is my judgment—and the judgment of many, many with whom I have consulted—that it should not be dismantled cavalierly.

The question we face is how best to maintain a supply-limiting program that protects tobacco communities. If we could guarantee that the Federal program would remain intact for the next 25 years, that may be the best way to proceed. But I have detected a great deal of unease about whether we can keep the program, and I think many on both sides of this issue are growing tired of annual fights which, if we lose, will destroy many tobacco-growing regions.

That is why this legislation contains provisions to privatize the tobacco program. For those who have questions about how this program will work, I invite them to assist in answering those questions and improving this legislation. For those who are nervous about such a change, I can say I appreciate their apprehension. It is easier to understand the world as it is rather than how it could be. But I believe this offers us the best opportunity to retain a supply-limiting program over the long term.

I look forward to working with my colleagues to pass legislation that will protect the communities that will be devastated if we fail to act, and will, in the words of the President, make growers and their communities ''whole.''

I ask unanimous consent that the full text of the legislation as well as the section-by-section summary be printed in the RECORD following my remarks.

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

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

S. 1582

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Tobacco Market Transition Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Purposes.

Title I—Tobacco Community Revitalization Trust Fund

Sec. 101. Tobacco Community Revitalization Trust Fund.

TITLE II—TOBACCO MARKET TRANSITION ASSISTANCE

Sec. 201. Compensation to quota holders for loss of tobacco quota asset value.
Sec. 202. Transition payments for active tobacco producers.
Sec. 203. Tobacco loan associations.
Sec. 204 Tobacco community economic development grants.
Sec. 205. Tax treatment of compensation and transition payments.

TITLE III—ESTABLISHMENT OF PRIVATE TOBACCO PRODUCTION ADJUSTMENT AND QUALITY ASSURANCE PROGRAMS

Sec. 301. Tobacco Production Control Corporation.
Sec. 302. Tobacco loan associations.
Sec. 303. Tobacco price support levels.
Sec. 304. Penalties.
Sec. 305. Referenda.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACTIVE TOBACCO PRODUCER.—The term ''active tobacco producer'' means a person that—

(A) is the actual producer, as determined by the Secretary, of tobacco on a farm where tobacco is produced pursuant to a tobacco farm marketing quota or farm acreage allotment established under the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) for the 1997 crop year; and

(B) planted the crop, or is considered to have planted the crop under that Act, in 1997.

(2) QUOTA HOLDER.—The term ''quota holder'' means an owner of a farm on January 1, 1998 for which a tobacco farm marketing quota or farm acreage allotment was established under the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.).

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

(4) TOBACCO LOAN ASSOCIATION.—The term ''Association'' means a producer-owned cooperative marketing association.

(5) TOBACCO PRODUCTION CONTROL CORPORATION.—The term ''Corporation'' means the Tobacco Production Control Corporation established by section 301.

(6) TRUST FUND.—The term ''Trust Fund'' means the Tobacco Community Revitalization Trust Fund established by section 101.

SEC. 3. PURPOSES.

It is the purpose of this Act to—

(1) dismantle the existing federal tobacco program and establish a private program to ensure the stability of the price and supply of domestically produced tobacco;

(2) compensate quota holders for the value of assets that may be diminished as a result of this legislation;

(3) provide targeted economic development funds to tobacco dependent communities for the creation of jobs, training of individuals, and long-term economic development of the communities;

(4) reduce the operating costs of tobacco producers by eliminating expenses associated with buying or leasing tobacco quota; and

(5) make domestically produced tobacco more competitive with tobacco produced in other countries.

TITLE I—TOBACCO COMMUNITY REVITALIZATION TRUST FUND

SEC. 101. TOBACCO COMMUNITY REVITALIZATION TRUST FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ''Tobacco Community Revitalization Trust Fund'', consisting of such amounts as may be appropriated or credited to the Trust Fund. The Trust Fund shall be administered by the Corporation.

(b) TRANSFERS TO TRUST FUND.—There are appropriated and transferred to the Trust Fund, from amounts made available to the Trust Fund out of funds allocated through national tobacco settlement legislation, $3,500,000,000 for each of fiscal years 1999 through 2003 and $265,000,000 for each of fiscal years 2004 through 2023.

(c) REPAYABLE ADVANCES.—

(1) AUTHORIZATION.—There are authorized to be appropriated to the Trust Fund, as repayable advances, such sums as may from time to time be necessary to make expenditures under subsection (d).

(2) REPAYMENT WITH INTEREST.—Repayable advances made to the Trust Fund shall be repaid, and interest on the advances shall be paid, to the general fund of the Treasury when the Secretary of the Treasury determines that moneys are available in the Trust Fund to make the payments.

(3) RATE OF INTEREST.—Interest on an advance made under this subsection shall be at a rate determined by the Secretary of Treasury (as of the close of the calendar month preceding the month in which the advance is made) that is equal to the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the anticipated period during which the advance will be outstanding.

(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund shall be available for making expenditures to defray—

(1) the costs of providing compensation to quota holders for the loss of tobacco quota asset value under section 201;

(2) the costs of making transition payments to active tobacco producers under section 202;

(3) the costs of forgiving loans and transferring title to inventories of tobacco and funds to Associations under section 203;

(4) the costs of making tobacco community economic development grants under section 204, but not to exceed $250,000,000 for each of fiscal years 1999 through 2003 and an amount

determined by the Corporation to be appropriate for each of fiscal years 2004 through 2023;

(5) the costs of carrying out the duties of the Corporation and the Associations, including assuring the quality and controlling the production and marketing of domestic tobacco and otherwise carrying out title III;

(6) the costs to the Secretary of enforcing title III;

(7) the costs of providing crop insurance to tobacco producers; and

(8) any other costs incurred by the Department of Agriculture associated with tobacco.

TITLE II—TOBACCO MARKET TRANSITION ASSISTANCE

SEC. 201. COMPENSATION TO QUOTA HOLDERS FOR LOSS OF TOBACCO QUOTA ASSET VALUE.

(a) IN GENERAL.—The Corporation shall make payments for tobacco quota to eligible quota holders.

(b) ELIGIBILITY.—To be eligible to receive payments under this section, a quota holder shall prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may require, including information sufficient to demonstrate to the satisfaction of the Corporation that the person was a quota holder on January 1, 1998.

(c) BASE QUOTA LEVEL.—

(1) IN GENERAL.—The Secretary shall determine, for each quota holder, the base quota level for the 1995 through 1997 marketing years.

(2) LEVEL.—The base quota level for a quota holder shall be equal to the average tobacco farm marketing quota established for the 1995 through 1997 marketing years for the farm owned by the quota holder on January 1, 1998.

(3) MARKETING QUOTAS OTHER THAN POUNDAGE QUOTAS.—For each kind of tobacco for which there is a marketing quota or allotment (on an acreage basis), the base quota level for each quota holder shall be determined in accordance with this subsection (based on a poundage conversion) in an amount equal to the product obtained by multiplying—

(A) the average tobacco farm marketing quota or allotment for the 1995 through 1997 marketing years; by

(B) the average county yield per acre for the county in which the farm is located for the kind of tobacco for the marketing years.

(d) PAYMENTS.—The Corporation shall make payments to each quota holder that is eligible under subsection (b) in 5 equal installments, 1 for each of the 1999 through 2003 crops of tobacco, in an aggregate amount that is equal to the product obtained by multiplying—

(1) $8 per pound; by

(2) the base quota level established for the quota holder under subsection (c).

SEC. 202. TRANSITION PAYMENTS FOR ACTIVE TOBACCO PRODUCERS.

(a) IN GENERAL.—The Corporation shall make transition payments to eligible active tobacco producers.

(b) ELIGIBILITY.—To be eligible to receive payments under this section, an active tobacco producer shall—

(1) prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may require, including information sufficient to make the demonstration required under paragraph (2); and

(2) demonstrate to the satisfaction of the Corporation that, the person planted, or is considered to have planted, a 1997 crop of tobacco.

(c) PAYMENT QUANTITY.—

(1) IN GENERAL.—The Secretary shall determine and provide to the Corporation, for each active tobacco producer, the production quantity eligible for payment for the 1995 through 1997 marketing years.

(2) ELIGIBLE PRODUCTION QUANTITY.—The production quantity eligible for payment for an active tobacco producer shall be equal to the average number of pounds of tobacco quota established for a farm for the 1995 through 1997 marketing years for which the producer was the actual producer of the tobacco on the farm.

(3) MARKETING QUOTAS OTHER THAN POUNDAGE QUOTAS.—For each kind of tobacco for which there is a marketing quota or allotment (on an acreage basis), the production quantity eligible for payment for each active tobacco producer shall be determined in accordance with this subsection (based on a poundage conversion) in an amount equal to the product obtained by multiplying—

(A) the average tobacco farm marketing quota or allotment for the 1995 through 1997 marketing years; by

(B) the average county yield per acre for the county in which the farm is located for the kind of tobacco for the marketing years.

(d) PAYMENTS.—The Corporation shall make payments for each of the 1999 through 2003 crops of tobacco to each active tobacco producer that is eligible under subsection (b) in an amount that is equal to the product obtained by multiplying—

(1) $0.40 per pound; by

(2) the payment quantity established for the producer under subsection (c).

(e) DEATH OF ACTIVE TOBACCO PRODUCER.—If an active tobacco producer who is entitled to payments under this section dies and is survived by a spouse or 1 or more dependents, the right to receive the payments shall transfer to the surviving spouse of, if there is no surviving spouse, to the estate of the producer.

SEC. 203. TOBACCO LOAN ASSOCIATIONS.

(a) PRIOR LOANS.—The Secretary shall forgive each loan made to an Association under section 106A or 106B of the Agricultural Act of 1949 (7 U.S.C. 1445 1, 1445 2) that is outstanding on the date of enactment of this Act.

(b) TRANSFER OF TITLE FOR LOAN INVENTORIES.—The Secretary shall transfer to each Association described in subsection (a) the title to all inventories of tobacco held by the Secretary to secure loans made to the Association under section 106A or 106B of the Agricultural Act of 1949 (7 U.S.C. 1445 1, 1445 2).

(c) NO NET COST TOBACCO FUNDS.—Notwithstanding sections 106A(f) and 106b(g) of the Agricultural Act of 1949 (7 U.S.C. 1445–1(f) and 1445–2(g)), all funds held in a No Net Cost Tobacco Fund or No Net Cost Tobacco Account on behalf of an Association under section 106A or 106B of that Act (1445–1, 1445–2) on the date of enactment of this Act shall be the property of the Association.

SEC. 204. TOBACCO COMMUNITY ECONOMIC DEVELOPMENT GRANTS.

(a) AUTHORITY.—The Corporation shall make grants to eligible tobacco-growing political subdivisions in accordance with this section to enable the political subdivisions to carry out economic development activities.

(b) ELIGIBILITY.—To be eligible to receive payments under this section, a political subdivisions in a State shall—

(1) have in excess of $100,000 in gross income from sales of tobacco produced within the political subdivision during 1 or more of the 1995 and 1997 marketing years, as determined by the Corporation;

(2) prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may require, including—

(A) a description of the activities that the political subdivision will carry out using amounts received under the grant;

(B) a designation of an appropriate political subdivision agency to administer amounts received under the grant;

(C) a description of the steps to be taken to ensure that the funds are distributed in accordance with subsection (e); and

(D) an economic development plan, approved by a regional authority authorized to coordinate economic development efforts in the region where the political subdivision is located, or approved by the State if no such regional authority exists, that described the activities that the political subdivision will carry out using amounts received under the grant. Where a political subdivision ineligible to receive payments under subsection (b)(1) is surrounded within the State by a political subdivision eligible to receive payments under subsection (b)(1), an economic development plan shall not be approved unless submitted jointly by both jurisdictions.

(c) AMOUNT OF GRANT.—

(1) IN GENERAL.—From the amounts available to carry out this section for a fiscal year, the Corporation shall allot to each eligible tobacco-growing political subdivision an amount that bears the same ratio to the total funds available as the total income of the tobacco-growing political subdivision derived from the production of tobacco within the political subdivision during the 1995 through 1997 marketing years (as determined under paragraph (2)) bears to the total income of all tobacco-growing political subdivisions derived from the production of tobacco during the 1995 through 1997 marketing years.

(2) TOBACCO INCOME.—For the 1995 through 1997 marketing years, the Secretary shall determine and provide to the Corporation the amount of income derived from the production of tobacco in each tobacco-growing political subdivision and in all tobacco-growing political subdivisions.

(d) PAYMENTS.—

(1) IN GENERAL.—A tobacco-growing political subdivision that has an application approved by the Corporation under subsection (b) shall be entitled to a payment under this section in an amount that is equal to its allotment under subsection (c).

(2) FORM OF PAYMENTS.—The Corporation may make payments under this section to a tobacco-growing political subdivision in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Corporation may determine.

(3) REALLOTMENTS.—Any portion of the allotment of a political subdivision under subsection (c) that the Corporation determines will not be used to carry out this section in accordance with an approved political subdivision application required under subsection (b), shall be reallotted by the Corporation to other tobacco-growing political subdivisions in proportion to the original allotments to the other tobacco-growing political subdivisions.

(e) USE AND DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—Amounts received by a tobacco-growing political subdivision under this section shall be used to carry out economic development activities, including—

(A) activities designed to help create productive farm or off-farm employment in rural areas to provide a more viable economic base and enhance opportunities for improved incomes, living standards, and contributions by rural individuals to the economic and social development of tobacco communities;

(B) activities designed to provide training and transition assistance to quota holders and active tobacco producers to enable the holders and producers to produce alternative agricultural commodities or obtain alternative employment;

(C) activities to improve the quality of education in tobacco communities;

(D) activities to promote tourism in tobacco communities through natural resource protection;

(E) activities to construct advanced manufacturing centers, industrial parks, water and sewer facilities, and transportation improvements in tobacco communities;

(F) activities to establish small business incubators in tobacco communities;

(G) activities to install high technology infrastructure improvement in tobacco communities;

(H) rural business enterprise activities described in subsections (c) and (e) of section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932);

(I) down payment loan assistance programs that are similar to the program described in section 310E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935);

(J) activities that expand existing infrastructure, facilities, and services to capitalize on opportunities to diversify economies in tobacco communities and that support the development of new industries or commercial ventures;

(K) activities by agricultural organizations that provide assistance directly to quota holders and active tobacco producers to assist in developing other agricultural activities that supplement tobacco-producing activities;

(L) initiatives designed to create or expand locally owned value-added processing and marketing operations in tobacco communities; and

(M) technical assistance activities by persons to support farmer-owned enterprises, or agriculture-based rural development enterprises, of the type described in section 252 or 253 of the Trade Act of 1974 (19 U.S.C. 2342, 2343).

(2) MAINTENANCE OF EFFORT.—The political subdivision and the State shall provide assurances to the Corporation that funds provided to the political subdivision under this section will be used only to supplement, not to supplant, the amount of Federal, State, and local funds otherwise expended for economic development activities in the political subdivision.

SEC. 205. TAX TREATMENT OF TOBACCO QUOTA HOLDER COMPENSATION AND TRANSITION PAYMENTS.

(a) IN GENERAL.—Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically included in gross income) is amended by adding at the end the following:

"SEC. 91. CERTAIN TOBACCO PROGRAM PAYMENTS.

''(a) GENERAL RULE.—Gross income includes amounts received under section 201 or 202 of the Tobacco Market Transition Act.

''(b) EXCEPTION FOR AMOUNTS TRANSFERRED DURING REINVESTMENT PERIOD.—

''(1) IN GENERAL.—Subsection (a) shall not apply to any amount if during reinvestment period such amount is—

''(A) used to make a qualified debt repayment, or

''(B) transferred to a tobacco farmer individual retirement account established under section 522.

''(2) QUALIFIED DEBT REPAYMENT.—For purposes of paragraph (1), the term 'qualified debt repayment' means the payment of debt incurred directly by the taxpayer to produce tobacco prior to January 1, 1998.

''(c) CHARACTER OF INCOME.—For purposes of this subtitle—

''(1) any amount received under section 201 of the Tobacco Market Assistance Act and included in gross income under this section shall be treated as long-term capital gain, and

''(2) any amount received under section 202 of such Act and so included in gross income shall be treated as ordinary income.''.

(b) TOBACCO FARMER INDIVIDUAL RETIREMENT ACCOUNTS.—Part IV of subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to farmers' cooperatives) is amended by adding at the end the following:

"SEC. 522. TOBACCO FARMER INDIVIDUAL RETIREMENT ACCOUNTS.

''(a) GENERAL RULE.—Except as provided in this section, a tobacco farmer individual retirement account shall be treated for purposes of this title in the same manner as an individual retirement plan.

''(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this title—

''(1) TOBACCO FARMER INDIVIDUAL RETIREMENT ACCOUNT.—The term 'tobacco farmer individual retirement account' means an individual retirement plan (as defined in section 7701(a)(37)) other than a Roth IRA which is designated (in such manner as the Corporation may prescribe) at the time of establishment of the plan as a tobacco farmer individual retirement account.

''(2) TREATMENT OF CONTRIBUTIONS.—

''(A) CASH ONLY.—No contribution will be accepted unless it is in cash.

''(B) SOURCE OF CONTRIBUTIONS.—The only contributions which will be accepted are—

''(i) payments under section 201 or 202 of the Tobacco Market Transition Act, and

(ii) trustee-to-trustee transfers to such trust from another tobacco farmer individual retirement account of the account beneficiary.

''(C) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 for a contribution to a tobacco farmer individual retirement account.

''(D) NO ROLLOVER CONTRIBUTIONS ALLOWED.—No rollover contribution may be made to or from a tobacco farmer individual retirement account.

''(3) TAX TREATMENT OF DISTRIBUTIONS.—Any amount distributed from a tobacco farmer individual retirement account attributable to payments made under section 201 or 202 of the Tobacco Market Transition Act (including earnings thereon) shall be includible in the gross income of the distributee under the rules described in section 91(c). Any such distribution shall be made first from amounts in such account (if any) attributable to payments under such section 202 (and earnings thereon).

''(4) COORDINATION WITH INDIVIDUAL RETIREMENT ACCOUNTS.—Section 408(d)(2) shall be applied separately with respect to tobacco farmer individual retirement accounts and other individual retirement plans.''.

''(c) CONFORMING AMENDMENTS.—

(1) The table of sections for part II of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''Sec. 91. Certain tobacco program payments.''.

(2) The table of sections for part IV of subchapter 1 of such Code is amended by adding at the end the following: ''Sec. 522. Tobacco farmer individual retirement accounts.''.

(3) The heading for part IV of subchapter F of chapter 1 of such code is amended by striking

''FARMERS' COOPERATIVES'' and inserting ''CERTAIN FARMER ENTITIES''.

(4) The table of parts for subchapter F of chapter 1 of such Code is amended by striking ''Farmers' cooperatives'' and inserting ''Certain farmer entities''. Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

TITLE III—ESTABLISHMENT OF PRIVATE TOBACCO PRODUCTION ADJUSTMENT AND QUALITY ASSURANCE PROGRAM

SEC. 301. TOBACCO PRODUCTION CONTROL CORPORATION.

(a) ESTABLISHMENT.—There is established a corporation to be known as the ''Tobacco Production Control Corporation'', which shall be a federally chartered instrumentality of the United States.

(b) DUTIES.—Effective for the 1999 and each subsequent crop of each kind of tobacco, on at least a ⅔-vote of the Board of Directors of the Corporation, the Corporation shall—

(1) promulgate rules that govern the production, marketing, importation, exportation, and consumer quality assurances for each kind of tobacco;

(2) establish a licensing system that provides for the orderly production and marketing of tobacco in the United States under which—

(A) the Corporation shall issue a license to each active tobacco producer, or other person that meets requirements established by the Corporation, initially based upon the eligible production quantity determined for each producer under section 202(c)(1);

(B) the licensee shall surrender the license to the Corporation if the licensee fails to actively engage in the production of tobacco;

(C) the sale or marketing of a type of tobacco which prior to the date of enactment was produced pursuant to a tobacco farm marketing quota or farm acreage allotment issued under the Agricultural Act of 1938 is prohibited without a license;

(D) the sale, lease, or other transfer of a license shall be prohibited except pursuant to subsection (c); and

(E) the Corporation shall issue marketing licenses to tobacco marketing facilities and tobacco purchasing entities;

(3) ensure compliance, through whatever means is available, of all persons with any license, regulation, rule, limitation, or guideline issued under, or in order to carry out, this Act;

(3) offer crop insurance for tobacco producers;

(4) establish a system that will provide assurance to consumers of the quality of all tobacco marketed in the United States and that, at a minimum—

(A) provides for the inspection and grading of domestically produced tobacco and imported tobacco;

(B) determines and describes the physical characteristics of domestically produced tobacco and imported tobacco;

(C) ensures the physical and chemical integrity of domestically produced tobacco and imported tobacco;

(5) carry out its duties, functions, and determinations through loan associations and local committees, to the extent practicable and appropriate, and

(6) continue to maintain and carry out a tobacco program in accordance with the rules and regulations contained in Chapter 7 of the C.F.R. unless and until rules are promulgated under subsection (c).

(c) TRANSFER OF LICENSE.—

(1) RIGHT OF SURVIVORSHIP.—

(A) IN GENERAL.—In the case of the death of a person to whom a license has been issued under this section, the license shall transfer to the surviving spouse of the person or, if there is no surviving spouse, to surviving direct descendants of the persons.

(B) HARDSHIP.—In the case of the death of a person to whom a license has been issued under this section and whose descendants are temporarily unable to produce a crop of tobacco, the Corporation may hold the license in the name of the descendants for a period of not more than 18 months, at the discretion of the Corporation.

(2) LIFETIME TRANSFER.—A person that is eligible to obtain a license under this section may at any time transfer all or part of the license to the person's spouse or direct descendants that are actively engaged in the production of tobacco.

(d) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers of the Corporation shall be vested in a Board of Directors.

(2) MEMBERS.—The Board of Directors shall consist of 25 members as follows:

(A) The Secretary of Agriculture.

(B) The Secretary of Health and Human Services.

(C) The Administrator of the Environmental Protection Agency.

(D) The United States Trade Representative.

(E) 1 member from each state that produces more than 50,000,000 pounds of tobacco. All members appointed under this subparagraph shall be actively engaged in the production of tobacco and shall be elected by the tobacco producers from each respective state.

(F) 3 members appointed by the flue-cured tobacco association and 2 members appointed by the burley tobacco associations, all such members to be licensees under this Act.

(G) 1 member appointed by tobacco associations other than those specified in subparagraph (F), on a rotating basis.

(H) 3 members representing public health interests, appointed by the Secretary of Health and Human Services.

(I) 1 member representing domestic cigarette manufacturers.

(J) 1 member representing domestic export leaf dealers, appointed by the Leaf Tobacco Exporters Association (LTEA).

(K) 2 members representing tobacco marketing facilities, 1 each appointed by the Bright Belt Warehouse Association (BBWA) and the Burley Auction Warehouse Association (BAWA).

(L) 1 member that is the person responsible for operating the quality assurance system of the Corporation described in subsection (b)(4).

(M) 1 member who is a Dean of Agriculture of a Land Grant University from a tobacco producing state.

(3) MEMBERSHIP QUALIFICATIONS.—A member of the Board shall not hold any Federal, State, or local elected office.

(4) CHAIRPERSONS.—The Secretary of Agriculture shall serve as chairperson of the Board.

(5) EXECUTIVE DIRECTOR.—

(A) APPOINTMENT.—The Board shall appoint an Executive Director.

(B) DUTIES.—The Executive Director shall be the chief executive officer of the Corporation, with such power and authority as may be conferred by the Board.

(C) COMPENSATION.—The Executive Director shall receive basic pay at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(6) OFFICERS.—The Board shall establish the offices and appoint the officers of the Corporation, including a Secretary, and define the duties of the officers in a manner consistent with this section.

(7) MEETINGS.—

(A) IN GENERAL.—The Board shall meet at least 3 times each fiscal year at the call of a Chairperson or at the request of the Executive Director.

(B) LOCATION.—The location of a meeting shall be subject to approval of the Executive Director.

(C) QUORUM.—A quorum of the Board shall consist of a majority of the members.

(8) TERM; VACANCIES.—

(A) TERM.—The term of office of a member of the Board appointed under any of subparagraphs (E) through (K) of paragraph (2) shall be 4 years.

(B) VACANCIES.—A vacancy on the Board shall be filled in the same manner as the original appointment was made.

(9) COMPENSATION.—

(A) FEDERAL MEMBERS.—A member of the Board who is an officer or employee of the United States shall not receive any additional compensation by reason of service on the Board.

(B) NON-FEDERAL MEMBERS.—Any other member shall receive compensation, for each day (including travel time) that the member is engaged in the performance of the functions of the Board, at a rate determined appropriate by the Board.

(C) EXPENSES.—A member of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred by the member in the performance of the duties of the member.

(10) CONFLICT OF INTEREST; FINANCIAL DISCLOSURE.—

(A) CONFLICT OF INTEREST.—Except as provided in subparagraph (C), a member of the Board shall not vote on any matter concerning any application, contract, or claim, or other particular matter pending before the Corporation, in which, to the knowledge of the member, the member, spouse, or child of the member, partner of the member, or organization in which the member is serving as officer, director, trustee, partner, or employee, or any person or organization with which the member is negotiating or has any arrangement concerning prospective employment, has a financial interest.

(B) VIOLATIONS.—Violation of subparagraph (A) by a member of the Board shall be cause for removal of the member, but shall not impair or otherwise affect the validity of any otherwise lawful action by the Corporation in which the member participated.

(C) EXCEPTIONS.—The prohibitions contained in subparagraph (A) shall not apply to a member of the Board that is a tobacco producer if the member advises the Board of the nature of the particular matter in which the member proposes to participate, and if the member makes a full disclosure of the financial interest, prior to any participation.

(D) FINANCIAL DISCLOSURE.—A Board member shall be subject to the financial disclosure requirements of subchapter B of chapter XVI of title 5, Code of Federal Regulations (or any corresponding or similar regulation or ruling), applicable to a special Government employee (as defined in section 202(a) of title 18, United States Code).

(E) REPRESENTATION.—No member of the Board shall receive compensation from more than one interest represented on the Board.

(11) BYLAWS.—The Board shall adopt, and may from time to time amend, any bylaw that is necessary for the proper management and functioning of the Corporation.

(12) PERSONNEL.—The Corporation may select and appoint officers, attorneys, employees, and agents, who shall be vested with such powers and duties as the Corporation may determine.

(e) GENERAL POWERS.—In addition to any other powers granted to the Corporation under this title, the Corporation—

(1) shall have succession in its corporate name;

(2) may adopt, alter, and rescind any bylaw and adopt and alter a corporate seal, which shall be judicially noticed;

(3) may enter into any agreement or contract with a person or private or governmental agency;

(4) may lease, purchase, accept a gift or donation of, or otherwise acquire, use, own, hold, improve, or otherwise deal in or with, and sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of, any property or interest in property, as the Corporation considers necessary in the transaction of the business of the Corporation;

(5) may sue and be sued in the corporate name of the Corporation, except that—

(A) no attachment, injunction, garnishment, or similar process shall be issued against the Corporation or property of the Corporation; and

(B) exclusive original jurisdiction shall reside in the district courts of the United States, and the Corporation may intervene in any court in any suit, action, or proceeding in which the Corporation has an interest;

(6) may independently retain legal representation;

(7) may provide for and designate such committees, and the functions of the committees, as the Board considers necessary or desirable;

(8) may indemnify officers of the Corporation, as the Board considers necessary and desirable, except that the officers shall not be indemnified for an act outside the scope of employment;

(9) may, with the consent of any board, commission, independent establishment, or executive department of the Federal Government, including any field service, use information, services, facilities, officials, and employees in carrying out this section, and pay for the use, which payments shall be transferred to the applicable appropriation account that incurred the expense;

(10) may obtain the services and fix the compensation of any consultant and otherwise procure temporary and intermittent services under section 3109(b) of title 5, United States Code;

(11) shall have the rights, privileges, and immunities of the United States with respect to the right to priority of payment with respect to debts due from bankrupt, insolvent, or deceased creditors;

(12) may collect or compromise any obligations assigned to or held by the Corporation, including any legal or equitable rights accruing to the Corporation;

(13) shall determine the character of, and necessity for, obligations and expenditures of the Corporation and the manner in which the obligations and expenditures shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations;

(14) may make final and conclusive settlement and adjustment of any claim by or against the Corporation or a fiscal officer of the Corporation;

(15) may sell assets, loans, and equity interests acquired in connection with the financing of projects funded by the Corporation; and

(16) may exercise all other lawful powers necessarily or reasonably related to the establishment of the Corporation to carry out this title and the powers, purposes, functions, duties, and authorized activities of the Corporation.

SEC. 302. TOBACCO LOAN ASSOCIATIONS.

The Corporation shall enter into an agreement with producer-owned cooperative marketing loan associations for each kind of tobacco to—

(1) make price support available to producers of the kind of tobacco;

(2) carry out the licensing system established under subsection (b)(2);

(3) arrange for financing and the administration of price supports for the kind of tobacco; and

(4) receive, process, store, and sell any domestically produced tobacco received as collateral for a price support loan.

SEC. 303. TOBACCO PRICE SUPPORT LEVELS.

(a) INITIAL LEVEL.—Effective for the 1999 crop of each kind of tobacco, the support

level in cents per pound established under this title shall be equal to—

(1) the simple average price received by producers of the kind of tobacco, as determined by the Corporation, during the marketing years for the immediately preceding 5 crops of the kind of tobacco; less

(2) the average return to quota for 1994 through 1998 crops of the kind of tobacco, as determined by the Corporation.

(b) SUBSEQUENT ADJUSTMENT.—The Corporation, in consultation with the Associations, shall adjust and establish the support level for each kind of tobacco at an appropriate level for each year after 1999.

SEC. 304. PENALTIES.

(a) IN GENERAL.—The violation of any provision of this Act, or any rule or regulation issued to carry out this Act, or the terms of any license issued under this Act, by a person (including the marketing of any kind of tobacco without a license issued under this title or in excess of the quantity permitted under such a license) shall subject the person to revocation or suspension of the person's license, a penalty of 75 percent of the average market price (calculated to the nearest whole cent) for the kind of tobacco for the immediately preceding marketing year, or both, in the discretion of the Secretary.

(b) PAYOR.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the penalty shall be paid by the person who acquired the tobacco from the producer.

(2) DEDUCTION FROM PRICE.—An amount equivalent to the penalty may be deducted by the buyer from the price paid to the producer in any case in which the tobacco is marketed by sale.

(3) WAREHOUSEMAN OR AGENT.—If the tobacco is marketed by the producer through a warehouseman or other agent, the penalty shall be paid by the warehouseman or agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(4) Direct marketing outside United States.—In any case in which tobacco is marketed directly to any person outside the United States, the penalty shall be paid and remitted by the producer.

(c) FALSE STATEMENT OR OMISSION.—If any producer falsely identifies or fails to account for the disposition of any tobacco—

(1) an amount of tobacco equal to the normal yield of the number of acres harvested in excess of the quantity permitted under a license issued under this title shall be considered to have been marketed in excess of the license for the farm; and

(2) the penalty for the excess marketing shall be paid and remitted by the producer.

(d) CARRYOVER.—Tobacco carried over by the producer of the tobacco from 1 marketing year to another marketing year may be marketed without payment of the penalty imposed by this section if—

(1) the total quantity of tobacco available for marketing from the farm in the marketing year from which the tobacco is carried over does not exceed the quantity that may be marketed under a license issued for the farm for the marketing year; or

(2) the quantity of tobacco carried over does not exceed the normal production of that number of acres by which the harvested acreage of tobacco in the calendar year in which the marketing year begins is less than the quantity that may be marketed under the license.

(e) TOBACCO MARKETED PRIOR TO MARKETING YEAR.—Tobacco produced in a calendar year for the marketing year beginning during the calendar year shall be subject to licenses issued for the marketing year even though the tobacco is marketed prior to the date on which the marketing year begins.

(f) PROPORTIONAL PAYMENTS.—The Secretary shall require collection of the penalty on a proportion of each lot of tobacco marketed from the farm equal to the proportion that the tobacco available for marketing from the farm in excess of the quantity that may be marketed under a license is of the total quantity of tobacco available for marketing from the farm if satisfactory proof is not furnished as to the disposition to be made of the excess tobacco prior to the marketing of any tobacco from the farm.

(g) LIEN.—Until the amount of the penalty provided by this section is paid, a lien on the tobacco with respect to which the penalty is incurred, and on any subsequent tobacco subject to licenses issued under this title in which the person liable for payment of the penalty has an interest, shall be in effect in favor of the Corporation for the amount of the penalty.

SEC. 305. PROGRAM REFERENDA.

(a) INITIAL REFERENDUM.—Not later than 3 years after the date of enactment of this Act, the Corporation shall conduct a referendum among licensees engaged in the production of each kind of tobacco to determine whether such producers are in favor of continuing the operation of the program established under this Act with respect to that kind of tobacco. If more than one half of the licensees voting oppose the continuation of the program, the Corporation shall announce the result and shall conduct a second referendum one year later. If more than one half of the licensees voting in the second referendum also oppose the continuation of the program, the Corporation shall announce the result and the program shall cease to be in effect for that kind of tobacco.

(b) SUBSEQUENT REFERENDA.—The Corporation may conduct subsequent referenda from time to time as the Corporation deems appropriate to determine whether producers are in favor of continuing the program established under this Act, the use of marketing allotments and quotas, limitations on transfer of quota, or any other aspect of the program.

(c) EFFECTIVE DATE.—This section shall be effective 1 year after the date of enactment of this Act.

SECTION-BY-SECTION SUMMARY OF THE "TOBACCO MARKET TRANSITION ACT"

These are the highlights of each section of the legislation:

Section 1. Table of Contents.

Section 2. Definitions.

This section includes the definition of an "active tobacco producer" (who will be eligible to receive transition payments and a license to grow tobacco) and a "quota holder" (who will be eligible for the quota asset buyout). An "active tobacco producer" is a person who was the actual producer of tobacco planted in 1997. A "quota holder" is a person who owned a farm on January 1, 1998 which carried a tobacco farm marketing quota or farm acreage allotment.

Section 3. Purposes.

Section 101. Tobacco Community Revitalization Trust Fund.

This section establishes a trust fund which will compensate quota holders, make transition payments to growers, fund the privatized tobacco production limiting program, pay for tobacco crop insurance, and provide community development grants. From the funds generated as a result of comprehensive tobacco legislation, the trust fund would receive $3.5 billion for the first five years, and $265 million each succeeding year.

Section 201. Compensation to Quota Holders for Loss of Tobacco Quota Asset Value.

A quota holder would receive $8/pound based on the average tobacco farm marketing quota established for the 1995 through 1997 marketing years for the farm owned by the quota holder on January 1, 1998. The payments would be made in 5 equal annual installments beginning in 1999.

Section 202. Transition Payments for Active Tobacco Producers.

Tobacco producers who grew tobacco in 1997 would be eligible to receive 40¢/pound for five years based on the average number of pounds of tobacco quota established for a farm for the 1995 through 1997 marketing years for which the grower was the actual producer of tobacco on the farm.

Section 203. Tobacco Loan Associations.

To extricate the federal government from the tobacco program and assist tobacco loan associations make the transition to the privatized program, this section forgives various loans made to the associations by the Department of Agriculture, transfers title to the loan associations of tobacco held in inventory by the Department of Agriculture, and transfers to the loan associations the funds held in the No Net Cost Tobacco Fund and the No Net Cost Tobacco Account held on behalf of the associations.

Section 204. Tobacco Community Economic Development Grants.

The Corporation will award $250 million annually to tobacco-dependent counties to aid community development efforts. The funds can be used for various purposes, including education, small business incubators, technology infrastructure enhancement, transportation improvements and water projects.

Section 205. Tax Treatment of Tobacco Quota Holder Compensation and Transition Payments.

Compensation funds to quota holders and transition payments to tobacco producers will not be taxed if placed in a qualified retirement account or if used to retire debt directly associated with tobacco production incurred prior to January 1, 1998.

Section 301. Tobacco Production Control Corporation.

This section creates the privatized Tobacco Production Control Corporation, which will undertake the duties previously performed by the federal government. These duties will include:

Governing the production, marketing, importation, exportation, and consumer quality assurance for each kind of tobacco;

Offering crop insurance;

Establishing a quality assurance system that provides for the inspection and grading of tobacco marketed in the U.S., determines and describes the physical characteristics of domestic and imported tobacco, and ensures the physical and chemical integrity of domestic and imported tobacco; and

Creating a licensing system to limit the production of tobacco, replacing the current quota system. Licenses would be issued by the Corporation at no cost to the producer and no tobacco could be sold without a license. Initially, licenses would be issued to active tobacco producers and would be surrendered to the Corporation if the producer ceases growing tobacco. Licenses could not be sold, leased or transferred except to a licensee's spouse or children actively engaged in the production of tobacco.

Section 302. Tobacco Loan Associations.

This section requires the Corporation to enter into agreements with producer-owned loan associations for each kind of tobacco to make price support available, carry out the licensing system, arrange for financing and administration of price supports and handle any domestically produced tobacco received as collateral for a price support loan.

Section 303. Tobacco Price Support Levels.

For the 1999 crop year, the price support shall be the simple average price received by

producers for the preceding 5 years less the average return to quota for 1994 through 1998 crops. This eliminates from the price of tobacco an amount equal to the previous cost of acquiring quota.

Section 304. Penalties.

This section sets forth the penalties for those who sell tobacco without a license or in violation of a license, and for those who purchase tobacco which is not licensed or violates a license.

Section 305. Program Referenda.

This section allows producers to vote periodically on whether to retain the new privatized program.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 61

At the request of Mr. LOTT, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), and the Senator from Idaho (Mr. KEMPTHORNE) were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 173

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 173, a bill to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

S. 456

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 456, a bill to establish a partnership to rebuild and modernize America's school facilities.

S. 497

At the request of Mr. COVERDELL, the names of the Senator from Texas (Mr. GRAMM), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 512

At the request of Mr. KYL, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 512, a bill to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

S. 530

At the request of Mr. KOHL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 530, a bill to amend title 11, United States Code, to limit the value of certain real and personal property that a debtor may elect to exempt under State or local law, and for other purposes.

S. 656

At the request of Mr. WARNER, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 656, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

S. 887

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. BOND), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 933

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 933, a bill to amend section 485(g) of the Higher Education Act of 1965 to make information regarding men's and women's athletic programs at institutions of higher education easily available to prospective students and prospective student athletes.

S. 943

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation accidents.

S. 1028

At the request of Mrs. BOXER, her name was withdrawn as a cosponsor of S. 1028, a bill to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management.

S. 1096

At the request of Mr. KERREY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1173

At the request of Mr. WARNER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

S. 1297

At the request of Mr. COVERDELL, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Indiana (Mr. COATS), the Senator from Indiana (Mr. LUGAR), the Senator from Oregon (Mr. SMITH), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Tennessee (Mr. FRIST), the Senator from Iowa (Mr. GRASSLEY), the Senator from Florida (Mr. MACK), the Senator from Ohio (Mr. DEWINE), the Senator from Kansas (Mr. BROWNBACK), the Senator from New Hampshire (Mr. GREGG), the Senator from South Carolina (Mr. THURMOND), the Senator from Oklahoma (Mr. NICKLES), the Senator from Minnesota (Mr. GRAMS), the Senator from New Hampshire (Mr. SMITH), the Senator from Alabama (Mr. SHELBY), the Senator from Alaska (Mr. STEVENS), the Senator from Maine (Ms. COLLINS), the Senator from Tennessee (Mr. THOMPSON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1297, a bill to redesignate Washington National Airport as ''Ronald Reagan Washington National Airport''.

S. 1314

At the request of Mrs. HUTCHISON, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1314, a bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals.

S. 1328

At the request of Mr. INOUYE, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1328, a bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

S. 1422

At the request of Mr. MCCAIN, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Maine (Ms. COLLINS), the Senator from Georgia (Mr. COVERDELL), the Senator from Idaho (Mr. CRAIG), the Senator from Nebraska (Mr. HAGEL), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1460

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1460, A bill for the relief of Alexandre Malofienko, Olga Matsko, and their son Vladimir Malofienko.

S. 1575

At the request of Mr. COVERDELL, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Texas (Mr. GRAMM), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Tennessee (Mr. THOMPSON), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1575, a bill to rename the Washington National Airport located in the District of Columbia and Virginia as the ''Ronald Reagan Washington National Airport''.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Resolution 155, A resolution designating April 6 of each year as ''National Tartan Day'' to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 168

At the request of Mr. HUTCHINSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of Senate Resolution 168, A resolution expressing the sense of the Senate that the Department of Education, States, and local educational agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms.

SENATE CONCURRENT RESOLUTION 71—CONDEMNING IRAQ'S THREAT TO INTERNATIONAL PEACE AND SECURITY

Mr. LOTT (for himself, Mr. DASCHLE, Mr. MCCAIN, Mr. LEAHY, Mr. HELMS, Mr. DODD, Mr. BROWNBACK, Mr. BRYAN, Mr. WARNER, Mr. CLELAND, Mr. STEVENS, Mr. TORRICELLI, Mr. MACK, Mr. KERRY, Mr. COVERDELL, Mr. BYRD, Mr. SMITH of Oregon, Mr. MOYNIHAN, Mr. THOMAS, Mr. WYDEN, Mr. GORTON, Mr. GRAHAM, Mr. FAIRCLOTH, Mr. HOLLINGS, Ms. COLLINS, Mr. AKAKA, Mr. INHOFE, Mr. CONRAD, Mr. GRAMS, Mr. ROBB, Mr. BENNETT, Mr. SPECTER, and Mr. HAGEL) submitted the following concurrent resolution; which was read twice and ordered placed on the calendar:

S. CON. RES. 71

Whereas hostilities in Operation Desert Storm ended on February 28, 1991, and the cease-fire was codified in United Nations Security Council Resolutions 686 (March 2, 1991) and 687 (April 3, 1991);

Whereas United Nations Security Council Resolutions 687 requires that international economic sanctions remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities;

Whereas Resolution 687 further established the United Nations Special Commission (UNSCOM) on Iraq to uncover all aspects of Iraq's weapons of mass destruction programs;

Whereas United Nations Security Council Resolution 715, adopted on October 11, 1991, further empowers UNSCOM to maintain a long-term monitoring program to ensure Iraq's weapons of mass destruction programs are dismantled and not restarted;

Whereas in violation of the 1991 cease-fire agreements and subsequent United Nations Security Council Resolutions, the Iraqi government has repeatedly and deliberately impeded UNSCOM from conducting its mission through concealment, harassment, deception and intimidation;

Whereas despite the sustained opposition of the government of Iraq, UNSCOM has discovered many instances of inaccurate and duplicitous actions by Iraq concerning Iraqi ballistic missile capabilities and chemical and biological weapons programs:

Whereas the United Nations Security Council has repeatedly demanded that Iraq end its obstruction of UNSCOM, including in Resolutions 1060 (June 12, 1996), 1115 (June 21, 1996), 1134 (October 23, 1997) and 1137 (November 12, 1997);

Whereas the work by the leadership and personnel of UNSCOM under difficult and dangerous conditions has been commendable;

Whereas Iraq continues to obstruct the work of UNSCOM by limiting access to sites in Iraq, by restricting the movement of UNSCOM personnel, and by threatening to end all cooperation with UNSCOM;

Whereas Iraq's continuing weapons of mass destruction programs threaten vital United States interests and international peace and security; and

Whereas the United States has existing authority to defend United States interests in the Persian Gulf region:

Now, therefore, be it resolved that the Senate, the House of Representatives concurring—

(1) Condemns in the strongest possible terms the continued threat to international peace and security posed by Iraq's refusal to meet its international obligations and end its weapons of mass destruction programs;

(2) Urges the President to take all necessary and appropriate actions to respond to the threat posed by Iraq's refusal to end its weapons of mass destruction programs; and

(3) Urges the President to work with Congress in furthering a long-term policy aimed at definitively ending the threat to international peace and security posed by the government of Iraq and its weapons of mass destruction programs.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, February 11, 1998 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1069, a bill to designate the American Discovery Trail as a national discovery trail, a newly established national trail category, and S. 1403, a bill to establish a historic lighthouse preservation program, within the National Park Service.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send 2 copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224–5161 or Kelly Johnson at (202) 224–3329.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, February 12, 1998 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 62, a bill to prohibit further extension or establishment of any national monument in Idaho without full public participation and an express Act of Congress, and for other purposes. S. 477, a bill to amend the Antiquities act to require an Act of Congress and the consultation with the Governor and State legislature prior to the establishment by the President of national monuments in excess of 5,000 acres. S. 691, a bill to ensure that the public and the Congress have both the right and a reasonable opportunity to participate in decisions that affect the use and management of all public lands owned or controlled by the Government of the United States. H.R. 901, an act to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property right in non-Federal lands surrounding those public and acquire lands. H.R. 1127, and act to amend the Antiquities Act regarding the establishment by the President of certain national monuments.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224–5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a

field hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will be held in Twin Falls, Idaho at the College of Southern Idaho in the Fine Arts Auditorium on Monday, February 16, 1998 at 9:00 a.m. The College of Southern Idaho is located at 315 Falls Ave., Twin Falls, Idaho.

The purpose of this hearing is to receive testimony on the management of the Sawtooth National Forest Recreation Area.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Bill Lange or Mark Rey at (202) 224–6170.

SUBCOMMITTEE ON WATER AND POWER

Mr. KYL. Mr. President: I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources to receive testimony on the implementation by the Northwest Power Planning Council of the 1996 amendment to the Northwest Power Planning Act requiring accountability in and scientific peer review of projects to be funded through the Bonneville Power Administration's annual fish and wildlife budget.

The hearing will begin at 9:30 a.m. on Tuesday, February 17, 1998 in the Lecture Hall of Washington State University, 14204 NE Salmon Creek Avenue, Vancouver, Washington.

Persons interested in testifying or submitting material for the record should contact Betty Nevitt of the Subcommittee staff at (202) 224–0765 or write to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, February 24, 1998 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the visitor center and museum facilities project at Gettysburg National Military Park.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony of the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRAMS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, January 28, 1998 beginning at 10:00 a.m. in room 215 Dirksen.

Also hearing on confirmation on pending nominations.

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

COMMITTEE ON FINANCE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Wednesday, January 28, 1998, in open session, to receive testimony on the report and recommendations of the National Defense.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 28, 1998 at 9:30 a.m. to hold an open hearing and at 2:30 to hold a closed hearing.

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

ADDITIONAL STATEMENTS

NOMINATION OF JUDGE ANN AIKEN FOR THE U.S. DISTRICT COURT FOR THE DISTRICT OF OREGON

• Mr. FAIRCLOTH. Mr. President, President Clinton's nomination for the U.S. District Court for the District of Oregon, Judge Ann Aiken, came before this body this afternoon. Mr. President, I was unavoidably absent for the vote, but I would like the record to reflect that I would have voted ''no.''

I commend my colleague from Wyoming, Senator MIKE ENZI, for closely scrutinizing this nomination and reporting to us some alarming rulings on the part of Judge Aiken which illustrate flaws in her judicial philosophy. For example, as Senator ENZI has noted, Judge Aiken, while a Oregon state court judge, sentenced a 26-year-old man convicted of the first degree rape of a 5-year-old girl to a mere ninety days in jail. Ninety days? A petty thief gets more than ninety days. This man raped a little girl. According to local papers, Judge Aiken justified her minimal sentence by citing a lack of treatment programs for sex offenders in Oregon's state prisons.

Mr. President, this case, along with a history of similar rulings, reveals a grave misunderstanding in Judge Aiken's judicial outlook and a proclivity to side with criminals. Once again, the President has offered this body a judicial nominee more interested in defending the rights of criminals than protecting those of victims. How much longer will he continue to nominate Federal judges who ignore the safety and well-being of our communities?•

IN RECOGNITION OF ART VANELSLANDER

• Mr. LEVIN. Mr. President, I rise today to commend one of Michigan's foremost business leaders, Mr. Art VanElslander, for his service as chairman of the successful Society of St. Vincent DePaul Capital Campaign.

Mr. VanElslander is well-known throughout Michigan as the Chairman and CEO of Art Van Furniture, Michigan's largest furniture retailer and the sixth largest furniture retailer in the United States. Business success has enabled Mr. VanElslander to pursue his commitment to community service and philanthropy and benefit thousands of people. His involvement with the St. Vincent DePaul Capital Campaign is a prime example of his dedication and commitment.

In 1995, just before Christmas, a fire destroyed the St. Vincent DePaul warehouse which served needy residents of the metropolitan Detroit area. The fire led to an outpouring of donations of clothing, bedding and toys from thousands of people in Metro Detroit. With those immediate needs met, thanks to the generosity of the community, the Society of St. Vincent DePaul began a fundraising campaign to meet their long-term needs—replacing the warehouse and building the St. Vincent DePaul Service Center, which would provide job training and employment placement, transitional child care for those enrolled in programs at the Center, a non-acute health care clinic, a resale thrift shop and an emergency food depot. To raise the $3.75 million needed to fund these projects, the Society of St. Vincent DePaul asked Mr. VanElslander to chair the campaign.

Mr. VanElslander not only provided the leadership and spirit needed to successfully raise the money, but he pledged to match up to $500,000 in donations. His commitment to this campaign is a natural expression of his desire to help the less fortunate members of his community.

Mr. President, we all benefit from the attention and energy of leaders like Mr. VanElslander. By helping those in need, they improve the strengthen the entire community. I hope my colleagues will join me in commending Mr. Art VanElslander for his generosity and for his leadership of the Society of St. Vincent DePaul Capital Campaign.•

CATHOLIC SCHOOLS WEEK

• Mr. ABRAHAM. Mr. President, today I rise to join Catholic schools across my home state of Michigan and the country as they celebrate Catholic Schools Week. This year marks the twenty-third anniversary of the annual event, and its theme is an important one, ''Catholic Schools: Restoring Faith in Education.''

Since the founding of our great nation, Catholic schools have been integral to its growth and prosperity. Among the first schools in the country, Catholic schools educated countless individuals throughout the nation and provided an early first step toward creating a literate populace. Today, the role of Catholic schools is just as important. Strong academics partnered with a values-based education offers a tremendous option for children across the country. From rural areas to the inner city, the opportunities afforded by Catholic schools are immeasurable. They provide an important choice for parents and students who seek the best possible learning environment.

In the State of Michigan, Catholic schools are elemental in providing children of all ages with a solid education. Spread throughout Michigan's seven Catholic dioceses, over 96,000 students are enrolled in 355 schools. These schools play a critical role in adding to the rich diversity of American education. I am pleased to have this opportunity to congratulate the many Catholic schools in Michigan and the United States for the high quality of education they provide.•

FIFTIETH ANNIVERSARY OF THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

• Ms. COLLINS. Mr. President, 1998 marks the fiftieth anniversary of the Senate Governmental Affairs Committee's Permanent Subcommittee on Investigations. On January 28, 1948, the Senate adopted a resolution converting the Special Committee to Investigate the National Defense Program (better known as the ''Truman Committee'' for its first chairman, Missouri Senator Harry Truman) into a permanent subcommittee. The special committee looked into charges of waste and abuse in defense contracting during the Second World War. After its first chairman resigned to become Vice President and then President of the United States, the Committee continued to investigate fraud and corruption in the postwar years. Its many successes convinced the Senate of the need to retain an ongoing mechanism to combat wrongdoing and to keep government honest. Today, we celebrate a half century of these endeavors.

As Chairman of the Permanent Subcommittee on Investigations, I wish to pay tribute to all of the Senators who have served on the Subcommittee, and to offer a brief survey of the highlights of the Subcommittee's activities over the years.

Senator Ralph Owen Brewster of Maine chaired the ''Truman Committee'' during the Republican Eightieth Congress, but when the Senate transferred the functions of the special committee to the Committee on Expenditures in the Executive Departments—a precursor of Governmental Affairs Committee—Senator Brewster was not a member of that committee and could not chair the new subcommittee.

The Committee on Expenditures in the Executive Branch already had a subcommittee to Investigate Surplus Property Disposal, chaired by Michigan Senator Homer Ferguson. Senator Ferguson, a former judge, had also been a member of the Truman Committee, and had occasionally served as its acting chairman. Assuming the leadership of the new subcommittee, which was to be called the Permanent Subcommittee on Investigations, Ferguson inherited the special committee's authority, functions, and powers. He merged its staff members with those from his subcommittee to Investigate Surplus Property Disposal. Notably, he retained the Truman Committee's chief counsel William Rogers (who later served as Secretary of State) and its chief clerk, Ruth Young Watt (a Maine native who served as chief clerk from the Subcommittee's beginning until her retirement in 1979). While technically reduced to a Subcommittee of a standing committee, the Permanent Subcommittee exercised authority almost as a separate entity, selecting its own staff and determining its own investigatory agenda.

Senator Homer Ferguson's Chairmanship ended with the election of 1948, which changed the Senate's majority and made Senator Clyde Hoey, a North Carolina Democrat, Chairman of the Permanent Subcommittee on Investigations. The last U.S. Senator to wear a long frock coat and wing-tipped collar, Mr. Hoey was a distinguished southern gentleman of the old school. During his leadership, the Permanent Subcommittee on Investigations won national attention for its investigation of the ''five percenters,'' Washington lobbyists who charged their clients five percent of the profits from any federal contracts they obtained for them. The ''five percenters'' investigation raised allegations of bribery and influence-peddling that reached right into the White House and implicated some members of President Truman's staff.

When Republicans regained the Senate's majority in 1953, at the beginning of the Eisenhower administration, Wisconsin's junior Senator, Joseph R. McCarthy, took over as Chairman of the Permanent Subcommittee. Two years earlier, as Ranking Minority Member, Senator McCarthy had removed from the Committee another Republican Senator, Margaret Chase Smith of Maine. Senator Smith had issued a ''Declaration of Conscience'' against those who made unfounded charges and used character assassination against their political opponents. Although Senator Smith had not named a specific offender, her remarks were universally recognized as criticism of Senator McCarthy's accusations that Communists had infiltrated the State Department and other government agencies. Senator McCarthy retaliated by eliminating Senator Smith from his Subcommittee and replacing her with the newly elected senator from California, Richard M. Nixon.

When Senator McCarthy became Subcommittee Chairman, he staged a series of highly publicized anti-communist investigations, culminating in an inquiry into communism in the U.S. Army, which became known as the Army-McCarthy hearings. During the latter portion of these hearings, in which the Committee examined the Wisconsin Senator's attacks on the army, Senator McCarthy recused himself, and South Dakota Senator Karl Mundt served as Acting Chairman of the Permanent Subcommittee on Investigations. Gavel-to-gavel television coverage of the hearings raised public concern about Senator McCarthy's treatment of witnesses and his irresponsible use of evidence. In December of 1954, the Senate censured Senator McCarthy for unbecoming conduct, and the following year the Permanent Subcommittee on Investigations adopted new rules of procedure that better protected the rights of witnesses. These actions vindicated the courageous stand of Maine Senator Margaret Chase Smith.

In 1955, Senator John McClellan of Arkansas began eighteen years of service as Chairman of the Permanent Subcommittee on Investigations. Senator McClellan appointed the young Robert F. Kennedy as the Subcommittee's Chief Counsel. That same year, Members of the Permanent Subcommittee on Investigations were joined by Members of the Senate Labor and Public Welfare Committee on a special committee to investigate labor racketeering. Chaired by Senator McClellan and staffed by Robert Kennedy and other staff members of the Permanent Subcommittee on Investigations, the special committee directed much of its attention to criminal influence over the Teamsters Union, calling Teamsters' leaders Dave Beck and Jimmy Hoffa to testify. The televised hearings of the special committee introduced Senators Barry Goldwater and John F. Kennedy to the nation, and led to passage of the Landrum-Griffin Labor Act.

After the special committee completed its work, the Permanent Subcommittee on Investigations continued to investigate organized crime. In 1962, the Subcommittee held hearings in which Joseph Valachi outlined the activities of La Cosa Nostra, or the Mafia. Robert Kennedy, by then Attorney General, used this information to prosecute prominent mob leaders and their accomplices. The investigations also led to passage of major legislation against organized crime, most notably

the Racketeer Influenced and Corrupt Organizations (RICO) provision of the Crime Control Act of 1970. Under Chairman McClellan, the Permanent Subcommittee on Investigations also investigated fraud in the purchase of military uniforms, corruption in the Department of Agriculture's grain storage program, securities frauds, and civil disorders and acts of terrorism. From 1962 to 1970, the Permanent Subcommittee on Investigations conducted an extensive probe of political interference in the awarding of government contracts for the TFX (''tactical fighter, experimental''). In 1968, the Subcommittee also looked into charges of corruption in U.S. servicemen's clubs in Vietnam and elsewhere around the world.

Senator Henry ''Scoop'' Jackson, a Democrat from Washington, replaced Senator McClellan as Chair of the Permanent Subcommittee in 1973. Senator Jackson continued most of the Subcommittee staff but added Howard Feldman as Chief Counsel. During these years, Chief Clerk Ruth Young Watt noted that the Subcommittee's Ranking Minority Member, Senator Charles Percy, an Illinois Republican, was even more active on the Committee than was the Chairman, who was balancing his Chairmanship of the Interior Committee and his active role on the Armed Services Committee.

It had not been uncommon in the Subcommittee's history for the Chairman and Ranking Minority Member to work together closely despite their partisan differences, but Senator Percy was unusually active in the minority—even chairing one investigation of the hearing aid industry. Senator Percy continued to work in tandem with Senator Sam Nunn, who succeeded Senator Jackson as Chairman of the Permanent Subcommittee on Investigations in 1979. As Chairman, Senator Nunn continued the Subcommittee's investigations into the role of organized crime in labor-management relations and also investigated pension frauds.

The regular reversals of political fortunes in the 1980s and 1990s saw Georgia Democrat Sam Nunn alternate the Chairmanship with Delaware Republican WILLIAM ROTH. Senator Nunn Chaired the Subcommittee from 1979 to 1980 and again from 1987 to 1995. Senator ROTH served as Chair from 1981 to 1986, and again from 1995 to 1996. Senator ROTH led a wide range of investigations into commodity investment fraud, offshore banking schemes, money laundering, airline safety, child pornography, and computer security. Senator Nunn pursued federal drug policy, the global spread of chemical and biological weapons, abuses in the federal student aid programs, and health care fraud. Senator Nunn also appointed the first woman counsel, Eleanore Hill, who served as Chief Counsel to the Minority from 1982 to 1986 and then as Chief Counsel from 1987 to 1995. Ms. Hill is now the Inspector General at the Department of Defense.

In January 1997, I became the first freshman and woman to Chair the Permanent Subcommittee on Investigations, and I appointed Timothy Shea as Chief Counsel. During the first session of the 105th Congress, the Subcommittee held hearings into Medicare fraud and penny stock fraud, as well as an oversight review of the Office of the Inspector General at the Treasury Department that led to the resignation of the Inspector General.

Now we have reached the Subcommittee's fiftieth anniversary, which marks another significant milestone. Unlike most standing committees of the Senate, whose previously unpublished records open for scholarly research after a period of twenty years has elapsed, the Permanent Subcommittee on Investigations, as an investigatory body, may close its records for fifty years to protect personal privacy and the investigatory process. Over the past half century, scholars have studied and written about many of the Subcommittee's investigations by using its voluminous public hearings, newspaper accounts, oral histories, and the personal papers of the Senators who served on the Subcommittee, but they have also expressed keen interest in examining the Subcommittee's own historical records. With this fiftieth anniversary, the Subcommittee's earliest records, housed in the Center for Legislative Archives at the National Archives and Records Administration, will begin to open seriatim. The records of our predecessor committee—the Truman Committee—were opened by Senator Nunn in 1980. I trust that the new scholarship that emerges from these records will further national awareness of the Permanent Subcommittee on Investigations' role and its numerous accomplishments.

The Permanent Subcommittee on Investigations does not intend to rest on its historical laurels. As Chair, I pledge a continuation of the Subcommittee's mission of vigilant exposure of government malfeasance, social and economic wrongdoing, and serious violations of the public trust. We will focus on problems that affect the American people in their daily lives so that our work will help and protect the people of Maine and Americans across the nation.

Mr. President, I ask to have printed in the RECORD a list of all the Chairmen, Ranking Minority Members, and Chief Counsels of the Permanent Subcommittee on Investigations over the past fifty years.

The list follows:

CHAIRS OF THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Homer Ferguson (R—Michigan), 1948–1949
Clyde R. Hoey (D—North Carolina), 1949–1952
Joseph R. McCarthy (R—Wisconsin), 1953–1954
John L. McClellan (D—Arkansas), 1955–1972
Henry M. Jackson (D—Washington), 1973–1978
Sam Nunn (D—Georgia), 1979–1980, 1987–1994
WILLIAM V. ROTH, Jr. (R—Delaware), 1981–1986, 1995–1996
SUSAN M. COLLINS (R—Maine), 1997–present

RANKING MINORITY MEMBERS

John L. McClellan (D—Arkansas), 1948–1950, 1953–1955
Joseph R. McCarthy (R—Wisconsin), 1950–1952, 1955–1957
Karl E. Mundt (R—South Dakota), 1958–1971
Charles H. Percy (R—Illinois), 1972–1980
Sam Nunn (D—Georgia), 1981–1986, 1995–1996
WILLIAM V. ROTH, Jr. (R—Delaware), 1987–1994
JOHN GLENN (D—Ohio), 1997–present

CHIEF COUNSELS

William P. Rogers, 1948–1950
Francis D. Flanagan, 1950–1953
Roy M. Cohn, 1953–1954
Robert F. Kennedy, 1955–1957
Donald F. O'Donnell, 1957–1970
Jerome S. Adelman, 1970–1971
John P. Constandy, 1971–1973
Howard J. Feldman, 1973–1976
Owen J. Malone, 1977–1979
Lavern Duffy, 1979
Marty Steinberg, 1979–1981
S. Cass Weiland, 1981–1984
Daniel F. Rinzel, 1984–1987
Eleanore J. Hill, 1987–1995
Harold Damelin, 1995–1996
Timothy J. Shea, 1997–present ●

RETIREMENT OF MICHAEL S. PINTO, SUPERINTENDENT OF MIDDLETOWN SCHOOLS

● Mr. CHAFEE. Mr. President, on January 31st, friends and colleagues will gather to honor Michael S. Pinto, who has served Middletown public schools for 36 years, and is retiring as Superintendent.

Michael Pinto built his career in Rhode Island, just as he received his education in our state. He received degrees from Providence College and Rhode Island College, and pursued additional studies at the University of Rhode Island, Brown University, and Salve Regina University.

For seven years, Superintendent Pinto worked with students as a classroom teacher, then as Supervising Principal for sixteen years. He served as both Coordinator of Elementary Education and Assistant Superintendent before being appointed as Superintendent of Middletown Schools in 1994.

Michael has amassed an impressive record of public service. His work in the Middletown public school system is well known. But, he has also been involved with the Easter Seals Society, the YMCA, the Middletown Lions Club, the Rhode Island Senate Drug Advisory Committee, and many other worthy organizations.

Mr. President, no one has worked harder or has shown more persistence on behalf of the Impact Aid program than Michael Pinto! Barely a month goes by without a letter from Superintendent Pinto reaching my desk, advocating the Impact Aid program and its importance in Middletown schools.

Recently, a Newport Daily News article described Superintendent Pinto as an easy-going and amiable administrator.'' In fact, in the spirit of true compromise for the good of education and the community, Superintendent

Pinto has said, ''[I'll] tell the School Committee that I'm not interested in a lot of 3-to-2 votes. I'll give up something for a 5-to-0 vote.'' It is that quality—doing what it takes to reach a consensus—that has made him a successful leader.

As Michael prepares for his private life away from the duties of his terribly demanding job, I want to congratulate and thank him for all that he has given to his community.●

TRIBUTE TO WILLIAM RUSSELL KELLY

● Mr. ABRAHAM. Mr. President, I rise to pay homage to William Russell Kelly. This giant of the office staffing industry recently passed away after a hard fought battle with cancer. Russell Kelly's legacy, however, will long remain a symbol of efficiency, quality, and integrity.

First begun in 1946, through hard work and determination, Kelly Services has grown into a Fortune 500 company. Providing temporary and supplemental staff, the company proved to be a tremendously successful venture, and soon the phrase ''Kelly Girl'' became synonymous with quality and professionalism. Employees identified themselves with pride and the term became a mark of distinction in a rapidly growing industry. Today, Kelly Services is composed of more than 750,000 men and women who offer a wide variety of professional and technical support around the world. What began as a small company supporting local businesses in Detroit has proven itself to be an asset to literally thousands of companies worldwide.

Last year, Kelly Services celebrated its 50th anniversary. Amid the celebrations, an individual inquired how Russell Kelly wanted to be remembered. He replied, ''I want to be remembered as a pioneer.'' Mr. President, I am proud to say Russell Kelly met that goal. He was a pioneer who, through determination and perseverance, left his imprint on the world. Through his efforts, the way companies do business was revolutionized.

During this most difficult time, my thoughts and prayers go out to Russell Kelly's family and friends.●

TRIBUTE TO GEORGIAN PRESIDENT EDUARD SHEVARDNADZE

● Mr. McCONNELL. Mr. President, I rise today to honor a world statesman and one of the most heroic figures of this century on the occasion of his 75th birthday. Mr. Eduard Shevardnadze, the President of Georgia, celebrated his birthday this past weekend and I know each of my colleagues join me in wishing him health, happiness and many years of success.

Mr. President, as I advance in years I become increasingly aware that each additional birthday is a milestone of sorts. However, when one looks at the dramatic changes in both the world and the man over the past 75 years of Eduard Shevardnadze's life, it is more than a mere birthday that is celebrated. I would suggest we should recognize his as a life of dignity, service and commitment to fighting for principle. His has been a life ''in the arena''—one richly deserving of honor.

President Shevardnadze has enjoyed a wide range of experiences in public life. Most Americans became aware of his remarkable abilities when he held the position of Minister of Foreign Affairs of the Soviet Union from 1985 until 1991.

With the collapse of the Soviet Union in 1991, he left the Communist Party, resigning in protest against the anticipated military dictatorship. It was at this time, as a private citizen, that President Shevardnadze returned to his homeland of Georgia. Here he found a nation in complete disarray, struggling to shake off the years of Soviet domination. Faced with this challenge what was he to do? He did what comes naturally to him, Mr. President—he chose to lead.

Beginning in March 1992, he led the State Council. In October 1992, he was elected Chairman of the Parliament of Georgia from which he was elected head of State. Finally, in November 1995, he was elected President of Georgia with over 70% of the vote. This completed a historic personal and governmental transition.

Mr. President, since his election, I have had the distinct honor of working with President Shevardnadze on a variety of issues. I can say without fear of embellishment that I find him to be one of the true heroes of the 20th century. His vision for a free, prosperous and democratic Georgia is one I support and believe him to be uniquely qualified to deliver. Further, he is one of the principal architects of the Post Cold War world, and for that we should all give thanks.

While many leaders in this part of the world are consumed by their own position and power, President Shevardnadze has demonstrated his commitment to his nation in a unique way—he has consistently appointed, selected and surrounded himself with exceptionally talented men and women half his age. President Shevardnadze's legacy is the determined leadership he not only has shown, but the team of leaders he has cultivated and supported—leaders who will secure Georgia's bright and independent future.●

NAVAL SURFACE WARFARE CENTER'S CARDEROCK DIVISION

● Mr. SARBANES. Mr. President, I rise today to pay tribute to the Naval Surface Warfare Center's Carderock Division in Montgomery County, which will celebrate its Centennial Anniversary on January 30, 1998.

For 100 years, the NSWC's Carderock Division, widely known as the David Taylor Research Center, has played a pivotal role in the design and construction of Navy ships, submarines and advanced craft. This Center has been described—accurately, in my view—as the ''First Stop'' for Navy ideas in new ship and submarine concepts. Through the basic and applied research conducted at this center the Navy has been able to develop new, innovative hull designs, ways to significantly lower the costs of submarine and ship construction, and has made significant advances in reducing electromagnetic signatures and underwater accoustics—to name only a few of its accomplishments. Its team of scientists, engineers, technicians and support staff at Carderock and formerly Annapolis, have spearheaded the development of surface ship and submarine system technologies to ensure that the U.S. fleet remains the best in the world. Since its inception, the Carderock Division has been charged with the unique dual mission of supporting not only the Navy, but also our maritime sector as a whole and I think it is important to point out how much the research conducted at David Taylor and the technology it has transferred to the private sector has benefitted the nation's entire maritime industry. From having the largest number of patents issued to employees in the entire division, to being the first DOD/Navy and second government organization to receive ISO 9001 (International Organization for Standardization) Certification—as well as receiving Vice President Gore's coveted Hammer Award—the David Taylor Center's achievements are truly second to none.

Over the years, I have had the opportunity to work closely with a number of individuals at the Carderock Division and I can personally attest to the high caliber, quality and commitment of its workforce. Indeed, the many accomplishments of the David Taylor Research Center have only been possible through the professionalism, dedication, imagination and energy of its employees.

One of the projects on which I worked very closely with the Navy was Carderock's new, state of the art Ship Materials Technology Center which we dedicated last year. With this new center and other developments which are underway, Carderock not only has best personnel, but also some of the finest, most-advanced facilities and resources to ensure that the Navy's Research and Development Program stays on the cutting edge of technology into the 21st Century.

We take great pride in the accomplishments of the Carderock division, in the people who work there and in having this outstanding facility located in Maryland. I commend the David Taylor Center for its 100 years of success and remarkable achievements and am confident that, with its new lab facility, the Carderock division and our nation will continue to be on the frontier of Naval research and development for hundreds of years to come.●

GIRL SCOUTS AND BOY SCOUTS

• Mr. CHAFEE. Mr. President, it is with great pride that I rise to recognize two extraordinary groups of young people in my home state of Rhode Island. These individuals of the Girl Scouts and Boy Scouts have distinguished themselves as leaders in their communities.

Since Baden Powell founded the Boy Scouts in 1910 and Juliette Gordon Low established the Girl Scouts in 1912, many youth have chosen to make new friends, develop leadership skills, assist their communities, and explore new ideas by participating in these two fine organizations.

In a world where it is sometimes said that role models no longer exist, these young men and women are shining examples to their peers. The skills they have learned while camping, doing service work, and within their individual groups, are the skills they will need to help the world become a better place.

In order to attain the Eagle Scout award, Boy Scouts must earn 21 merit badges, complete a service project in their community, hold a number of leadership positions in their troop, and finally, pass an oral-administered exam which can last for several hours. The Silver Award is given to Girl Scouts in junior high school after the completion of a service project. The highest honor in Senior Girl Scouting is the Gold Award, which is earned at the culmination of a major service project.

We also owe thanks to the Scouts' parents and families, their leaders, and the organizations themselves which have guided these young people, and helped them achieve so much. Without this worldwide network of adults teaching children and serving as role models, scouting would not exist. These adults turn the young boy and girls of today into the men and women of tomorrow who will lead us through the 21st Century.

Mr. President, it is a privilege to submit to you the list of outstanding young men and women who have earned these awards. I ask that this list of future leaders be printed in the CONGRESSIONAL RECORD.

The List Follows:

1997 GIRL SCOUT SILVER AWARD RECIPIENTS

BARRINGTON, RI

Carly DeWitt; Adina Downing; Lauren Lubrano; Rachel Sockut; Caitlin Wood; Kelly Josephson.

BRISTOL, RI

Eliza Burnham; Beth Chianese; Pamela Raposa.

CHARLESTOWN, RI

Jessica Furmanick; Amber MacDonald.

CRANSTON, RI

Melissa Chalek; Nicole Hopkins; Melissa Lau; Courtney O'Hara; Emily Shumchenia.

EAST GREENWICH, RI

Mary Ellen Hoban; Sarah Longenbaker.

EXETER, RI

Jessica George; Julie Jette; Danielle Lima; Kara Littlefield; Erin Sherman; Erica Steckert.

HOPE, RI

Courtney Mckenna.

HOPKINTON, RI

Marissa Cherenzia.

JOHNSTON, RI

Andreana Paolella.

KINGSTON, RI

Martha Bibb.

MIDDLETOWN, RI

Jaclyn Richardson.

NARRAGANSETT, RI

Megan Dyer.

N. SCITUATE, RI

Katyanne Klitz.

N. SMITHFIELD, RI

Amy Cavedon; Rebecca Corriveau; Nicole White.

PAWTUCKET, RI

April Silva; Tammy Tenney; Julee Thomas.

PORTSMOUTH, RI

Kali Crocker.

PROVIDENCE, RI

Meghan Brown; Elizabeth Frutchey; Emily Markovits.

REHOBOTH, MA

Meghan Thibeault.

RIVERSIDE, RI

Amy Amerantes; Laurie Bone; Eliza Holtzman; Rochonda Ives; Christine Lowell; Meagan Orris; Andrea Salvo.

RUMFORD, RI

Melissa Perry; Michelle Perry.

SMITHFIELD, RI

Carey Stipe.

TIVERTON, RI

Patricia Byrne; Li Erin Probasco; Kristen Zeiser.

WAKEFIELD, RI

Erin Barry; Jacquelyn Bertrand; Kelly Dolan; Allison Fagan; Leah Garvey; Caitlin Higgins; Cassandra Meyer; Erica Sweitzer.

WARREN, RI

Jennifer Potvin; Lauren Swift.

WARWICK, RI

Dawn Armitage; Melanie Carrazzo; Stephanie Demirjian; Bonnie-Marie Dufresne; Jeniece Fairbairn; Tiasa Loignon; Katie Marseglia; Maegan McCauley; Shannon McCormick; Ann O'Donnell; Jessica Rice.

WEST GREENWICH, RI

Tarsha Bellville; Melissa Breene; Allyson Hawley; Nina Lennon; Megin Longway; Tricia Parkinson; Holly Tift.

WEST WARWICK, RI

Amy Lancellotta; Nicole Petrarca.

WESTERLY, RI

Samantha Blanck; Leigh Hanson; Sara McGrath; Alexandra Mochetti; Amy Parise.

WOOD RIVER JUNCTION, RI

Laura Brusseau

1997 GIRL SCOUT GOLD AWARD RECIPIENTS

BARRINGTON, RI

Amanda Macomber.

CRANSTON, RI

Sara Carnevale; Louise Humphrey; Stacey Lehrer.

CUMBERLAND, RI

Kerri Ayo; Sarah Billington; Jennifer Bonner; Amanda Condon; Kerry Donaldson; Shannon Goodwillie; Catherine Jones; Kelly McElroy; Kristen O'Neill; Nikki Parness; Rebecca Silverman; Marcy Trocina; Gina Zollo.

PAWTUCKET, RI

Christal Desmarais.

PEACE DALE, RI

Bethany Lardaro.

PORTSMOUTH, RI

Emily Lyons; Rebecca Richard.

RIVERSIDE, RI

Stephanie Santos.

WARWICK, RI

Sarah Walsh.

WEST KINGSTON, RI

Jennifer Perkins.

1997 BOY SCOUT EAGLE AWARD RECIPIENTS

ASHAWAY, RI

Michael J. Rodehorst.

BLACKSTONE, MA

Stephen N. Briggs; Joshua Dean Brown; Joel C. Norwood.

BRADFORD, MA

Brendon R. Dowler.

CHEPACHET, RI

Jesse M. Andrews; Jesse George Chace; Douglas J. Coyne.

COVENTRY, RI

Donald E. Kirton, Jr.; Mark LaBossiere; Jeffrye M. Southland; Timothy Trafford.

CRANSTON, RI

Jason C. Hudson; Brian H. Johnson; Brian J. Leahy; Robert J. Markelewicz, Jr. Christopher Paolella.

DAVISVILLE, RI

Timothy D. Alfonso; Kyle R. Deschene.

FOSTER, RI

John-Paul Bettencourt; Joshua D. Lusignan; Steven C. Otto.

GLOCESTER, MA

Timothy S. Coupe.

GREENE, RI

Edward C. Morgan.

GREENVILLE, RI

Joshua Dean Brown; Ian Karl Mueller.

EAST GREENWICH, RI

Eric R. Cocozza; Chad Eric Hyland; Brian M. Lehrman; David K. Zielinski.

HOPE VALLEY, RI

Matthew J. Morey.

JOHNSTON, RI

Daniel J. Puleo; Paul R. Puleo.

KINGSTON, RI

Andrew S. Palm; John W. Tarasevich.

NORTH KINGSTOWN, RI

Biran A. Norton.

PAWCATUCK, CT

William G. Nicholas; Eric Sayles Thavenet; John T. Lowell; Antonio K. Palumbo; John Powers.

PROVIDENCE, RI

Michael J. Bastan; Christopher E. Budz; Ype Harmen Dekoe; Michael P. Gilbane.

SCITUATE, RI

James C. Bear.

NORTH SCITUATE, RI

Jason P. Bonin.

SEEKONK, MA

Paul A. Armstrong, Jr.; Evan M. Griffith; Walter E. Horton; Joel C. Norwood; Tyler A. Scott; Matthew A. Sluter.

SLATERSVILLE, RI

Kevin H. Burr.

NORTH SMITHFIELD, RI

Timothy A. Saurette.

WAKEFIELD, RI

Travis W. Ringler.

WARWICK, RI

Benjamin Keir Blackman; Matthew R. Bradbury; Kevin T. Brooks; John A. Candido;

Howard J. Cardoza; Dennis R. Coffey; Nicholas J. Hanson; P. William Mortimer, Jr.; Evan W. Pearce; Gregory Paul Stowe; Joseph E. Ulbin; Brian Zartarian.

WEST WARWICK, RI

Paul J. Gauvin; David F. Lombardo; Jonathan Lyttle; Michael Parenteau; Michael D. Roch; Eric Scott Parkinson.

WESTERLY, RI

Richard O.W. Morgan.

WEST GREENWICH, RI

James E. Pendlebury.

WOONSOCKET, RI

David Isaac Brown; Nathaniel Ray Moretti.●

TRIBUTE TO MICHAEL S. PINTO, SUPERINTENDENT OF SCHOOLS, MIDDLETOWN, RHODE ISLAND

● Mr. REED. Mr. President, I rise today to pay tribute to Michael S. Pinto, Superintendent of Schools in Middletown, Rhode Island. After 36 years, Superintendent Pinto is leaving the school system where he began his career, bound for a well-deserved retirement.

During his tenure in Middletown, Superintendent Pinto has held almost every possible position one can hold in the field of education. He has been a teacher, a principal, a business manager for the school district, an assistant superintendent, and, most recently, the superintendent.

Over the years—even when I represented Rhode Island's neighboring Congressional district in the House of Representatives, I was privileged to have the advice of Superintendent Pinto on a variety of issues related to education, from school choice to educational standards. Indeed, I could always count on hearing from Superintendent Pinto about Impact Aid. He is the program's number one advocate.

His commitment to Impact Aid underscores his overall dedication to Middletown's schools and students and the cause of education. A measure of his commitment was shown in a recent news article which reported that in the last fifteen years he has had no more than seven consecutive days off.

As superintendent, Mr. Pinto has presided over a number of successful initiatives including the fundamental repair of two schools, a new system of measuring student learning, and an optional all-day kindergarten. Superintendent Pinto has consistently sought to share the professional accolades he has received with his colleagues in Middletown. His emphasis on team work has earned him the admiration and respect of those who have worked with him.

I thank Superintendent Pinto for his tremendous dedication and congratulate him for all that he has done for Middletown. While the Middletown school system will miss Michael Pinto, I am sure that even in retirement he will continue his work to improve education and better his community.

Mr. President, I am pleased to join Senator CHAFEE today in saluting Superintendent Pinto and wishing him the best in his retirement.●

THOMAS M. BELODEAU

Mr. KERRY. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the eulogy I gave for my friend, Thomas M. Belodeau, on November 10, 1997.

The eulogy follows:

Mrs. Belodeau, Michael; Ann, Tommy's sisters Patricia and Mary; his brothers Leo, James, Joseph, and Larry, to all his relatives, and to his brothers from Vietnam—particularly Del Sandusky from Illinois and Gene Thorsen from Iowa—his crewman on PCF 94—to the Doghunters and to all of Tommy's friends and extended family.

A number of us thought once foolishly that we brothers of Vietnam had gotten used to saying goodbye to our friends before their time. But Tommy is proving us dangerously wrong. We will never get used to it—and well we should not.

So now the question is, how do you say goodbye to a man whose steady hand and courageous heart helped keep you alive? How do you say goodbye to a man who shared the most challenging and terrifying moments of your life?

First, you should all know that we are saying goodbye to a hero. We are saying goodbye to the genuine article—a patriot—a young kid fresh out of Chelmsford High who in difficult times saw his duty and who did it. Tommy was one of America's children who went to war against a people he knew precious little about in a land he'd never been to—for reasons never honestly stated—and he was, like so many, forever changed.

It is hard for me to convey to you the full measure of what that means in 1997, particularly here, today. But in 1966, Tommy and I unwittingly became brothers in the great, divisive, confusing enterprise called Vietnam. We were both class of '66—he from high school and me from college. Though we came from different backgrounds, we didn't in the sense that we both believed in service to our country. We both chose to go into the Navy. We both volunteered for Swift boats in Vietnam. We met when we were thrown together as a crew after his first skipper got hit in an ambush.

I inherited Tommy and the rest of his seasoned crew, and it was the best thing that ever happened to me.

Many of you may have read Tom's obituary the other day. It said he had won a Purple Heart and a Bronze Star with Combat V for serving in Vietnam. That only told you part of the story—and no one here would be surprised that Tommy never told you the rest.

He also won the Navy Commendation medal:

Let me share with you what Admiral Zumwalt said in awarding it to Tom:

"For heroic achievement while serving with friendly foreign forces engaged in armed conflict against North Vietnamese and Viet Cong communist aggressors in the Republic of Vietnam on 5 July, 1968. Seaman Belodeau was serving as a crewman on board Patrol Craft 27 which was blockading the beach in the vicinity of air strikes on an enemy platoon near the village of My Lai, Quang Ngai Province. Observing a Viet Cong suspect run from the enemy position, Seaman Belodeau's Patrol Craft fast moved in to attempt a capture and was immediately taken under enemy fire. Seaman Belodeau, ignoring the enemy fire around him, calmly moved into the open to make the capture. He helped pull the suspect from the water and got him aboard his boat. Seaman Belodeau's courageous actions in capturing a Viet Cong suspect under enemy fire were in the highest tradition of the United States Naval Service."

Seaman Belodeau is authorized to wear the Combat "V". That was just a day that happened to be notice, sandwiched between many more like it or worse, that were not. That was the measure of the man I inherited on my crew.

From the day we came together, we gelled as a crew. And it was the way it ought to be. The crew didn't have to prove themselves to me. I had to earn my spurs with them. When the Chief Petty Officer, Del Sandusky—known as "Sky", who came from Illinois to be with Tom today, finally gave me the seal of enlisted man's approval, Tommy was the first to enthusiastically say: "I told you so, Sky, he's from Massachusetts!!"

You have to understand that we lived together as closely and as intensely on 50 feet of floating armament as men can live. And we learned all there is to learn about each other.

Sometimes it was a funny learning process, as when Mike Medeiros exhibited a hard time understanding Tommy. "Are you from Brooklyn?" he would ask. Tommy would respond with pride and impatience: "Nah: I'm from Boston."

There was the time we were carrying special forces up a river and a mine exploded under our boat sending it 2 feet into the air. We were receiving incoming rocket and small arms fire and Tommy was returning fire with his M–60 machine gun when it literally broke apart in his hands. He was left holding the pieces unable to fire back while one of the Green Berets walked along the edge of the boat to get Tommy another M–60. As he was doing so, the boat made a high speed turn to starboard and the Green Beret kept going—straight into the river. The entire time while the boat went back to get the Green Beret, Tommy was without a machine gun or a weapon of any kind, but all the time he was hurling the greatest single string of Lowell-Chelmsford curses ever heard at the Viet Cong. He literally had swear words with tracers on them!

There was, of course, the moment in February, 1969 when he was positioned in the very bow of the boat—in the totally exposed peak tank—with more than half his body just sticking up exposed to the enemy, when 3 boats turned toward the river bank and Tommy found himself staring straight into an ambush 20 yards ahead. He never flinched as he charged the beach and routed the enemy—not just once, but twice. For Seaman Belodeau's devotion to duty, courage under fire, and exemplary professionalism, in the highest tradition of the Navy he was awarded the Bronze Star with Combat V.

I cannot adequately convey or describe to you the measure of this man at war—standing in his peak tank in the bow, screaming up a river in the dead of night, no moon, 50 yards from Cambodia literally bouncing off the river bank, waiting for a mine to go off or a rocket to explode—and always steady, always dependable, always there for the rest of the crew.

All Belodeaus, Chelmsford, Massachusetts, and the United States should be proud of this warrior.

But, perhaps the greatest reason for pride as we bid our Tommy goodbye, is not what he did, but who he was.

In many ways, Tommy walked in the footsteps of Emerson and Thoreau. He was a man who wanted to walk quietly to his own tune—never with any in your face attitude. He just quietly wanted to be, and was, his own man.

From what I know, he always had this special quiet quality. His expression spoke for

him. As many of you know, he was not a man of many words. So he'd just give you a look. And the look would tell it all-fierce determination; rollicking good fun; profound sadness. I know you can see his expression for any mood he had. My favorite look of all was his bemused, ''What the hell does the skipper think he's doing now?''

Tom would join a great group of veterans who had been involved in my '84 campaign called the Doghunters. We would gather irregularly for a black tie dinner and each time everyone would eagerly await Tom's non-speech. He was clearly the most beloved member of our group despite his distaste for saying anything in public.

In his reticence to draw attention to himself or speak in public lies the true measure of this great friend. Because in 1984, and again in 1996, it was his passionate, personal commitment, his driving sense of loyalty, that against all his other instincts drew him again into the line of fire. I will never forget the brilliance and eloquence with which he stood up to fight for me and for the honor of our service.

Again and again, Tom proved the real value of friendship. For all of us here in this extended family, it will never be the same. No campaign of the future will be the same without you, Tom. No Doghunters' dinner will be complete without your knowing smile and blushing non-speech.

None of this in any way suggests that it was all peaches and cream for Tommy. We know it wasn't. His family and his friends could see the sadness in his eyes that some say changed with Vietnam.

There were times when all us of us around Tommy knew he needed a lift: but try as one could, his sense of self reliance and pride gave him a sixth sense that something was up and he would quietly find an excuse to slide away or just tell you things were going fine even when they weren't. Joey tells me that stubborn streak came from their father. But always he was the most generous in any group, ready to help another.

So Michael, today, we his friends want to reaffirm to you what you must know: your father was enormously proud of you—loved you dearly—and knew that sometimes his own sense of pride about what he wanted for you prevented him from always living up to his own expectations. But nothing that he did or thought ever diminished his joy in who you are and his trust in what you will grow to be.

For everyone who knew and loved him here today, there is a special sorrow; because we all sensed that in his recent return to Massachusetts, Tommy had found a peace and purpose which had liberated him from any demons. He enthusiastically joined in telephoning friends for Chris Greeley's engagement party. He looked happy and engaged. I saw him about 4 weeks ago and he seemed more energized and happy than in some time. There was a gleam in his eye and we promised to get together soon. As Chuck Tamulonis who took such care of him and meant so much to him told me yesterday, ''He was filling the refrigerator with no-fat food, coming home early, and even cooking the meals.''

Last year when our crew came together as a whole at election time for the first time in 27 years, we departed with the expectation that we were hooked up and on the road to growing old together. But God had other plans. And of all people we should not be surprised. We have always said at our Doghunter dinner that one thing we learned in Vietnam was Grace of God, every day beyond Vietnam was extra. Tommy had a lot of extra days and for that we are grateful.

So today, as we say goodbye, joined with his family and those he grew up with, what we, his friends, celebrate above all in Tommy's life is his special, gentle decency—a loyal, loyal friend of enormous heart who was generous in spirit beyond expectation and sometimes beyond understanding.

To Radarman Seaman, Thomas M. Belodeau, to our friend Tommy: until we meet again, may you have fair winds and following seas. And may we all leave here reminded of the words of the poet William Butler Yeats:

''Think where man's glory most begins and ends. And say, my glory was, I had such friends.''●

MEASURE PLACED ON CALENDAR—S. CON. RES. 71

Mr. BROWNBACK. Madam President, on behalf of the leader, I ask unanimous consent that S. Con. Res. 71, submitted earlier by Senators LOTT and DASCHLE be placed on the calendar.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–33 AND TREATY DOCUMENT NO. 105–34

Mr. BROWNBACK. Madam President, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on January 28, 1998, by the President of the United States:

Extradition Treaty with Zimbabwe, Treaty Document No. 105–33;

Treaty with Latvia on mutual legal assistance in criminal matters, Treaty Document No. 105–34.

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Zimbabwe, signed at Harare on July 25, 1997.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of both countries, and thereby make a significant contribution to international law enforcement efforts. It is the first extradition treaty between the two countries.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 28, 1998.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Latvia on Mutual Legal Assistance in Criminal Matters, signed at Washington on June 13, 1997. I transmit also, for the information of the Senate, an exchange of notes that was signed the same date as the Treaty and that provides for its provisional application, as well as the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including drug trafficking offenses. The Treaty is self-executing. The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking of testimony or statements of persons; providing documents, records, and articles of evidence; serving documents; locating or identifying persons; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to restraint, confiscation, forfeiture of assets, restitution, and collection of fines; and any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 28, 1998.*

ORDERS FOR THURSDAY, JANUARY 29, 1998

Mr. BROWNBACK. Madam President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Thursday, January 29. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately begin a period for the transaction of morning business until the hour of 12 noon with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator COATS for 5 minutes, Senator HUTCHISON for 30 minutes, Senator HAGEL for 20 minutes, Senator BYRD for 45 minutes, and Senator GRAMM for 10 minutes.

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

PROGRAM

Mr. BROWNBACK. Madam President, tomorrow morning the Senate will be in a period of morning business until 12 noon. At 12 noon, it is hoped that the Senate will be able to proceed to the consideration of either the Ronald Reagan airport legislation or a resolution regarding Iraq. Rollcall votes are therefore expected during Thursday's session of the Senate. As always, the Senate may also consider any other legislative or executive items cleared for action.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWNBACK. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Thursday, January 29, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 28, 1998:

IN THE AIR FORCE

THE FOLLOWING NAMED UNITED STATES AIR FORCE OFFICER FOR APPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 154:

To be General

GEN. JOSEPH W. RALSTON, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be Lieutenant General

MAJ. GEN. THOMAS R. CASE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be Major General

BRIG. GEN. ROBERT C. HINSON, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be Brigadier General

COL. GARY A. WINTERBERGER, 0000.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be Brigadier General

COL. RUSSELL C. AXTELL, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. GARRY R. TREXLER, 0000.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JAMES E. ANDREWS, 0000.
BRIG. GEN. CLAUD M. BOLTON, JR., 0000.
BRIG. GEN. ROBERT J. BOOTS, 0000.
BRIG. GEN. JOHN W. BROOKS, 0000.
BRIG. GEN. RICHARD E. BROWN III, 0000.
BRIG. GEN. JOHN H. CAMPBELL, 0000.
BRIG. GEN. BRUCE A. CARLSON, 0000.
BRIG. GEN. ROBERT J. COURTER, JR., 0000.
BRIG. GEN. DANIEL M. DICK, 0000.
BRIG. GEN. PAUL V. HESTER, 0000.
BRIG. GEN. LESLIE F. KENNE, 0000.
BRIG. GEN. TIIU KERA, 0000.
BRIG. GEN. DONALD A. LAMONTAGNE, 0000.
BRIG. GEN. DAVID F. MAC GHEE, 0000.
BRIG. GEN. TIMOTHY P. MALISHENKO, 0000.
BRIG. GEN. GLEN W. MOORHEAD III, 0000.
BRIG. GEN. HARRY D. RADUEGE, JR., 0000.
BRIG. GEN. LEONARD M. RANDOLPH, JR., 0000.
BRIG. GEN. JAMES E. SANDSTROM, 0000.
BRIG. GEN. LANCE L. SMITH, 0000.
BRIG. GEN. CHARLES F. WALD, 0000.
BRIG. GEN. TOME H. WALTERS, JR., 0000.
BRIG. GEN. HERBERT M. WARD, 0000.
BRIG. GEN. JOSEPH H. WEHRLE, JR., 0000.
BRIG. GEN. WILLIAM WELSER, III 0000.
BRIG. GEN. MICHAEL E. ZETTLER, 0000.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624.

To be brigadier general

COL. RUSSELL J. ANARDE, 0000.
COL. ANTHONY W. BELL, JR., 0000.
COL. DAMON BISHOP, JR., 0000.
COL. MARION E. CALLENDER, JR., 0000.
COL. KEVIN P. CHILTON, 0000.
COL. TRUDY H. CLARK, 0000.
COL. RICHARD L. COMER, 0000.
COL. CRAIG R. COONING, 0000.
COL. JOHN D. W. CORLEY, 0000.
COL. DAVID A. DEPTUAL, 0000.
COL. GARY R. DYLEWSKI, 0000.
COL. EDWARD R. ELLIS, 0000.
COL. NORMAN R. FLEMENS, 0000.
COL. LEONARD D. FOX, 0000.
COL. TERRY L. GABRESKI, 0000.
COL. JOANATHAN S. GRATION, 0000.
COL. MICHAEL A. HAMEL, 0000.
COL. WILLIAM F. HODGKINS, 0000.
COL. JOHN L. HUDSON, 0000.
COL. DAVID L. JOHNSON, 0000.
COL. WALTER I. JONES, 0000.
COL. DANIEL P. LEAF, 0000.
COL. PAUL J. LEBRAS, 0000.
COL. RICHARD B. H. LEWIS, 0000.
COL. STEPHEN P. LUEBBERT, 0000.
COL. DALE W. MEYERROSE, 0000.
COL. DAVID L. MOODY, 0000.
COL. QUENTIN L. PETERSON, 0000.
COL. DONALD P. PETTIT, 0000.
COL. DOUGLAS J. RICHARDSON, 0000.
COL. BEN T. ROBINSON, 0000.
COL. JOHN W. ROSA, JR., 0000.
COL. JAMES G. ROUDEBUSH, 0000.
COL. RONALD F. SAMS, 0000.
COL. STANDLEY A. SIEG, 0000.
COL. JAMES B. SMITH, 0000.
COL. JOSEPH B. SOVEY, 0000.
COL. LAWRENCE H. STEVENSON, 0000.
COL. ROBERT P. SUMMERS, 0000.
COL. PETER U. SUTTON, 0000.
COL. DONALD J. WETEKAM, 0000.
COL. WILLIAM J. WILSON, JR., 0000.

IN THE ARMY

THE FOLLOWING NAMES OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN M. KEANE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. MC DUFFE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM F. KERNAN, 0000.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL J. SQUIER, 0000.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOSEPH W. GODWIN, 0000.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT L. ECHOLS, 0000.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ARNOLD L. PUNARO, 0000.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 28, 1998:

THE JUDICIARY

ANN L. AIKEN, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON.

BARRY G. SILVERMAN, OF ARIZONA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

RICHARD W. STORY, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

EXTENSIONS OF REMARKS

A BILL TO MAKE CONGRESSIONAL RESEARCH SERVICE PRODUCTS ELECTRONICALLY AVAILABLE TO THE PUBLIC

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHAYS. Mr. Speaker, Representatives PRICE, MORELLA, MCHALE, MEEHAN, WHITE and I are introducing a bill that will make CRS products available on a web site accessible by the public. Senators MCCAIN, COATS, FAIRCLOTH and ASHCROFT are introducing the same bill in the Senate.

Under the bill, Issue Briefs, Reports, and Authorization and Appropriation products will be made available 30 days after the first day that the information is made available to Members of Congress through the Congressional Research Service Web site. This delay will make sure that CRS has carried out its primary statutory duty of informing Congress before releasing information to the public. Also, it will allow CRS to verify that its products are accurate and ready for public release.

The bill requires the Director of CRS to make the information available in a practical and reasonable manner. In addition, the public will not be allowed to write responses or research requests directly to CRS. Members of Congress will still be able to make confidential requests which will not be released to the public.

Congress has worked to make itself more open and accessible to the public. I have yet to hear of a strong policy reason why we should not allow the public to access this information. This bill will enable us to further engage the public in the legislative process and fulfill one of our missions as legislators to educate our constituents about the issues that affect our times.

TRIBUTE TO MARY CULP

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Mary Culp, who has served as the President of the Woodland Hills Chamber of Commerce for the past year.

Ralph Waldo Emerson once said, "To laugh often and much: to win the respect of intelligent people and the affection of children, to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty, to find the best in others, to leave the world a bit better whether by a healthy child, a garden patch, or a redeemed social condition; to know even one life has breathed easier because you lived. This is to have succeeded."

Mary has dedicated a significant amount of time and energy to improving the standard of living for citizens in our community. For over a decade, she has played a leadership role in the Woodland Hills Chamber of Commerce.

Mary was selected as Member of the Year in 1987, and since that point she has held a variety of positions, including the Vice President of Membership, Vice President of Programs and the Vice President of Community Affairs. She is also the Director of the Foundation for Pierce College and the founder of a networking organization called the Calabasas Business Link.

Mr. Speaker, distinguished colleagues, please join me in honoring the dedication of Mary Culp. She has worked diligently to improve our community and is a role model for the citizens of Los Angeles.

GLOBAL WARMING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 19, 1997 into the CONGRESSIONAL RECORD.

GLOBAL WARMING AND THE KYOTO SUMMIT

Later this year the United States will participate in an international meeting in Kyoto, Japan to discuss the problem of global warming. Global warming refers to a process by which manmade and natural emissions of carbon dioxide and other gases build up in the Earth's atmosphere and trap radiated heat coming from the Earth's surface. Normally, forests, grasslands and oceans absorb most of these gases and recycle them—so that while global temperatures might fluctuate over time, the overall system would be in balance.

The large-scale industrial development in this country and around the world, particularly in the last 100 years, many be upsetting that natural balance. Scientists believe that man is now generating more greenhouse gases than the environment can handle, thus causing global temperatures to rise. Over the last century the Earth's average surface temperature has increased by about 1 degree Fahrenheit. While one degree may not seem like much, it can mean significant changes in sea levels, crop harvests and weather patterns. For example, sea levels over the last 100 years have risen by 4 to 6 inches, resulting in thousands of miles of lost shoreline around the world.

The issue for U.S. leaders is how to respond to global climate change. Environmentalists and our allies in the industrialized world are urging the U.S. to take the lead in curtailing greenhouse gas emissions, primarily because we generate more of those gases than anybody else. Others say that limiting emissions in this way would have harmful effects on the U.S. economy and U.S. consumers. The challenge is to develop a policy which balances concerns about the global environment with concerns about our economic well-being.

The risks of global warming: Scientists generally agree that manmade emissions have an impact on the global environment, but are uncertain about the precise effects of human activity over time. They say that the range of possible outcomes is enormous—from modest benefits in some regions to total disaster in others. For example, we know that greenhouse gas emissions are up by 3.4% for 1996, as compared to an 8% combined increase over the previous six years, and that the ten warmest years on record have all occurred since 1980. We don't know, however, how much those manmade emissions contributed to the temperature increase.

The effects of global warming have been well documented, from the shrinking of glaciers and rise in sea levels, to changes in weather patterns. Higher average temperatures mean more evaporation of surface water, causing drought in some areas of the world and abnormally heavy rainfall in other areas. Some scientists predict more dramatic changes in the future. In the Midwest, for example, some are predicting that the Great Lakes will shrink, that the region will experience more unpredictable and violent weather patterns, and that over time Indiana farmers will have to shift to growing wheat and cotton rather than corn and soybeans.

The global debate: There are two sets of issues arising from any plan to curtail emissions of greenhouse gases. The first involves disputes between countries that are industrialized, such as the United States, Japan and Germany, and those that are developing, such as China and India. Industrialized countries account for more than 75% of carbon dioxide emissions, primarily from burning gasoline and other fossil fuels. The United States alone produces 20% of all greenhouse gases, even though we have only 4% of the world's population. Developing countries, in contrast, account for less than 33% of all global emissions, but that figure is expected to reach 50% in the next 10 years. The U.S. takes the position that an agreement to reduce greenhouse gases will be effective only if both the industrialized and developing countries agree to curb future levels of emissions. The developing countries respond that such restrictions will deny them the benefits of future economic growth, and keep their people poor relative to the industrialized world.

The second set of issues relates to how a global agreement would affect the U.S. economy and U.S. consumers. U.S. businesses say that an agreement would force them to adopt expensive pollution control methods, and that those costs would be passed on to consumers in the form of higher prices on gas, electricity and other goods. The net effect would be to slow economic growth and cut jobs. Environmentalists respond that U.S. industry made similar warnings about passage of the Clean Air Act, and those predictions did not come true. They argue that, despite the Clean Air standards, the U.S. is now enjoying a sustained period of economic growth and has the strongest economy in the world.

President's proposal: The President recently outlined a plan to curb U.S. emissions of greenhouse gases. He has proposed that the U.S. reduce emissions to 1990 levels, but do so over the next 10 to 14 years. European countries were calling for more rapid reductions. The President's plan would earmark $5 billion in tax cuts and spending to spur energy efficiency and the development of new

pollution control technologies, and would insist that developing countries set emission targets as well. Finally, the President proposes to develop a global market-based system to curb emissions, under which countries and businesses can earn ''credits'' for reducing emissions below targeted levels and sell those credits to countries and businesses which have exceeded their targets. The U.S. uses such a trading system to curb emissions of certain pollutants which cause smog and acid rain.

Conclusion: The scientific consensus is that human activity is having an impact on the environment and Earth's climate. The question, then, is how best to respond. I do not support a ''crash'' program to reduce these emissions. The sky is not falling, but is slowly filling up with greenhouse gases. I favor a gradual program of reducing emissions that takes special care to protect the economy.

The President's plan, on the whole, is balanced and reasonable. It provides a long lead time for curtailing emissions, invests in energy efficiency and cleaner technologies, and proposes market-based solutions. Since the problem is global, the response must be global, and we should encourage global emissions trading and the participation of all countries, including developing countries.

Forming a proposal to fight global warming is the easy part. The tough part will be selling it to a world that wants us to do more, and to the American people, who are skeptical about the science and the need for action. The debate is only beginning.

REMEMBERING LOUIS J. ADAMIE ''MR. SCOREBOARD''

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CLAY. Mr. Speaker, I wish to share with our colleagues a *St. Louis Post-Dispatch* article about a great American and remarkable individual, Mr. Louis J. Adamie. Lou was a valiant warrior and leader in the struggle for justice and equality. His tireless efforts helped to change the Democratic Party and to shape the American political system. Lou also was a grand sportsman and will long be remembered for his contributions to major league baseball. It is my hope that our colleagues will find inspiration in his story titled, ''Lou J. Adamie, 83; Was 'Mr. Scoreboard' In Big League Baseball Lore.''

LOUIS J. ADAMIE, 83; WAS 'MR. SCOREBOARD' IN BIG LEAGUE BASEBALL LORE

Louis J. ''Mr. Scoreboard'' Adamie, a major league baseball scorekeeper in St. Louis for more than four decades, died Saturday (Sept. 13, 1997) at DePaul Health Center in Bridgeton after a long illness. He was 83.

Mr. Adamie, of St. John, worked for both the St. Louis Cardinals and the old Browns baseball teams here for 41 seasons as the scoreboard operator, first at the old Sportsmen's Park and later at Busch Stadium.

In 1940, Mr. Adamie strolled into the old Sportsmen's Park as a teenager, seeking the field announcer's job; instead, he was hired as scoreboard operator, keeping track of every run, pitch and error, not only in St. Louis, but also scores at other major league parks.

Between the 1941 and 1982 seasons, Mr. Adamie kept score and tracked every pitch in 4,350 games, including seven World Series and five All-Star games. The last game he worked was Game 7 of the 1982 World Series.

Sometime in the 1940s, Mr. Adamie took on additional duties as the first press box public-address announcer at a major league park. In the mid-1950s when Anheuser-Busch Cos. Inc. bought the Cardinals, Mr. Adamie became one of the first scoreboard operators in the country to run an animated display board that, in later years, would be common at most major league ballparks.

In 1968, he was inducted into the communications wing of the Baseball Hall of Fame in Cooperstown, N.Y., where be remained the only scoreboard operator recognized in Cooperstown. He also was honored by the St. Louis Sports Hall of Fame. In 1994, the Baseball Writer's of America awarded him the Harry Mitauer Good Times award for his work in baseball. Mr. Adamie also worked as a broadcaster at WEW radio here, and for many years, he was host of sports talk shows on the radio. He was known for his ''Diamond Diary'' radio show.

In addition to his baseball work, Mr. Adamie was active in area Democratic politics. From the 1930s to the 1960s, he was secretary of the St. Louis City Democratic Committee, where he helped organize many political campaigns and fund-raising events. Mr. Adamie also was involved in numerous charitable organizations, including being one of the first Globe-Democrat Old Newsboys carriers. He also organized charitable bowling tournaments for the St. Louis area March of Dimes. Mr. Adamie was also active in the Legion of 1000 Men.

Visitation will be from 2 p.m. to 9 p.m. Tuesday at Alexander Funeral Home, 11101 St. Charles Rock Road, St. Ann. A funeral service will be held at 11 a.m. Wednesday at the funeral home. Burial will be at Mount Lebanon Cemetery.

Among the survivors are his wife of 52 years, Helena Lampe Adamie; and a son, Rick L. Adamie of St. John.

MOUNT VERNON HEIGHTS CONGREGATIONAL CHURCH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ENGEL. Mr. Speaker, this year, the good parishioners of the Mount Vernon Heights Congregational Church celebrate the church's 100th anniversary. The history of the church is actually longer when we remember that it was in 1892 that its meetings began in the Garden Avenue School. The church became fully organized in 1896 with the Rev. F.B. Kellogg named pastor of the new church. By the following year the congregation had grown so large that it moved to a barn on Bedford Avenue and, on July 4th of that year, the new church was dedicated.

By 1910 the church has become self-supporting and in 1916 construction on the current building was started. The church, a New England colonial design reflecting a post Civil War spirit of unity and self determination, was completed by 1922. Subsequently a sanctuary was added as well as tower chime.

The Mount Vernon Heights Congregational Church has always practiced community activism as well as charitable works and community projects, such as its youth seminars and elderly centers.

The Church also is part of the annual pulpit exchanges in which ministers from 19 churches deliver sermons at sister churches.

The Church is justly proud of its fellowship of many denominations and its ministers of many differing ethnic and social backgrounds. The Rev. Maximilian Bernard Surjadinata, pastor since 1988, was born in Indonesia. I warmly congratulate the Mount Vernon Heights Congregational Church on its centenary and for its wonderful accomplishments in those hundred years.

CONGRATULATING GIACOMO LEONE

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. WELLER. Mr. Speaker, I rise today to congratulate Giacomo Leone of La Salle, Illinois on being named the 1997 recipient of the Illinois Theater Association's Award of Honor. This award is given in honor of individuals for exceptional service to the ITA and the drama profession.

Mr. Leone a speech and drama instructor at Illinois Valley Community College has staged over 70 productions in his 21 years at IVCC, and has been active in the Illinois Theater Association serving as both President and Treasurer. Giacomo Leone's commitment to the arts in Illinois and my district can be witnessed through the countless hours Giacomo spends working on committees, and through his work as a director, playwright and composer at IVCC.

In 1987 and 1988, Giacomo Leone took his act on the road to Northeastern University of Technology in Shenyang in the People's Republic of China. There Giacomo taught English, Business Communication, and social amenities to Chinese graduate students who were going to work in the United States. Mr. Leone also acted as an advisor in foreign languages to the university faculty. During his time in China, Giacomo used his bilingual skills serving as a liaison between the Hong Kong-Illinois office, and the Illinois office in Shenyang.

Through hard work and devotion, Giacomo has shared his love of the stage with audiences and students from Illinois and around the world. From La Salle to Shenyang, Giacomo Leone's impact on the lives of all who know him is not only worthy of recognition by this body, but, his commitment to the arts and our children should act as a model for all.

Mr. Speaker, I applaud Mr. Leone's commitment to the arts, his students at IVCC and the local community. At a time when service to the community has become more important than ever in enriching the lives of our children, Giacomo Leone has stepped forward to do his part.

I ask my colleagues to join me in saluting Mr. Leone, and I wish him, his wife Beth, and their four children the very best.

TRIBUTE TO DR. MIHRAN AGBABIAN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Dr. Mihran Agbabian, founding

President and President Emeritus of the American University of Armenia.

Sir Francis Bacon said that ''Knowledge itself is power.'' As a man who has dedicated his career to furthering educational opportunities for students around the world, Mihran has ensured that future generations will be armed with the knowledge to understand and resolve the complex challenges they face. He has been particularly active in the Armenian community, and using his skills and resources has worked tirelessly to improve the standard of education in Armenia.

Mihran's specialized degree and engineering background afforded him several opportunities, including the position of Chairman of the Civil Engineering Department at the University of Southern California. During his time at U.S.C., Mihran concentrated on turning a practically non-existent structural laboratory into one of the best in California, and as director of the environmental program, he integrated environmental research into a unified program in civil engineering. Mihran's expertise led him to Armenia in December of 1988 after an earthquake destroyed countless buildings, leaving over 25,000 people dead and more than 500,000 people homeless.

This experience left a remarkable impression on Mihran and led to the idea of establishing an educational institution of higher learning to help Armenia regain some of what it had lost in the field of education. Three years later, on the day that the Armenian Parliament declared independence, the American University of Armenia opened its doors to young scholars. As a driving force behind the creation and success of this institution, Mihran assumed the position of President and has continued to lead the University as a preeminent educational institution in Armenia.

Mihran's distinguished career has been highlighted by several honors, including being named ''Man of the Year'' by the Armenian Professional Society in 1978; ''Distinguished Engineering Educator of the Year'' by the Institute for the Advancement of Engineering in 1992; and most recently receiving the Kabakjian Award for Science/Engineering of the Armenian Students Association in 1996. He and his wife play an active role in several community events and organizations.

As an educator and a visionary, Mihran has provided the students of Armenia with the tools they need to improve their standard of living. In an uncertain, turbulent world, these students are armed with the knowledge to address issues that will not only affect their own lives, but the live of many future generations.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Dr. Mihran Agbabian for the outstanding work he has done for the Armenian community.

THE ASIAN ECONOMIC CRISIS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 28, 1998 into the CONGRESSIONAL RECORD:

THE ASIAN ECONOMIC CRISIS

Over the last several months, the economic news has been dominated by the crisis in East Asia—gyrations in stock markets, widespread business and banking failures, and the sharp decline of currencies throughout the region. Americans are concerned when our stock market fluctuates in response; they wonder about our role in responding to the crisis; and they worry about the overall impact of the crisis on the U.S. economy.

What is the crisis? The economic turmoil in East Asia is largely a banking and investment crisis linked to a collapse of investor confidence. Because East Asian economies are closely tied together, a series of problems—starting with a flawed exchange rate policy in Thailand this past summer—have quickly spilled over into neighboring countries. Five countries have been hit the hardest—Thailand, Indonesia, South Korea, and to a lesser extent, Malaysia and the Philippines—but a total of thirteen countries have been affected. Taken together, these economies comprise approximately a third of the world economy. The sums of money involved make this the largest economic crisis in recent years, far larger than the Latin American debt crisis of the 1980s or the Mexican peso crisis in 1995.

What caused it? For several years, Pacific Rim countries were growing rapidly. A huge wave of investment poured into these ''Asian tiger'' countries, but much of it was invested unwisely. In a word, there was too much of everything: over-investment, over-lending, and over-building, in ill-conceived real estate and industrial projects; over-saving, diverting the buying power from people; and over-guidance, with too many bureaucrats and government officials deciding which companies receive loans and investment. The region's successes obscured banking and financial systems rife with mismanagement and corruption. People ignored warning signs in the booming, rapidly changing economies, and overlooked the lack of reliable information and financial system safeguards.

How serious is the crisis? The Asian financial turmoil represents a serious threat to global prosperity. We are clearly at a critical moment for Asia. The outlook today is better than it was a few weeks ago, with most markets showing signs of recovery. Yet we should not be complacent. The problem is that the loss of confidence can be highly contagious. If, for example, Indonesia's economy collapses, so could other nearby economies, and that could take down markets across the world. In addition, although the crisis has not spread to China, it faces some of the same problems as its neighbors. So clearly the main concern is that the crisis not worsen and spread.

What is the impact on the U.S.? Most experts believe that the current turmoil will have a modest but meaningful impact on the U.S. Our economy is fundamentally strong and should be able to weather the current crisis. Moreover, as a result of our own financial crises in 1929 and in the 1980s, protections have been put in place to prevent most of the problems the East Asian economies are experiencing.

On the negative side, the U.S. will likely see its trade deficit grow as changes in exchange rates make imports cheaper and our exports more expensive. Some U.S. companies could see lower profits and some job loss, and wages could be held down. The experts think that U.S. economic growth for 1998 could be cut by up to a point, to around 2%. On the positive side, cheaper imports mean lower prices for consumers and should help keep down inflation in the U.S. In addition, our interest rates are falling, as investors worried about East Asia shift their funds to the U.S. That means, for example, lower home mortgage rates for Americans.

A greater fear is that the problems may undermine the political stability of the region and affect U.S. security interests. South Korea and Indonesia, for example, play an enormously important role in maintaining regional stability. Some governments in the region have fallen, and others could fall. In addition, there could be resentment against the United States because of its role in proposing tough solutions for the area's economies.

What steps are being taken to deal with the crisis? The greatest challenge now facing these economies is to restore investor confidence and financial market credibility. Several steps are needed.

First, because the crisis basically involves lending from private financial institutions around the world to private banks and companies in the region, these private lenders are being urged to renegotiate their loans to make it easier for borrowers to repay. Second, all the bad debt that remains hidden needs to be exposed so the full extent of what is needed to fix the problem is known. There has to be more transparency and better oversight of the financial systems of developing countries. Third, the International Monetary Fund (IMF) is extending emergency funds to beleaguered countries, in exchange for assurances that they will make economic reforms that will help ensure their ability to repay their loans. The U.S. has pressed the IMF to seek tough reforms, and the U.S. and other countries have agreed to provide emergency assistance if IMF money proves inadequate. The IMF is producing results in the region, but its role and accountability are being challenged. Fourth, we need an improved international financial mechanism in which both borrowers and lenders, who may now be bailed out, will pay a price and be subject to the consequences of their actions and the disciplines of the market. Fifth, Japan clearly needs to stimulate its economy. It has a special responsibility as the dominant economic power in the region to boost its economy in order to absorb more of the exports of its struggling neighbors. Finally, President Clinton needs to speak to the American people and to the world about the financial crisis. He needs to explain why bailouts are needed, how a collapse can harm our security, and how it can be contagious. His economic strategy must be shown to advance his security strategy and America's interests around the world.

What is the region's long-term outlook? Correcting the financial problems discovered in East Asia will take some time, and many difficult steps lie ahead. But the long-term outlook for the region is not bleak. Countries can still build on the strengths that fueled the ''Asian tiger'' economies in the first place, including a strong savings rate and a well-educated and motivated workforce. In addition, the crisis is driving Asian leaders to adopt market-oriented reforms of the kind favored by the U.S.—economic systems that are more open, liberalized, deregulated, and transparent. Because of the crisis, countries across the globe are seeing the advantages of open, accountable governments and financial systems.

THE TRUTH ABOUT THE TAXMAN V. PISCATAWAY CASE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CLAY. Mr. Speaker, when the Black Leadership Forum decided to finance the settlement of the *Taxman* v. *Pascataway,* many outside the civil rights community asked

"why?". The Supreme Court has agreed to hear arguments and the case was said to be perfect for an argument in defense of affirmative action—both applicant were allegedly "equally" qualified. This was a total distortion of the facts. The candidates were NOT equally qualified. Debra Williams, the African-American teacher, had significantly higher academic credentials than did the other teacher. I submit an insightful column that accurately sets forth the real issue in the Piscataway case. The column was written by the distinguished economist, columnist, and educator Dr. Julianne Malveaux and appeared in the December 11, 1997 issue of *Black Issues in Higher Education.*

THE MYTH OF EDUCATIONAL ATTAINMENT: WHEN A BLACK WOMEN'S MASTER'S DEGREE EQUALS A WHITE WOMAN'S BACHELOR'S DEGREE

The Black Leadership Forum—an organization that includes the NAACP Legal Defense and Education Fund, the National Urban League, the National Council of Negro Women, and others—deflected energy from the controversial *Taxman* v. *Piscataway* case that the Supreme Court had committed to hear this session. The forum agreed to finance 70 percent of the nearly $450,000 settlement that the plaintiff and her lawyers will receive from the Piscataway school board.

Sharon Taxman was the White business education teacher who was laid off in a downsizing while Debra Williams, an African American business education teacher, was retained. Since the two women were hired the same day and deemed "equally" qualified, the school board justified retaining Williams on the basis of "diversity."

Faster than she could spell diverse, Taxman was filing a lawsuit. Her quest for "equality" was affirmed by every court up to the Supreme Court, which had agreed to hear her case. Civil rights activists thought this was the wrong one to take to the nation's highest court, so they bought Taxman out.

I'm not sure how I feel about the buy-out. It's like postponing something tragic—in this case, the apathy that comes from a Supreme Court which appears to be indifferent to diversity as well as equality. But I am convinced that there are at least two villains in this story—and one of them is the Piscataway School Board.

Come again? To some, these guys seem like the good guys. They retained an African American teacher and laid off a White one, upholding diversity. At the same time, though, they tragically argued that two workers were "equally" qualified when one held a master's degree while the other had a lesser education.

If we were Debra Williams I'd be fuming through the ears. The myth that hard work and the quest for education would give you a leg up was busted in her case. Rather than the school board affirming her superior education, they told her that her master's degree was not worth enough for her to be considered more than equally qualified over a colleague with less education. (I almost typed inferior for less, but that is the oppressor's game.)

A careful examination of what happened in Piscataway explains why affirmative action has become America's whipping post. Instead of White employers telling White employees that they aren't competitive, the White employees are told that a position was assigned or retained because of affirmative action. That is the kind of lazy dishonesty that fuels the myth of White superiority.

Consider Proposition 209. We all know that it was championed by Republicans Pete Wilson and Ward Connerly, but the early poster boys were two White men who presented themselves as academics and said they could not find jobs in the California State University system, despite their "qualifications."

To be sure, these men both had Ph.D. degrees. However, neither had earned academic distinction. They were not published, nor had they ever actually applied for jobs in the California state system—a fact uncovered in a blistering report by investigative journalists.

Nonetheless, one of these men said he could not find a job as a philosophy teacher in California. In the year he said he looked, five philosophers were hired, and three were White men. But he didn't challenge their status. There was an eminently qualified White woman hired, and he didn't challenge her status either. And an African American woman, also hired, was not the target of his ire.

Where was this undistinguished, unpublished, nonapplying product of our nation's system of higher education supposed to get a job? It didn't matter. In his warped mind, some mythical Black person was out there holding his job—and by golly, he was going to make affirmative action beneficiaries pay. Thus, Proposition 209.

Enter the second villain of this New Jersey-spawned affair. Taxman must have her head in the sand. Hasn't she ever heard that people lose their jobs. Spit happens, and the best thing to do with spit is to wash it off and move on.

Instead, she put her life on hold, apparently because she could not stand the notion that some Black woman should get a job she thought she should have. Never mind that the Black woman, her colleague, had more education. Never mind that her colleague was the better teacher. Taxman is White and she has wrapped herself in the privilege of Whiteness. Thus, her lawsuit.

The Supreme Court wouldn't see that because they are mostly White, too. Those who opposed Taxman would have had to overcome both the Court's distaste for affirmative action—and its pejorative description of such policies as "race-based preferences"—as well as a fealty to Whiteness.

The civil rights community bought Taxman off because they understood that the Piscataway school board improperly packaged this case, choosing affirmative action and diversity as the wrong reasons to let an inferior teacher go. If the school board had looked more carefully at the two women and their qualifications, this case may not have gone to court.

There's the rub. Spit happens. Downsizing takes place. What the Taxman case has said so far is that when downsizing doesn't fall on the shoulders of Black people, White people are ready to go to court. Or when all else is supposedly equal, White folks are supposed to prevail.

This is a premise that deserves challenge. But then there are others, such as the premise that a White woman's bachelor's degree is the equivalent of a Black woman's master's. That is only the case in a racist society.

HONORING KAREN HYMAN SUSMAN

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of an extraordinary woman, Karen Hyman Susman of Houston, who passed away December 3, 1997, at the age of 55. Her passing is a tremendous loss for her family, including her husband Stephen and their two children, Stacy and Harry; her friends; and all who believe in the honor of public service.

A distinguished attorney and dedicated community leader, Karen Susman contributed in countless ways to building a better future for Houston, especially the city's Jewish community, the arts, and education.

Mrs. Susman volunteered 20 tireless years to the Anti-Defamation League and its mission, including serving as Southwest Regional Chair and National Commissioner. She took ADL to a new level in terms of fund-raising and programming. She also served on the Board of Directors of the National Conference of Christians and Jews and on the Community Relations Council of the Jewish Federation of Houston, working with leaders of many faiths to improve religious and cultural understanding in Houston and throughout the nation. She dedicated her time and energy generously to other Jewish organizations as well, including the Lion of Judah Jewish Federation, Congregation Beth Israel, and the King David Society Jewish Federation. She and her husband, Stephen, endowed the Karen and Stephen Susman Hall, Slifka Center for Jewish Life, at Yale University.

Karen Susman was also a dedicated and valuable member of the Houston arts community, active on the boards of the Houston Symphony, Glassell School of Art, Houston Grand Opera, and the Contemporary Arts Museum. She had a great commitment to art as part of a strong community and worked to ensure that Houstonians from all walks of life could enjoy our city's many artistic and cultural treasures. She was especially concerned about increasing opportunities for young people to learn about art, serving on the University of Houston Art Department Friends Board and the Yale Art Gallery Board of Directors.

Karen Susman was not only a dedicated volunteer and community leader, but a distinguished lawyer as well. A graduate of the University of Houston Law Center, she was a Board Certified specialist in family law and frequently served as a court-appointed mediator.

Whatever she did, Karen Susman's intelligence, enthusiasm, and integrity served her and all those she encountered well. She brought a tireless energy, an unflagging drive, and a passionate caring to each of her endeavors, wearing many hats along the way. Karen Susman will be remembered for these qualities and her dedication to making the world a better place.

Mr. Speaker, Mrs. Susman's life was full, but her years among us were far too few. A remarkable woman, a distinguished attorney and volunteer, Karen Hyman Susman embodied the best of Houston and of Jewish life and experience. We are all infinitely richer for her legacy and were blessed with her wisdom, compassion, dignity and humor.

CONGRATULATING JOE CORSELLO

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. WELLER. Mr. Speaker, I rise today to congratulate Mr. Joe Corsello of my hometown

of Morris, Illinois on being named a Distinguished Member in the Illinois Art Education Association this past November. This award honors Mr. Corsello's service and leadership in the IAEA, and the local community.

Joe Corsello a veteran of the Korean War, has been a leader in art education and appreciation in the Eleventh Congressional District throughout the last three decades. For over thirty three years, Joe Corsello has taught the young people at Morris Community High School the finer points of visual arts and ceramics in his classroom. Outside of the classroom, Joe played an important part in shaping the minds of Morris High students as an advisor to the art club, student council, yearbook and athletic clubs.

During his time at Morris Community High School, Joe was named the 1978 Illinois State Teacher of the Year. Mr. Corsello is also a co founder of the Corsello—Prenzeler Art scholarship for college bound art students at Morris High. Named Man of the Year by the Morris Chamber of Commerce in 1977, Joe continues to serve the community by teaching art part time at Immaculate Conception Grade School.

While Joe Corsello has been recognized by a number of different groups for the wonderful job he has done throughout his lifetime, Joe's greatest satisfaction stems from the achievements of his students. Among these achievements include scholastic arts awards won by 12 of his students, and national art awards won by seven of his students.

Mr. Speaker, Joe Corsello has touched the lives of so many people in Morris and throughout the Eleventh Congressional District. I congratulate him on this honor, and I know I speak for the many students, teachers and residents back home in Morris when I say, thank you Joe for your hard work with our kids, and good luck with your future work in the arts.

TRIBUTE TO MERRILL ALPERT

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Merrill Alpert, who will be honored by the United Synagogue of Conservative Judaism for the work she has done with teenagers throughout the Jewish community.

Henry Brooks Adams wrote, ''A teacher affects eternity; he can never tell where his influence stops.'' For over two decades, Merrill has worked to enrich the lives of Jewish students. While a student at the Hebrew University of Jerusalem in 1975, Merrill worked as the Youth Director of Temple Beth Ami in Reseda; then later as Youth Director of Congregation Beth Kodesh. In her daily interaction with the students of these congregations, Merrill exemplified kindness, charity and a deep belief in the principles of the Jewish faith. In fact, many of the students that Merrill worked with have proceeded to work professionally in the Jewish community.

In 1986, Merrill accepted the challenging position of Youth Director of Valley Beth Shalom. In this capacity, she developed Camp Yoni and created a Summer Musical Theater Workshop. Overseeing this facet of the organization, Merrill has been responsible for many successful regional programs. Combining her hard work ethic with a deep underlying faith, under Merrill's guidance Valley Beth Shalom United Synagogue Youth has become an exemplary institution, receiving the Far West Region Chapter of Excellence Award on several occasions.

In addition to her role at Valley Beth Shalom, Merrill has worked with several organizations to promote the ideals and principles which have distinguished her as a role model to Jewish teenagers within our community. She has served as the Chairperson of the Youth Professional Advisory Committee of the Jewish Federation Council (YPAC) and Secretary and President of the Jewish Youth Directors Association.

Realizing the importance of training future leaders of the Jewish Community, Merrill has spent several summers at Camp Ramah in Ojai, as a Yoetzet, working with potential counselors of our children. She has also stayed active on other committees and sits on several school boards, including the Board of the Los Angeles Hebrew High School and the Board of Milken Community High School.

Merrill has dedicated her career to ensuring that we provide the Jewish youth of our community with an enriched educational and spiritual experience. Mr. Speaker, distinguished colleagues, please join me in paying tribute to Merrill Alpert. She is a role model for the citizens of our community.

AFFIRMATIVE ACTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 7, 1998 into the CONGRESSIONAL RECORD:

THE FUTURE OF AFFIRMATIVE ACTION

The President's Initiative on Race, a series of recent federal court decisions, and voter referenda in California and Texas have all focused national attention on the future of affirmative action. Affirmative action has provided economic, political and educational opportunities for blacks and other historically disadvantaged minorities, as well as for women. The issue today is whether those programs should be continued.

HISTORY OF AFFIRMATIVE ACTION

Affirmative action has its roots in the civil rights era of the 1960s. The federal government imposed affirmative duties on the public and private sector alike to remedy past and present discrimination against blacks and other minorities. It is based on the idea that the constitutional guarantee of equal protection requires more than ending discrimination, but means that government should create remedies and incentives for people who have suffered bias. Affirmative action included everything from desegregation plans in schools and universities to set-aside programs in government contracts to efforts to improve minority representation in the workplace.

Over the last decade, however, the Supreme Court has worked to limit the use of race-based preferences at all levels of government. The Court has held that local, state and federal programs designed to benefit minorities are unconstitutional unless they serve a compelling government interest and are narrowly tailored to address past discrimination. The Court's decisions, reflecting the conservatism of its majority, are based on the view that the Constitution is a color-blind document which, in general, neither tolerates discrimination against minorities nor affirmative efforts in their behalf.

The Court has not said that all affirmative action programs are unconstitutional, but has placed a heavy burden on government to demonstrate the need for them. It is generally accepted that affirmative action can be used to remedy specific instances of discrimination against minorities. Governmental entities may also use outreach and recruitment efforts to expand the pool of minority applicants for jobs, contracts, and college admissions.

On the other hand, governments may not use rigid quotas on behalf of minorities, nor may they justify affirmative action programs based on the history of discrimination in society at-large. The federal government is now reviewing its affirmative action policies to comply with recent Court decisions.

DIVERSITY AS A JUSTIFICATION

It is uncertain, however, whether governments can use race as a way to promote diversity, rather than remedy past discrimination. Advocates of affirmative action argue, for example, that local police departments have a strong interest in hiring minorities to patrol in minority neighborhoods or infiltrate minority gangs. Likewise, governments may want to hire minorities to serve in schools with heavy minority populations.

Public debate has focussed most recently on the use of race in college and graduate school admissions. The Supreme Court held in a landmark 1978 decision that a university could take the race of applicants into account in its admissions process to foster the diversity of its student body. The Court reasoned that diversity would bring a wider range of perspectives to the university and would contribute to a more robust exchange of ideas, which is central to the mission of higher education.

That 1978 decision, however, is in doubt given recent Court rulings on race-based preferences. One federal court of appeals ruled that the University of Texas could not use race as a factor in law school admissions. In addition, California voters approved a state referendum barring racial preferences in the state's education, employment, and contracting systems, including admissions decisions in the state university system. The effect of these actions has been to curtail sharply minority enrollment at public universities and graduate programs in Texas and California.

DEBATE OVER AFFIRMATIVE ACTION:

The public debate on affirmative action has been polarized. Supporters say that while the situation has improved, racism persists in this country, and that affirmative action is needed to remedy the effects of discrimination. Affirmative action programs, they will note, have provided opportunities for millions of minorities, expanding the American middle class and strengthening our political system and economy. They will also point out the hypocrisy in the debate over university admissions policies. While critics attack racial preferences, they say nothing about preferences based on athletic ability, alumni connections, or other factors.

Opponents respond that affirmative action is fundamentally unfair, that people should succeed or fail based on character, talent and effort, not race. While critics acknowledge that racism persists in our society, they say affirmative action leads to double standards which heighten rather than reduce racial tensions. Government, in this view, can

boost educational and workplace opportunities for minorities by improving educational performance in the K–12 years and encouraging recruiting policies aimed at attracting a broader pool of candidates.

CONCLUSION:

The goal of public policy should be to make sure that all of us have the opportunity to develop our talents to the fullest. While I oppose quotas or rigid preferences, I see affirmative action plans as a tool to create a more inclusive work place and open up opportunities for all persons. Real equality of opportunity is the key to minority advancement. Where discrimination has existed, it is fair to provide an equal opportunity to catch up. Affirmative action can promote equal consideration, and not reverse discrimination. Critics have been more successful in challenging affirmative action than in developing effective alternatives.

My view is that compensating for past discrimination is acceptable if done by using special training programs, talent searches and targeted financial help, and by helping disadvantaged groups compete. I do not, however, want to predetermine the results of competition with a system of quotas. Government should act to promote racial integration, help disadvantaged persons improve their circumstances, and proscribe intentional racial discrimination, but it should not assure outcomes in hiring, contracting, and admission for higher education.

LET US BACK AWAY FROM THE BRINK OF HYSTERIA

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. OWENS. Mr. Speaker, recent developments concerning the White House and the President do indeed require serious attention from members of Congress. But, unlike journalists, elected representatives are held accountable for their actions and must act responsibly. We should all register our strong resentment with respect to the juvenile behavior of the press over the last week. Media men and women have dared to instruct the Congress in their premature calls for impeachment. These same voices were much more cautious when a separate government was set up in the basement of the White House to support Nicaraguan Contras by soliciting money and illegally selling weapons to Iran. Certain analysts and television celebrities were completely silent when the banks and other savings and loan bandits stole billions of dollars guaranteed by the taxpayers through the Federal Deposit Insurance Corporation (FDIC). I am bewildered and outraged by the way reporting priorities have been chosen. Special Prosecutor Kenneth Starr's strange maneuvers should not be rubber-stamped by the Congress. We know our duty. We know how to assess events with a national and international perspective. Congress knows how to back away from the brink of hysteria and avoid setting dangerous priorities:

DANGEROUS PRIORITIES

Ken Starr's million dollar peep show
Is a topsy turvy world
Trivialities become high crimes
And a woman becomes a girl
Grown commentators babble
Like hysterical babies
But remember the FDIC was raped
By vicious S and L whores
And no special prosecutors
Bothered to keep any scores
The CIA was mum
The DEA was deaf
The FBI was dumb
Bankers sabotaged the system
Board room terrorists
Bombed their depositors
Into bankruptcy
Against all taxpayers
A state of war did reign
But editorial writers
And celebrity anchor men
Never indicated public pain
Ken Starr's million dollar peep show
Media makes a topsy turvy world
Trivialities become high crimes
And a woman becomes a girl
For the bailout virus
No disinfectant was there
Now the S and L flu
Sickens Mexico Asia and everywhere
Against our virgin treasury
We watched high crimes of treason
But purchased puritanical analyst
Misplaced their penetrating reason
More exciting than soap opera
More dangerous than sin
Those who stalked White House couches
Allowed taxpayer rapists to win
Ken Starr's million dollar peep show
Is a topsy turvy world
Trivialities become high crimes
And a woman is a girl.

ST. LOUIS BASILICA

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CLAY. Mr. Speaker, I would like to share with my colleagues the following article which recently appeared in the TWA Ambassador magazine about one of the most outstanding cathedrals in our nation, the Cathedral Basilica of St. Louis. This St. Louis Cathedral boasts the largest collection of mosaic art in the United States. I encourage all who visit St. Louis not to miss this magnificent edifice.

PIECEWORK

Mosaic, the most durable of all decorative techniques, is an art form dating back more than 20 centuries. The Greeks were the first to create large pictorial compositions, and producing mosaics was a major industry during the Roman Empire. No major building was complete without them, and the affluent selected patterns for their homes in the way we select carpets and wallpaper today.

Mosaic reached its peak as an art form in the fifth century with the Byzantines. Where the Greeks and Romans used marble mosaics mostly to embellish their floors, the Byzantines used small pieces of multicolored and gold-leafed glass to decorate the vast, bare interior walls of their churches. The virtue of mosaic was that it formed strong linear patterns easily visible to a viewer 70 feet away.

The Cathedral Basilica of Saint Louis claims title to the world's largest collection of mosaic art—83,000 square feet. (St. Mark's Basilica in Venice, Italy, has 72,000 square feet of mosaic; Monreale Cathedral in Sicily, Italy, 68,000.) More than 20 artists used 41.5 million pieces of mosaic in more than 8,000 colors to adorn every arch and dome of the Byzantine-style interior. The pieces—some of which are as small as a baby's fingertip—combine to relate the pivotal events of Christianity.

Called ''the outstanding cathedral of the Americas'' in the 1960s by Pope Paul VI, the cathedral was elevated last year to a basilica, a designation that recognizes a church's great history, beauty and significance as a place of worship.

The cathedral, with its 217-foot-high dome, is well-used for musical performances originally composed for the great cathedrals of Europe. On Jan. 20, New York's Ensemble for Early Music performs the medieval play ''Herod and the Innocents'' at the Cathedral Basilica of Saint Louis, Lindell Boulevard at Newstead Avenue in the Central West End.

HONORING CHIEF OF POLICE JOHN CLEGHORN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CALVERT. Mr. Speaker, I rise today to honor and acknowledge the outstanding career of Corona Police Chief John Cleghorn, who retired on December 19, 1997. It is rare to find an individual who exhibits such strong leadership in the community, and also maintains a compassionate relationship with all levels of individuals within that community. My friend John Cleghorn is one of these individuals. My hometown of Corona, California has been extremely fortunate to have had Chief Cleghorn protecting our community and making it a safer place in which to live and work.

John Cleghorn served as the Chief of Police in Corona for 12 years. He came to Corona following a successful career with the Los Angeles Police Department where he rose to the rank of captain and served as head of the force's anti-terrorism unit. He brought with him the knowledge and experience needed to lead a city that was experiencing massive population and economic growth. Chief Cleghorn was appointed to the position in 1985, and in the years that he served as Chief, Corona experienced the same massive population explosion that many other cities in California also experienced. As the Chief of Police, he dealt with difficulties associated with this type of growth in an efficient and effective manner. Chief Cleghorn has overseen a police department that grew from 66 sworn officers to 131 during his tenure, as well as adding a 12-member SWAT team, a gang unit, and CAT, a program created to deal with an increasing number of car thefts in the Corona area.

In addition to his responsibilities to the force, Chief Cleghorn devoted much of his time to various community organizations. These groups include the Corona Rotary Club, the Navy League, the YMCA, the Corona Regional Medical Center Foundation, and the Corona Police Community Partnership. He is also involved with Peppermint Ridge, a facility that cares for individuals with developmental disabilities. Chief Cleghorn was recently recognized for his tremendous community efforts by being named Man of the Year for 1997 by the Corona Chamber of Commerce.

On behalf of the citizens of the 43rd congressional district, I would like to thank Chief Cleghorn for his contributions and dedicated service to his community and for the example he has set for future generations. I wish him the best in his future endeavors.

HONORING RICHARD WINKEL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of Richard ''Dick'' Winkel who retired after 29 years of service from the elected position of Kankakee County Auditor on December 31, 1997. Dick Winkel has continuously served the most terms, eight in all, of any county auditor in the history of the state of Illinois.

When Dick Winkel first took office in 1968, computers were just beginning to be utilized. In 1968, the computer at the auditor's office was the size of a large refrigerator and had to be housed in the basement of the County Building. The old system required a $23,000 climate control system to keep it running. Today, thanks to Dick Winkel, the new system includes built-in safeguards to prevent the county from ever experiencing a computer melt-down that would wipe out months of accounting work.

Dick and his wife Betty are the proud parents of four children and the proud grandparents of 17 children. Dick has always followed his father's ideals about the important things in life; family, God, and the political climate in which you live. According to Dick, ''You have to be an active participant with all three. If you don't participate in politics, you deserve what you get.''

Dick Winkel's commitment and impact on his community is not only deserving of congressional recognition, but should serve as a model for others to follow.

At a time when our nation's leaders are asking the people of this country to make serving their community a core value of citizenship, honoring Dick Winkel is both timely and appropriate.

I urge this body to identify and recognize others in their congressional districts whose actions have so greatly benefited and enlightened America's communities.

TRIBUTE TO THE NCAA 1997 WATER POLO CHAMPIONS PEPPERDINE UNIVERSITY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the 1997 National Collegiate Athletic Association water polo champions from Pepperdine University, in Malibu, California.

The NCAA water polo finals don't draw the crowds or television viewers some higher-profile college sports do. But athleticism, commitment and sacrifice aren't measured in the stands, they are measured in the competition. Water polo players are among the most dedicated and physically fit of all athletes.

Michael Jordan once said, ''Talent wins games, but teamwork and intelligence wins championships.'' I would like to acknowledge all of the athletes on Pepperdine's 1997 water polo team. Individually, they have dedicated their time and energy to their sport, making many sacrifices along the way. They also realize the importance of working as a team toward a common goal, a lesson that will serve them well throughout their lives.

To be recognized as the premiere water polo team in our country is no small feat. I would like to take this opportunity to recognize the many strengths of these exceptional athletes, and wish them the best of luck on their future endeavors, in and out of the water. Mr. Speaker, distinguished colleagues, please join me in honoring the 1997 National Collegiate Athletic Association water polo champions from Pepperdine University.

THE MEDIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 14, 1998 into the CONGRESSIONAL RECORD:

REFLECTIONS ON THE MEDIA

In recent decades, we've seen a dramatic drop in the number of Americans who trust their government to do the right thing most of the time. Many factors contribute to this, but one often mentioned is the way in which many journalists approach their craft today. There is increasing concern that journalists too often report just the failures of government and not the successes, just the scandals and not the substance of governing. I am impressed with the number of constituents who ask whether they can really believe what they see and read in the media.

The press, of course, plays an essential role in the relationship between citizens and elected officials. We rely on the press to inform citizens about government actions, to help public officials gauge public opinion, and to act as a watchdog. By deciding whether and how extensively events or issues are covered, the press influences the policy agenda. I worry sometimes that in this age of instantaneous communication, journalists are less likely to reflect carefully on the quality and impact of their coverage.

I've always felt that journalists should ideally remain on the sideline as observers and analysts. But today many of our journalists, especially those based in Washington, want to be policy players rather than reporters of events. They want to give advice to the public and to prominent politicians, to score political points rather than illuminate events. Too often they reject the traditional values of the journalist—detachment, skepticism, caution—that have always been vital to the practice of good journalism.

These journalists, like anyone who seeks to influence opinion in this country, engage in intense competition to get on television. Unfortunately, some political talk shows are not much more than shouting matches. They do not analyze, explain, or clarify the issues facing the country. One panelist was quoted as saying, ''The less you know about something, the better off you are.'' That may be true for entertaining TV but it is not true for journalism. What makes good television and what makes thoughtful analysis are two different things.

Journalists know that there's big money associated with appearances on television, if not for the appearance fee (which is usually quite modest), then for the opportunity those appearances provide to garner lucrative speaking engagements before groups of all kinds. My view is that their considerable talents may be dissipated by this quest for money and that the country is the poorer for it.

It's easy to exaggerate the importance of these kinds of journalists. Even the most popular talk shows do not get more than 2 or 3 percent of TV households. Only a few people follow them closely. But the desire of some journalists to influence policy can have a troubling effect: the tendency to cozy up to government officials or to tilt a story. I think sometimes journalists pull punches rather than offend powerful public officials. On the other hand, some reporters go to the other extreme, viewing government officials and their actions not with healthy skepticism, but with suspicion or cynicism. The best reporters view them as neither inherently dishonest nor inherently virtuous.

Also worrisome is that in covering policy debates journalists too often focus on the horse race—who is winning—rather than on how we should deal in this country with some very tough problems. Every public official gets distressed by the electronic media reducing issues to sound bites of a few seconds. All that does is encourage shrillness, generalities and mutual attack rather than informed and meaningful debate. In addition, the journalist understands that the reporting of scandal will get him on the front page much more quickly than the reporting of substance. If journalism does not begin to pay more attention to disinterested analysis, it will continue to lose credibility with Americans. Certainly the ideal is the independent non-partisan, non-ideological journalist, a journalist who does everything he can to filter out of his reporting his personal political views.

There are a lot of things I don't worry much about in journalism. Some complain that the press has a liberal bias; others see a conservative bias. Fortunately, we have multiple sources of information and the competition among these sources contributes to a self-correcting process. If a story is reported badly by one source, other sources quickly set the record straight. For the citizen willing to search for it, substantive information about public policy is widely and cheaply available from a large variety of sources.

Despite its flaws, I favor a powerful press because it can balance the power of government. I may complain about the press on occasion, but I would not like the country without it. The job of the press is formidable. We should not resent but applaud the efforts reporters make to investigate and to keep the record straight. Jefferson said, ''No government ought to be without censors. And where the press is free none ever will. The only security of all is a free press. The agitation it produces must be submitted to. It is necessary to keep the waters pure.'' As Jefferson pointed out, it is difficult to draw a clear line of separation between the abuse and the wholesome use of the press. But because the free press does have a high mission in a democratic society it has to be all the more responsible to carry it out.

The press has an obligation to ferret out scandal. It has the obligation to cover contests for public affairs. It should also report complex and serious policy issues objectively, explaining the complexity of the issues involved and the positions of various parties. Biased analysis may have its place on the editorial pages but the news columns should report the facts.

What should government do about these criticisms? Nothing. Justice Brennan said that press freedom should be, ''uninhibited, robust, and wide open.'' He was right on the mark. Government officials should not try to

shape the content of media coverage of politics. The media can be the check on misconduct and tyranny by government, expose public officials' errors and abuses, inform public policy, and improve the quality of democracy. The problems with the media should be dealt with by the media and the people rather than the government.

IN HONOR OF THE CLEVELAND SOCIETY OF POLES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Cleveland Society of Poles on its 75th Anniversary. This non-profit organization is dedicated to financially assisting groups and individuals training in the arts. Members of the Society consist of business people and professionals in the Cleveland area.

The Society is striving to make 1998, its 75th Anniversary year, the best ever. Numerous charitable, civic, and educational groups as well as individuals will benefit from the commitment the Cleveland Society of Poles and its members have made to promoting the arts. In turn, the Cleveland community benefits from the organization's continued support of the arts by seeing its cultural, educational, and economic vitality grow and flourish.

My fellow colleagues, please join me in celebrating the 75th Anniversary of the Cleveland Society of Poles.

HONORING THE COMMUNITY SERVICE OF SGT. EDWARD D. CARDOZA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. STARK. Mr. Speaker, I would like to take this opportunity to recognize Sgt. Edward D. Cardoza upon his retirement from the Milpitas Police Department which is located in Milpitas, CA, in California's 13th Congressional District.

Sgt. Cardoza began his career in law enforcement in 1968 after receiving an honorable discharge from the United States Air Force and attending college. On October 27, 1969, he was transferred to the Milpitas Police Department. He was promoted to corporal in 1974 and then to the rank of sergeant in 1982.

During his 29 years with the Department, Sgt. Cardoza served in many different areas. He showed interest early in his career in the K–9 program. He was a K–9 officer for several years before becoming the coordinator of the K–9 Department where he has served as coordinator for the last ten years. He was a patrol sergeant for several years. In this capacity he was responsible for supervising other police personnel in their response to the needs of our citizens. He also worked in the detective bureau and the youth service bureau and was instrumental in starting the police reserves program.

For the past 3 years, Sgt. Cardoza has been serving as a traffic sergeant. In this capacity he has worked closely with city traffic engineers to help reduce the traffic accident rate for the city of Milpitas. Recently he was instrumental in the conception, design, and implementation of the Department's DUI enforcement trailer which will be used to assist in the reduction of the incidence of drunk driving.

Sgt. Cardoza has also been an active member of the community—through his service on the youth service bureau of the Department, he became involved in many of our community's youth programs. He coached PAL baseball, YBA basketball, and little league. He has also served on the board of directors for Santa Clara PAL, Milpitas PAL, and treasurer for BMX.

During his years of service, Sgt. Cardoza received over 70 letters of appreciation and commendation from the citizens of Milpitas and from numerous branches of government.

Mr. Speaker, on January 30, 1998, Sgt. Cardoza will be honored by family, friends, colleagues, and members of the community on the occasion of his retirement from the Milpitas Police Department. I applaud him for his 29 years of distinguished public service to our community. His dedication and commitment will be sorely missed and I wish him luck in all of his future endeavors.

IN HONOR OF BLACK HISTORY MONTH

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SCHUMER. Mr. Speaker, I urge my colleagues to join me in celebrating Black History Month. I would like to take a moment to reflect on the courageous leadership and civic duty that has shaped the communities of New York throughout the years. Now, as we approach the new century, New Yorkers of all ethnic backgrounds will face a new set of economic, social and political challenges. If we stop and recognize the perseverance of African-Americans in times of change, their record of commitment to the pursuit of prosperity, integrity and opportunity for their families and friends and community at-large speaks for itself.

The tireless work of community and religious leaders in guiding African-American communities have done much to improve the quality of life in our city. I am proud to honor this important occasion where African-Americans join hands to acknowledge their accomplishments and contributions to our society and the world.

The level of civic participation in today's culture is depressingly low among average American citizens. I am always inspired by the community spirit and leadership I witness from African-Americans in New York. Our society would be a better place if more Americans emulated the civic duty and moral strength of our African-American counterparts. I hope that Black History Month is recognized and honored by citizens of all backgrounds. I honor the work, vision and courage of my African-American friends and colleagues in Congress and throughout New York. May our city continue to be honored with your leadership.

TRIBUTE TO HOWARD T. ROBINSON, SR.—FIRST EXECUTIVE DIRECTOR OF THE CONGRESSIONAL BLACK CAUCUS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CLAY. Mr. Speaker, on November 8, 1997, Howard Theodore Robinson, Sr., the first Executive Director of the Congressional Black Caucus, lost his life in a car accident. His death was a great tragedy for the African-American community. He touched so many lives and was a key participant in the socio-economic movement of minorities.

I vividly remember the day I was introduced to Howard during a congressional trip to the Far East. At that time, Howard was labor attache' for the American embassy in Tokyo. Congressman Gus Hawkins and I met with him. We were so impressed with Howard that we recommended to our colleagues in the Congressional Black Caucus that he be hired as the organization's first executive director. Our instincts proved to be correct. He was a great administrator. The CBC is the powerful organization that is today in part because of Howard's contributions.

Howard worked tirelessly to advance the causes of minorities, particularly African-Americans, and made great sacrifices on their behalf. When he accepted the position of CBC Executive Director, he left a prestigious position at the State Department. But, he was on a greater mission. In his letter of acceptance he stated that he was taking the job ''with the full recognition that the Caucus may not, at this time, be in a position to match my current salary. But, because I believe that the purposes and objectives outlined by the Caucus are basic to the future of all Americans, I am willing to abandon my position as a senior Foreign Service office, in order to dedicate the next years of my life to the objectives that you in the Caucus have set out to achieve.''

In addition to his foreign service career, which included U.S. Consulate to the French West Indies and Advisor to the U.S. Delegation to the International Labor Organization Conference in Geneva, Switzerland, Howard Robinson had a distinguished career in radio. In 1991, he became the host of ''The Creative Entrepreneur'', a talk show about small businesses. Later on, he hosted a second show called ''Dynamics of Public Policy'', a show about policy in southern New Jersey. The title of the second show was changed to ''In The Public Interests'' when Howard left New Jersey and went solo. The shows were expansions of Howard's efforts to help minority communities. They both proved to be key informational sources in their respective communities and helped many to empower themselves economically and politically.

Howard's sacrifices and contributions will not be forgotten. His work touched people who will always remember how Howard helped them to envision and live up to their potential. The name ''Howard T. Robinson, Sr.'' will be indelibly marked on their journey to economic independence.

TRIBUTE TO GARY M. THOMAS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Gary M. Thomas, who has served as the President of the United Chambers of Commerce of the San Fernando Valley for the last two years.

Gary has worked diligently for two years to strengthen the United Chambers of Commerce. He has selflessly dedicated his time and effort to improving our community, through several leadership roles. Gary has worked to ensure the financial security of our community as a co-founder of the Economic Alliance of the San Fernando Valley and the Chairman of Mayor Richard Riordan's Valley Business Corps. In this capacity, he has initiated efforts to keep businesses located in the San Fernando Valley, while working to encourage their expansion.

Gary's expertise has been recognized by many leaders in our state. He is the Chairman of California State Assemblyman Tom McClintok's Business Advisory Commission and an invaluable member of State Assemblyman Robert Hertzberg's Business Advisory Commission.

Gary also plays an active role on the boards of directors for several of our community's most valuable organizations, including the San Fernando Valley Charitable Foundation, the Valley Leadership Institute, the advisory board for Columbia West Hospitals, the Wellness Community and the West Valley Boys and Girls Club.

Mr. Speaker, distinguished colleagues, please join me in honoring Gary M. Thomas for his dedication to maintaining and improving the quality of life in our community. We are grateful to Gary for the time he has served as President of the United Chambers of Commerce of the San Fernando Valley and wish him the best of luck in his future endeavors.

THE BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 31, 1997, into the Congressional Record:

CELEBRATING FISCAL RESTRAINT

The most highly praised accomplishment of this past session of Congress was passage of the agreement to balance the budget by 2002. Federal budget deficits have been too large for too long, and this bipartisan agreement was a welcome development. But I am becoming increasingly concerned about comments suggesting that our fiscal problems are behind us. Despite all the talk about a balanced budget, I believe it is much too early to celebrate fiscal restraint.

Status of deficit: There is no doubt that major progress has been made on the budget deficit in recent years. Over the past five years it has been reduced from $290 billion to $23 billion in 1997, both because of the 1993 deficit reduction package passed by Congress and the strong U.S. economy. The 1997 deficit was much lower than expected because federal revenues grew by nearly 9 percent while spending increased only about 2.5 percent.

In addition to the small federal budget deficit in 1997, state and local governments ran a combined budget surplus of $29 billion. That means that the government as a whole enjoyed a budget surplus in 1997, something that has not happened for many years. Less government borrowing means lower interest rates on everything from home mortgages to car loans.

Thus far in fiscal year 1998, which began on October 1, revenues are coming in faster than expected and spending is slower than expected, so some budget experts think that the federal budget could even be balanced this year.

Concerns: Despite the progress, there are several reasons for being cautious about thinking that our country's fiscal house is in order and that the only question now is how to spend the budget surpluses.

First, progress on reducing the deficit depends heavily on the continued strength of the U.S. economy. If we are off in our assumptions about how the economy will perform in the months and years ahead, the deficit could again balloon. Even an average-size recession could add $100 billion to the deficit for a year or two. It would be a huge mistake to pretend that the business cycle has been repealed. I've come to the conclusion that it is risky to start worrying about how to handle a surplus when we don't have it yet and it may not materialize.

Second, even with a balanced federal budget, we still have the huge accumulated federal debt to contend with. The federal debt is what was built up during each of the years in which the federal government was running a deficit, and it now stands at a huge $3.8 trillion. The interest payments that the federal government makes on that debt are now almost $250 billion each year. That's 15% of total federal outlays. Reducing these debt service costs through paying down the debt should be a priority.

Third, I am worried about discretionary spending increases under the balanced budget plan. Since 1990, discretionary (non-entitlement) spending—the spending that Congress passes each year on roads, defense, parks, and the like—has been frozen at around $550 billion. Yet in 1997, spending for a host of discretionary programs was increased, for everything from health research and highway building to anti-drug efforts and the FBI.

The Balanced Budget Act of 1997 assumes that discretionary spending caps will keep spending increases less than the rate of inflation, with most of the tough decisions left to future Congresses and the next President. The assumption that these caps will be adhered to is certainly called into question by the performance during the first year. With the pent-up demand for more spending on all kinds of worthy projects we have to wonder whether fiscal restraint has come to an end.

Fourth, I am concerned about how the tax cuts in the balanced budget agreement are structured. The problem is that although in the first few years the bulk of the tax cuts go to middle-income families, backloaded tax cuts favoring higher-income households kick in later and would mushroom after 2002. Long-term the agreement will be much more costly than the deceptive figures for the early years suggest and it will become less fair. It will accentuate the income inequality that has been increasing in this country in recent years, in which the rich have gotten richer and everyone else has struggled to stay even or seen their income decline. The traditional function of the federal government has been to lean gently against these kinds of trends in the economy. It serves as a moderator of inequality. This agreement leans the other way.

Fifth, the agreement masks the long-term problems facing entitlement spending for older persons. Over the next few years Social Security will be building up a surplus, and that surplus—which will reach $120 billion in 2002—is one of the main reasons this budget agreement projects an overall budget surplus of $32 billion in 2002. But everybody knows that the Social Security system is incurring large future liabilities that exceed its surpluses and that it needs major reform to avoid insolvency.

The long-range problem is that the budget is increasingly dominated by spending for older persons in the form of Social Security, Medicare, and Medicaid. These entitlement programs will rise powerfully as the baby boomers begin to retire early in the next century. Congress and the President ought to begin an attack on them now while they are much more manageable.

Conclusion: I have been quite uneasy about the self-congratulatory rhetoric that Members of Congress in both parties and the Administration have engaged in as a result of the balanced budget agreement. I supported the agreement because we're better off with it than without it. It does move us in the direction of a balanced budget, but it is much too early to claim that it eradicates the deficit. It was neither as tough nor as fair as it ought to be.

Over the past several years we have made considerable progress in reducing the deficit, and our economy is stronger as a result. It would be a large mistake to abandon that fiscal discipline as I am fearful we may be doing.

A lot more work needs to be done on balancing the discretionary part of the budget, addressing the tilt toward the wealthy in the back-loaded tax cuts, and restructuring Social Security and Medicare for the long term. Our focus should remain on these challenges, not on how to spend a non-existent surplus.

SALUTING MANTENO, IL, CHAPTER, FFA

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. WELLER. Mr. Speaker, I rise today to pay tribute to a fine group of young people from the Eleventh Congressional District who are members of the Future Farmers of America in Manteno, Illinois. During the 70th National FFA Convention in Kansas City, the young men and women from the Manteno FFA chapter received special recognition in the FFA's National Chapter Award Program.

The Manteno chapter was one of over 450 chapters from around the nation that was recognized for their achievements in developing their chapters program of activities. Among these activities are citizenship, community awareness and personal leadership development programs that give students a chance to work with community leaders and local organizations.

As you know Mr. Speaker, the FFA has over 7,500 local chapters across the United States and its territories serving close to a half million students. The FFA's mission is to help shape the lives of students by developing their leadership qualities, personal growth, and

helping them prepare for successful careers in agriculture through education and practical activities. The Manteno FFA members strive to meet this mission, and their hard work and community efforts have been rewarded.

During a time when we hear about everything that is wrong with America's youth Mr. Speaker, it is important that we honor our kids who are doing things rights. I'm proud to have the young men and women of the Manteno FFA in my district, and I ask my colleagues in the House to join me in wishing the Manteno FFA members many future successes and the best of luck with their studies.

HONORING JOHN HYLAND

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ENGEL. Mr. Speaker, a community thrives and prospers because of the people who live in it and contribute to it. The depth of how people feel about their neighborhoods tells us how much they love their community.

John Hyland is a man who has brought much to his community and to the people who live in it. His contributions are measured in what he has given to the area as a whole and to what he has given to his own special niche.

He has been a member of St. John's Parish in the Kingsbridge section of the Bronx, worshipping there and attending its elementary school. He attended Samuel Gompers High School, also in the Bronx, and served his country in the Army for three years.

He returned to his community and in 1970 became a member of the New York City Auxiliary Police. In 1973 he was elected president of the Auxiliary Police Benevolent Association, serving in that capacity since.

But he is being honored now for the wonderful work he has done as a member of the Ancient Order of Hibernians. He was elected president of the Daniel J. Quilty Division #7 in 1994 and reelected as president three times since.

Now, to the regret of his comrades in Division #7, he is moving to the Bronx County Board of the AOH as its newly elected president. He seems to be elected president of every organization he joins.

John Hyland has given much to those around him. I am honored to join his friends in praising him for all that he has done for us, as individuals and as a community.

ENVIRONMENTAL CLEANUP AT THE RIVERBANK ARMY AMMUNITION PLANT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CONDIT. Mr. Speaker, I rise today to honor the hard work and environmental cleanup effort at the Riverbank Army Ammunition Plant in Riverbank, California. Only eight short years ago, this plant was listed as the highest priority site within the Department of Defense's National Priority List for environmental contamination and remediation.

What has transpired since then is nothing short of miraculous. It is with a great sense of pride that I report that Secretary of the Army Togo West recently awarded Riverbank with a first place Secretary of the Army 1997 Environmental Award.

The award represents accomplishment and the crown jewel in an impressive list of ''firsts'' in the field of toxic waste cleanup which have been accomplished at Riverbank.

In response to President Clinton's challenge to the United States Environmental Protection Agency to achieve complete construction and operation of remediation systems at 900 toxic sites by the year 2000, Riverbank is the first federal installation to comply. Along the way, Riverbank became the first federal installation to implement a base-wide record of decision and long term solution to cleaning contaminated ground water which in large part resulted from World War II-era manufacturing at the plant.

Meeting the challenge head on, under the leadership of Jim Gansel and his staff, Riverbank distinguished itself by developing a proactive community relations program that has not only been praised and but has also been implemented by the Environmental Protection Agency at all other DoD cleanup sites. Currently, I am proud to report, the plant is in the final phase of long term remediation and monitoring after becoming the first federal installation to receive a construction completed report.

Mr. Speaker, this is a story of hard work and success. It reflects great credit on the dedicated men and women at the Riverbank Army Ammunition Plant as well as the entire 18th Congressional District.

A TRIBUTE TO ROGER ERICKSON

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. RAMSTAD. Mr. Speaker, I rise to pay tribute to a pioneering giant in radio who retired recently.

Roger Erickson is a radio legend in Minnesota. Roger has been entertaining and informing the vast listening audience of WCCO Radio in Minnesota for 38 years.

Radio dials all across Minnesota—on farms, in small towns, on mainstreet, throughout the suburbs and downtown—are stuck with chicken grease on WCCO because of the long-running, immense, talents of Roger Erickson and his longtime partner Charlie Boone.

It has been reported that this dynamic radio twosome may be the longest-running team in the history of U.S. broadcasting.

Mr. Speaker, I'm proud to call Roger Erickson my friend and constituent. Nobody has done more to cheer Minnesotans the past 38 years than Roger.

Roger Erickson grew up on a farm in Winthrop, Minnesota, listening to the radio station he would later dominate after graduating from my alma mater, the University of Minnesota.

Roger, our hat's off to thee!

Roger Erickson and his partner Charlie Boone are as well known as any Minnesotan. In all their years together, Erickson and Boone have never had a fight, which, as they quickly note, is a better record than most marriages.

I was fortunate to be present on January 9, 1998, when an amazing collection of Minnesotans joined Roger and his longtime partner for their final broadcast together. It was quite a scene, as former governors, leaders in medicine, industry and sports all gathered to pay tribute to these broadcasting giants, these pioneering ''Paul Bunyans of the air.''

Minnesota has spawned many heroes, from Charles Lindbergh to Hubert Humphrey. But no one has had a bigger impact and shaped life in Minnesota more than Roger Erickson, with his partner Charlie Boone.

Roger Erickson signing off the air is a truly landmark event. Minnesotans of all stripes saluted him for his public service in a swell of emotion and gratitude. Little wonder. This is an end of an era, and Roger will be sorely missed in our lives. When the snow flies in Minnesota, our ears are quickly tuned to Roger. He's the guy who closes our schools, and he does it with relish.

WCCO is known as the Good Neighbor, and Roger Erickson has been a good neighbor to every Minnesotan, a friend to turn to when life got rough or important news was in the air. When we needed a laugh, Roger made our sides split with his Scandinavian humor, a Minnesota Hospital full of eccentrics suffering from not-so-serious ills, and his role as the foil to Boone's Senator, whose public policy pronouncements sometimes made more sense than many would care to admit.

Mr. Speaker, as Roger said: ''It's been a great run. How lucky can you be?''

Roger, it's been us, your loyal listeners, who have been the lucky ones. Thank you for all you have done to make our lives fuller, to make uniquely Minnesota moments more memorable.

We wish the very best to Roger, his wife Margaret, and their family. In the years ahead, when our sunrises are no longer greeted in concert with Roger Erickson singing the famous ''Good Morning'' song, we will be comforted knowing Roger is on his 20 acres in Minnesota, enjoying the quality of life he helped plant for all Minnesotans.

IN HONOR OF THE TURTLE BAY ASSOCIATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Turtle Bay Association as it celebrates its 40th Anniversary.

In 1957, when a volunteer group of tenants, home owners and small businesses in Manhattan's Turtle Bay area joined forces to oppose a plan to convert 49th Street into a major traffic corridor, the Turtle Bay Association was born. Forty years later, this active and committed group of community members is still working to ameliorate the Turtle Bay neighborhood.

Over the years, the Turtle Bay Association has initiated many efforts to preserve and beautify the neighborhood. The Association has spearheaded major renovations of several area parks, including: Peter Detmold Park and Dag Hammarskjold Plaza and MacArthur Playground. As a result of the Turtle Bay Association's efforts, free concerns were held in Detmold Park this summer.

This past spring, the Association spruced up Second Avenue by planting trees and filling the avenue's tree boxes with flowers.

The Turtle Bay Association also works closely with the local police precinct on neighborhood security concerns; with the sanitation department on matters of cleanliness of the streets; and with the United Nations to limit disruptions caused by demonstrations.

One of the Association's earliest and most famous members is the renowned actress Katharine Hepburn. In 1957, Ms. Hepburn fought vigorously with other Association members to halt the destruction of trees and prevent the city's plans to widen Turtle Bay streets by cutting back sidewalks. In 1987, she lent her name to the successful campaign to re-zone Turtle Bay's mid-blocks for low-rise construction limitations.

Mr. Speaker, I ask that my colleague rise with me in this tribute to the Turtle Bay Association as they celebrate 40 years of commitment to their community. This dedicated group does a tremendous job in creating a small town feel in such a large city like Manhattan. Thank you.

MEDICARE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 24, 1997 into the Congressional Record.

NEW CHOICES IN MEDICARE

Hoosiers will be hearing a lot about the reform of the Medicare system in the days ahead. Increasing costs and forecasts of a significant growth in the number of baby boomer retirees will require fundamental reform of the program. Medicare now serves over 38 million older and disabled Americans, while consuming nearly $1 out of every $9 in the federal budget. Medicare is a $200 billion program and it will undoubtedly get much bigger as the pool of retirees swells early in the next century.

In 1997 Congress made the most significant reforms to the program since its creation over 30 years ago. Until now the Medicare program has been largely insulated from the shift in American health care from fee-for-service toward managed care. Medicare beneficiaries have traditionally selected their own doctors, visited them as often as they wanted, and had the government pay much of the bill. The new reforms will give beneficiaries more options, while pushing the system toward a managed care approach which aims to save money and improve overall efficiency.

MEDICARE+CHOICE

The new Medicare+Choice program is the centerpiece of the 1997 reforms. Starting late next year, Medicare beneficiaries will have the opportunity to decide each year whether to stay in the traditional fee-for-service government plan or switch to one of five private plans. Where the beneficiary selects the private option, Medicare will make a fixed payment to the chosen plan. Enrollees will receive the basic bundle of Medicare benefits, including access to emergency care, though the delivery and cost of these services would vary with each plan. Up until 2002 enrollees have the option of switching between plans at any time, but after that date the opportunities to switch plans will be more limited.

Medicare+Choice aims to contain costs in Medicare by injecting private competition into the system and encouraging more beneficiaries to enroll in managed care plans. These plans, while limiting the choice of doctors, tend to offer a wider array of benefits, including prescription drug benefits. One option under the Medicare+Choice program, for example, is the popular HMO plan. Already nearly 15% of beneficiaries use the HMO plan, which allows patients to choose from a network of doctors and receive approved benefits, usually at lower cost. Two other options involve a more limited managed care approach, and a fourth option provides for a private fee-for-service plan, under which doctors can charge up to 15% more than the insurer's fee schedule.

The fifth option is the medical savings account (MSA) plan, which combines features of a savings account and private health insurance. Medicare will pay into the account the difference between the Medicare monthly payment and the monthly premium for a high deductible plan. Contributions to the account as well as any earned interest will be exempt from taxes. The beneficiary will be able to make tax exempt withdrawals from the account as long as the money is used to pay for unreimbursed medical expenses, long-term insurance, and related expenses. The MSA is a pilot program which will be limited in 390,000 enrollees, starting in 1999.

UNANSWERED QUESTIONS

My guess is that most beneficiaries will, at least initially, elect to stay in the traditional fee-for-service Medicare plan. They like the unlimited choice of doctors and ability to pay no more than the government prescribed fee. Over time, however, the other options, which may offer more benefits at a lower cost, will probably attract many people. The key question is what these changes will mean to the overall quality of care for older Americans.

Medicare has been a program offering equal access to health care for older and disabled persons, rich and poor alike. Some have suggested that the new program will create a multi-tiered system of health care for older Americans, where wealthy beneficiaries opt for fee-for-service, healthy individuals shift into managed care plans, and sicker and more expensive beneficiaries stay in the traditional fee-for-service plan. If that happens, the private providers could end up making money, while the Medicare program saves very little or even loses money. There is also concern that creating a multi-tiered system of delivery will eventually undermine public support for the program.

Other questions have been raised about the new program. Some, for example, wonder how doctors will respond to Medicare+Choice. Many physicians have expressed concerns about the fee limits in the current program, and may opt to target their practices at patients who pay the higher fees. Still others ask whether the quality of care will be the same under all the options and whether some options, particularly the managed care options, will impose undue limits on when and where people can receive care. Finally, there are questions about whether older Americans will have enough information to make informed choices. In November 1998 the federal government will send all beneficiaries an informational pamphlet describing their new Medicare+Choice options. This pamphlet will outline the new health plans that are available in and around the beneficiary's community.

CONCLUSION

All of these changes carry high stakes for Hoosiers. Under current projections, the part of the Medicare Trust Fund which funds insurance for hospital care is expected to become insolvent in 2010, as baby boomers retire and enroll in the program. The 1997 law, therefore, is an interim strategy. It will save $115 billion over the next five years, but it does not address the long-term challenges to the program. Congress has established a National Bipartisan Commission on the Future of Medicare to recommend further changes to Medicare.

Medicare is one of the great success stories of this country. It has provided essential health services for millions of our elderly and disabled citizens, and improved the overall quality of life in this country. If, however, future generations are also to benefit from Medicare, the program must undergo reform. I believe that Americans, in large part, realize this. They want to improve Medicare.

Medicare+Choice is one step toward achieving that goal. The ability to shop for insurance plans could encourage greater efficiency and restrain ever-increasing costs for health care. Health care in America has been largely transformed by the HMO-based managed care plan, and Medicare is likely to move in that direction as well. The challenge in Medicare is to make these changes without diminishing access to quality and affordable health care.

TRIBUTE TO SUSAN WINDSOR

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Susan Windsor, who has served as the Chairperson of the Board of the Calabasas Chamber of Commerce for the past year.

Henry David Thoreau wrote, ''I have learned this at least by my experiment: that if one advances confidently in the direction of his dreams, and endeavors to live the life which he has imagined, he will meet with a success unexpected in the common hours.''

Susan has worked hard to achieve her dreams. Her dedication and perseverance is inspiring. As one of the earliest minority students to attend Florida A&M, she overcame adversity to pursue her interest in horticulture.

While working full-time to support herself, she attended the University of LaVerne, College of Law. After graduating from law school, she practiced civil litigation and was an active member of the San Fernando Valley Neighborhood Legal Services, a legal aid clinic. Only four years after graduating from law school, Susan started her own practice, focusing on probate law, trust administration, estate planning and probate and trust litigation.

Susan's determination and strength of character were again tested when the 1994 Northridge Earthquake destroyed her offices. She relocated her practice to Calabasas and became actively involved in community and business affairs, including the Calabasas Chamber of Commerce, where she has served on the Board of Directors since 1995. In 1997, Susan was elected as Chairperson of the Board, and in this capacity she worked closely with the directors to implement a current Policy and Procedures Manual and revised by-laws.

Susan has worked hard to realize many of her dreams. While she continues to practice

law in Calabasas, she has also expanded her interest in horticulture. Along with her husband, she established Astoria Mushroom Growers, specializing in the cultivation of Shitake mushrooms.

Though Susan's successes have not come easy, she has never lost sight of her goals. Through her efforts, Susan has not only enriched her life, but the lives of those in our community. Mr. Speaker, distinguished colleagues, please join me in paying tribute to Susan Windsor.

RECOGNIZING SHEILA DAAR

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. DELLUMS. Mr. Speaker, it is with great pleasure that I rise to recognize Sheila Daar, an expert in the field of integrated pest management (IPM), who has been awarded a 1997 Stratospheric Ozone Protection Award by the U.S. Environmental Protection Agency. The award recognizes extraordinary achievements and international leadership in protecting the Earth's protective stratospheric ozone layer.

Ms. Daar is the Executive Director of the non-profit Bio-Integral Resource Center (BIRC). This organization works with government agencies and the private sector to design and implement least-toxic IPM programs for solving pest problems in agricultural and urban systems.

Since 1992, Ms. Daar has developed and disseminated practical information on non-chemical alternatives to the toxic fumigant methyl bromide, focusing on California crops, including strawberries and grapes, that use significant amounts of this pesticide. Methyl bromide is a class one ozone depleting substance scheduled for phaseout in 2001 under terms of the U.S. Clean Air Act. Ms. Daar and her staff have documented alternatives, established on-farm applied research and demonstration projects, and conducted technical outreach programs to assist farmers and urban pest control companies to adopt alternatives to methyl bromide. She is an active member of the United Nations Methyl Bromide Technical Option Committee, and co-author of IPM Alternatives to Methyl Bromide and other publications on this topic.

The Environmental Protection Award is significant because it recognizes the two decades of research and public education that Ms. Daar performed. She is a pioneer in the field of integrated pest management in a state and a culture that took pride in synthetic chemical response to pests and the development of pesticides and herbicides of great variety and power. Ms. Daar has made significant contributions to our present understanding of the wide, unexpected sweep and longevity of these toxins, in terms of poisoning our soil, our biosystem, and our atmosphere.

She has labored long in agricultural fields, along the sides of California's highways, in city lots and anywhere where plants grow; espousing, and teaching the values of reduced dependence on synthetic, chemical toxins.

Ms. Daar's early horticultural successes were in teaching as well as being appointed to the State of California Pest Management Advisory Committee in 1993, and to the California Department of Transportation's Public Advisory Liaison System, in 1995. She continues to serve on both bodies.

I am enormously pleased to recognize this remarkable woman on behalf of my district, my state and my country.

HONORING LEO ARAGUZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ORTIZ. Mr. Speaker, I ask my colleagues to join me today in congratulating Leo Araguz, a native of Harlingen, Texas, who is being honored tonight in his hometown for the professional athletic accomplishments in his young life.

Leo Araguz, a small town guy of modest means, has played professional football, as a kicker, for several National Football League teams. Tonight, his family, friends and community plan a surprise celebration for him in his hometown, and I want to let him know that the House of Representatives supports the efforts of his community to honor his work.

Professional sports are the top of the heap for athletes in our country. In Texas, football easily reigns over other sports. Getting to the top in professional football is a difficult thing to do under the best of circumstances, but the circumstances for Leo have never been easy.

As a good athlete in school, he almost missed out on sports altogether after a car wreck that badly injured his leg. A full year of therapy not only brought him back to football, but strengthened his legs, which made him decide to concentrate on the kicking game. As a former soccer player, kicking came quite naturally, and a star was born.

The strength of his kicking game assisted the Harlingen High School Cardinals in securing several South Texas football honors. In college, at Stephen F. Austin State University, he led his division in punting in 1992.

Since that time, he has played for the Miami Dolphins, the San Diego Chargers, and the Oakland Raiders. He has just been re-signed by the Miami Dolphins and will soon go there for training camp. Please join me in commending Leo Araguz for his hard work and his commitment to excellence in the game of football.

HONORING RABBI AVI WEISS, THE HEBREW INSTITUTE OF RIVERDALE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ENGEL. Mr. Speaker, Rabbi Avi Weiss and the Hebrew Institute of Riverdale this year celebrate 25 years of passion and outreach within the Jewish community.

Rabbi Weiss has traveled far and wide to support the cause of Judaism, most famously for his work at Auschwitz where he persuaded an order of nuns to move their convent from the gates of that infamous death camp.

He went to Buenos Aires in 1994 to comfort the families of the victims of a bomb attack on a synagogue. There he met with Argentine President Carlos Menem and was invited to a Cabinet meeting to discuss security concerns. And it was at his urging that the International Relations Committee of the House of Representatives conducted hearings on the bombing when the official investigation lagged.

Rabbi Weiss was named Rabbi of the Year by the New York Board of Rabbis for outstanding service to the rabbinate.

He also pioneered outreach programs at the Hebrew Institute of Riverdale including free High Holy Day Services, a free Passover Seder and programs to reach the mentally and physically handicapped as well as elderly shutins. It is the only synagogue in the country which is barrier free.

The Hebrew Institute of Riverdale reaches 4,000 families embracing Jews of all commitments.

Rabbi Weiss is a great personal friend and I congratulate him and the Center for their great work over these 25 years.

TRIBUTE TO ISSAC GONZALES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. FILNER. Mr. Speaker, I rise today to honor Issac Gonzales, a community leader in my Congressional District who passed away on January 21, 1998 at the age of 72.

Issac was born and raised in National City, California. In his younger years, he served with distinction in the United States Army and received a number of military honors for heroism and bravery including two bronze stars, a victory medal, and a purple heart.

Issac was a true community leader. He was honored for his service to his neighborhood as a volunteer in the Community Policing Program and worked until his death as a member of the San Diego Senior Citizens Patrol. A quiet man, he also worked tirelessly within his church and led by example.

Issac won the respect and appreciation of his friends, family, and the entire community for his involvement in all aspects of the community life of National City.

We come across a small number of special people who touch our hearts and souls with their activism, optimism, and dedication to making everyone's life richer. Issac was one of those chosen few. My thoughts and prayers go out to his wife, Silvia, his sons Andrew and Robert, and his family and friends. Issac Gonzales will be dearly missed.

HONORING DOMINIQUE DE MENIL

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of an extraordinary woman, Dominique de Menil of Houston, a world renowned patron of the arts, philanthropist, and passionate advocate for human rights, who passed away December 31, 1997, at the age of 89. Her death is a tremendous loss not only for her family, but for the city of Houston and

the nation. Along with her late husband John de Menil, who died in 1973, Dominique de Menil left indelible marks on the world of art and the cause of civil rights.

Dominique de Menil was born in Paris on March 23, 1908. Heiress to the Schlumberger Ltd. oil field service company fortune, she made Houston her home for more that 50 years and became its leading arts patron and benefactor. Mrs. de Menil received her bachelor of arts degree from the Sorbonne in 1927. At twenty-three she married Jean de Menil, a young baron from a French military family. In the early 1940s, they came to America with the expansion of Schlumberger and settled in Houston. They became American citizens in 1962.

In 1954, declaring that ''art embodies the highest aspirations of humankind,'' the de Menils established the Menil Foundation to foster knowledge and understanding in the fields of art, architecture and philosophy. Its primary focus has been the visual arts. In addition, Mr. and Mrs. de Menil were among the founders of Houston's Contemporary Arts Museum and responsible for nurturing it during its infancy.

Mrs. de Menil and her late husband were internationally known for establishing Houston's Rothko Chapel in 1971. Mrs. de Menil called the Rothko Chapel, which houses an ensemble of large paintings by the abstract artist Mark Rothko that were commissioned for the chapel, a place ''dedicated to meditation and peace.'' The chapel is ecumenical, open to all religions, belonging to none. Outside the chapel is a reflection pool with Broken Obelisk, a Barnett Newman sculpture dedicated to the Rev. Martin Luther King, Jr., whose civil-rights work was close to the heart of Mrs. de Menil. She hosted many distinguished visitors for special programs, including Bishop Desmond Tutu of South Africa. Tibet's Dalai Llama, and South African President Nelson Mandela.

A sense of the suffering and indignities heaped on humankind was of great concern to Mrs. de Menil. She founded the Rothko Chapel Awards, $10,000 prizes presented annually to five recipients, often little-known individuals, who battled for human rights. She also joined with former President Carter to establish the Carter-Menil Human Rights Prize of $100,000, awarded every other year in Houston or Atlanta. Mrs. de Menil also worked closely with the late Congressman Mickey Leland to further civil and human rights around the world.

After John de Menil died, Dominique de Menil continued the couple's projects, and she masterminded a large, many-pronged program in the art and human rights. In 1987, the Menil Collection museum in Houston opened to the public. Designed by architect Renzo Piano, it houses one of the greatest privately assembled collections in the world, numbering more than 15,000 works of art. Museums in New York and Paris wooed Mrs. de Menil in hopes of acquiring the collection. But Mrs. de Menil was determined to keep the collection in her adopted home of Houston.

In 1995, she presided over the opening of another building, also designed by Renzo Piano. The Cy Twombly Gallery houses a collection of sculptures and paintings by the prominent American artist. In 1997, she presided over opening the Byzantine Fresco Chapel, designed by her son Francois de Menil, containing two 13th-century Byzantine frescos from Cyprus.

Mrs. de Menil also played a pivotal role at the Museum of Fine Arts in Houston. She gave generously to foster the arts at Rice University and the University of St. Thomas. She and her husband brought a young architect named Philip Johnson to Houston to design the modern campus at the University of St. Thomas. Mr. Johnson, of course, went on to establish himself as one of the nation's premier modern architects. In 1969, she and her husband established the Institute for the Arts at Rice. She had a great appreciation for the place of art in a strong community and worked to ensure that Houstonians from all walks of life could enjoy our city's many artistic and cultural treasures.

Whatever she did, Mrs. de Menil's intelligence, enthusiasm, and integrity served her and all those she encountered well. She brought a tireless energy, an unflagging drive and a passionate caring to each of her causes. Mrs. de Menil will be remembered for these qualities and her dedication to making the world a better place.

Mr. Speaker, Dominique de Menil was one of a kind. She was a person of strong opinions who cared greatly for justice and the welfare of others. She will be greatly missed but never forgotten by Houstonians, the many people throughout the world with whom she worked, and countless others who care about art and human rights. We are all infinitely richer for her legacy and were blessed with her wisdom, compassion, and dignity. As she intended, the artistic and humanitarian causes she championed will remain as her legacy.

CHILD CARE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 3, 1997, into the Congressional Record.

CHILD CARE CHALLENGES

Finding high-quality, affordable child care is a common challenge for working parents, with profound consequences for the emotional and cognitive development of children, the workplace, and welfare reform. To choose where your children will be for long hours is to choose the people and the environment that will help shape them.

I find Hoosiers ambivalent about child care. Many accept that working mothers are a reality and want greater investments in improving the quality of child care. Others believe mothers should stay at home with their small children, or at least not be encouraged by government subsidies to leave their children in the care of others.

Child care has become an increasingly urgent issue for a number of reasons. First, 62% of women with young children work outside the home. Today, an estimated 13 million children under the age of 6 spend some or all of their day in child care. The effort to push welfare recipients into the workforce also adds to the demand for child care, since most of them are single women with young children. Second, recent research has indicated that the stimulation and attention children receive from infancy until the age of 3 has a critical impact on their ability to learn and grow throughout the rest of their lives. Third, child care is expensive: on average, $3,800 per year for each pre-school age child. Employers, meanwhile, lose an estimated $3 billion each year due to child-care related absences by workers. For low-income working parents, child care is a perpetual emergency.

FEDERAL ASSISTANCE

The federal government has a few programs aimed at making child care better and more affordable: child care subsidies for low-income families and those receiving welfare benefits; a modest income tax credit for a portion of child care expenses; a tax exclusion for employer-provided child care benefits; low-cost, nutritious meals and snacks for poor children in child care; and Head Start, a part-day pre-school program for disadvantaged youngsters. These programs will cost the federal government about $12 billion in 1997.

KEY ISSUES

Recently, President and Mrs. Clinton hosted a conference at the White House which focused on the three key child care issues:

Availability

The availability of care varies widely. Care is sometimes scarce for babies because of the lower child-to-adult ratio they require. Options are also limited for school age children; in Indiana, only 37% of public schools offer extended day programs.

Affordability

The expense of child care can place great strains on the family budget. The 1996 welfare reform law increased federal child care funding by $4 billion over six years, yet only one in ten eligible families receives subsidies. Many communities have hundreds of parents on waiting lists for assistance. Low-income working parents are competing with welfare recipients moving into the workforce for limited child care funds. Some large employers have stepped up efforts to help employees meet their child care needs by building on-site child care centers, providing referrals, or giving employees pre-tax cash assistance, but only 4% of American workers are eligible.

Quality

Although there are many excellent child care facilities, too much of the child care in this country is unsafe at worst, mediocre at best. States are primarily responsible for regulating the health and safety of child care settings, and requirements vary widely. A 1995 study indicated that one in eight child care centers provided care that could actually jeopardize children's safety and development.

But it's not enough just to keep children safe. Because of the importance of early childhood experiences on later learning, child care needs to provide age-appropriate activities, a low child-to-adult ratio, and lots of attention from stable, nurturing adults who understand child development. Yet this is lacking in up to 6 out of every 7 child care centers by one estimate. One problem is that turnover among child care workers is about 50% annually, primarily due to low wages. The average salary for a worker in a child care center is just over $12,000 per year—considerably less than the average bartender earns. With such low wages it is difficult to attract highly skilled and experienced individuals. Moreover, most states, including Indiana, do not require child care workers to have any training prior to beginning their jobs. But increasing wages for child care workers will drive up costs, making child care even less affordable.

SOLUTIONS

The question for government is what it can do to make the child care situation better. It

is easy to see how more money might help, but in this era of budget constraints, no large infusion of cash is going to come from Washington. In some respects, that's appropriate. Different communities have different needs, and my sense is that locally created solutions forged by partnerships among businesses, schools, churches, and government are probably going to be most successful. Nonetheless, we do have a responsibility as a nation to see that children are given the opportunity to prosper. Finding a way to pay child care workers a living wage and assure that they are professionally trained and supervised is crucial. Some suggest that greater government regulation of child care providers would improve care, but others worry that this would drive up costs and worsen the affordability problem.

President Clinton has proposed spending $300 million to train 50,000 day care providers who promise to stay in the field at least one year. He also pledged to devote more Americorps volunteers to after-school programs. Others have proposed raising the Department Care Tax Credit, which has not been increased since 1981, and making the credit refundable for low-income families. Still others believe that more child care is a bad approach and favor providing incentives for parents to stay at home with children or utilize flexible work arrangements.

We need to place a higher priority on meeting the educational and emotional needs of young children. There are many difficult questions surrounding the availability, affordability, and quality of child care in this country, and plenty of room for argument on how best to achieve satisfactory arrangements. But all of us have a stake in giving every child a decent start. My strong sense is that not nearly enough child care is of the quality that all children deserve. I have the feeling that finding a way to improve child care is one of the next big challenges ahead.

TRIBUTE TO ROBERT FRANCIS RITTER, JR.

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Robert Francis Ritter, Jr. who has served as the President of the Reseda Chamber of Commerce for the last two years.

One only has to look at the choices Rob has made throughout his life and his career to realize his commitment to family. He has worked in his family printing business for 16 years, alongside his mother, father, sisters and brothers-in-law. Working together as a team, the Ritter family has not only developed a successful business, they have maintained strong bonds out of the office as well. The Ritter family also adeptly demonstrated their strength and unity at the softball city semifinals last season.

As President of the Reseda Chamber of Commerce, one of Rob's priorities has been to create an environment in which the standard for families has been raised. He developed and maintained the Facade Improvement Program and the Business Improvement District, which were started by Councilmember Laura Chick. In addition, Reseda received $310,000 from the Los Angeles Neighborhood Initiative. Rob worked to ensure that all of these programs have a positive and lasting effect on our community.

William James once said, ''The greatest use of life is to spend it for something that outlasts it.'' Though Rob Ritter's term as president is over, the work he has done for Reseda will be appreciated for many years to come. Mr. Speaker, distinguished colleagues, please join me in honoring Robert Ritter, for his commitment to our community.

THE HAWAII FEDERAL MEDICAL ASSISTANCE PERCENTAGE ADJUSTMENT ACT OF 1998

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ABERCROMBIE. Mr. Speaker, I rise today to introduce legislation to adjust the Federal medical assistance percentage [FMAP] rate for Hawaii to more fairly reflect the state's ability to bear its share of Medicaid payments. I am pleased that my colleague, Representative PATSY MINK, has joined me as a sponsor of this measure. I am also happy to join our Senate counterparts, Senator DANIEL AKAKA and Senator DANIEL INOUYE, in putting forth this legislation. In November 1997, a similar bill, S. 1376 was introduced by Senator AKAKA.

The Federal share of Medicaid payments for each state varies according to the state's ability to pay. Because per capita income is the determining factor for ability to pay, wealthier state bear a larger share of the cost of the program through lower FMAP rates. In Hawaii, per capita income is relatively high. Thus, the State's FMAP rate is 50 percent, the lowest level. Under this bill, Hawaii's FMAP rate would be increased from 50 percent to 59.8 percent.

The rationale for the FMAP rate change is quite simple. Hawaii's high cost of living skews the per capita income determining factor. Based on 1995 United States Census data, the cost of living in Honolulu is 83 percent higher than the average of the metropolitan areas. More recent studies have shown that for the state as a whole, the cost of living is more than one-third higher than the rest of the United States. In fact, Hawaii's Cost of Living Index ranks it as the highest in the country. Some government programs take the high cost of living in Hawaii into account and funding is adjusted accordingly. These programs include Medicare prospective payment rates, food stamp allocations, school lunch programs, housing insurance limits, Federal employee salaries, and military living expenses. These examples show a Federal recognition that the higher cost of living in noncontiguous states should be taken into account in fashioning government program policies. It is time for similar recognition of this factor in gaging Hawaii's ability to support its health care programs.

An excellent analysis of this issue is included in the twenty-first edition of ''The Federal Budget and the States,'' a joint study conducted by the Taubman Center and Local Government at Harvard University's John F. Kennedy School of Government and the office of Senator DANIEL PATRICK MOYNIHAN. According to the study, if per capita income is measured in real terms, the State of Hawaii ranks 47th at $19,755 compared to the national average of $24,231. Thus, Hawaii's 50 percent FMAP rate is understated because cost of living factors are not considered. Per capita income is a poor measure of Hawaii's relative ability to bear the cost of Medicaid services.

In addition to the high cost of living, the Harvard-Moynihan study finds that Hawaii also has one of the highest poverty rates in the nation. The state's 16.9 percent poverty rate is ranked eighth in the country, compared to the national average of 14.7 percent. These higher cost levels are reflected in state government expenditures and state taxation. On a per capita basis, state revenue and expenditures are far higher in Hawaii, as well as Alaska, than in the 48 mainland states. The higher expenditure levels are necessary to assure an adequate level of public services which are more costly to provide in our states. Of the top 10 states with the highest poverty rates in the country, the Harvard-Moynihan study finds that only 3 others have an FMAP rate between 50 and 60 percent. The other six states have FMAP rates of 65 percent and higher. Even more revealing is that of the top 10 states with the lowest real per capita income, only Hawaii has a 50 percent FMAP rate.

During consideration of the Balanced Budget Act of 1997, the Senate included a provision increasing Alaska's FMAP rate to 59.8 percent for the next 3 years. Setting a higher match rate as was done for Alaska would still leave Hawaii with a lower FMAP rate than a majority of the states, but would better recognize Hawaii's ability to pay its fair share of the costs of the Medicaid program.

I hope to make my colleagues in the House of Representative colleagues cognizant of the need for this legislation and to earn their support for its passage in the 105th Congress.

REGARDING THE ELECTIONS HELD IN GUYANA

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. BISHOP. Mr. Speaker, I rise today to commend the people of the Republic of Guyana for holding multiparty elections on December 15, 1997. By most accounts, based on the observations of international organizations on the day of the elections, the process was free and fair.

I congratulate the Guyanese people for their strong belief in the democratic process as shown by an 88 percent voter turnout.

I regret that factions in the country called for civil disobedience and that there was mass looting and rioting for many days following the elections.

I encourage an audit of the elections by the Caribbean Community, (CARICOM) and call on all parties and opposition leaders to respect the outcome of the audit as the final decision and make a vow to peace and stability in Guyana.

I call on the newly elected President Janet Jagan, a native of Chicago, to respect the rule of law and human rights in this fledgling democracy.

IN HONOR OF CAROLYN M. GREENBERG

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Carolyn M. Greenberg, a resident of my district whose term as chair of Community Board 8 in Manhattan has just ended.

In taking on this position, Mr. Greenberg committed herself to a year of hard work as a leader, trouble-shooter, and diplomat. In this capacity, Ms. Greenberg has gone above and beyond the call of civic duty. Carolyn Greenberg has long been an advocate for the Upper East Side and, in fact, for all of the residents of the City of New York.

During her time as chair and as a member of Community Board 8, she has demonstrated an unyielding dedication to the quality of life in the City. Carolyn has devoted hours of her free time monitoring local sidewalk cafes, researching community issues such as zoning regulations and environmental hazards, and attending public hearings.

She has been a member of the Environment. Parks, and Pedestrian Affairs Committees, demonstrating that her spirit of public good extends to a variety of areas. She has many areas of expertise and has been very influential in diverse community issues through the years that I have worked with her.

Ms. Greenberg served as a member of Community Board 8 from 1979 through 1985, and again from 1986 to the present. She served as first and second vice chair, then as chair from 1996 to 1997.

The efficiency and effectiveness Carolyn Greenberg has displayed in her role as chair of Community Board 8 should serve as a model for all community activists. Without people like Ms. Greenberg working to improve communities on the local level, our works as Members of Congress would be compounded tenfold. We should not only remember, but gratefully acknowledge the credit well-deserved by civic leaders. It is the hardworking people like Ms. Greenberg who keep alive the small-town feeling which could so easily be lost in a big city.

Ms. Speaker, I ask that my colleagues rise with me in this tribute to Ms. Carolyn Greenberg, a woman who has worked very hard to improve her community. Thank you.

HUGHSON HIGH SCHOOL HUSKIES

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CONDIT. Mr. Speaker, I rise today to honor the Hughson High School Huskies football team for their perfect 1997 season, capped by their 34–12 victory over Colfax High School in the Sac-Joaquin Section Division III championship game, under head coach Reyn Franca. The outstanding sportsmanship, citizenship, athleticism and team spirit displayed by the Huskies reflects great credit on their community as well as the entire 18th Congressional District.

Hughson is a small community in the great Central Valley of California. It's a place known for hard working, close knit families. People care about and take care of each other. For the people who call Hughson home, family values isn't a slick sounding slogan—it's a way of life. Like most communities its size, life revolves around its high school.

Hughson High strives to maintain a stellar reputation for excellence from the classroom to the athletic fields. Arguably the best small school football team in California, the 1997 season marks the third time in seven years the Huskies have won the Sac-Joaquin Section Division III football title. Cal-Hi Sports Magazine also honored the Huskies as the state's best small school football team.

Mr. Speaker, what makes this season and particularly, this team, so impressive is the commitment team members made to each other following last year's disappointing loss in the final 22 seconds of the championship game. They made a promise to work together and to work harder than ever. That's the kind of people who live in Hughson. They don't dwell on past mistakes. They look forward to the future, roll up their sleeves and get the job done.

Homer Garza, the team's leading rusher summed it up best: "This class is real close. We knew what we had to do and we did it as a team. I think a lot of our togetherness goes along with the coaching staff. (Reyn) Franca, Bob Loretelli and Dan Walsh all prepared us to think 'we' instead of 'I'."

The Hughson High School Huskies are an example of excellence. It is with great pride that I ask the United States House of Representatives to recognize and honor the Huskies and the community of Hughson.

THE INDEPENDENT COUNSEL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 17, 1997 into the CONGRESSIONAL RECORD.

CAMPAIGN FUNDRAISING AND THE INDEPENDENT COUNSEL LAW

On December 2, 1997 Attorney General Janet Reno announced that she would not request the appointment of an independent counsel to investigate fundraising phone calls by the President and Vice President from the White House. The decision does not end further investigation by the Justice Department, the FBI, and congressional committees into these and other allegations of fundraising abuse. The Attorney General reserved the right to seek an independent counsel in the future if the evidence so warrants.

Her decision may nonetheless mark a turning point in the fundraising scandal, perhaps signaling the beginning of the end of the investigation. The appointment of an independent counsel, in contrast, would have subjected the White House and Democratic National Committee to the wide-ranging investigative and prosecutorial powers of the counsel and almost certainly prolonged the inquiry for many years.

What is the independent counsel law? Congress enacted the independent counsel law in 1978 in response to Watergate and the seeming inability of the executive branch to investigate and prosecute crimes by senior administration officials. The statute aims to handle such cases in an impartial manner, thus restoring public confidence in the process. An independent counsel is appointed by a panel of judges at the request of the Attorney General, and works outside the executive branch.

When is the law triggered? The Attorney General must request the appointment of an independent counsel if there is specific and credible information that a crime may have been committed by a high-ranking official, or for others for whom it would be a conflict of interest for the Justice Department to investigate. The Attorney General, however, may not ask for an independent counsel to investigate allegations that the Justice Department would not prosecute under its existing standards.

What was the focus of this investigation? The Attorney General focused her inquiry on whether the President and Vice President made fundraising calls from the White House in violation of a federal law known as the Pendleton Act. This law was enacted in 1883 in an effort to prevent federal officials from shaking down their employees for contributions. It has since been expanded to cover certain solicitations of private persons, but has been rarely enforced in recent times. Applying this law to the White House phone calls raised difficult legal issues. First, it was unclear how the law might apply to the White House residence (where the President lives) as opposed to White House offices (where he works). Second, it was unclear what types of solicitations the law was intended to proscribe. Some had argued the law covered solicitations for so-called "hard money" contributions, which are contributions for specific federal campaigns and are stringently regulated, while others said it also covered solicitations for so-called "soft money" contributions, which are contributions for general party-building activities and are only lightly regulated.

What did the investigation find? The Justice Department concluded that the President made two thank-you calls to contributors and one call soliciting money. Those calls, however, were made from the White House residence, which, the Attorney General said, was not covered by the law under existing Justice Department guidelines. The investigators also reviewed 45 fundraising calls from White House offices by the Vice President. The Attorney General determined that the calls were meant to raise "soft money," which she said was not covered under the specific terms of the act.

What has been the reaction to the decision? Critics have focussed less on her analysis of the Pendleton Act, which many consider sound, than on the scope of her investigation. First, critics say she asked the wrong legal question: her focus should have been on the Democratic Party's advertising campaign on behalf of the President, which was funded by "soft money" contributions and coordinated with the President. Critics say the President and party leaders intentionally sought to evade the spending caps to which presidential candidates must agree as a condition of receiving federal funds. Others would respond that campaign finance laws in this area are hopelessly ambiguous and that both sides used similar techniques to evade spending limits.

Second, critics say the Attorney General focused her inquiry too narrowly on potential violations of an obscure and rarely-enforced federal law, rather than on the wider pattern of fundraising abuses, including the use of the White House for fundraising purposes. These critics say the independent counsel law was designed for such sensitive

and prominent political investigations that cannot be credibly handled by the Attorney General, who is, after all, an appointee of the President. The Attorney General has responded that the independent counsel law should be aimed at specific allegations of wrongdoing, not generalized grievances; otherwise, the independent counsel, who operates with broad powers and an unlimited budget, could not be properly constrained in his investigation.

Conclusions: I agree with the Attorney General's decision not to seek an independent counsel. My chief concern is with the appointment process. The independent counsel, if requested, would be selected by a three-judge panel which has shown a strong bias against the President.

I have been dissatisfied, however, with the Attorney General's investigation. The campaign finance scandal has created a serious crisis of credibility for the American political system. The Department of Justice investigation has been slow and unimpressive. Serious questions have been raised about the failure to pursue important leads, the FBI director's open disapproval, emphasis on technicalities of the law, and conflicts of interest—all of which haven't been adequately addressed. The answer, I believe, is the appointment by the Attorney General of a special prosecutor, as was done in Watergate. Such a prosecutor, with impeccable credentials, could provide a thorough and impartial review of campaign fundraising abuses by both parties.

The Attorney General's inquiry also highlights the need for campaign finance reform. Prosecutors will not bring charges unless they have a clear understanding of a law and its sanctions. Here, the campaign finance law, as written by Congress and interpreted by regulators and the courts, is riddled with so many loopholes it is almost unenforceable. We need a law which clearly limits the influence of money in campaigns and provides penalties for violators.

TRIBUTE TO THE LAS VIRGENES UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the members of the Las Virgenes Unified School District Board of Education for their service and dedication to the children of our community.

John Dewey once wrote that ''Education is not preparation for life; education is life itself.'' The board members of this district have committed themselves to ensuring our children receive the best education possible, and therefore the most productive and fulfilling life possible. They are one of 12 school boards throughout the state of California in which all its members have earned their Masters of Boardmanship; a process which involves a rigorous course of professional development. Recently, the entire board was one of only 11 school boards recognized by the California School Boards Association for this accomplishment. This achievement is especially noteworthy because there are more than 1,000 school boards in the state.

Recent accomplishments attributed to the hard work of our board members include the passage of a $93 million Facilities Bond with an overwhelming majority vote. The board was also able to reduce class sizes for grades K–3 without hurting other programs. As a result, our children will receive the attention that is necessary to ensure that all students work to their full potential. In addition, a model computer technology training lab has been established for all staff members, and a policy was created which requires all students to pass algebra and geometry prior to graduation.

Schools in the Las Virgenes Unified District are consistently recognized for their commitment to excellence. A ''California State Teacher of the Year'' has been chosen from this district for the past two years, and ten of the district's schools have been recognized as California Distinguished Schools, National Blue Ribbon Schools and National Blue Ribbon Nominees. These accomplishments are a testament to the fact that the school board has established and maintained standards of excellence—standards to which other schools should aspire.

Mr. Speaker, distinguished colleagues, please join me in honoring the members of the Board of Education for the Las Virgenes Unified School District: Amy Berns, Barbara Bowman-Fagelson, Judy Jordan, Charlotte Meyer and Larry Rubin. These individuals have selflessly dedicated their time and energy to our community, and collectively they have worked to improve the standard of education that is received by our children.

HONORING AN AMERICAN HERO

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. STARK. Mr. Speaker, today I would like to recognize Fred Korematsu, a man who stands as an example of the immutable struggle for human rights and social equity. Fifty-six years ago, a young Japanese American man stood up for justice and, as a result, had his freedom taken away. In 1942, Fred Korematsu resisted the order which sent 120,000 Japanese Americans into internment, as perceived threats to national security during World War II. Fred Korematsu defied the order because he was an American citizen who merely wanted to life his life as an American.

His refusal to report to internment resulted in conviction of a felony. he was placed in a confinement camp in Utah. In 1944, with the help of the American Civil Liberties Union, his case was brought before the Supreme Court to challenge the legality of that discriminatory order, but the court upheld the conviction.

It took four decades for that injustice to be redressed.

In 1983, evidence was brought to light which showed officials in the Navy and the Justice Department had suppressed information showing Japanese Americans were not a threat to national security. With that proof, Fred Korematsu made another appeal for justice. Recognizing that internment had been based on fraudulent information, a federal court finally vacated his conviction.

On January 15, 1998, the man who was handcuffed and taken to jail as an enemy alien over half a century ago, was awarded the Presidential Medal of Freedom, the highest civilian honor our nation can bestow. His steadfast belief in freedom and liberty should have evidenced him as a true American in 1943. today, I applaud Fred Korematsu on his reception of the Medal of Freedom. It is a recognition too long deferred.

His case reminds us of the ease with which discrimination can be perpetrated and freedom violated. The internment of Japanese Americans is a deplorable part of our nation's history, and it should always be remembered as such. They were American citizens treated as alien enemies. Let Fred Korematsu continue to stand as an ideal of commitment to progress and perseverance against injustice.

CORONA ROTARY CLUB CELEBRATES 75 YEARS OF SERVICE TO THE COMMUNITY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CALVERT. Mr. Speaker, my hometown or Corona, California is blessed with many individuals who work tirelessly to improve the community's economy, educational system, environment and quality of life. When individuals like these form an organization, the benefits are innumerable. These benefits are reaped not only by the entire community, but also by the individuals who participate. Friendships and business relationships are formed and a tradition of cooperation develops within the community. The Corona Rotary Club is one of these exceptional organizations.

This month, the Corona Rotary Club is celebrating its 75th anniversary, marking three-quarters of a century of educational aid and community service in the city of Corona. The Corona Rotary Club is part of a larger organization, Rotary International, which consists of 6,000 clubs worldwide and sponsors several types of programs both regionally and internationally. One of these programs is its PolioPlus Program, which has virtually eradicated polio worldwide. Under sponsorship from the Riverside Rotary Club, the Corona Rotary Club was chartered on January 26, 1923. The club, founded by Herb Gully, initially consisted of 25 members with Charley Scoville serving as the first president. In 1940, a great honor was bestowed upon the organization when Paul Harris, the founder of Rotary International, visited the club. Since 1923, the Corona Rotary Club has grown to include 75 members.

The Corona Rotary Club sponsors an annual golf tournament in order to raise money for several youth organizations, including Boy Scouts, Girl Scouts, YMCA, and various sports programs. Rotary has also established numerous scholarship funds for students in the Corona area, the most recent being the Gordon Duncan Memorial Scholarship, which pays a student's tuition for four years at a California State University. The Corona Rotary Club also established the RR Root Foundation, an organization which assists children with self-esteem problems related to dental deformities and provides reconstructive surgery for children with these deformities.

On a personal note, I am especially proud of the Corona Rotary Club's 75 years of service to the community because I have been a member for many years and served as its

President prior to being elected to Congress. ''Service Above Self'' is the motto of the Corona Rotary Club, and it is a tradition that I would like to see continue for another 75 years. On behalf of all the residents of the 43rd Congressional District, I would like to thank the Corona Rotary Club for its contributions and dedicated service to the community, and wish them great success with their 75th anniversary celebration.

IN MEMORY OF MARGARET McCORD

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SCHUMER. Mr. Speaker, it is with profound sadness that I ask my colleagues to join me to honor the memory of an outstanding pillar of our community. Margaret McCord devoted her life to the improvement of life in her community and in Brooklyn at large. She was an activist, a civic leader and friend to all.

I knew Margaret McCord from my early days in elected office. For many years I observed first hand this individual work tirelessly on behalf of the community, especially dedicating herself to the preservation of Sheepshead Bay. Over twenty years ago, she spearheaded the designation of Sheepshead Bay as a Special Zoning District. She also actively sought to get landmark designation for various businesses in her community such as Lundy's Restaurant.

Her leadership was and still is an inspiration for us all and extends well beyond the reaches of her neighborhood. She was very involved in all activities of the Sheepshead Bay—Plumb Beach Civic organization and contributed greatly to its success as a leading civic association.

I ask my colleagues to join me in posthumously recognizing Margaret McCord for the rich and full life she led, and for the good works that made her an invaluable asset to the community. Her memory will live on in the hearts and minds of those who were fortunate enough to have been graced by her presence.

A TRIBUTE TO PAUL KRAUSE

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. RAMSTAD. Mr. Speaker, I rise to pay tribute to one of the greatest players in the history of the National Football League.

Paul Krause of Lakeville, Minnesota, was elected to the Pro Football Hall of Fame on Saturday.

Mr. Speaker, this great honor is a truly fitting tribute to an athlete who revolutionized the position of safety in the NFL over 16 seasons, four with the Redskins right here in Washington and the last 12 with out Minnesota Vikings, before he retired after the 1982 season.

Former Vikings Coach and Minnesota Legend Bud Grant—a Hall of Famer himself—put it best when he wrote in Paul's nominating letter: ''He had the athletic ability plus the instincts to be the best free safety I have ever coached or watched play in the NFL.''

Vikings fans everywhere across this great nation—and that includes the distinguished Majority Leader!—are overjoyed and extremely proud about this most well-deserved honor for the greatest free safety in NFL history.

Paul Krause's 81 interceptions over 16 NFL seasons remain the standard of excellence for defensive backs and a number which appears as unreachable as Joe DiMaggio's 56-game hitting streak and Babe Ruth's 60 homers in 154 games.

The famous sports question, ''Who is Wally Pipp?'' pales in comparison to ''Who was Marlin McKeever?'' The answer, of course, is McKeever was the player traded to the Redskins in 1968 for Krause. Our Nation's Capital had to wait until 1973 to get to the Super Bowl. The Vikings made it just two years following Krause's arrival in Minnesota.

Mr. Speaker, I want to thank Iowa and then Vikings Assistant Coach Jerry Burns—who was familiar with Krause from coaching him at the University of Iowa—for the blessing of having Paul Krause in the defensive backfield for all those years in Minnesota.

People who rise to the top of their professions like Paul Krause often accomplish remarkable things after they leave the playing field.

Mr. Speaker, Paul is a real leader in his community. He was elected to the Dakota County Board, one of the Twin Cities-area's biggest counties.

But over the last two years, he has accomplished much, much more in the biggest struggle of his life.

Two years ago, his wife Pam suffered a serious brain injury in a car accident that nearly claimed her life. The injury put her in a deep coma.

Mr. Speaker, thanks to Paul's relentless efforts, Pam's courage and their amazing commitment to each other, Pam is making miracles happen every day.

In fact, Pam accompanied her husband, who does extensive charity work, to San Diego to participate in the annual ''Taste of the NFL'' event, which is held in the Super Bowl city each year to raise much-needed money for various causes.

Paul Krause has been eligible for election to the Hall of Fame since 1987. This good thing was a long time coming. Pam was there when the Hall of Fame voting announcement was made public.

''That was a pretty good phone call,'' Paul said in recounting the good news on Saturday. ''It's been a very, very difficult two years for us as a family. This year, Pam came to the Super Bowl with me and said, 'This is the year.' It's very important to them. I wanted to make it for them.''

Mr. Speaker, all Minnesotans are extremely proud of Paul Krause. We wish Paul and Pam and their family the very best in the years to come.

IN HONOR OF THE SOCIETY FOR THE DEAF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the founders of the Society for the Deaf in Fairview Park, Ohio, Florence Toma and Noreen Chambers.

Florence and Noreen, both mothers of deaf children, were introduced to each other through various activities in which their children were involved. They became friends and were actively involved, along with other individuals, in establishing the Society for the Deaf. They both served on the Board of the Society until their deaths. They were both strong advocates for the education of deaf individuals.

It is fitting that ongoing scholarships to Gallaudet University in Washington, D.C. are being established which will continue their goal of education. Gallaudet University is the only liberal arts university in the world designed exclusively for the deaf and hard of hearing. Students come from around the world to participate in all aspects of the thriving campus life and the wide range of academic programs. Thanks to Florence Toma and Noreen Chambers and the Society for the Deaf, these scholarships will give deaf individuals the opportunity to receive a quality education at Gallaudet University and experience the cultural, linguistic, and ethnic diversity of its campus community for years to come.

THE 105TH CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 26, 1997 into the CONGRESSIONAL RECORD.

THE FIRST SESSION OF THE 105TH CONGRESS

The first session of the 105th Congress ended on November 13, one of the earliest adjournments in decades. There is a strong feeling in Congress that the more we stay at work the less the public likes us, and that may be reflected in the early adjournment date. The first half of the year was productive, but in the second half Congress was increasingly deadlocked and partisan. The session was marked by one major legislative accomplishment, a few more modest ones, and much unfinished business left over for next year.

Balanced Budget Agreement: The most important achievement of this session of Congress was the deal to balance the federal budget. A balanced budget agreement has long eluded policymakers, and for the past several years deficit politics has dominated the congressional agenda. The 1993 deficit reduction package, which I supported, has helped reduce the deficit from a record $290 billion in 1992 to $23 billion for 1997. The balanced budget package approved in July would finish the task and produce a balanced budget by 2002, if not sooner. If the government has to borrow less to finance deficits, then pressure on interest rates will lessen, and many things—from home mortgages to care loans—will be made cheaper. This budget deal made history and both parties deserve some credit for it.

The budget package also included provisions that fulfilled the objectives of some politicians who wanted middle-class and capital gains tax cuts, and other politicians who wanted increased aid for education and health insurance for poor children. Although the package did contain major budget savings from trimming payments to Medicare

providers and reining in discretionary spending, the agreement was basically made possible by the sudden discovery of $225 billion in new revenue from the strong growth of the U.S. economy.

Many taxpayers will benefit from the tax breaks in the budget package. A new individual retirement account, the Roth IRA, was established and regular IRAs were expanded. Most families with children under 17 got a $400 per child tax cut rising to $500 in 1999. Eleven new educational tax cuts will become available. Capital gains taxes will be lower and the amount of inheritance exempted from estate taxes will rise for family farms and small businesses to $1.3 million.

Although the budget package was disappointing in pushing off the whole question of decisive entitlement reform, it did improve the short-term outlook for Medicare—keeping it healthy for the next decade. Medicare beneficiaries will have the option of enrolling in a managed care plan, will receive expanded preventive care benefits, and face somewhat higher premiums for doctor services. In addition, the budget package provides $24 billion to states to expand their health coverage to low-income uninsured children.

Other Measures Passed: The 105th Congress started with an explosion of activity on ethics. Speaker Gingrich was reprimanded and fined—the strongest punishment ever given by the House to its presiding officer. The House simply did not look good in the way it handled the investigation.

The Senate approved a treaty to ban the production and use of chemical weapons, and the House rejected an attempt to punish China by ending its normal trade status. Some of the welfare benefits that were cut to illegal immigrants were restored, and Congress avoided deportation of Central American refugees who fled during civil strife.

Congress passed legislation to overhaul Amtrak, clearing the way for the release of $2.3 billion in subsidies. It also approved legislation to speed adoption of children in foster care and to speed up Food and Drug Administration approval of new drugs and medical devices. It also passed a ban on ''partial-birth'' abortions, which the President vetoed. It took on some of the cost burdens of the District of Columbia while reducing local powers, and it approved a new gold-colored dollar coin and 50 new quarters commemorating each state. The President and Congress struck a compromise on the 2000 census, allowing the Administration to experiment with statistical sampling while giving opponents opportunity to challenge it in court. This session Congress did manage to process and negotiate all of its fiscal year 1998 appropriation bills without vetoes or threatened government shutdowns.

Unfinished Business: Further action is needed on a bill passed by both houses to loosen federal controls over public housing. The House approved a bill to create an outside management board for the IRS and to strengthen taxpayer protections, but the Senate has not yet taken it up. Congress delayed field testing of President Clinton's proposal for national math and reading tests while alternatives are considered.

As usual, the first session of Congress left a long list of bills not acted upon. In a stunning defeat to the President, Congress shelved fast-track trade negotiating authority in the face of likely defeat by the House. Neither house passed campaign finance reform or legislation to implement and possibly broaden the proposed deal reforming the tobacco industry. Both houses put off until next year a six-year reauthorization of transportation policy.

Congress did not pay overdue U.S. dues to the United Nations, provide new credit for the International Monetary Fund, or reorganize the U.S. foreign policy agencies. Other measures awaiting action are Superfund reform, Social Security privatization, tax reform, product liability, clean air, nuclear waste, endangered species, education savings accounts, NATO expansion, and troops in Bosnia.

Conclusion: With the huge to-do list awaiting Congress when it returns in January, any grade after the first session has to be ''incomplete.'' The actual accomplishments of the session are modest, perhaps even below average. Even the budget agreement does less than proponents claim. The large tax cut was mainly for better-off taxpayers. And to balance the budget, Congress mainly coasted on a very strong economy and postponed many of the specific spending cuts for another day. That's always the easy way to cut the budget.

The closing weeks of the session saw a return to sharp partisanship, as the extreme elements of each party got fed up with the cooperation that marked the first half of the year. As we begin the second session of the 105th Congress, that partisanship might well continue, making action on the important issues facing Congress all the more difficult.

TRIBUTE TO JAMES EDWARD HARPE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to James Edward Harpe, who will be honored for his service as the 1997 President of the Conejo Valley Association of Realtors.

During his term as President, Ed has worked to ensure that the Conejo Valley Association of Realtors is up-to-date on the latest technological advancements. A strong advocate of technological training for the Association and its staff, Ed has introduced educational seminars, specialized computer training classes, e-mail and faxing capacity to the office. The creation of a web page has made the Association more accessible to the general public.

Ed has also worked with the Equal Opportunity committee to produce a Forum on Fair Housing, which is televised on the local government channel in our community. As a result of this effort, realtors, businesses and members of the Conejo Valley community will be better educated about issues involved with fair housing.

In addition to the work Ed has done as President, he has played an active role in the Association for several years. These activities include: Chairman of the Long Range Planning, Blue Ribbon and Building/Property advisory committees; participation on Professional Standards Panels and others.

I would like to commend Ed for this distinguished list of accomplishments throughout his career. With a clear vision and strong initiative, Ed has implemented programs which will positively impact the Association for years to come. Mr. Speaker, distinguished colleagues, please join me in paying tribute to James Edward Harpe for his leadership efforts and dedication to our community.

CONGREGATION BETH SIMCHAT TORAH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ENGEL. Mr. Speaker, Congregation Beth Simchat Torah is New York City's only, and the world's largest, gay and lesbian synagogue, and on February 7th is celebrating its 25th anniversary.

This remarkable congregation started with barely enough for a minyan (ten people) in a borrowed room at a neighborhood Episcopal Church. The Kiddush cup, some candles and challah used in the ceremony were carried to the services in a shopping bag.

The congregation grew by word of mouth and small ads in the local weekly newspaper. Slowly, at first, the number of congregants grew so that it was large enough to have to move to another church in the neighborhood for the High Holy Days. By 1975 it was clear that they needed still more space so a large loft was rented and the congregation moved into it that year. The following year it got its first Torah on ''permanent loan'' from a Bronx congregation. In 1977 Congregation Beth Simchat Torah hosted the Second International Conference on Lesbian and Gay Jews and that year a second Torah was acquired.

Talmud and Hebrew classes were expanded and over the next few years the High Holy Day crowds approached a 1,000. By 1992 Rabbi Sharon Kleinbaum was hired and more than 2,200 people attended Yom Kippur services.

This dynamic congregation has served its community with distinction. With Rabbi Kleinbaum, it looks forward to greater community involvement, future growth and a continuance of its traditional/creative liturgy.

HONORING THE 50TH ANNIVERSARY OF BAYTOWN, TEXAS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the citizens of Baytown, Texas, which Saturday celebrated its 50th anniversary. Approximately 400 citizens, including Mayor Pete Alfaro and former Houston Mayor and Baytown native Bob Lanier, celebrated that event in the Baytown Community Center. Also present were current and past mayors and members of the City Council and other distinguished and longtime Baytonians for what was described as a family reunion for the City of Baytown.

There was much to celebrate for, in fifty years, Baytown has steadily grown into one of the most vibrant communities in Texas.

The roots of the town go back more than half a century to three rival communities—Baytown, Pelly, and Goose Creek—huddled on the north shore of Galveston Bay around the Humble Oil refinery, one of the largest refineries in the world. The feud peaked in 1945 when Baytown, then an unincorporated community, was annexed by Pelly, angering some

residents in Goose Creek. But not long after, in 1947, residents of Pelly and Goose Creek held simultaneous elections and voted overwhelmingly to merge. The new community held another election in 1948 to adopt a new charter and the name Baytown.

Since that time, Baytown has become a thriving city of 70,000 with a vibrant economy, strong schools, safe neighborhoods, and active, involved citizens. Baytown has made a tremendous investment in its quality of life through improvements to its roads, parks, and the Bayland Park Marina. The City of Baytown is building a better future and laying the foundation for another fifty years of progress.

One key to Baytown's progress has been transportation improvements for a city once isolated. There is no better symbol of that improvement than the Hartman Bridge, named after the late Baytown Sun Publisher Fred Hartman. A feat of technology and one of the largest suspension bridges in the world, the Hartman Bridge has integrated Baytown and the East Bay into the fabric of Harris County like never before, easing transportation, spurring commerce, and helping make Baytown a driving force in the Texas economy. The bridge has opened doors for local business, allowing companies like Exxon, Bayer, Chevron, and Amoco to transport their goods to the Houston Ship Channel and destinations beyond. The bridge is a symbol of Baytown's progress and a sign of even better times to come.

Baytown also boasts some of the finest schools in the nation, a testament to the dedication of teachers, administrators, community leaders, parents, and students. Goose Creek Independent School District schools are among the state leaders in advanced placement programs, and students' SAT scores in math are among the highest in the nation. Goose Creek schools have been ahead of the curve in preparing young people to maximize their opportunity to succeed. It is also at community colleges like Lee College in Baytown that America's workers are getting a chance to advance their education and their careers.

The success of Baytown's schools underscores what may be its most important attribute of all—the involvement of Baytown's citizens in making this community such a great place to live, work, and raise a family. The citizens of Baytown understand that it is our government, our schools, our parks, our churches and our neighborhoods, and we make them better when we take the time to get involved. The results are projects like the Eddie V. Gray Wetlands Education and Recreation Center, which teams up local schools, industry and civic leaders to protect local marshes and develop environmentally friendly classes on hobbies such as fly fishing, bird watching, and safe hunting skills. Another fine project is the Chamber of Commerce's Partnership in Education program in which local businesses volunteer their time and resources to area schools.

The past fifty years have not all been easy, but through it all—the boom times and the busts—the character of Baytown's citizens has shone through. That character has helped build such a strong city in just fifty years and will lead to even greater success in the next fifty years.

Mr. Speaker, I was honored to join in Baytown's 50th anniversary celebration and look forward to working with all Baytonians to help make the next fifty years of Baytown history as memorable as the first fifty.

The following song, Baytown is Home to Me, by Kevin Hardin, was written especially for the 50th Anniversary:

BAYTOWN IS HOME TO ME

(By Kevin Hardin)

Chorus:
Baytown is home to me
If I stay forever or if one day I leave
The people and the places have my roots down deep
Baytown is home to me
Verse:
Some came from New York, some came from Tennessee
Some remember Pelly, some recall Goose Creek
From rice farms in the marshes to oil rigs in the bay
This boom town is still booming today.
Chorus:
Baytown is home to me
If I stay forever or if one day I leave
The people and the places have my roots down deep
Baytown is home to me
Verse:
From Sterling and the Rangers to the Ganders flying high
Churches, schools, and businesses are full of Baytown pride
From a boat across the bayou, now a bridge across the bay
Baytown is still growing today.
Chorus:
Baytown is home to me
If I stay forever or if one day I leave
The people and the places have my roots down deep
Baytown is home to me

A GOLDEN ANNIVERSARY FOR A GOLDEN COUPLE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. BARCIA. Mr. Speaker, anything of real value endures, and the longer it endures, the greater its value. If it is possible for something to become even more priceless than priceless, it is the love two people have for each other that results in marriage, the establishment and growth of a family, and a protective nest from all the challenges the world presents to us.

I am pleased to tell our colleagues that on December 20th, two wonderful people, Donald and Dorothy Keinath of Caro, Michigan, celebrated their most special 50th anniversary of marriage. Together with their children Karen and Russell and his wife Mary, their grandchildren Natalie, Anne, Joseph, and Julia, and the great number of friends their years of work and community involvement have brought to them, they were able to celebrate their anniversary in a manner befitting their years of devotion.

Don had two instances of great luck about fifty years ago. First, while he was a private first class in the Marine Corps, he was one of the lucky young men at the time who had the war in the Pacific come to an end before his unit was scheduled to ship out. Then at the Tuscola County Fair he met his future wife, Dorothy Brinkman, who liked looking at the pigs Don had on display. After their wedding on December 20, 1947, they honeymooned in Washington, DC, marking the first of many trips the couple would make to Washington and elsewhere since that time. They love to travel, having journeyed to places as intriguing as Australia and Morocco.

Their home, however, has been their secure base for their years together. Don has been a farmer the entire time, still operating a 420 acre farm producing dry beans, sugar beets, barley, and wheat. He has served as a member of the Michigan Bean Commission for six years, and has also been a director of important sugar beet grower associations—the Farmers and Manufacturers, and now the Great Lakes Sugar Beet Growers Association—for thirty years. For twenty-nine of those years, he has served as an officer, including his current tenure as President of the Caro Sugar Beet Growers Association. He also received Michigan State University's Distinguished Service to Agriculture award in 1993.

He has been very active with his church, St. Paul's Lutheran Church, including its building committee. Both he and Dorothy have served as Sunday School teachers. Dorothy has also been heavily involved with the Altar Guild at the church, and had also been a teacher before the needs of the family guided her into other activities.

Mr. Speaker, it is truly difficult for me to think of two kinder or more generous people than Don and Dorothy Keinath. Their lives together have been a blessing for each other, and a treat for those of us fortunate enough to know them. I urge you and all of our colleagues to join me in wishing them the happiest of anniversaries, on this their fiftieth, and many more to come.

HONORING RABBI MICHAEL WHITMAN FOR TEN YEARS OF COMMUNITY SERVICE

HON. ROSA DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Ms. DELAURO. Mr. Speaker, on Sunday, December 14, Rabbi Michael Whitman will be honored for ten years of dedicated service to his community and the Young Israel House. Rabbi Whitman is a unique man marked by his integrity and commitment to his heritage.

Rabbi Whitman's work on behalf of the Jewish community has earned him the respect and admiration of all who know him. A deeply caring and compassionate man, he has devoted himself to making a difference for others—and he has truly left his mark on his community. From his work at the Downtown Evening Soup Kitchen to serving as a board member for the New Haven Homeless Resource Center, Rabbi Whitman has always found the time to devote to worthy causes and organizations. His steadfast determination and perseverance are remarkable, as is his vision for a more unified world and his commitment in working toward that vision.

An educator who has taught with distinction, Rabbi Whitman has extensive knowledge about law and the Jewish culture. He has published several articles and promotes learning as a way of life. Rabbi Whitman engages and motivates his students, encouraging open dialogue about thought-provoking issues. His classrooms give young people the opportunity

not just to discuss textbook readings, but to truly think about how these timeless lessons relate to our community today.

Under his dynamic leadership and enthusiasm, the Young Israel House has become a place of renewed energy. His hard work and diligence have brought about many positive programs that benefit so many. His unselfish dedication to others has made him a leader, not only in the Jewish community, but in the larger community.

It gives me great pleasure to congratulate Rabbi Michael Whitman on his 10th anniversary and this well deserved recognition.

CONGRESS AND THE FEDERAL COURTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 21, 1998 into the Congressional Record:

CONGRESS AND THE FEDERAL COURTS

I am impressed by how much Congress' view of the Supreme Court and the rest of our federal court system has changed since I first came to Congress in 1965. Back then, the actions of the federal courts particularly the Supreme Court, were watched with great interest. The courts, for better or worse, helped change the country, enforcing civil rights laws, expanding civil liberties, and opening up the democratic process. Their decisions spurred sharp congressional debate and reaction.

Congress, today, may spar with the President over court appointments or disagree with certain lower court decisions, but it seems more detached from the actual work of the federal judiciary, particularly as it relates to the exercise of congressional power. There are several possible explanations for this change. First, the Supreme Court, reflecting the conservatism of its majority, has taken a lower profile, and fewer cases, than did the Warren and Burger courts. Second, the congressional agenda has shifted from civil rights and anti-poverty efforts—areas of the law where the Court was traditionally active—to budgetary matters—where it was far less so. Third, Congress itself has become more conservative, and many members are comfortable with most of the Court's rulings.

The 1996–1997 term of the Supreme Court further underscores the changed relationship between Congress and the courts. The term was perhaps the most significant in a decade, as the Court invalidated three federal laws and struck several blows for states' rights at the expense of Congress. The Court sent a powerful message to congress about the Court's role in redesigning the institutions of our government and in allocating power among them. I was surprised by the relative indifference of Congress to these decisions.

Constitutional scheme: The federal judiciary is an important part of our system of checks and balances. The federal courts not only decide cases, but also enforce important constitutional values. They can act as a bulwark against government power, particularly in the defense of individual liberties. They can protect state interest from encroachment by the federal government. They can also check overreaching by the executive and legislative branches.

The Framers viewed the judiciary as the weakest of three branches of the federal government, but still included constitutional limits on the exercise of judicial power. The Constitution requires the creation of a Supreme Court, but gives Congress the discretion to establish lower federal courts. Likewise, the Constitution, subject to certain exceptions, gives Congress the authority to regulate the jurisdiction of the federal courts—that is, regulate the types of cases the courts may hear. Congress has over the years generally expanded the jurisdiction of the courts, but has also acted in certain areas to curtail or even eliminate jurisdiction. Finally, Congress controls the pay of federal judges, and the Senate has the responsibility of confirming Presidential nominees to the courts.

Current problems: Friction between Congress and the federal courts has focused in recent years on two primary areas: pay and workload. First, many federal judges complain their salaries have not kept pace with inflation over the last four years, although Congress did approve a cost-of-living increase for the federal bench for 1998. Congress, in general, has linked the pay of federal judges to that of other senior government officials, including Representatives and Senators, so that all salaries of senior officials stay in the same range. The problem, judges say, is that Congress rarely gives itself a raise, so judicial salaries, which range from $125,700 for bankruptcy judges to $175,400 for the Chief Justice of the Supreme Court, lose value over time. This, in turn, hurts morale and makes it harder to attract top-flight candidates to the federal bench. The answer, judges say, and I agree, is to fund congressional and judicial salaries separately.

Second, federal judges are concerned about the increasing caseload for the federal judiciary. As Chief Justice Rehnquist noted in a year-end report, caseload has increased in part because Congress has expanded federal court jurisdiction over crimes involving drugs and firearms—so federal courts now hear more cases in these areas—and in part because the Senate has not confirmed nominees for the federal courts. Currently, 82 of the 846 judicial offices are vacant, and 26 of the vacancies have been in existence for 18 months or longer. The President has been slow to make nominations, but the real problem has been the Senate's failure to act on nominees in a timely manner. Some Senators complain that the President nominates ''activist'' judges who expand the law beyond the intent of Congress. My impression is that the President's judicial nominees are notably moderate. Each Senator is entitled to his opinion, but the proper response by an objecting Senator is to vote against the nominee, not to slow or block the nomination process. These vacancies over time erode the quality of justice.

Congress has several possible options for easing the workload of the federal courts. First, I agree with the Chief Justice that the Senate should act within a reasonable time to confirm or reject the President's court nominees. Second, Congress could consider measures to limit the jurisdiction of the federal courts in certain areas. Congress has acted in recent years to limit access to federal courts in habeas corpus petitions by state and federal prisoners. Justice Rehnquist has proposed curtailing federal jurisdiction in so-called ''diversity of citizenship'' cases as well to further limit caseload; diversity cases, which constitute 20% of federal civil cases, are essentially state law claims tried in federal court because the opposing parties are from different states. Third, some federal judges have urged Congress to draft laws with more precision to avoid years of litigating the meaning of certain statutes. Congress does need to do a better job of eliminating such uncertainties, but that is easier said than done. The difficulty of gaining majorities in support of bills often means that ambiguous language is necessary to get a bill passed.

Conclusion: The federal judiciary is the least understood branch of our government, perhaps reflecting the subtle way in which the courts exercise power. The judicial branch has neither the sword of the executive branch nor the purse of the legislative branch, but rather must exercise power as the authoritative expounder of the Constitution. It is a testament to the strength of our democracy that the judgments of our courts, particularly the Supreme Court, are observed and that the judiciary has and will continue to play an instrumental role in defining our institutions of government and the scope of our rights as individual citizens.

TRIBUTE TO RONALD CLARY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Ronald Ben Clary, who has served as the President of the Canoga Park/West Hills Chamber of Commerce for the past two years.

President Kennedy said, ''Change is the law of life. And those who look only to the past or present are certain to miss the future.'' Ron has worked hard to bring positive changes to our community during his tenure as president.

Under his leadership, Canoga Park and West Hills have grown and prospered, improving the standard of living for everyone in our community. The Chamber has added many new members, sponsored the annual Memorial Day Parade and initiated the new International Fall Fest. These activities have provided an opportunity for neighbors to come together to celebrate and appreciate our town. In addition, Ron is responsible for the creation of the Business Development Committee of the Chamber. This purpose of this committee was to focus civic attention on the need for beautification in downtown Canoga Park.

Ron has not only played an important role in the Chamber of Commerce, he is active in several other civic organizations as well. He has been a member and President of the Board of Directors of the Leadwell Homeowners' Association since 1984. The board manages the maintenance, operation and amenities of the West Side, which encompasses 195 homes, and is in the process of completing an $8 million earthquake renovation.

Many organizations have recognized Ron's leadership abilities. Kiwanis International awarded him a lifetime membership in 1991, one of the highest honors presented by this organization. His extensive community service efforts have been recognized by the March of Dimes, the Muscular Dystrophy Association, Pierce College, the Valley Cultural Foundation, Pacific Lodge Boys' Home and many other civic groups.

Mr. Speaker, distinguished colleagues, please join me in honoring Ronald Clary for his service as President of the Canoga Park/West Hills Chamber of Commerce. He is a role model for the citizens of our community.

HONORING MARY MAXWELL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ENGEL. Mr. Speaker, as we all know, all levels of government are large and it can be complicated for a citizen to find his or her way. Often the initial contract sets the tone for how that citizen sees government—as helpful or aloof and uncaring.

For many citizens calling Westchester County Government that initial contact was the cheerful and helpful voice of Mary Maxwell, a telephone operator whose friendly demeanor assured the caller that they were entering friendly territory.

She worked initially at Grasslands Hospital in Valhalla after which she moved to the medical unit at White Plains. Subsequently she worked in Yonkers and Mount Vernon before returning to White Plains.

She was universally recognized with the title of ''friendly and happy person'' by the many who worked with her and were greeted by her when they called.

Mary Maxwell lives in Yonkers where she has been active for many years at the Community Memorial Baptist Church.

Mary Maxwell is that person who puts a human face on a large organization; one who is friendly and helpful to complete strangers for the 35 years she was a telephone operator. Working in a medical organization often means having to deal with people in their sorrow and despair. She has done it and done it well.

She is known as a ''mother to many'' for her empathy and friendship and those people are gathering to wish her well in her retirement. I want to join with them in celebrating all the good and kind work that Mary Maxwell has done for all of us.

CONGRATULATING THE CARDEROCK DIVISION OF THE NAVAL SURFACE WARFARE CENTER ON ITS CENTENNIAL ANNIVERSARY IN 1998

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mrs. MORELLA. Mr. Speaker, I rise today to salute the Carderock Division of the Naval Surface Warfare Center for 100 years of service to the United States. The origin of this facility dates back to the establishment of the U.S. Navy's Experimental Model Basin at the Washington Navy Yard in 1898. The current model facilities were built in Carderock, MD, and dedicated in November 1940. The David Taylor Model Basin, named after its founder, Rear Admiral David Taylor, is one of the largest and foremost test centers in the world. The David Taylor Model Basin was designed and built by the U.S. Navy for reliable construction and testing of ship models. These models are maneuvered under special conditions in large water basins where their performance can be closely examined. The research of these models allows for the accurate prediction of a vessel's performance. Using the sophisticated equipment at the model basin, scientists and engineers are able to research, develop, and test ship and craft designs for the Navy, Coast Guard, Maritime Administration, and maritime industry.

David Taylor resolved to construct the most modern Naval test facility when he pushed for the original Experimental Model Basin, and later, the Carderock facility. We realize his dreams and goals 100 years later. The model basin continues to be a premier site for Naval design and research. It is recognized around the world for its significant scientific and technical achievements. I am pleased to note that this centennial celebration will kick off on January 30, 1998, with the designation of the David Taylor Model Basin as a national historic mechanical engineering landmark by the American Society of Mechanical Engineers. This organization has recognized the contributions that the David Taylor Model Basin has provided in critical support for the development of Naval architecture.

I want to recognize and congratulate the David Taylor Model Basin and the Carderock Division of the Naval Surface Warfare Center on the award of the national historic mechanical engineering landmark. Mr. Speaker, please join me in saluting the talented and dedicated staff as they are recognized for this award during the centennial anniversary.

HONORING FLORA RICHARDSON WILHITE OF BAYTOWN, TEXAS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor Flora Richardson Wilhite, of Baytown, Texas, for 32 years of outstanding service to the community as director of Sterling Municipal Library. Mrs. Wilhite may be retiring on January 31, 1998, but her contributions to Baytown will endure.

Born in Port Arthur, Texas and a graduate of Thomas Jefferson High School, Flora Wilhite knew early on that she would become a librarian. At age 6, her favorite Christmas present was a date stamp and ink pad, and she had already begun to arrange her books alphabetically by author's name. Those early indications led her to a long and distinguished career of service to Baytown.

After receiving her degree in library science from North Texas State University, Mrs. Wilhite began her career as Engineering Librarian at Lamar University. She then served as a Command Librarian for the U.S. Army in Germany before becoming Director of Sterling Municipal Library in 1965. During her 32 years at Sterling, Mrs. Wilhite oversaw many changes and improvements to the library, including expanded services and renovations to the facility. She began the hugely successful Baytown Bookmobile, delivering library service to underserved areas, nursing homes, and off-site literacy projects. In addition, Sterling's nationally recognized Literacy Volunteers of America adult literacy program is the result of Mrs. Wilhite's dedication to improving lives and encouraging lifelong learning. Flora Wilhite's love of learning, enthusiasm, and list of achievements will be difficult to replace.

Flora Wilhite has shown an unwavering dedication to the Baytown community. She most recently received Exxon USA's Refiner of the Year for 1977 for her outstanding service to the community. In 1988 she was named Library Director of the Year by the Texas Municipal League Library Directors Association, of which she was a charter member and second president. In addition, she was the first woman elected to the Board of Directors of the Baytown Chamber, and to the Board of Directors of the Rotary Club of Baytown. She was also named Rotarian of the Year in 1995–95, served on the Board of Directors of the United Way of Baytown, and was honored in 1995 by the Raytown chapter of the American Diabetes Association for her countless civic contributions.

In retirement, Flora will now be able to spend more time with her husband, Ross, in the hobbies and pastimes they enjoy, particularly fly fishing and camping. This is a well-deserved change of pace. We all wish her well as she embarks on her new endeavors.

Mr. Speaker, I congratulate Rosa Wilhite for her 32 years of outstanding service to Baytown. Her contributions to Sterling Municipal Library and all of Baytown will endure for years to come.

THE HUMAN CLONING RESEARCH PROHIBITION ACT

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. STEARNS. Mr. Speaker, today I will be introducing legislation to prohibit federal funding for the cloning of human beings. My bill also calls for an international ban on human cloning.

I would like to remind my colleagues that it took 273 tries to develop Dolly. But what about the other 272 animals? Most of them were either aborted, destroyed, or maimed. Do we want to do this with humans beings?

There are serious ethical and moral implications involved with cloning of humans. Theologians and ethicists have raised three broad objections. Cloning humans could lead to a new eugenics movement, where even if cloning begins with a benign purpose, it could lead to the establishment of ''scientific'' categories of superior and inferior people. Cloning is a form of playing God, since it interferes with the natural order of creation. Cloning could have long-term effects that are unknown and harmful. People have a right to their own identity and their own genetic makeup, which should not be replicated.

I, for one, do not think we can just sit idly by when there are people like Dr. Seed out there who look upon human life in much different terms than most Americans. I urge my colleagues to join me in this effort by cosponsoring my legislation.

TRIBUTE TO BET TZEDEK, ELI BROAD AND THE SHOAH FOUNDATION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in recognizing Eli Broad

and Survivors of the Shoah Visual History Foundation for their tremendous contributions to the nonprofit organization, Bet Tzedek ''House of Justice'' Legal Services of Los Angeles.

Bet Tzedek Legal Services is one of the leading poverty law centers in the country. Thousands of indigent, elderly, and disabled individuals benefit each year from the free legal services provided at Bet Tzedek's headquarters in the Fairfax District of Los Angeles, the Valley Rights Project in North Hollywood, and the thirty-two senior centers throughout the Los Angeles area. Bet Tzedek is open to all who pass through its doors and even makes ''house calls'' to the ill and frail. Its services are vital and they are not otherwise readily available to those who need them.

Eli Broad has been a constant believer in Bet Tzedek's mission to be a place of refuge and assistance to Los Angeles' most needy residents. As one of the most dedicated supporters of Bet Tzedek, his efforts have allowed this generous organization to continue to operate at full capacity while maintaining its promise of services at no cost to its clientele. We owe Eli Broad a debt of gratitude for his vision, his devotion, and his support of this most worthy cause.

Another devoted supporter of Bet Tzedek is the Survivors of the Shoah Visual History Foundation. This Foundation effectively teaches racial, ethnic and cultural tolerance through sharing the videotaped accounts of the Holocaust from survivors all over the world. The Foundation has been an important and committed friend to Bet Tzedek over the years.

I am delighted to bring Mr. Broad's and the Shoah Foundation's tireless and selfless work on behalf of Bet Tzedek Legal Services to the attention of my colleagues and ask you to join me in saluting them for their many important contributions.

IN HONOR OF THE DALE CITY CIVIC ASSOCIATION CITIZEN OF THE YEAR AWARDS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to recognize a group of outstanding citizens from Dale City in Prince William County in the 11th Congressional District of Virginia. These outstanding individuals have been selected by the Dale City Civic Association in recognition of their many achievements and their dedication to serving their community. These award-winners are people who have gone above and beyond the call of duty on a daily basis. They are members of the Dale City community who gave of their time in order to serve others and encourage others to be leaders. These citizens will be recognized on January 31, 1998 by the Dale City Civic Association, one of the largest, most active and accomplished Citizens Associations in the Commonwealth of Virginia. I would like to offer my congratulations to these award recipients.

The Dale City Civic Awards Association was created over thirty years ago. Since that time, it has grown into a strong organization that has encouraged its members to volunteer their time and efforts to make their neighborhood a better place to live and work. The Association has an outstanding record of service to the community. Their work includes awarding a number of scholarships to college-bound students from Dale City, as well as monitoring development in the region and serving as a sounding board for citizens and businesses.***HD***Citizen of the Year

Kenneth Glufling. Chief Glufling has served the Dale City community in nearly every facet. He has been a volunteer firefighter for nineteen years and has been the Chief of the Dale City Volunteer Fire Department since 1988. He has lead the fire department through a period of tremendous growth in the community, as they had to redesign how they could best serve the needs of the many new residents in the area. In addition, he has served as a Dale City Civic Association Councilman from Evansdale. Chief Glufling has never received any monetary compensation for the many hours he has spent serving the community. During his tenure as the Chief of the Volunteer Fire Department, he continues to work countless evenings and weekends overseeing the operations of three fire stations, while maintaining a successful business and spending quality time with his wife and children. Kenneth Glufling exemplifies good citizenship and community leadership.***HD***Young Citizen of the Year

Tashia Bunch. Miss Bunch is an extraordinary young citizen who has already become a strong role model to her peers. Tashia is currently a student at Garfield High School. At Garfield, Tashia formed a civic group named DREAMS which is a student group dedicated to the community and students. The goal of the group is to involve students in their respective communities. In addition, many of the teachers at Garfield have noticed Tashia's unique ability to bridge the gap that often exists between students and adults. She is able to accurately convey the concerns of her fellow students to administrators. Tashia is an invaluable part of the Garfield community, and demonstrates that our next generation is caring, selfless and dedicated.***HD***Community Service Award

Corrine Potvin. Mrs. Potvin is a volunteer who works with the elderly, local service organizations, and the less-fortunate. She gives her time tirelessly to Dale City's senior citizens, organizing monthly bus trips. Additionally, Corrine serves on the Board of Directors of the Prince William Boys and Girl Club. She has directed fundraisers for this organization including their annual car raffle at the Potomac Mills Shopping Center. Her fundraising efforts do not stop there. She also assists the Dale City Volunteer Fire Department in running bingo, and assisting with projects that involve needy families in the area.***HD***The Kathy Feeney Nurse of the Year

Jeanette Finch. Mrs. Finch has served the Dale City Community at Potomac Hospital since 1981. She is clearly dedicated to administering excellent quality care to her patients. In particular, Mrs. Finch has worked diligently to provide assistance to the Medical Oncology staff at Potomac Hospital. Since 1992, she has served as the facilitator for the Potomac Hospital General Support Group which meets twice a month with patients, and their families and friends to assist them in living with cancer. She also has worked to raise money for the American Cancer Society during their annual Relay for Life Walk. The patients and community at Potomac Hospital have truly benefited from her work.***HD***Police Officer of the Year

Sergeant William Cox. Sergeant Cox has served the citizens of Prince William County for over seventeen years. In addition to serving his community on a daily basis as a police officer, Sergeant Cox has given his time towards assuring the safety of the children in Dale City. He serves on the Prince William County Safe Kids Coalition Committee. Sergeant Cox also works on several other Committees within the Prince William Police Department to highlight the Department services to the community. He is an individual who recognizes that a function of good law enforcement is community participation.***HD***Deputy Sheriff of the Year

Ricki Booth. Master Deputy Booth is an individual who cares deeply about the people he serves. In 1997, Deputy Booth responded to a 911 call in which he found an elderly woman who was being neglected by her husband. He did not forget this woman after handling the preliminary call, but he worked to secure her a safe place in the Woodbridge Nursing Home where she could receive the necessary care. Deputy Booth has demonstrated an unprecedented level of dedication to public service.***HD***Firefighter of the Year

Captain Todd Zavash. Since 1989 Captain Zavash has volunteered for the Dale City Fire Department where he has demonstrated an excellent ability to coordinate Fire and Rescue Services to ensure quick intervention in emergencies. He has been instrumental in the personal and professional growth of over eighty firefighters whom he has supervised at two Battalions. His leadership has allowed the residents of Dale City to know that firefighting personnel are ready to respond to all calls for assistance. Captain Zavash is recognized by his peers as an individual who is always willing to lend a helping hand or a sympathetic ear.***HD***Emergency Medical Technician of the Year

Sergeant Linda Wortham. Sergeant Wortham has only been with the Dale City Volunteer Fire Department since 1995, but she has made a tremendous impact on the Department since her orientation. She has risen to the rank of Sergeant in record time. Sergeant Wortham now serves as a lead E.M.S. provider on her ambulance/medic unit. In addition, she serves as an administrative assistant to the Rescue Chief. Sergeant Wortham has become involved in nearly every aspect of the Department. She serves on the E.M.S. Advisory Committee, coordinates patient care reports, and has been instrumental in developing the In-House Battalion Training Outline. She is truly a remarkable person who has made Dale City a better place to live.***HD***Elementary School Teacher of the Year

Karyl Garn. Mrs. Garn is the school librarian for Kerrydale Elementary School. She has volunteered to work with students in Kerrydale's mentoring program, Big P.L.U.S./Little P.L.U.S., including working with one student who had difficulty believing in her reading and writing skills. This year, Mrs. Garn developed a program for gifted first-graders. She teaches lessons in conducting research to a group of sixteen children. She has also strived to communicate with the parents at Kerrydale. She coordinates the annual Bookfair and is a co-

sponsor of Family Reading Night. Mrs. Garn is the kind of teacher who helps parents, teachers, and students to grow, and encourage young children to succeed.***HD***Middle School Teacher of the Year

Bonnie Little. Mrs. Little is a seventh grade teacher of language arts at Stuart M. Beville Middle School. At Beville, she is involved in many extra-curricular activities, including serving as the co-sponsor of the National Junior Honor Society (NJHS). Mrs. Little has expanded the mission of NJHS to encourage students to work in their community and help those less-fortunate. She is also a leader to the faculty at Beville and has developed the Beville Stars to recognize and reward the dedication of her fellow teachers on a monthly basis. She brings tremendous caring and dedication to her work, and inspires others to do the same.***HD***High School Teacher of the Year

Anne Rude. Mrs. Rude is a teacher at C.D. Hylton Senior High School. She has encouraged faculty and administrators to become computer-literate, training several staff members in operating an electronic grade book. Her work in this area has enabled the staff at Hylton to do a better job of tracking student progress. Additionally, she volunteers her time to assist foreign language students in programs for international travel. Mrs. Rude is an individual who is able to unlock each student's desire and motivation to learn.

Mr. Speaker, I know my colleagues will join me in congratulating these outstanding citizens for their tireless efforts to make Dale City, Virginia a better place to live. Through the untiring and selfless efforts of citizens like these, many others across the country are inspired to do likewise. Not only Dale City, but America is enriched by their accomplishments and dedication.

PRIVATE RELIEF LEGISLATION FOR BORIS KORCZAK

HON. JAMES A. TRAFICANT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. TRAFICANT. Mr. Speaker, today I am introducing private legislation to recognize and compensate Mr. Boris Korczak for the intelligence gathering services he so courageously rendered on behalf of the United States during the height of the Cold War. I introduce this legislation only after working, unsuccessfully over the past two years, to get the Central Intelligence Agency to provide just compensation to Mr. Korczak. Mr. Korczak, currently residing in Fairfax Virginia, has exhausted all of the legal remedies available to him.

Mr. Korczak is a native of Poland who escaped communist persecution in that country in 1964, resettling in Denmark. In 1973, while living in Copenhagen, Denmark, he was recruited by the Central Intelligence Agency to provide intelligence information to the CIA on Soviet intelligence operatives. Mr. Korczak owned and operated a electronics store, and in that capacity, he had come into contact with Soviet intelligence operatives interested in purchasing electronic equipment from the West.

From 1973 to 1980, Mr. Korczak provided a wealth of intelligence information to the CIA. During that time the CIA paid Mr. Korczak for the expenses he incurred. For more than seven years Mr. Korczak put his life on the line to gather intelligence for the U.S. The CIA has admitted to me and other Members of Congress that Mr. Korczak was in fact a CIA asset during the time in question, and that for seven years the CIA paid Mr. Korczak for expenses. Mr. Korczak claims that his CIA handlers promised him that, once his service to the CIA was completed, the CIA would resettle Mr. Korczak and his family in the United States, provide Mr. Korczak with an annual annuity, cover all of his health and education costs. These promises were detailed in a contract that Mr. Korczak signed in the presence of his CIA case officer. As noted earlier, the CIA admits to paying Mr. Korczak's expenses for seven years, but denies that it had any other arrangements or contract with Mr. Korczak.

In late 1979, Mr. Korczak's cover as a CIA asset was blown. After several life threatening incidents involving Soviet intelligence, Mr. Korczak fled to the U.S. in early 1980. Initially, Mr. Korczak received assistance from his former CIA case officer. However, after several months, the CIA made it clear to Mr. Korczak that it was not going to provide any additional compensation to him.

Mr. Korczak resettled his family in the U.S. and did his best to start a new life. He did make several attempts to contact the CIA and get the compensation that was promised to him by his case officers. All of these attempts were unsuccessful.

In 1981, while shopping at a supermarket in Vienna, Virginia, Mr. Korczak seriously injured when a small pellet was fired into his back. Mr. Korczak became seriously ill and was hospitalized. After several months Mr. Korczak's condition improved. Mr. Korczak never ascertained who shot him with the pellet.

Upon learning in 1996 of the federal government's intention to provide compensation to the survivors and family members of South Vietnamese commandos captured during the Vietnam War, Mr. Korczak retained counsel and attempted, once again, to get the compensation promised to him by the CIA. Later that year, after being rebuffed by the CIA, Mr. Korczak filed suit against the CIA.

Mr. Korczak's suit against the CIA was dismissed by the federal court after the federal government invoked the ''Totten Doctrine.'' This doctrine is based on the 1876 Supreme Court cast of Totten v. United States. The case involved the estate of an individual who performed secret services for President Lincoln during the Civil War. The court dismissed the plaintiff's postwar suit for breach of contract, stating, in part:

> The service stipulated by the contract was a secret service; the information sought was to be obtained clandestinely, and was to be communicated privately; the employment and the service were to be equally concealed. Both employer and agent must have understood that the lips of the other were to be forever sealed respecting the relation of either to the matter . . . It may be stated as a general principle, that public policy forbids the maintenance of any suit in a court of justice, the trial of which would inevitably lead to the disclosure of matters which the law itself regards as confidential, and respecting which it will not allow the confidence to be violated.

Essentially, the Totten Doctrine bars any individual who provided intelligence services to the United States from filing a breach of contract suit—no matter how legitimate the claim. Mr. Korczak fell victim to the Totten Doctrine when he filed his suit in 1996. A federal claims court, in response to the federal government's motion to dismiss Mr. Korczak's claim, granted the government's motion, citing Totten v. the United States. Subsequent to that ruling, a federal appeals court again dismissed Mr. Korczak's suit, also citing the Totten Doctrine. It is interesting to note that in dismissing his suit, the federal courts never once ruled or commented on the legitimacy of Mr. Korczak's claim. They simply agreed with the federal government's claim that the Totten Doctrine should be invoked.

I believe that Mr. Korczak should have his day in court. Because of the Totten Doctrine, that will not happen. I have introduced legislation, H.R. 691, to establish a sensible process under which cases like Mr. Korczak can be objectively adjudicated based on merit without compromising national security. However, the fate of that legislation is uncertain. Mr. Korczak has exhausted all of his legal remedies. His only recourse is passage of a private relief bill.

The CIA has admitted to me and other Members that he provided intelligence gathering services to the U.S. for more than seven years. Obviously, the CIA valued his services or they would not have covered his expenses. In his own small way, Mr. Korczak contributed to the United States historic victory in the Cold War. Whether or not Mr. Korczak had an officially sanctioned agreement with the CIA to provide him with additional compensation (above and beyond his expenses) is immaterial at this point. The fact is, Mr. Korczak served this nation bravely for seven years. He did so at great personal risk to himself and his family. He deserves the official thanks of this country and some modest compensation.

The legislation I am introducing today officially recognizes Mr. Korczak for his service to the U.S. and provides for a one-time payment of $225,000 to Mr. Korczak. This bill is long overdue and richly deserved. Given Mr. Korczak's unique legal situation, and the nature of the service he provided to this country, it is imperative that Congress act on this measure.

I urge all of my colleagues to support this legislation. It would send a powerful message to the world that the United States does not forget those who risk their life in the name of freedom and democracy.***HR***H.R.—

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) Boris Korczak is a resident alien of the United States currently residing at 10392 Willa Mae Court, Fairfax, Virginia.

(2) From 1973 to 1980, while living in Copenhagen, Denmark, Boris Korczak collected intelligence information for the United States Government.

(3) Boris Korczak volunteered his services to the United States, and during the time that he gathered intelligence for the Central Intelligence Agency he was compensated only for his expenses.

(4) Boris Korczak provided valuable intelligence information and services to the United States.

(5) Boris Korczak provided such services at great personal risk to himself and his family.

(6) Boris Korczak should be compensated for his service to the United States and for the enormous personal risk he and his family incurred over an extended period of time.

SEC. 2. PAYMENT.

The Director of the Central Intelligence Agency shall pay out of funds available to the Director the sum of $225,000 to Mr. Boris Korczak of 10392 Willa Mae Court, Fairfax, Virginia.

SEC. 3. LIMITATION.

No amount exceeding 10 percent of the payment made under section 2 may be paid to or received by any attorney or agent for services rendered in connection with the payment. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided under title 18, United States Code.

A SALUTE TO ADMIRAL MARSHA EVANS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. FARR. Mr. Speaker, I rise today to pay tribute to Rear Admiral Marsha J. Evans, a remarkable woman who served for the past two years as Superintendent of the Naval Postgraduate School in Monterey, California before her recent retirement from the U.S. Navy.

Admiral Evans has accumulated a long and distinguished military career. In addition to her position as Superintendent, Admiral Evans' leadership experience includes command of the Naval Station at Treasure Island, Commander of Navy Recruiting Command, interim director of the Marshall European Center for Security Studies, Executive Officer at Recruit Training Command, and Commanding Officer at the Naval Technical Training Center. She has also served at the Defense Intelligence Agency, the officer of the Chief of Naval Operations, and the office of the Commander in Chief of U.S. Naval Forces Europe. Her extensive government experience includes serving as executive secretary and special assistant for the Secretary of the Treasury under President Carter, and serving as Deputy Director of President Reagan's Commission on White House Fellowships.

Admiral Evans was not only a pioneer for women in the military, but a strong advocate for the needs and concerns of women serving in the defense of their country. In addition to being selected for promotion to the rank of Admiral, she was also the first female surface assignments officer in the Bureau of Naval Personnel, as well as the first woman to assume command of a naval station. She was also active in gender-related issues, having served as Executive Director of the Standing Committee on Military and Civilian Women in the Navy, chairing the Women Midshipmen Study Group in the 1980's, and serving on the 1987 Navy's Women's Study.

In September 1995, the Naval Postgraduate School was fortunate to have Admiral Evans appointed as Superintendent, and she did not disappoint. Under her leadership, the school further strengthened and developed its academic mission. It began exploring important new fields, such as how to prevent and contain the use of weapons of mass destruction, and expanded such programs as its successful international officer exchange programs at the Center for Civil-Military Relations.

Most recently, under Admiral Evans' direction the Naval Postgraduate School hosted a military-wide conference on Professional Military Education, which successfully brought together leading military and civilian educators and policy-makers from around the country to discuss how best to educate our soldiers to fight the conflicts of the future.

Admiral Evans is a remarkable leader and pioneer, and I am sorry to see her depart as Superintendent of the Naval Postgraduate School. The Navy is losing a fine officer and outstanding individual, and her presence will be greatly missed. I wish her the best in her new endeavors, and urge other young, aspiring women and men in the military to look to Admiral Evans' great service as a model for success and leadership.

GOOD SCHOOLS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 10, 1997, into the CONGRESSIONAL RECORD:

WHAT MAKES A GOOD SCHOOL?

There are few more important questions facing a society than how to best educate its young people. Imparting knowledge from one generation to the next, conveying the historical, scientific, cultural, and moral ideals to those that follow, this process of teaching and educating is critical to the strength and stability of any civil society. It has been our schools that have largely shouldered this awesome responsibility. Good schools are building blocks for a good society.

What then makes a good school? Hoosiers have consistently made it clear that a quality educational system is a high priority. They understand how important schools are to their children and their communities. In meeting with constituents over the years, I have been impressed to see that many parents agree on some basic attributes of a good school.

Good schools must have good teachers. No other factor can make as much difference in the making of a good school as the influence of good teachers. The classroom is the front line of our educational mission and it is where ultimately we can gauge if children will or will not receive a quality education. Many parents agree that good schools begin in the classroom. Good teachers motivate, inspire, open new doors for students, and play a key role in the learning process. The quality of instruction goes a long way in determining the quality of an education. Good schools develop good teachers by strong efforts to raise the quality of teaching and respect for the profession of teaching. They can also help by providing opportunities for teachers to continue their education, and by providing teachers with small classes and the opportunity to plan.

A good school has a high level of parental and community involvement. Good teachers alone do not make a good school. The involvement of the family and community is also a necessary ingredient in any enriching educational program. In the many schools I have visited in the Ninth District, two attributes the best schools shared were the active role of parents in the educational process and the strong hands-on involvement of community leaders.

When learning is reinforced at home and when parents take an active interest in their child's education, then schools can truly flourish. Family and community support is important in bringing energy and new ideas to the school system. Local support helps to hold schools accountable for the quality education of their students.

The local school is the traditional focal point of many Hoosier communities. It is of course, the place where our children are educated, but it also is a place where we can gather as a community to watch basketball games and attend school plays and other student activities. The strong bond that American families have with their local schools goes a long way in determining the success of their public school systems and their communities as a whole.

A good school has adequate resources. Even though a good school is more than just bricks and mortar, these physical resources certainly help. The availability of adequate funding, current textbooks, and a building with plenty of space and no leaky roofs contributes to an effective learning environment. Nowadays, this emphasis on resources means access to computers, to the Internet, and general technological know-how. Children today must grow up with a mouse in their hand. In such a technological and information-driven economy, having these resources in the school can mean the difference between adequately preparing or not preparing tomorrow's competitive workforce. Good schools also must have the resources to provide challenging after-school activities that engage the interests of both students and staff and improve upon classroom learning.

A good school is a safe school. Parents often emphasize the importance of a safe and orderly environment in schools. Students must be comfortable and not feel threatened or feel they are in a hostile environment. There has been increased concern across the country about drugs and weapons in schools. Concern about gangs, fighting, and other disciplinary problems is common among most parents. Parents recognize that providing a safe and orderly environment is conducive to learning.

A good school sets high standards. Excellence in education will not be achieved without high standards. These standards should not be mandated from above, but rather self-imposed by state and local schools that expect the best from their programs. Rigorous standards challenge students to reach their potential. Such standards help in attaining high levels of scholastic achievement. If the school doesn't expect the best from its students, then the students won't expect the best from themselves. I agree with many parents who believe that the schools and students should be held accountable for doing their best.

We should have clear expectations that students learn the essential basics of math, science, English, and social studies. Learning these basic skills will help kids in school, in the future workplace, and in life. I also like schools which spend time promoting ethics and core values such as compassion, honesty, and respect for others.

Conclusion. Not a single one of these factors alone can determine if a school is ultimately good or not. All of these factors are interrelated. For example, good teachers without parental involvement, or good teachers in an unsafe school can lead to frustrating, and many times unsuccessful, results.

I share the high priority Hoosiers give to education. I support local leaders in their efforts to improve the quality of education. I believe that state and local governments

ought to take the lead and take primary responsibility in our local schools. The federal role in local education is limited to providing resources to educate disadvantaged students, and this limited role should be maintained.

By encouraging good teachers, applauding a high level of parental involvement, and providing a safe learning environment while upholding rigorous standards, local communities play the most important role in providing quality education. The future of our schools, our nation, and our society is all the better for it.

TRIBUTE TO DAVID DeFORE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to David DeFore, who has served as the President of the Encino Chamber of Commerce for the past two years.

President Kennedy once said, ''Leadership and learning are indispensable to each other.'' While David has acted as a role model and source of inspiration for the members of our community, he has continued to learn and grow in his own life through the pursuit of education.

A testament to his strength of character and the respect he has earned from his colleagues is illustrated through the amount of speaking engagements to which David has been invited. He has spoken on issues such as self-responsibility, goal setting, and the importance of always being a student of your profession.

David has exemplified these principles through his daily activities and his efforts within the community. He has served as the President of the Valley Cultural Center, is on the Board of Directors of the Valley Community Clinic and has served two years on the North Hollywood Project Area Committee. In addition, David has recently been appointed by Mayor Riordan to serve on the Greek Theater Advisory Committee.

His warm personality and caring nature have enabled his to be a respected leader in the business community as well. He is among the top producing commercial sales professionals in the San Fernando Valley. David also continues to take classes at UCLA Extension in a variety of areas.

Mr. Speaker, distinguished colleagues, please join me in honoring David DeFore. He is a role model for the citizens of our community.

''A WELCOME ENTRANT INTO AN IMPORTANT DEBATE''

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. FRANK of Massachusetts. Mr. Speaker, during our recess I was delighted to have a chance to address a forum sponsored by the Committee of Concerned Journalists at the Columbia School of Journalism in December. This committee, chaired by one of our most distinguished journalists, Bill Kovach, deals with the critical subject of the responsibility of people in the journalism profession. I attended as one who both believes passionately in the importance of a free and vigorous press for our democracy, and is disappointed in the work product of that journalism much of the time. Because it is wholly inappropriate for government at any level and in any form to try to dictate to journalists, even for the best of reasons and under the best of motives, it is essential if we are to see the improvements that I think necessary in this area that we have this sort of self-scrutiny by distinguished journalists.

It is for this reason that I welcome and congratulate the journalists who have convened this committee and the work they are doing. Because I believe this deserves the full attention of everyone concerned about the state of our democracy, I ask that their organizing statement be printed here, along with the list of those who serve as the leadership of the committee. As of the end of October more than 400 journalists had signed on as members, and while that list is—happily—too long to be printed here, I would be glad to share it with any who are interested.

COMMITTEE OF CONCERNED JOURNALISTS—AN OVERVIEW

The Committee of Concerned Journalists is an unusual collaboration of reporters, editors, producers, publishers, owners and academics worried about the future of their profession.

The group believes this is a critical moment in American journalism. Revolutionary changes in technology, in economic equations, in our relationship with the public, threaten the core principles that define journalism's role in democratic society.

With splintering audiences and information overload, companies at once diversifying and merging, confronted by unimaginable complexity, we have begun to doubt ourselves and the meaning of our profession.

To secure journalism's future, the group believes that journalists from all media, geography, rank and generation must be clear about what sets journalism apart from other endeavors. There is a price for our press freedoms: We have a professional obligation to broker honestly the information that citizens must have to fulfill their duties in a self governing society. It is well enough to entertain and amuse, but we must also provide democracy's grist and glue.

The group is proposing to seek a clear expression of those purposes and those core principles that unite journalists and define journalism. We have issued a statement of concern, articulating why a national effort at self examination is necessary. That statement is circulating in newsrooms across the country, gaining signatories. The plan is to convene public meetings for all types of journalists and the public. The group will listen carefully for common ground and then prepare a written report on what we have learned. It will not be a report of recommendations or a code of conduct. Like the seminal Hutchins Commission Report ''A Free and Responsible Press'' 50 years ago, the report will attempt to clarify the common ground journalists share.

The series, which begins in November in Chicago and ends in Boston next June, will examine key questions of principle. What is journalism? Who is a journalist? Can journalism really be neutral? What are the responsibilities imposed by the First Amendment? More than half a dozen major educational institutions have already agreed to sponsor them.

This is only a beginning. A web site will serve as a host for discussions about forum topics, current news stories and other journalistic issues. We believe other projects will evolve.

The effort was convened by the Nieman Foundation and the Project for Excellence in Journalism in June 1997 in Boston. The Committee is an extraordinary group. Members come from various media, backgrounds, ages and institutions, from David Halberstam, the New York author, to Mark Trahant, a Navajo Indian newspaper editor from Idaho; from Lucy Himstedt Riley, a news director in Montgomery, Ala., to Vanessa Williams of the Washington Post and the President of the National Association of Black Journalists, to the heads of several journalism schools.

The group has no set agenda. It is not interested in placing owners at odds with reporters, journalism with business, print with TV or the internet. It is simply a united belief that journalism is a unique form of communication. It is a mission, a service. We must communicate what that means.

A STATEMENT OF CONCERN

This is a critical moment for journalism in America. While the craft in many respects has never been better—consider the supply of information or the skill of reporters—there is a paradox to our communications age. Revolutionary changes in technology, in our economic structure and in our relationship with the public, are pulling journalism from its traditional moorings.

As audiences fragment and our companies diversify, there is a growing debate within news organizations about our responsibilities as businesses and our responsibilities as journalists. Many journalists feel a sense of lost purpose. There is even doubt about the meaning of news, doubt evident when serious journalistic organizations drift toward opinion, infotainment and sensation out of balance with news.

Journalists share responsibility for the uncertainty. Our values and professional standards are often vaguely expressed and inconsistently honored. We have been slow to change habits in the presentation of news that may have lost their relevance. Change is necessary.

Yet as we change we assert some core principles of journalism are enduring. They are those that make journalism a public service central to self government. They define our profession not as the act of communicating but as a set of responsibilities. Journalism can entertain, amuse and lift our spirits, but news organizations also must cover the matters vital to the well being of their increasingly diverse communities to foster the debate upon which democracy depends. The First Amendment implies obligation as well as freedom.

For much of our history, we believed we could let our work enunciate these principles and our owners and managers articulate these responsibilities. Today, too often, the principles in our work are hard to discern or lost in the din, and our leaders feel constrained.

Now we believe journalists must speak for themselves. We call on our colleagues to join as a community of professionals to clarify the purpose and principles that distinguish our profession from other forms of communication.

Since the change we face is fundamental, it requires a response of the same magnitude. We need a focused examination of the demands on journalism of the 21st Century.

We propose to summon journalists to a period of national reflection. First, we ask our colleagues young and old to sign this declaration of concern. We believe the consortium of journalists who share a commitment to common principles is so broad and so significant that it will constitute a powerful movement toward renewal.

Next we will convene a set of public forums around the country over the next several months to hear the concerns of journalists as well as other interested individuals. The forums should reiterate two simple messages: that journalists of all generations are concerned about the direction of the profession; and that they want to clarify their purpose and principles. We do not presume to enumerate those principles here, but hope to have them articulated through the forums. These sessions, will include the public. We will publish an interim report after each one. At their conclusion, the group will release a final report that will attempt to define the enduring purpose of journalism, along with its principles, responsibilities and aspirations.

We see this as a beginning, a catalyst forging new ideas and a renewed spirit of conviction. We plan to carry the dialogue forward with a web site, videotapes of the forums and through other means. We do not intend to propose a set of solutions: this is an attempt to clarify our common ground. Nor is our motive to develop a detailed code of conduct: if journalism is a set of aims, how we fulfill them should change with changing times and be left to each news organization to decide. But if journalism is to survive, it falls to individual journalists, especially in each new generation, to articulate what it stands for.

CHILD CARE CRISIS

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mrs. ROUKEMA. Mr. Speaker, it is a sad reality that today's headlines are filled with stories that spring from the everyday struggle of working families to secure safe and dependable child care. The startling reality is the daily struggle of working women and men to secure affordable and safe child care.

The trends in society and the American workforce are clear. More families have both parents working. In today's society, many families need to have two parents working just to make ends meet. A 1995 study by the Families and Work Institute found that 55 percent of the women interviewed contributed half or more of their household income. Three out of five women with children under age 6 are working, and must find someone to care for their children.

That burden is a heavy one and becomes even more burdensome when reliable, quality child care is not available.

Mr. Speaker, President Clinton has correctly identified child care as a growing American crisis—a crisis that affects both the quality of our citizens' work and the quality of their lives. However, I regret that Mr. Clinton's broad prescription implies a centralized government solution to a problem that should be solved in each local community. At a time when this Congress is struggling to complete the task of balancing the budget, the President has proposed a laundry list of tax changes, subsidies, block grants and Washington-driven standards at a cost of nearly $22 billion. Some of these proposals have merit and deserve extended analysis and debate.

Mr. Speaker, there is another way that is far more feasible and immediately affordable.

The legislation which I am introducing, legislation that will encourage a new public-private partnership between local school districts and businesses to develop community-based solutions to meet local child care needs. This innovative legislative initiative will be in the form of grants to local education agencies that are able to show the community's needs and commitment to a new child care program.

This legislation does not mandate a Federal program for child care that imposes some Washington-based requirements on local communities. In fact, this bill combines the concept of state and local control of education with the time-tested concept of the public-private partnership. This bill makes it possible for local schools and businesses to work together to create their own program that meets the needs of their own community, whatever they may be.

Specifically, the legislation would create a competitive grant program, administered by the Department of Education. The program would provide one-time start-up grants directly to local school districts to explore and plan child care programs for children up to five years old. Schools would be required to match these grants with private funds. The ''seed'' money could only be used for planning and implementation of child care programs by local school systems and private businesses, not for construction or building renovation.

My legislation: (1) Creates a competitive grant program administered by the Department of Education; (2) provides a one-time start-up grant directly to school districts; (3) is available for programs providing care for children ages 0 to 5 (or age of compulsory school education); (4) expects a commitment of matching private dollars of 50% of the funding; (5) cannot be used for building construction or renovation.

This is not an untested concept.

My legislation is based on a model program, the ''Infant Toddler Development Center,'' which has operated successfully for more than 15 years in my Congressional District.

It was initiated by Kathy Marino, a teacher/principal in Ridgewood, New Jersey and has attracted much-deserved praise. It is the prototype of the grant proposal I am introducing here today.

We need to help families solve the child care problem. And we need to give local communities the means to put their proposals to the test. If we want our children to get a head start in life, we must improve child care in this nation. Child care must be available and it must be affordable but most of all it must be of high quality, both in terms of safety and educational benefits.

IN MEMORY OF JAMES C. KIRKPATRICK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SKELTON. Mr. Speaker, I wish to take a moment today to speak about a man of distinguished civic service and professional integrity. Missouri's ''Mr. Democrat,'' James C. ''Jimmy'' Kirkpatrick, former Missouri Secretary of State, recently passed away at the age of 92.

A native of Braymer, MO, Kirkpatrick graduated from Northeast High School in Kansas City and Central Missouri State University in Warrensburg, MO. After studying journalism at the University of Missouri, Kirkpatrick became interested in the news business. From 1954 to 1974, Kirkpatrick owned and operated several Missouri newspapers. He started his career at the Warrensburg Daily Star-Journal and rose to be editor of that newspaper. Later, he became editor of the Jefferson City News-Tribune, then purchased the weekly Windsor Review and later the weekly Lamar Democrat, in the town of Harry S. Truman's birth.

While editing the Jefferson City newspaper, Kirkpatrick was approached by then-Governor Forrest Smith to write a newspaper column and speeches for Missouri's chief executive. That is what really got him interested in politics, which became his legacy.

Jimmy Kirkpatrick first ran for statewide office in 1960, when he lost his bid to become Missouri Secretary of State to rising Democrat star Warren Hearnes. He won the job four years later, in 1964, when Hearnes was elected governor. Kirkpatrick was re-elected to his post as Secretary of State until his retirement in 1985. During his tenure, he received 8.4 million votes, making him Missouri's greatest statewide vote-getter since statehood. In his twenty year tenure, Kirkpatrick made over 1900 speeches which kept him very close to the constituents about which he cared so deeply.

In 1985, Kirkpatrick retired to Warrensburg, MO, whereupon he became the statehouse's most familiar booster of Central Missouri State University. In fact, he served for 12 years on the university's Board of Regents, including ten years as its president. Kirkpatrick was also a guest lecturer at CMSU in history, government, political science, and journalism classes. The university recently honored Kirkpatrick by naming its new library after him.

Kirkpatrick's first wife, Jessamine Elizabeth Young, passed away in 1985 after a 58-year marriage. He is survived by his second wife, Doris, one son, three grandchildren, four great-grandchildren, and three stepchildren.

Mr. Speaker, Jimmy Kirkpatrick displayed honor and integrity throughout his civic career. His admiration for and dedication to the people of Missouri is unprecedented, and I am certain that the Members of the House will join me in honoring the legacy of Missouri's own ''Mr. Democrat.''

TRIBUTE TO MARGARET BROCK

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. BOYD. Mr. Speaker, rarely in my lifetime have I come to know an individual with the character and qualities of my friend who recently passed away, Margaret Brock. My only regret is that I did not know her longer. She was quite a remarkable woman, headstrong and determined to succeed in every endeavor she chose to make her own. She was a self-made millionaire, not that money was what made her rich. It was her heart, her kindness, and her ability to make every stranger feel like family. Ms. Brock will probably be best remembered for giving an ailing hospital new life, in addition to building a much needed nursing home and reviving a children's clinic

that had been abandoned by its original investors. Ms. Brock never let age get in the way of 16 hour days or numerous hours of volunteer service. Ms. Brock was a survivor and a shining example of what each of us should strive to become. She was loved by all in the community, whether they knew her personally or not. She was everything that was good in being human, not perfect but as close as I imagine most will come to while here on earth. My staff who knew her loved her as well. She was always offering her home as a place to stay and she never passed up an opportunity to make us all feel at home. I know we are all a little bit better off for knowing Ms. Brock, whether it was only for a few days or decades. May she take the heavens by storm as she did Calhoun and Liberty Counties, for I know she is smiling on us all.

CELEBRATING SAINT PAUL BAPTIST CHURCH

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. DIXON. Mr. Speaker, I rise to call to the attention of the Congress the historic 90 year old Saint Paul Baptist Church of Los Angeles, California, whose great congregation will come together on Friday, February 13 to commemorate the one year anniversary of their esteemed Pastor, Dr. Joel Anthony Ward.

An array of distinguished religious and civic leaders from around our city will join the congregation to honor Dr. Ward and his wife, MaLinda at this special service. The keynote address will be delivered by Reverend Joe B. Hardwick, Pastor of Praises of Zion Baptist Church, whose outstanding choir will sing at the service.

This special weekend will culminate on Sunday, February 15, 1998, with a special worship service. Among the participants will be Dr. William Epps, Pastor of Second Baptist Church; Rev. Alvin Tunstill, Jr., Pastor of Trinity Baptist Church; Rev. Perry J. Jones, Pastor of Messiah Baptist Church; and Rev. G.D. McClain, Pastor of First Bethany Missionary Baptist Church. These distinguished clergymen recognize the challenges that religious leaders face today, and appreciate the remarkable record Dr. Ward has established in the short time he has been Pastor of Saint Paul Baptist Church.

Dr. Ward was the Pastor and Organizer of Rehoboth Baptist Church in Detroit, Michigan when he accepted the call to become Pastor of Saint Paul. His inaugural year has been a great success. His exceptional stewardship has touched many lives, and has made an important difference in the life of his church.

Mr. Speaker, I know my colleagues in this chamber join me in extending our best wishes to Dr. Ward on this joyous occasion. May God continue to bless his work as he ministers to the spiritual needs of his congregation.

TRIBUTE TO COLEMAN ALEXANDER YOUNG

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to the life of a man who was a civil rights legend, a political genius and an extraordinary human being. Coleman Alexander Young, Detroit's first African American mayor, died November 29, 1997, in the city he loved. He was 79 years old.

Mr. Young, who served a record five consecutive terms before leaving office in 1994, blazed a trail of social and political equality by acting on his conviction that all people are entitled to a decent life. Born in the segregated South when white-robed Klansmen inflicted a reign of terror on African Americans, Young had an uncompromising commitment to justice, equality of opportunity, economic empowerment and dignity for all people.

That commitment formed the foundation of his activism in the labor movement, the U.S. Army, the national political scene and the mayor's office. Mr. Young was, as former Michigan Governor William Milliken said at his funeral service, ''a man of glorious gifts.''

He was dazzingly brilliant, disarmingly witty and outrageously outspoken. He was quick to anger and even quicker to forgive. He was not afraid to speak the truth, no matter whom it upset, and he was utterly fearless in his defense of basic human rights for all people—urban dwellers, common laborers, political activists, the disenchanted and those ignored or scorned by society.

Coleman Young was born May 24, 1918, in Tuscaloosa, Alabama, the oldest of William and Ida Young's five children. In 1923, the Young family moved to Detroit where they settled in Black Bottom, a racially and ethnically diverse eastside Detroit neighborhood just two miles from the office he would later occupy as mayor.

The pernicious effects of systemic racism would follow him through his life. But instead of weakening his resolve, these challenges strengthened his spirit. As a student, Young excelled in his classes and earned all A's, but was denied a scholarship to three parochial high schools when school officials learned he was black. After graduating second in his high school class, he was denied scholarships to the University of Michigan and what is now known as Wayne State University because of his race.

Years later he said those early brushes with racial discrimination were catalysts that fueled his desire to make fundamental social changes. The following excerpts from the memorial booklet prepared for Mr. Young's funeral sum up the early years when he paid a heavy price for being a labor activist in Detroit and a civil rights activist in the segregated Army Air Corps.

''His activism was evident in 1937 when he joined the ranks of automotive workers. Young worked as an electrician's apprentice and soon became a labor organizer of the Congress of Industrial Organizations (CIO). He was fired because of his union activities. Taking a job at the U.S. Post Office, Young again angered supervisors by recruiting employees to band together in a labor union. Postal managers used Young's involvement in a protest against racial segregation at Sojourner Truth, as eastside public housing project, as a reason to fire him.

During World War II, Young joined the U.S. Army at the age of 24. He was commissioned a Second Lieutenant in the Infantry and later transferred to the Air Corps. There he became the nation's first black bombardier. He and other blacks in the Army Air Corps became known as the Tuskegee Airmen. However, racial discrimination prevented them from fighting in the War. They fought the Army instead.

Young organized a group of 100 other black officers and staged a sit-in at the ''whites only'' officers Club at Freeman Field, Indiana. They were jailed after they refused to sign documents agreeing to stay out of the club. Ironically the black officers were kept under guard while German POWs moved freely on the base. At least one high-ranking army officer wanted to court-material and shoot the black officers. The protest did end segregation at the club.

Mayor Young continued his work as a union organizer after the war. Elected director of organization of the Wayne County AFL–CIO in 1948, he was the organization's first black paid staff member. In response to the blatant racism in the labor union hierarchy, he and other activists founded the National Negro Labor Council, whose goal was to win decent wages for blacks and whites. Entrenched union leaders were stunned and upset by the rapid growth of this group that dared to challenge the union establishment. NNLC membership included everyone from black factory workers in Detroit to white textile workers in the South to actors and activists on the east coast. Young and the NNLC also drew the wrath of the House Un-American Activities Committee which was investigating communism. He was summoned before the committee in 1952. Young's defiant testimony and his fearless challenge of the committee's role in spying on and terrorizing ordinary citizens made him a hero to thousands of Americans.

When asked if any of his associates were Communists, Young told the committee that they had him confused with a stool pigeon. When the committee lawyer said ''Niggra'' instead of Negro, Young corrected his speech and accused him of deliberately slurring the word to insult blacks. Young did not mince words about his view of the committee. He told them, ''I consider it an un-American activity to pry into a person's private thoughts, to pry into a person's associates. I consider that an un-American activity.''

Dave Moore, a longtime associate, recalled the euphoria the testimony sparked. ''Coleman Young could have been elected king of Detroit. Blacks and whites responded to what he said.''

But that victory was short-lived. The auto plants still blacklisted him. The UAW and other unions slammed the door in his face and the FBI put him on its list of dangerous individuals. For years he survived on jobs, but never lost his thirst for equality.

In the 1960's, Young focused on politics as the way to bring about necessary change. In 1964, he was elected to the State Senate. He quickly rose to leadership and became the first black member of the Democratic Natural Committee. In 1973, just six years after a searing urban rebellion that charred the heart and the landscape of Detroit, Young decided to run for Mayor.

Young had little money and even less support from the establishment. But his insistent call for an end to police brutality resonated among both blacks and whites who chafed under an occupying army of hostile police. He won the race and became the first black mayor in the city's history.

Young took the reins of a battered and nearly bankrupt city. The 1974 Oil Embargo nearly decimated Detroit car makers, and the city shuddered from a mass exodus of businesses and population. During his 20-year tenure, he integrated the Detroit Police Department despite strident protests from the police officer's union, established a national recognized community crime prevention program and brought the city through its financial crisis by forging alliances with political, business, union, community and religious leaders. Because of Young's success, Henry Ford II described him as ''A damn good business manager.''

Young led the effort to modernize Detroit auto plants and to keep major businesses in the city. During his tenure, the Renaissance Center opened, the city became a site on the Grand Prix circuit, Detroit saw the construction of its first-single family subdivision in decades, and the long-neglected river front began to blossom with parks and residential developments.

Mayor Young gave economic opportunity to record numbers of black, Hispanic and female business owners. He brought blacks and women into government by appointing them to his staff and to head city departments. He appointed blacks and whites on a ''50–50'' basis.

During his lifetime, Young was a past president of the U.S. Conference of Mayors and served on the Democratic National Committee and the National Conference of Democratic Mayors. He was the recipient of the prestigious Jefferson Award from the American Institute for Public Service and the NAACP's coveted Springarn medal for distinguished achievement. In addition the Congressional Black Caucus honored him with its Adam Clayton Powell Award for outstanding political leadership. A Congressional Black Caucus tribute to Mayor Young is included at the end of these remarks.

Mayor Young decided against running for office a sixth time because of ill health. In his later years, he taught at Wayne State University which has an endowed chair in urban affairs named for him. He also concentrated his attention on a foundation he established to give college scholarships to needy youngsters.

His survivors include a son, Coleman Young Jr., two sisters, Bernice Grier and Juanita Clark, and his companion, Barbara Parker.

As I said during his funeral service, Coleman Young's leadership and courage informed me and every other black politician who stands for anything in Michigan. The only way to honor his memory is to keep his struggle alive.

TRIBUTE TO MEL WILSON

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Mel Wilson, who has served as the President of the Southland Regional Association of Realtors.

Mel Wilson has worked diligently this past year to enhance the reputation of the Association. It is regarded as one of the preeminent associations of the real estate business as a result of his efforts.

The Association has improved and expanded member services and has enabled all members to successfully pursue the real estate business. Mel has worked to ensure the Association's reputation as a leader in technology has been maintained, an effort which resulted in the development of an award-winning Internet site. The importance of technology, especially in this day and age, is evident to Mel.

A testament to Mel's strength of character and desire to improve our community is exemplified through his actions as the President of this Association. Under his leadership, the Association has continued to play an active role in the community.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Mel Wilson. He is a role model for the citizens of Los Angeles.

A POINT-OF-LIGHT FOR ALL AMERICANS: RUBY NOTTAGE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. OWENS. Mr. Speaker, Ruby Nottage was a Point-Of-Light for Brooklyn and for all urban communities struggling for empowerment. She was a point of light for all Americans. She was a totally unique creation, a magnificent fabric woven from both the rough strands of the street and the well refined strings of mankind's highest cultural aspirations. Ruby Nottage could walk with kings, after all, and never lose the common touch because Ruby Nottage was born a natural queen.

At a time when education has assumed its rightful place on our national agenda it is important to first note that Ruby Nottage was a teacher. She enjoyed a 30-year career in the New York City public school system as a teacher; assistant principal and as principal of P.S. 93 in Bedford-Stuyvesant. Ms. Nottage also proudly served as a Member of the Board, president and trustee of the Brooklyn YWCA for 15 years. She was appointed by Governor Mario Cuomo to the New York State Martin Luther King Commission, and also served as Political Planning Chair of the Brooklyn Women's Political Caucus. She was also a member of the Community Advisory Board for Medgar Evers College. Ms. Nottage was one of the founders of an independent Democratic Club: Partners for Progress. She was also a founding member of the Brooklyn Coalition for Community Empowerment. In 1984, she was elected Democratic District Leader of the 57th Assembly District. Ruby Nottage was also recognized as 1996 Woman of the Year by Brooklyn Links, Inc.

Ruby was as much at home with a political party nominating petition in her hand as she was reviewing a fine work of art. She could prepare and appreciate the finest cuisine. But if a late session at the Board of Elections required that she eat cold fast food she had no complaints. She had ''class'' in the best sense of the word. She would do nothing in a sloppy way. To every action and activity of her life she applied high standards. Ruby was a glowing example of how a royal style can bloom within the context of American grassroots democracy.

My remembrances of Ruby are slightly different from most of her other admirers. I didn't have the delight and the pleasure of growing up with Ruby; of going to school with her; or of working with her as a colleague during her 30 years in the NYC school system. Ruby was a member of a rare species, the native New Yorker, born and raised here. She didn't come like many of us from Tennessee or Texas or Jamaica or Panama or New Jersey. She was a daughter of New York City—of Brownstones, subways, and skyscrapers.

Since I was not fortunate enough to grow up knowing Ruby I had to discover her. What her close friends may take for granted I have had to observe with a sense of wonder and awe. She was a Renaissance woman with a broad range of interests. She reached out for the whole spectrum of experience, the pleasant and the difficult. the same sensitivity and intellect that she brought into a theater or an art gallery she carried into the dirt and grime of partisan politics. She brought the same passion to a discussion of the transition of the Brooklyn political machine that she brought to the merger of modern painting concepts with African diaspora subject matter and contents.

It was as late as 1982 that I first discovered Ruby Nottage. She was a founding member of the Brooklyn Coalition for Community Empowerment. We later shared the euphoria of the Jesse Jackson bid for the Presidency and the David Dinkins mayoral victory. We also shared more than a few excruciating disappointments in the arena of politics. Throughout some very intense group soul searching and heated debates Ruby never lost the nobility in her demeanor. She was always the teacher who used exemplary English and offered clarity and logic to keep the deliberations on track.

We all appreciated very much Ruby's dedication to the cause of community empowerment. On one occasion following a very discouraging meeting she pulled me aside and pointing a finger in my face, whispered: ''You know, Major, you are one of the few people who have continued to believe in group decision-making and real community empowerment after you got elected.''

I have a vivid recollection of that compliment. Her words were like a Congressional Medal of Honor. When you are in the political trenches surrounded by sell-outs and cynicism there are few things as inspiring as recognition and understanding from a respected fellow worker.

It was an honor to receive praise from Ruby because she had no hidden political agenda. She was the most unselfish District Leader in America. Politics added nothing to her life except headaches and challenges. It was by choice, not need, that she accepted the challenges and became the District Leader for the 57th Assembly District. By choice this Renaissance Lady had woven a life for herself that was unique. Where else could you find the combination of school principal and District Leader? Along with her husband, Wally, and the rest of the family, Ruby created a combination Brownstone palace and art gallery on

Dean Street. Where else could you find such a collector of precious items willing to offer her home as a meeting hall and site for political fundraisers? Few galleries in Brooklyn are as fascinating as the Nottage home, but you don't have to pay a fee or purchase a painting there.

Because of what I experienced in my relationship with Ruby over the past sixteen years, nothing surprises me about her record of accomplishments before I me her: That she traveled to Farmville, Virginia during the Civil Rights struggle to provide service to schools that had been closed is one more example of her being willing to place herself at risk on the firing line. Despite her appreciation of the finer comforts of life she also braved the inconveniences and hardships of Haiti to help set up day care centers for children. It is not surprising that as a responsible, professional resident she served for fifteen years as a member of the Board of the Brooklyn YWCA. It is also consistent with her unique duality that she was a founder of an independent Democratic club, Partners for Progress. Moving from participation in an established national institution to an almost revolutionary grassroots base was not a difficult transition for Ruby. The common touch didn't stop her from walking with kings and vice versa.

In all that she did Ruby could blend the practical and the sublime. I am certain that her son Aaron reflects these same ingredients in his pursuit of law. His cases will never be handled with less than maximum thoroughness and responsibility. Since tickets for her recent play were all sold out I could not yet see the recent work of Lynn Nottage; however, I am certain that her drama will be a blend of meaningful contents and message with great style and method. Ruby's genes and nurturing would allow it to happen no other way.

Ruby Nottage now belongs to the ages. She now becomes one of the ancestors for our children and grandchildren. Our ancestors are our eternal role models. As she was a role model in life we should strive to keep her forever a role model. Cinque, the leader of the Amistad rebels insisted that in a moment of crisis he would not be alone because he would be joined by his ancestors. To gain strength from their ancestors our children need to know who they are. Television cameras, movies and celebrity magazines will never tell them who their living role models are. We can certainly not depend on the media and our official school curricula to let our children know who their magnificent dead ancestors are. It is my plea to all who cherished her that we do more than merely fix a monument to Ruby in our minds.

Ruby Nottage now has a place among our magnificent ancestors. For the next few years we must strive in every way possible to move beyond the monuments in our minds to pay homage to Ruby in some concrete and highly visible ways. Little Brooklyn girls and mature men and women should be able to know Ruby's story and call up this beautiful ancestor for inspiration in the future. Some have pledged to go forward and get busy to write a book about Ruby or name a street or erect a statue or start a scholarship fund or name a school after her or do all of the above.

Just because she was in a class by herself is no reason why others should not be encouraged to strive to match her magnificent performance. Ruby Nottage was a Point-of-Light that must be magnified and multiplied.

HONORING DAVID DUNCAN

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I am pleased to have the opportunity today to honor Mr. David Duncan of Springfield, MS. Mr. Duncan is retiring after 33 years as a member of the Teamsters Union. Mr. Duncan's dedication and loyalty to the Teamsters Union and his fellow workers is exemplified by his decades of service to the Union.

His career began at the tender age of 9, when he would shine shoes near the Springfield train station on weekend nights. After honorably serving our nation as a Sergeant in the U.S. Army, Mr. Duncan returned from Europe to marry his high school sweetheart, Anna, with whom he celebrated his 40th wedding anniversary earlier this month. Dave began his career as a Teamster as a driver/dockman in 1965, and four years later was elected as steward.

Dave began his service as an official in Local Union 404 as Business Agent and then was subsequently elected as Vice President/Executive Officer in 1988. Dave's leadership in this organization has allowed it to flourish from a nearly bankrupt union to the vibrant and healthy organization that it is today. The Union was able to move into a new and much larger facility, as well as the important existence of the Local 404 Health Benefits Fund which has experienced a dramatic fourfold increase in reserve funds to provide benefits for many years to come.

Mr. Speaker, it is my great pleasure and privilege today to stand before this body to honor the loyalty and hard work of my constituent, Mr. Dave Duncan, a man who has epitomized the ideal integration of family dedication, work ethic and diligence, and community involvement. The Local Union 404 will sorely miss the leadership of Mr. Duncan in the future, but the legacy of his commitment to workers and issues that affect all of the community will carry on indefinitely.

ON BEHALF OF THE CONGRESSIONAL BLACK CAUCUS ON THE DEATH OF DETROIT MAYOR COLEMAN A. YOUNG

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Ms. WATERS. Mr. Speaker, we are deeply saddened to hear of the loss of former Mayor Coleman Young this past Saturday. Mayor Young was a political icon who gave leadership both at the local and national level. We will miss him greatly.

When he won office in 1974, Mayor Young was one of the first African Americans to become Mayor of a large metropolitan city. We will remember him for his twenty years of dynamic leadership of the City of Detroit.

He took over the reins of a city in 1974 that was steeped in racism and discord. During his tenure, he attempted to open economic opportunities for all people in the city. He provided a special sense of pride and empowerment to Detroit's black community and he had a special place in all of our hearts.

We will mourn his passing, but remember his many contributions to our history. It was his input that helped President Jimmy Carter formulate a public policy program for America's urban areas. His efforts were responsible for building the renowned Museum of African American Art.

May it comfort his family to know that so many share their loss. And may it comfort the people of Detroit to know that people from across the country acknowledge his contributions.

Maxine Waters, chair; Earl Hilliard, first vice-chair; Eddie Bernice Johnson, second vice chair; Corrine Brown, secretary; Sheila Jackson-Lee, whip. Members John Conyers, Jr., William Clay, Louis Stokes, Ronald Dellums, Charles Rangel, Julian Dixon, Major R. Owens, Edolphus Towns, Floyd Flake, John Lewis, Donald M. Payne, Eleanor Holmes Norton, William Jefferson, Eva Clayton, Sanford Bishop, James Clyburn, Alcee Hastings, Cynthia McKinney, Carrie Meek, Bobby Rush, Robert Scott, Melvin Watt, Albert Wynn, Bennie Thompson, Chaka Fattah, Jesse Jackson, Jr., Juanita Millender-McDonald, Elijah Cummings, Julia Carson, Donna Christian-Green, Danny Davis, Harold Ford, Jr., Carolyn Kilpatrick and Senator Carol Moseley-Braun.

KASHMIRI PANDITS MASSACRED

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. PALLONE. Mr. Speaker, on January 26th of this year, in Kashmir, India, 23 Kashmiri Pandits, were massacred in cold blood. Unprovoked, 30 militants entered the homes of four Pandit families, opened fire and killed all but one. After the killings, the militants set their home and a small temple on fire.

Mr. Speaker, for the last 7 years, Kashmiri Pandits have been subjected to unprovoked and senseless killings. They have been forced to leave their homes in the Kashmir Valley because of the actions committed by terrorists and militants who are armed and trained by the enemies of India.

The terrorists' agenda is simple. It is to undermine the restoration of democratic rule and peace that was brought back to Jammu and Kashmir in October 1996. I should note that the killings took place on India's 48th Republic Day. A spokesman for a Kashmiri Pandit organization stated that ''the massacre of the innocent people by the Pakistan trained militants on the occasion of the Republic Day was a mockery of Indians' integrity in the 50th year of Independence.''

This peaceful community, which has been subjected to countless targeted killings, has been forced to live in refugee camps scattered throughout India. Rather than living in their homeland, the Pandit community has been living in ill-equipped camps that lack the proper educational and job training facilities that would enable them to live decent and productive lives. This has resulted in tremendous suffering by the community and the cultural and social deterioration of their community.

Mr. Speaker, we must work with the Indian Government in bringing peace and security to

this volatile region. We must encourage India's National Human Rights Commission (NHRC) to play an instrumental role in resolving this issue. I have asked the US State Department to encourage the Indian Government to designate the Kashmiri Pandit community as an ''Internally Displaced People'' (IDP) so that they may receive extensive humanitarian assistance.

I urge Members of this Body to work with me with the Government of India in creating conditions in the Kashmir Valley that are conducive to the return of the Pandits.

TRIBUTE TO CEL AGUIGUI: A CHAMORRO PUBLIC SERVANT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. UNDERWOOD. Mr. Speaker, at the end of this month, Mr. Celestin ''Cel'' J. Aguigui, a native son of Guam, will retire after 30 years of dedicated public service. Cel has served our country well as a teacher, a military officer, a State of Arizona employee, an assistant to the first Congressman from Guam, and as a senior information specialist with the U.S. Census Bureau.

The eldest of nine children, Cel moved from Guam to the U.S. mainland and graduated with a B.A. degree in political science from DePaul University. His higher education would prove invaluable as he pursued his professional career as legislative assistant, and later as the district director, for the late Honorable Antonio Borja Won Pat, Guam's first elected delegate to the U.S. House of Representatives. As an assistant to Congresswoman Won Pat, Cel was responsible for land issues, civilian and military relations, and defense issues.

His stint with the U.S. Air Force is noteworthy. Cel was a commissioned officer and served as a detachment commander and logistic officer both in the United States and at overseas bases. During the Vietnam War, he served as an aircraft maintenance officer for the 13th Tactical Fighter Squadron which flew combat missions. He supervised the entire maintenance operations consisting of 30 fighter aircraft and over 100 maintenance personnel. For meritorious service, he was awarded the Air Force commendation medal and the bronze star.

In 1989, Cel joined the staff of the U.S. Census Bureau. As a senior information specialist, Cel represented the bureau at national conferences as a speaker, panelist and exhibitor. During his entire career with the bureau, Cel has been an invaluable resource and advocate for the minority communities. He has contributed significantly in promoting the importance of census participation for Hispanics, Native Americans, Asian Americans and Pacific Islanders. For his dedication in improving communication between community leaders and the agency, he was awarded the bronze medal, the highest award given by the U.S. Census Bureau.

Cel's commitment to the community is exemplified by his various volunteer programs and civic participation at the local level. As a resident of Prince George's County, he served as the first Pacific Islander appointed by Parris Glendenning, the former Prince George's County Executive, to be a member of the Asian Pacific Advisory Board. A later appointment by Wayne Curry, the current Prince George's County Executive, gave Cel an opportunity to serve as a member of the Human Relations Commission as well as a member of the Community and Ethnic Advisory Board. His other accomplishments include: (1) past president of the Guam Society of America; (2) past president of the Federal Executive Association of Guam; (3) recipient of the ''Who is Who in Washington, D.C.''; and (4) named one of ten individuals selected in 1997 as a ''Volunteer of the Year'' by the Prince George's County Voluntary Action Center.

I am proud to recognize this remarkable public servant. Cel Aguigui's unselfish dedication and his personal commitment to others enhances all of our lives. I congratulate Cel for his retirement from federal service, and wish him and his family well. Si Yu'os Ma'ase, Cel, for all your work to bring together diverse groups and to make this a better place in which to live.

TRIBUTE TO MR. KELSO GILLENWATER

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ADAM SMITH of Washington. Mr. Speaker, I am here today to congratulate Mr. Kelso Gillenwater, president and publisher of the News Tribune newspaper in Tacoma, WA, for the last 8 years.

Mr. Gillenwater officially retired as president and publisher of the News Tribune, one of the most respected publications in the state, last week. Mr. Gillenwater provided Tacoma with fair, insightful, and thorough news and editorial coverage. He has spent his life in the newspaper business as a reporter, editorial writer, and business manager. It is this knowledge of all aspects of the newspaper business that have made Mr. Gillenwater such a quality president of the News Tribune.

Not only has Mr. Gillenwater given his time to the newspaper, he has been dedicated to the community. Mr. Gillenwater has given so much to the community—he is a board member of the Washington State Historical Society, the International Museum of Modern Glass, the Washington State Bar Association, and a member of the Higher Education Coordinating Board and the Executive Council for a Greater Tacoma. He has also donated his time as president of the Pacific Harbors Council of the Boy Scouts.

Mr. Gillenwater is a fine example of an American who has made his community a better place to live. I am proud to have worked with him and would like this Congress to recognize his accomplishments.

I send my best wishes out to Mr. Gillenwater and his family. I wish him an enjoyable retirement in the years ahead.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 29, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 3

10:00 a.m.
Budget
To hold hearings on the President's proposed budget for fiscal year 1999.
SD–608

Foreign Relations
To hold hearings to examine the military implications of the Ottawa Land Mine Treaty.
SD–419

2:00 p.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program.
SH–216

Environment and Public Works
To hold hearings on the nominations of Donald J. Barry, of Wisconsin, to be Assistant Secretary for Fish and Wildlife, Department of the Interior, and Sallyanne Harper, of Virginia, to be Chief Financial Officer, Environmental Protection Agency.
SD–406

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To resume hearings on S. 1253, to provide Federal land management agencies the authority and capability to manage Federal lands effectively in accordance with the principles of multiple use and sustained yield.
SD–366

FEBRUARY 4

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Donald J. Barry, of Wisconsin, to be Assistant Secretary of the Interior for Fish and Wildlife.
SD–366

Labor and Human Resources
Business meeting, on proposed legislation to revise the Rehabilitation Act.
SD–430

Select on Intelligence
To hold hearings on classified disclosures to Congress.
SH–216

10:00 a.m.
Budget
To continue hearings on the President's proposed budget for fiscal year 1999.
SD–608

2:00 p.m.
Judiciary
To hold hearings on pending judicial nominations.
SD–226

FEBRUARY 5

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the global warming agreement recently reached in Kyoto, Japan.
SR–332

9:30 a.m.
Veterans' Affairs
To hold hearings to evaluate U.S. biologic vaccine programs as to their impact on Gulf War veterans, and to examine lessons learned for future deployments.
SH–216

10:00 a.m.
Budget
To hold closed hearings to examine issues before the International Monetary Fund.
SD–608

Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:00 p.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program.
SR–222

FEBRUARY 6

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for January.
1334 Longworth Building

FEBRUARY 10

10:00 a.m.
Judiciary
To resume hearings to examine certain issues with regard to the proposed Global Tobacco Settlement which will mandate a total reformation and restructuring of how tobacco products are manufactured, marketed and distributed in America.
SD–226

Labor and Human Resources
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SD–430

Special on Aging
To hold hearings on the goals that must be achieved by a reformed social security system.
SD–628

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on oversight of the antitrust division of the Department of Justice.
SD–226

FEBRUARY 11

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine the role of the Agency for Health Care Policy and Research (Department of Health and Human Services) in health quality improvement.
SD–430

FEBRUARY 12

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

Labor and Human Resources
To hold oversight hearings on the implementation of the Education of the Deaf Act.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 62, to prohibit further extension or establishment of any national monument in Idaho without full public participation, S. 477, to require an Act of Congress And the consultation with State legislature prior to the establishment by the President of national monuments, S. 691, to ensure that the public and the Congress have the right and opportunity to participate in decisions that affect the use and management of all public lands, H.R. 901, to preserve the sovereignty of the U.S. over public lands, and H.R. 1127, to amend the Antiquities Act regarding the establishment by the President of certain national monuments.
SD–366

FEBRUARY 24

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine the scope and depth of the proposed settlement between States Attorneys Generals and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SR–253

10:00 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine incidences of foreign terrorists in America five years after the World Trade Center.
SD–226

Labor and Human Resources
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings to examine the status of the visitor center and museum facilities project at Gettysburg National Military Park in Pennsylvania.
SD–366

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine whether term limits or campaign finance reform would provide true political reform.
SD–226

FEBRUARY 25

10:00 a.m.
Judiciary
To hold hearings to examine incidences of high tech worker shortage.
SD–226

2:00 p.m.
Judiciary
To hold hearings on pending judicial nominations.
SD–226

FEBRUARY 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Non-Commissioned Officers Association, the Paralyzed Veterans of America, the Jewish War Veterans, the Military Order of the Purple Heart, the Blinded Veterans Association, and the Veterans of World War I.
345 Cannon Building

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

Labor and Human Resources
To resume hearings to examine the confidentiality of medical information.
SD–430

2:00 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD–226

MARCH 3

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 18

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

MARCH 25

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

JANUARY 29

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of Robert T. Grey, Jr., of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Conference on Disarmament, Department of State.
SD–419

12:00 p.m.
Commerce, Science, and Transportation
Business meeting, to mark up S. 1297, to redesignate Washington National Airport as ''Ronald Reagan Washington National Airport''.
SR–253

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED FIFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 3 through November 13, 1997

	Senate	*House*	*Total*
Days in session	153	132	..
Time in session	1,093 hrs., 07′	1,003 hrs., 42′	..
Congressional Record:			
Pages of proceedings	12,724	10,963	..
Extensions of Remarks	..	2,425	..
Public bills enacted into law	49	104	153
Private bills enacted into law	1	3	4
Bills in conference	..	2	..
Measures passed, total	385	544	929
Senate bills	123	50	..
House bills	101	243	..
Senate joint resolutions	5	3	..
House joint resolutions	16	19	..
Senate concurrent resolutions	30	13	..
House concurrent resolutions	19	46	..
Simple resolutions	92	170	..
Measures reported, total	*248	*374	622
Senate bills	159	4	..
House bills	32	244	..
Senate joint resolutions	2	1	..
House joint resolutions	2	11	..
Senate concurrent resolutions	13	..	..
House concurrent resolutions	2	9	..
Simple resolutions	38	105	..
Special reports	22	13	..
Conference reports	..	20	..
Measures pending on calendar	111	40	..
Measures introduced, total	1,840	3,728	5,568
Bills	1,568	3,088	..
Joint resolutions	39	106	..
Concurrent resolutions	70	200	..
Simple resolutions	163	334	..
Quorum calls	6	7	..
Yea-and-nay votes	298	285	..
Recorded votes	..	348	..
Bills vetoed	..	3	..
Vetoes overridden	..	..	..

*These figures include all measures reported, even if there was no accompanying report. A total of 158 reports have been filed in the Senate, a total of 407 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 3 through November 13, 1997

Civilian nominations (other than lists), totaling 98, disposed of as follows:	
Confirmed	361
Unconfirmed	124
Withdrawn	13
Civilian nominations (FS, PHS, CG, NOAA), totaling 3,105, disposed of as follows:	
Confirmed	3,019
Unconfirmed	86
Air Force nominations, totaling 8,141, disposed of as follows:	
Confirmed	8,120
Unconfirmed	21
Army nominations, totaling 6,244, disposed of as follows:	
Confirmed	6,244
Unconfirmed	2
Navy nominations, totaling 6,157, disposed of as follows:	
Confirmed	6,153
Unconfirmed	4
Marine Corps nominations, totaling 1,679, disposed of as follows:	
Confirmed	1,679
Unconfirmed	0

Summary

Total nominations received	25,828
Total confirmed	25,576
Total unconfirmed	237
Total withdrawn	13
Total returned to the White House	2

BILLS ENACTED INTO PUBLIC LAW (105TH, 1st SESSION)

	Law No.
S. 156	105–132
S. 305	105–14
S. 342	105–22
S. 410	105–8
S. 430	105–37
S. 476	105–133
S. 543	105–19
S. 587	105–74
S. 588	105–75
S. 589	105–76
S. 591	105–77
S. 669	105–106
S. 670	105–38
S. 714	105–114
S. 738	105–134
S. 813	105–101
S. 819	105–122
S. 830	105–115
S. 833	105–123
S. 858	105–107
S. 871	105–58
S. 910	105–47
S. 923	105–116
S. 931	105–82
S. 996	105–53
S. 1000	105–63
S. 1026	105–121
S. 1139	105–135
S. 1161	105–136
S. 1193	105–137
S. 1198	105–54
S. 1211	105–48
S. 1227	105–72
S. 1228	105–124
S. 1231	105–108
S. 1258	105–117
S. 1347	105–109
S. 1354	105–125
S. 1377	105–110
S. 1378	105–126
S. 1417	105–127
S. 1505	105–128
S. 1507	105–129
S. 1519	105–130
S. 1559	105–138
S. 1565	105–139
S.J. Res. 5	105–5
S.J. Res. 29	105–29
S.J. Res. 39	105–140
H.R. 5	105–17
H.R. 63	105–44
H.R. 79	105–79
H.R. 111	105–49
H.R. 173	105–27
H.R. 282	105–87
H.R. 363	105–23
H.R. 394	105–59
H.R. 408	105–42
H.R. 412	105–9
H.R. 499	105–4
H.R. 514	105–7
H.R. 649	105–28
H.R. 668	105–2
H.R. 672	105–80
H.R. 680	105–50
H.R. 681	105–88
H.R. 708	105–81
H.R. 709	105–36
H.R. 785	105–10
H.R. 867	105–89
H.R. 924	105–6
H.R. 956	105–20
H.R. 968	105–15
H.R. 1001	105–13
H.R. 1003	105–12
H.R. 1057	105–90
H.R. 1058	105–91
H.R. 1086	105–102
H.R. 1090	105–111
H.R. 1119	105–85
H.R. 1198	105–39
H.R. 1225	105–11
H.R. 1226	105–35
H.R. 1254	105–131
H.R. 1306	105–24
H.R. 1377	105–92
H.R. 1420	105–57
H.R. 1479	105–93
H.R. 1484	105–94
H.R. 1493	105–141
H.R. 1553	105–25
H.R. 1585	105–41
H.R. 1604	105–143
H.R. 1650	105–16
H.R. 1658	105–146
H.R. 1747	105–95
H.R. 1787	105–96
H.R. 1840	105–112
H.R. 1866	105–43
H.R. 1871	105–18
H.R. 1901	105–30
H.R. 1902	105–26
H.R. 1944	105–40
H.R. 1948	105–60
H.R. 2013	105–70
H.R. 2014	105–34
H.R. 2015	105–33
H.R. 2016	105–45
H.R. 2018	105–31
H.R. 2107	105–83
H.R. 2129	105–97
H.R. 2158	105–65
H.R. 2159	105–118
H.R. 2160	105–86
H.R. 2169	105–66
H.R. 2203	105–62
H.R. 2209	105–55
H.R. 2248	105–51
H.R. 2264	105–78
H.R. 2265	105–147
H.R. 2266	105–56
H.R. 2267	105–119
H.R. 2366	105–113
H.R. 2367	105–98
H.R. 2378	105–61
H.R. 2443	105–52
H.R. 2464	105–73
H.R. 2476	105–148
H.R. 2564	105–99
H.R. 2607	105–100
H.R. 2626	105–142
H.R. 2796	105–152
H.R. 2813	105–103
H.R. 2977	105–153
H.R. 2979	105–144
H.R. 3025	105–149
H.R. 3034	105–150
H.J. Res. 25	105–1
H.J. Res. 32	105–21
H.J. Res. 36	105–3
H.J. Res. 75	105–67
H.J. Res. 90	105–32
H.J. Res. 91	105–104
H.J. Res. 92	105–105
H.J. Res. 94	105–46
H.J. Res. 95	105–145
H.J. Res. 96	105–151
H.J. Res. 97	105–64
H.J. Res. 101	105–68
H.J. Res. 103	105–120
H.J. Res. 104	105–69
H.J. Res. 105	105–71
H.J. Res. 106	105–84

BILLS VETOED

H.R. 1469, making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes. Vetoed June 9, 1997.

H.R. 1122, to amend title 18, United States Code, to ban partial-birth abortions. Vetoed Oct. 10, 1997.

H.R. 2631, disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105-45. Vetoed Nov. 13, 1997.

LINE ITEM VETOES

H.R. 2015, to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998 (P.L.105-33). Line Item Veto Message: H.Doc. 105–115 of Sept. 3, 1997.

H.R. 2014, to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998 (P.L.105-34). Line Item Veto Message: H.Doc. 105–116 of Sept. 3, 1997.

H.R. 2016, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes (P.L.105-45). Line Item Veto Message: H.Doc. 105–147 of Oct. 6, 1997.

H.R. 2266, making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes (P.L.105-56). Line Item Veto Message: H.Doc. 105–155 of Oct. 21, 1997.

H.R. 2378, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes (P.L.105-61). Line Item Veto Message: H.Doc. 105–156 of Oct. 21, 1997.

H.R. 2203, making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes (P.L.105-62). Line Item Veto Message: H.Doc. 105–157 of Oct. 21, 1997.

H.R. 2158, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes (P.L.105-65). Line Item Veto Message: H.Doc. 105–167 of Nov. 4, 1997.

H.R. 2169, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes (P.L.105-66). Line Item Veto Message: H.Doc. 105–168 of Nov. 4, 1997.

H.R. 2160, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes (P.L.105-86). Line Item Veto Message: H.Doc. 105–179 of Jan. 27, 1998.

H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes (P.L.105-83). Line Item Veto Message: H.Doc. 105–180 of Jan. 27, 1998.

H.R. 2267, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes (P.L.105-119). Line Item Veto Message: H.Doc. 105–181 of Jan. 27, 1998.

HISTORY OF BILLS ENACTED INTO PUBLIC LAW

(105th Cong., 1st Sess.)

Title	Bill No.	Date introduced	Committee		Date Reported		Report No.		Page of passage in Congressional Record		Date of passage		Public Law	
			House	Senate	House	Senate	House 104–	Senate 104–	House	Senate	House	Senate	Date approved	No. 104–
Making technical corrections to the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208).	H.J. Res. 25	Jan. 9 1997			.....	.....	.....	.....	H 75		Jan. 9 1997	Jan. 21 1997	Feb. 3, 1997	1
Airport and Airway Trust Fund Tax Reinstatement Act of 1997.	H.R. 668	Feb. 11 1997	WM		Feb. 13 1997	.....	5	.....	H 641	S 1775	Feb. 26 1997	Feb. 27 1997	Feb. 28, 1997	2
Approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.	H.J. Res. 36 (S.J. Res. 14)	Feb. 4 1997	App	App			.....	.....	H 551	S 1524	Feb. 13 1997	Feb. 25 1997	Feb. 28, 1997	3
To designate the facility of the United States Postal Service under construction at 7411 Barlite Boulevard in San Antonio, Texas, as the ''Frank M. Tejeda Post Office Building''.	H.R. 499	Feb. 4 1997	GRO	GA			.....	.....	H 297	S 1650	Feb. 5 1997	Feb. 26 1997	Mar. 3, 1997	4
Waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative.	S.J. Res. 5	Jan. 21 1997		Fin	.....	Feb. 3 1997	.....	.....	H 828	S 1970	Mar. 11 1997	Mar. 5 1997	Mar. 17, 1997	5
Victim Rights Clarification Act of 1997	H.R. 924 (S. 447)	Mar. 5 1997	Jud		Mar. 17 1997	.....	28	.....	H 1067	S 2507	Mar. 18 1997	Mar. 19 1997	Mar. 19, 1997	6
District of Columbia Inspector General Improvement Act of 1997.	H.R. 514	Feb. 4 1997	GRO		Mar. 17 1997	.....	29	.....	H 1056	S 2736	Mar. 18 1997	Mar. 20 1997	Mar. 25, 1997	7
To extend the effective date of the Investment Advisers Supervision Coordination Act.	S. 410	Mar. 6 1997		BHUA	.....		.....	.....	H 1069	S 2219	Mar. 18 1997	Mar. 12 1997	Mar. 31, 1997	8
Oroville-Tonasket Claim Settlement and Conveyance Act.	H.R. 412	Jan. 9 1997	Res		Mar. 10 1997	.....	8	.....	H 1067	S 2862	Mar. 18 1997	April 8 1997	April 14, 1997	9
To designate the J. Phil Campbell, Senior, Natural Resource Conservation Center.	H.R. 785	Feb. 13 1997	Agr		Mar. 20 1997	.....	36	.....	H 1304	S 3065	April 8 1997	April 10 1997	April 24, 1997	10
To make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states.	H.R. 1225	April 8 1997	Jud		April 10 1997	.....	48	.....	H 1472	S 3697	April 15 1997	April 24 1997	April 25, 1997	11
Assisted Suicide Funding Restriction Act of 1997.	H.R. 1003	Mar. 11 1997	Com WM Jud EEO GRO Res IR		April 8 1997	.....	46	.....	H 1405	S 3264	April 10 1997	April 16 1997	April 30, 1997	12
To extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission.	H.R. 1001	Mar. 10 1997	WM Com		April 10 1997 April 14 1997	.....	49	.....	H 1471	S 3859	April 15 1997	April 30 1997	May 14, 1997	13
To authorize the President to award a gold medal on behalf of the Congress to Francis Albert ''Frank'' Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes.	S. 305 (H.R. 279)	Feb. 12 1997	BFS	BHUA			.....	.....	H 1940	S 1686	April 29 1997	Feb. 26 1997	May 14, 1997	14
To amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.	H.R. 968	Mar. 6 1997	WM Com	Fin	Mar. 13 1997 Mar. 18 1997		23	.....	H 1297	S 3858	April 8 1997	April 30 1997	May 15, 1997	15

To authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities, and for other purposes.	H.R. 1650	May 16 1997	BFS			.....	.....	.....	H 2960	S 4918	May 20 1997	May 21 1997	June 2, 1997	16
Individuals with Disabilities Education Act Amendments of 1997.	H.R. 5 (S. 717)	Jan. 7 1997	EEO	LHR	May 13 1997	May 7 1997	95	.....	H 2567	S 4411	May 13 1997	May 14 1997	June 4, 1997	17
The title of this measure is not available	H.R. 1871	June 12 1997	App Bud			.....	.....	.....	H 3789		June 12 1997	June 12 1997	June 12, 1997	18
Volunteer Protection Act of 1997	S. 543 (H.R. 911)	April 9 1997	Jud		May 19 1997	.....	101	.....	H 3118	S 3880	May 21 1997	May 1 1997	June 18, 1997	19
To amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.	H.R. 956 (S. 536)	Mar. 5 1997	GRO Com	Jud	May 20 1997	May 8 1997	105	.....	H 3190	S 5945	May 22 1997	June 18 1997	June 27, 1997	20
To consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.	H.J. Res. 32	Jan. 21 1997	Res	ENR	Mar. 11 1997	May 16 1997	16	19	H 847	S 5645	Mar. 11 1997	June 12 1997	June 27, 1997	21
To extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.	S. 342	Feb. 24 1997	IR	FR		May 8 1997	.....	.....	H 3820	S 4773	June 17 1997	May 20 1997	June 27, 1997	22
To amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination Program.	H.R. 363	Jan. 7 1997	Com Sci	ENR	April 21 1997 April 21 1997	June 12 1997	60	27	H 1953	S 6048	April 29 1997	June 20 1997	July 3, 1997	23
To amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank.	H.R. 1306	April 10 1997	BFS			.....	.....	.....	H 3095	S 5637	May 21 1997	June 12 1997	July 3, 1997	24
To amend the President John F. Kennedy Assassination Records Collection Act of 1992 to extend the authorization of the Assassination Records Review Board until September 30, 1998.	H.R. 1553	May 8 1997	GRO Jud		June 19 1997	.....	138	.....	H 4149	S 6385	June 23 1997	June 25 1997	July 3, 1997	25
To immunize donations made in the form of charitable gift annuities and charitable remainder trusts from the antitrust laws and State laws similar to the antitrust laws.	H.R. 1902	June 17 1997	Jud		June 23 1997	.....	146	.....	H 4141	S 6287	June 23 1997	June 24 1997	July 3, 1997	26
To amend the Federal Property and Administrative Services Act of 1949 to authorize donation of surplus Federal law enforcement canines to their handlers.	H.R. 173 (S. 861)	Jan. 7 1997	GRO	GA		June 26 1997	.....	.....	H 1575	S 6788	April 16 1997	June 27 1997	July 18, 1997	27
To amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.	H.R. 649	Feb. 6 1997	Com	ENR	Mar. 11 1997	June 11 1997	11	26	H 828	S 6790	Mar. 11 1997	June 27 1997	July 18, 1997	28
To direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.	S.J. Res. 29	May 1 1997	Res		July 8 1997	.....	167	.....	H 4877	S 3930	July 8 1997	May 1 1997	July 24, 1997	29
To clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission.	H.R. 1901	June 17 1997	Jud		June 23 1997	.....	145	.....	H 4140	S 7129	June 23 1997	July 9 1997	July 25, 1997	30
To waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, New York.	H.R. 2018	June 24 1997	Com		July 8 1997	.....	165	.....	H 4873	S 7318	July 8 1997	July 11 1997	July 25, 1997	31
Waiving certain enrollment requirements with respect to two specified bills of the One Hundred Fifth Congress.	H.J. Res. 90	July 31 1997			.....	.....	.....	.....	H 6701	S 8482	July 31 1997	July 31 1997	Aug. 1, 1997	32

Title	Bill No.	Date introduced	Committee		Date Reported		Report No.		Page of passage in Congressional Record		Date of passage		Public Law	
			House	Senate	House	Senate	House 104–	Senate 104–	House	Senate	House	Senate	Date approved	No. 104–
To provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998.	H.R. 2015 (S. 947)	June 24 1997	Bud		June 24 1997	.....	149	.....	H 4606	S 6332	June 25 1997	June 25 1997	Aug. 5, 1997	33
To provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998.	H.R. 2014 (S. 949)	June 24 1997	Bud		June 24 1997	.....	148	33	H 4816	S 6718	June 26 1997	June 27 1997	Aug. 5, 1997	34
To amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information.	H.R. 1226	April 8 1997	WM		April 14 1997	.....	51	.....	H 1490	S 7983	April 15 1997	July 23 1997	Aug. 5, 1997	35
To reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.	H.R. 709	Feb. 12 1997	Res	ENR	Mar. 11 1997		17	.....	H 836	S 7983	Mar. 11 1997	July 23 1997	Aug. 5, 1997	36
To amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds.	S. 430	Mar. 12 1997	Res	ENR		May 15 1997	.....	18	H 5834	S 4919	July 28 1997	May 21 1997	Aug. 7, 1997	37
To amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States.	S. 670 (H.R. 1109)	April 30 1997	Jud	Jud		May 8 1997	.....	.....	H 5865	S 4505	July 28 1997	May 14 1997	Aug. 8, 1997	38
To direct the Secretary of the Interior to convey certain land to the City of Grants Pass, Oregon.	H.R. 1198	Mar. 20 1997	Res	ENR	July 8 1997	July 30 1997	166	.....	H 4857	S 8526	July 8 1997	July 31 1997	Aug. 11, 1997	39
To provide for a land exchange involving the Warner Canyon Ski Area and other land in the State of Oregon.	H.R. 1944	June 17 1997	Res	ENR	July 21 1997	July 30 1997	193	.....	H 5545	S 8526	July 22 1997	July 31 1997	Aug. 11, 1997	40
To allow postal patrons to contribute to funding for breast cancer research through the voluntary purchase of certain specially issued United States postage stamps.	H.R. 1585	May 13 1997	GRO Com NS			.....	.....	.....	H 5550	S 8040	July 22 1997	July 24 1997	Aug. 13, 1997	41
To amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.	H.R. 408 (S. 39)	Jan. 9 1997	Res WM	CST	April 24 1997 May 1 1997	July 14 1997	74	.....	H 3140	S 8312	May 21 1997	July 30 1997	Aug. 15, 1997	42
To continue favorable treatment for need-based educational aid under the antitrust laws.	H.R. 1866	June 11 1997	Jud		June 23 1997	.....	144	.....	H 4145	S 8383	June 23 1997	July 30 1997	Sept. 17, 1997	43
To designate the reservoir created by Trinity Dam in the Central Valley project, California, as ''Trinity Lake''.	H.R. 63	Jan. 7 1997	Res	ENR	Mar. 10 1997	Sept. 2 1997	9	70	H 830	S 9435	Mar. 11 1997	Sept. 16 1997	Sept. 30, 1997	44
Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.	H.R. 2016	June 24 1997	App	App	June 24 1997	July 17 1997	150	52	H 4891	S 7823	July 8 1997	July 22 1997	Sept. 30, 1997	45
Making continuing appropriations for the fiscal year 1998, and for other purposes.	H.J. Res. 94	Sept. 26 1997	App			.....	.....	.....	H 8097	S 10204	Sept. 29 1997	Sept. 30 1997	Sept. 30, 1997	46
To authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes.	S. 910	June 16 1997		CST	.....	July 30 1997	.....	59	H 7321	S 8524	Sept. 16 1997	July 31 1997	Oct. 1, 1997	47
To provide permanent authority for the administration of au pair programs.	S. 1211	Sept. 24 1997	IR			.....	.....	.....	H 8101	S 9987	Sept. 29 1997	Sept. 25 1997	Oct. 1, 1997	48

To authorize the Secretary of Agriculture to convey a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag Boosters for use as a farm school.	H.R. 111	Jan. 7 1997	Agr	Agr	Mar. 20 1997		34	.....	H	1580	S	9806	April 16 1997	Sept. 23 1997	Oct. 6, 1997	49
To amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessaries to impoverished families and individuals.	H.R. 680 (S. 307)	Feb. 11 1997	GRO	GA		June 26 1997	.....	.....	H	1953	S	7128	April 29 1997	July 9 1997	Oct. 6, 1997	50
To authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.	H.R. 2248	July 24 1997	BFS			.....	.....	.....	H	7453	S	9907	Sept. 17 1997	Sept. 24 1997	Oct. 6, 1997	51
To designate the Federal building located at 601 Fourth Street, N.W., in the District of Columbia, as the ''Federal Bureau of Investigation, Washington Field Office Memorial Building'', in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe.	H.R. 2443	Sept. 9 1997	TI	EPW		Sept. 24 1997	.....	.....	H	7579	S	9908	Sept. 18 1997	Sept. 24 1997	Oct. 6, 1997	52
To provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts.	S. 996 (H.R. 1581)	July 8 1997	Jud	Jud	June 23 1997		143	.....	H	7655	S	8528	Sept. 23 1997	July 31 1997	Oct. 6, 1997	53
To amend the Immigration and Nationality Act to extend the special immigrant religious worker program, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for designation of an effective date for paperwork changes in the employer sanctions program, and to require the Secretary of State to waive or reduce the fee for application and issuance of a nonimmigrant visa for aliens coming to the United States for certain charitable purposes.	S. 1198	Sept. 18 1997	Jud			.....	.....	.....	H	8290	S	9633	Oct. 1 1997	Sept. 18 1997	Oct. 6, 1997	54
Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes.	H.R. 2209 (S. 1019)	July 22 1997	App		July 22 1997	.....	196	47	H	5895	S	8216	July 28 1997	July 29 1997	Oct. 7, 1997	55
Making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.	H.R. 2266 (S. 1005)	July 25 1997	App		July 25 1997	.....	206	45	H	5983	S	8248	July 29 1997	July 29 1997	Oct. 8, 1997	56
To amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.	H.R. 1420	April 23 1997	Res		May 21 1997	.....	106	.....	H	3238	S	9092	June 3 1997	Sept. 10 1997	Oct. 9, 1997	57
To establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes.	S. 871	June 10 1997		ENR	.....	July 30 1997	.....	71	H	7713	S	8410	Sept. 23 1997	July 31 1997	Oct. 9, 1997	58
To provide for the release of the reversionary interest held by the United States in certain property located in the County of Iosco, Michigan.	H.R. 394	Jan. 9 1997	Agr	Agr	Mar. 20 1997		35	.....	H	1303	S	10244	April 8 1997	Sept. 30 1997	Oct. 10, 1997	59
To provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.	H.R. 1948	June 17 1997	Res		Sept. 23 1997	.....	261	.....	H	7714	S	10244	Sept. 23 1997	Sept. 30 1997	Oct. 10, 1997	60

Title	Bill No.	Date introduced	Committee		Date Reported		Report No.		Page of passage in Congressional Record		Date of passage		Public Law	
			House	Senate	House	Senate	House 104–	Senate 104–	House	Senate	House	Senate	Date approved	No. 104–
Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes.	H.R. 2378 (S. 1023)	Aug. 6 1997	App		Aug. 5 1997	.....	240	49	H 7481	S 9510	Sept. 17 1997	Sept. 17 1997	Oct. 10, 1997	61
Making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.	H.R. 2203 (S. 1004)	July 21 1997	App		July 21 1997	.....	190	44	H 5798	S 8175	July 25 1997	July 28 1997	Oct. 13, 1997	62
To designate the United States courthouse at 500 State Avenue in Kansas City, Kansas, as the ''Robert J. Dole United States Courthouse''.	S. 1000	July 10 1997	TI	EPW		July 24 1997	.....	.....	H 7713	S 8158	Sept. 23 1997	July 25 1997	Oct. 22, 1997	63
Making further continuing appropriations for the fiscal year 1998, and for other purposes.	H.J. Res. 97	Oct. 21 1997	App			.....	.....	.....	H 8937	S 11015	Oct. 22 1997	Oct. 23 1997	Oct. 23, 1997	64
Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes.	H.R. 2158 (S. 1034)	July 11 1997	App		July 11 1997	.....	175	53	H 5371	S 7857	July 16 1997	July 22 1997	Oct. 27, 1997	65
Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.	H.R. 2169 (S. 1048)	July 16 1997	App		July 16 1997	.....	188	55	H 5649	S 8311	July 23 1997	July 30 1997	Oct. 27, 1997	66
To confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope.	H.J. Res. 75	April 30 1997	VA		June 3 1997	Sept. 4 1997	109	.....	H 3221	S 9030	June 3 1997	Sept. 9 1997	Oct. 30, 1997	67
Making further continuing appropriations for the fiscal year 1998, and for other purposes.	H.J. Res. 101	Nov. 7 1997	App			.....	.....	.....	H 10341	S 12058	Nov. 7 1997	Nov. 7 1997	Nov. 7, 1997	68
Making further continuing appropriations for the fiscal year 1998, and for other purposes.	H.J. Res. 104	Nov. 9 1997	App			.....	.....	.....	H 10529	S 12428	Nov. 9 1997	Nov. 9 1997	Nov. 9, 1997	69
To designate the facility of the United States Postal Service located at 551 Kingstown Road in South Kingstown, Rhode Island, as the ''David B. Champagne Post Office Building''.	H.R. 2013	June 23 1997	GRO			.....	.....	.....	H 8853	S 11213	Oct. 21 1997	Oct. 24 1997	Nov. 10, 1997	70
Making further continuing appropriations for the fiscal year 1998, and for other purposes.	H.J. Res. 105	Nov. 9 1997	App			.....	.....	.....	H 10578	S 12437	Nov. 10 1997	Nov. 10 1997	Nov. 10, 1997	71
To amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title.	S. 1227	Sept. 26 1997			.....	.....	.....	.....	H 9575	S 10026	Oct. 28 1997	Sept. 26 1997	Nov. 10, 1997	72
To amend the Immigration and Nationality Act to exempt internationally adopted children under age 10 from the immunization requirement.	H.R. 2464	Sept. 11 1997	Jud		Oct. 1 1997	.....	289	.....	H 8890	S 11703	Oct. 21 1997	Nov. 4 1997	Nov. 12, 1997	73
To require the Secretary of the Interior to exchange certain lands located in Hinsdale County, Colorado.	S. 587	April 16 1997		ENR	.....	Oct. 6 1997	.....	96	H 9984	S 10779	Nov. 4 1997	Oct. 9 1997	Nov. 12, 1997	74
To provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest, Colorado, to include land known as the Slate Creek Addition.	S. 588	April 16 1997		ENR	.....	Oct. 6 1997	.....	97	H 9983	S 10779	Nov. 4 1997	Oct. 9 1997	Nov. 12, 1997	75

To provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys.	S.	589	April 16 1997		ENR	.....	Oct. 6 1997	.....	98	H	9984	S	10780	Nov. 4 1997	Oct. 9 1997	Nov. 12, 1997	76
To transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in the State of Colorado.	S.	591	April 16 1997		ENR	.....	Oct. 6 1997	.....	99	H	9984	S	10780	Nov. 4 1997	Oct. 9 1997	Nov. 12, 1997	77
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.	H.R. (S. 1061)	2264	July 25 1997	App		July 25 1997	.....	205	58	H	7452	S	9510	Sept. 17 1997	Sept. 17 1997	Nov. 13, 1997	78
To provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe.	H.R.	79	Jan. 7 1997	Res	IA	June 3 1997	Oct. 29 1997	110	117	H	3235	S	11703	June 3 1997	Nov. 4 1997	Nov. 13, 1997	79
To make technical amendments to certain provisions of title 17, United States Code.	H.R.	672	Feb. 11 1997	Jud	Jud	Mar. 17 1997		25	.....	H	1068	S	11498	Mar. 18 1997	Oct. 30 1997	Nov. 13, 1997	80
To require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges.	H.R.	708	Feb. 12 1997	Res		Oct. 6 1997	.....	300	.....	H	8860	S	11706	Oct. 21 1997	Nov. 4 1997	Nov. 13, 1997	81
To designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center.	S.	931	June 18 1997		ENR	.....	Sept. 2 1997	.....	68	H	9927	S	9434	Nov. 4 1997	Sept. 16 1997	Nov. 13, 1997	82
Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.	H.R.	2107	July 1 1997	App	App	July 1 1997	July 22 1997	163	56	H	5272	S	9626	July 15 1997	Sept. 18 1997	Nov. 14, 1997	83
Making further continuing appropriations for the fiscal year 1998, and for other purposes.	H.J. Res.	106	Nov. 13 1997	App			.....	.....	.....	H	10959			Nov. 13 1997	Nov. 13 1997	Nov. 14, 1997	84
To authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes.	H.R.	1119	Mar. 19 1997	NS		June 16 1997	.....	132	.....	H	4384	S	7283	June 25 1997	July 11 1997	Nov. 18, 1997	85
Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes.	H.R.	2160	July 14 1997	App		July 14 1997	.....	178	.....	H	5731	S	8682	July 24 1997	Sept. 3 1997	Nov. 18, 1997	86
To designate the United States Post Office building located at 153 East 110th Street, New York, New York, as the ''Oscar Garcia Rivera Post Office Building''.	H.R.	282	Jan. 7 1997	GRO	GA		Nov. 6 1997	.....	.....	H	8851	S	12419	Oct. 21 1997	Nov. 9 1997	Nov. 19, 1997	87
To designate the United States Post Office building located at 313 East Broadway in Glendale, California, as the ''Carlos J. Moorhead Post Office Building''.	H.R.	681	Feb. 11 1997	GRO	GA		Nov. 6 1997	.....	.....	H	8850	S	12419	Oct. 21 1997	Nov. 9 1997	Nov. 19, 1997	88
To promote the adoption of children in foster care.	H.R.	867	Feb. 27 1997	WM		April 28 1997	.....	77	.....	H	2035	S	12202	April 30 1997	Nov. 8 1997	Nov. 19, 1997	89
To designate the building in Indianapolis, Indiana, which houses the operations of the Circle City Station Post Office as the ''Andrew Jacobs, Jr. Post Office Building''.	H.R.	1057	Mar. 13 1997	GRO	GA			.....	.....	H	3827	S	12419	June 17 1997	Nov. 9 1997	Nov. 19, 1997	90
To designate the facility of the United States Postal Service under construction at 150 West Margaret Drive in Terre Haute, Indiana, as the ''John T. Myers Post Office Building''.	H.R.	1058	Mar. 13 1997	GRO	GA			.....	.....	H	3828	S	12419	June 17 1997	Nov. 9 1997	Nov. 19, 1997	91

Title	Bill No.	Date introduced	Committee		Date Reported		Report No.		Page of passage in Congressional Record		Date of passage		Public Law	
			House	Senate	House	Senate	House 104–	Senate 104–	House	Senate	House	Senate	Date approved	No. 104–
To amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.	H.R. 1377	April 17 1997	EEO	LHR	May 20 1997		104	.....	H 3088	S 12058	May 21 1997	Nov. 7 1997	Nov. 19, 1997	92
To designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Courthouse".	H.R. 1479	April 29 1997	TI	EPW	July 31 1997		227	.....	H 9641	S 12424	Oct. 29 1997	Nov. 9 1997	Nov. 19, 1997	93
To redesignate the Dublin Federal Courthouse building located in Dublin, Georgia, as the J. Roy Rowland Federal Courthouse.	H.R. 1484	April 29 1997	TI	EPW	July 31 1997		226	.....	H 9640	S 12424	Oct. 29 1997	Nov. 9 1997	Nov. 19, 1997	94
To amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes.	H.R. 1747	May 22 1997	TI		June 12 1997	.....	130	.....	H 3818	S 12061	June 17 1997	Nov. 7 1997	Nov. 19, 1997	95
To assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.	H.R. 1787	June 4 1997	Res IR	EPW	Sept. 23 1997	Nov. 7 1997	266	.....	H 8862	S 12204	Oct. 21 1997	Nov. 8 1997	Nov. 19, 1997	96
To designate the United States Post Office located at 150 North 3rd Street in Steubenville, Ohio, as the "Douglas Applegate Post Office".	H.R. 2129	July 9 1997	GRO	GA		Nov. 6 1997	.....	.....	H 8854	S 12419	Oct. 21 1997	Nov. 9 1997	Nov. 19, 1997	97
To increase, effective as of December 1, 1997, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.	H.R. 2367	July 31 1997	VA		Oct. 9 1997	.....	320	.....	H 9837	S 11790	Oct. 31 1997	Nov. 5 1997	Nov. 19, 1997	98
To designate the United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the "Peter J. McCloskey Postal Facility".	H.R. 2564	Sept. 26 1997	GRO	GA		Nov. 6 1997	.....	.....	H 8856	S 12419	Oct. 21 1997	Nov. 9 1997	Nov. 19, 1997	99
Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.	H.R. 2607	Oct. 6 1997	App		Oct. 6 1997	.....	298	.....	H 8805	S 12271	Oct. 9 1997	Nov. 9 1997	Nov. 19, 1997	100
To amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.	S. 813 (H.R. 1532)	May 23 1997	Jud	Jud	June 21 1997	Oct. 23 1997	142	.....	H 10372	S 11704	Nov. 8 1997	Nov. 4 1997	Nov. 19, 1997	101
To codify without substantive change laws related to transportation and to improve the United States Code.	H.R. 1086	Mar. 17 1997	Jud	Jud	June 25 1997	Sept. 18 1997	153	.....	H 4860	S 12206	July 8 1997	Nov. 8 1997	Nov. 20, 1997	102
To waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict.	H.R. 2813	Nov. 4 1997	NS			.....	.....	.....	H 10406	S 12495	Nov. 8 1997	Nov. 10 1997	Nov. 20, 1997	103
Granting the consent of Congress to the Apalachicola-Chattahoochee-Flint River Basin Compact.	H.J. Res. 91	July 31 1997	Jud		Oct. 31 1997	.....	369	.....	H 9983	S 11923	Nov. 4 1997	Nov. 7 1997	Nov. 20, 1997	104

Granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact.	H.J. Res. 92	July 31 1997	Jud		Oct. 31 1997	.....	370	.....	H 9983	S 11923	Nov. 4 1997	Nov. 7 1997	Nov. 20, 1997	105
To provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.	S. 669	April 30 1997	Res	ENR		June 26 1997	.....	39	H 10553	S 7318	Nov. 9 1997	July 11 1997	Nov. 20, 1997	106
To authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.	S. 858 (H.R. 1775)	June 9 1997	Int NS	AS	June 18 1997	June 18 1997	135	24	H 5410	S 5976	July 17 1997	June 19 1997	Nov. 20, 1997	107
To authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes.	S. 1231	Sept. 26 1997		CST	.....	Oct. 30 1997	.....	124	H 10548	S 11704	Nov. 9 1997	Nov. 4 1997	Nov. 20, 1997	108
To permit the city of Cleveland, Ohio, to convey certain lands that the United States conveyed to the city.	S. 1347	Oct. 30 1997		CST	.....		.....	.....	H 10558	S 12209	Nov. 9 1997	Nov. 8 1997	Nov. 20, 1997	109
To amend the Act incorporating the American Legion to make a technical correction.	S. 1377	Nov. 5 1997	Jud			.....	.....	.....	H 10374	S 11791	Nov. 8 1997	Nov. 5 1997	Nov. 20, 1997	110
To amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error.	H.R. 1090	Mar. 18 1997	VA		April 14 1997		52	.....	H 1566	S 12487	April 16 1997	Nov. 10 1997	Nov. 21, 1997	111
To provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.	H.R. 1840	June 10 1997	Jud	Jud	June 26 1997		162	.....	H 4868	S 12487	July 8 1997	Nov. 10 1997	Nov. 21, 1997	112
To transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.	H.R. 2366	July 31 1997	GRO Agr	GA	Oct. 2 1997	Nov. 7 1997	296	141	H 8869	S 12495	Oct. 21 1997	Nov. 10 1997	Nov. 21, 1997	113
To extend and improve the Native American Veteran Housing Loan Pilot Program of the Department of Veterans Affairs, to extend certain authorities of the Secretary of Veterans Affairs relating to services for homeless veterans, to extend certain other authorities of the Secretary, and for other purposes.	S. 714	May 7 1997			.....	Oct. 30 1997	.....	123	H 10485	S 11790	Nov. 9 1997	Nov. 5 1997	Nov. 21, 1997	114
To amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.	S. 830 (H.R. 1411)	June 5 1997	Com	LHR	Oct. 7 1997	July 1 1997	310	43	H 8500	S 9850	Oct. 7 1997	Sept. 24 1997	Nov. 21, 1997	115
To amend title 38, United States Code, to prohibit interment or memorialization in certain cemeteries of persons committing Federal or State capital crimes.	S. 923	June 17 1997	VA		Oct. 9 1997		319	.....	H 9837	S 5922	Oct. 31 1997	June 18 1997	Nov. 21, 1997	116
To amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.	S. 1258 (H.R. 849)	Oct. 6 1997	TI	EPW	June 23 1997	Nov. 4 1997	147	.....	H 10557	S 12207	Nov. 9 1997	Nov. 8 1997	Nov. 21, 1997	117
Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes.	H.R. 2159 (S. 955)	July 14 1997	App		July 14 1997	.....	176	35	H 6848	S 8869	Sept. 4 1997	Sept. 5 1997	Nov. 26, 1997	118
Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.	H.R. 2267 (S. 1022)	July 25 1997	App		July 25 1997	.....	207	48	H 8244	S 10265	Sept. 30 1997	Oct. 1 1997	Nov. 26, 1997	119
Waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress.	H.J. Res. 103	Nov. 8 1997	HO			.....	.....	.....	H 10577	S 12675	Nov. 10 1997	Nov. 13 1997	Nov. 26, 1997	120
To reauthorize the Export-Import Bank of the United States.	S. 1026 (H.R. 1370)	July 17 1997	BFS	BHUA	July 31 1997	Sept. 10 1997	224	76	H 8397	S 9435	Oct. 6 1997	Sept. 16 1997	Nov. 26, 1997	121

Title	Bill No.	Date introduced	Committee		Date Reported		Report No.		Page of passage in Congressional Record		Date of passage		Public Law	
			House	Senate	House	Senate	House 104–	Senate 104–	House	Senate	House	Senate	Date approved	No. 104–
To designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the ''Martin V.B. Bostetter, Jr. United States Courthouse''.	S. 819	June 2 1997	TI	EPW		June 5 1997	.....	.....	H 10960	S 5645	Nov. 13 1997	June 12 1997	Dec. 1, 1997	122
To designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the ''Howard M. Metzenbaum United States Courthouse''.	S. 833	June 5 1997	TI	EPW		June 26 1997	.....	.....	H 10960	S 8158	Nov. 13 1997	July 25 1997	Dec. 1, 1997	123
To provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.	S. 1228	Sept. 26 1997		BHUA	.....	Oct. 31 1997	.....	130	H 10960	S 12432	Nov. 13 1997	Nov. 9 1997	Dec. 1, 1997	124
To amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.	S. 1354	Oct. 31 1997	Com	CST		Nov. 8 1997	.....	.....	H 10960	S 12425	Nov. 13 1997	Nov. 9 1997	Dec. 1, 1997	125
To extend the authorization of use of official mail in the location and recovery of missing children, and for other purposes.	S. 1378	Nov. 5 1997	GRO HO			.....	.....	.....	H 10641	S 11792	Nov. 12 1997	Nov. 5 1997	Dec. 1, 1997	126
To provide for the design, construction, furnishing and equipping of a Center for Performing Arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes.	S. 1417	Nov. 7 1997			.....	.....	.....	.....	H 10960	S 12062	Nov. 13 1997	Nov. 7 1997	Dec. 1, 1997	127
To make technical and conforming amendments to the Museum and Library Services Act, and for other purposes.	S. 1505	Nov. 9 1997	EEO			.....	.....	.....	H 10960	S 12416	Nov. 13 1997	Nov. 9 1997	Dec. 1, 1997	128
To amend the National Defense Authorization Act for Fiscal Year 1998 to make certain technical corrections.	S. 1507	Nov. 9 1997	NS			.....	.....	.....	H 10642	S 12424	Nov. 12 1997	Nov. 9 1997	Dec. 1, 1997	129
To provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.	S. 1519 (H.R. 2516)	Nov. 10 1997	TI		Sept. 25 1997	.....	270	.....	H 10633	S 12450	Nov. 12 1997	Nov. 10 1997	Dec. 1, 1997	130
To designate the United States Post Office building located at Bennett and Kansas Avenue in Springfield, Missouri, as the ''John N. Griesemer Post Office Building''.	H.R. 1254	April 9 1997	GRO	GA			.....	.....	H 7321	S 12694	Sept. 16 1997	Nov. 13 1997	Dec. 2, 1997	131
To provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe, and for other purposes.	S. 156	Jan. 21 1997	Res	ENR IA		Nov. 8 1997	.....	146	H 10960	S 12420	Nov. 13 1997	Nov. 9 1997	Dec. 2, 1997	132
To provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.	S. 476 (H.R. 1753)	Mar. 19 1997	Jud	Jud	Oct. 31 1997	May 1 1997	368	.....	H 10960	S 4576	Nov. 13 1997	May 15 1997	Dec. 2, 1997	133
To reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.	S. 738 (H.R. 2247)	May 14 1997	TI	CST	Sept. 17 1997	Sept. 24 1997	251	85	H 10960	S 11937	Nov. 13 1997	Nov. 7 1997	Dec. 2, 1997	134
To reauthorize the programs of the Small Business Administration, and for other purposes.	S. 1139 (H.R. 2261)	Aug. 19 1997	SB		Sept. 8 1997	.....	246	62	H 8113	S 8979	Sept. 29 1997	Sept. 9 1997	Dec. 2, 1997	135
To amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999.	S. 1161	Sept. 10 1997	Jud			.....	.....	.....	H 10960	S 9091	Nov. 13 1997	Sept. 10 1997	Dec. 2, 1997	136

To amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes.	S. 1193 (H.R. 2036)	Sept. 18 1997	TI	CST	Sept. 4 1997	Nov. 6 1997	244	140	H 10960	S 12207	Nov. 13 1997	Nov. 8 1997	Dec. 2, 1997	137
To provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University.	S. 1559	Nov. 13 1997			.....	.....	.....	.....	H 10960	S 12696	Nov. 13 1997	Nov. 13 1997	Dec. 2, 1997	138
To make technical corrections to the Nicaraguan Adjustment and Central American Relief Act.	S. 1565	Nov. 13 1997			.....	.....	.....	.....	H 10960	S 12711	Nov. 13 1997	Nov. 13 1997	Dec. 2, 1997	139
To provide for the convening of the second session of the One Hundred Fifth Congress.	S.J. Res. 39	Nov. 13 1997			.....	.....	.....	.....	H 10960	S 12676	Nov. 13 1997	Nov. 13 1997	Dec. 2, 1997	140
To require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, and for other purposes.	H.R. 1493	April 30 1997	Jud	Jud	Oct. 23 1997		338	.....	H 9966	S 12711	Nov. 4 1997	Nov. 13 1997	Dec. 5, 1997	141
To make clarifications to the Pilot Records Improvement Act of 1996, and for other purposes.	H.R. 2626	Oct. 7 1997	TI		Oct. 31 1997	.....	372	.....	H 10559	S 12705	Nov. 9 1997	Nov. 13 1997	Dec. 5, 1997	142
To provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18-E, 58, 364, and 18-R before the Indian Claims Commission.	H.R. 1604	May 14 1997	Res		Oct. 28 1997	.....	352	.....	H 9985	S 12425	Nov. 4 1997	Nov. 9 1997	Dec. 15, 1997	143
To authorize acquisition of certain real property for the Library of Congress, and for other purposes.	H.R. 2979	Nov. 9 1997	HO			.....	.....	.....	H 10638	S 12694	Nov. 12 1997	Nov. 13 1997	Dec. 15, 1997	144
Granting the consent of Congress to the Chickasaw Trail Economic Development Compact.	H.J. Res. 95	Oct. 6 1997	Jud		Nov. 7 1997	.....	389	.....	H 10663	S 12683	Nov. 12 1997	Nov. 13 1997	Dec. 15, 1997	145
To reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws.	H.R. 1658	May 16 1997	Res	CST EPW	July 8 1997	Nov. 8 1997 Nov. 8 1997	169	148	H 4877	S 12495	July 8 1997	Nov. 10 1997	Dec. 16, 1997	146
To amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringement provisions, and for other purposes.	H.R. 2265	July 25 1997	Jud	Jud	Oct. 23 1997		339	.....	H 9983	S 12689	Nov. 4 1997	Nov. 13 1997	Dec. 16, 1997	147
To amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers.	H.R. 2476	Sept. 15 1997	TI		Oct. 31 1997	.....	371	.....	H 10561	S 12704	Nov. 9 1997	Nov. 13 1997	Dec. 16, 1997	148
To amend the Federal charter for Group Hospitalization and Medical Services, Inc., and for other purposes.	H.R. 3025	Nov. 12 1997	GRO			.....	.....	.....	H 10960	S 12692	Nov. 13 1997	Nov. 13 1997	Dec. 16, 1997	149
To amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customs user fees, to allow the use of such fees to provide for customs inspectional personnel in connection with the arrival of passengers in Florida, and for other purposes.	H.R. 3034	Nov. 12 1997	WM			.....	.....	.....	H 10960	S 12711	Nov. 13 1997	Nov. 13 1997	Dec. 16, 1997	150
Granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact.	H.J. Res. 96	Oct. 9 1997	Jud		Nov. 8 1997	.....	396	.....	H 10665	S 12683	Nov. 12 1997	Nov. 13 1997	Dec. 16, 1997	151

Title	Bill No.	Date introduced	Committee		Date Reported		Report No.		Page of passage in Congressional Record		Date of passage		Public Law	
			House	Senate	House	Senate	House 104–	Senate 104–	House	Senate	House	Senate	Date approved	No. 104–
To authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning on October 1, 1996, and ending on May 31, 1997.	H.R. 2796	Nov. 4 1997	NS			.....	.....	.....	H 10960	S 12711	Nov. 13 1997	Nov. 13 1997	Dec. 17, 1997	152
To amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.	H.R. 2977	Nov. 9 1997	GRO			.....	.....	.....	H 10578	S 12515	Nov. 10 1997	Nov. 13 1997	Dec. 17, 1997	153

TABLE OF COMMITTEE ABBREVIATIONS

Agr ..... Agriculture
ANF ..... Agriculture, Nutrition, and Forestry
App ..... Appropriations
AS ..... Armed Services
BFS ..... Banking and Financial Services
BHUA .... Banking, Housing, and Urban Affairs
Bud ..... Budget
Com ..... Commerce
CST ..... Commerce, Science, and Transportation
EEO ..... Economic and Educational Opportunities
ENR ..... Energy and Natural Resources
EPW ..... Environment and Public Works
Fin ..... Finance
FR ..... Foreign Relations
GA ..... Governmental Affairs
HO ..... House Oversight
GRO ..... Government Reform and Oversight
IA ..... Indian Affairs
Int ..... Intelligence
IR ..... International Relations
Jud ..... Judiciary
LHR ..... Labor and Human Resources
NS ..... National Security
R ..... Rules
RAdm .... Rules and Administration
Res ..... Resources
Sci ..... Science
SB ..... Small Business
TI ..... Transportation and Infrastructure
VA ..... Veterans' Affairs
WM ..... Ways and Means

NOTE. –The bill in parentheses is a companion measure.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity and History of Bills Enacted Into Public Law.

Senate

Chamber Action

Routine Proceedings, pages S73–S188

Measures Introduced: Seven bills and one resolution were introduced, as follows: S. 1576–1582 and S. Con. Res. 71. **Page S113**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaties, transmitted to the Senate today by the President of the United States:

Extradition Treaty with Zimbabwe (Treaty Doc. 105–33); and

Treaty with Latvia on Mutual Legal Assistance in Criminal Matters. (Treaty Doc. 105–34)

The treaties were considered as having been read the first time, and referred, with accompanying papers, to the Committee on Foreign Relations, and ordered to be printed. **Page S187**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting a report concerning peaceful uses of nuclear energy; referred to the Committee on Foreign Relations. (PM–85). **Page S111**

Transmitting a report concerning peaceful uses of nuclear energy; referred to the Committee on Foreign Relations. (PM–86). **Pages S111–12**

Transmitting a report concerning the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–87). **Pages S112–13**

Nominations Confirmed: Senate confirmed the following nominations:

By 67 yeas to 30 nays (Vote No. 1 EX), Ann L. Aiken, of Oregon, to be United States District Judge for the District of Oregon. **Pages S73–82, S85, S188**

Richard W. Story, of Georgia, to be United States District Judge for the Northern District of Georgia.

Barry G. Silverman, of Arizona, to be United States Circuit Judge for the Ninth Circuit. **Pages S85, S188**

Nominations Received: Senate received the following nominations:

74 Air Force nominations in the rank of general.
6 Army nominations in the rank of general.
1 Marine Corps nomination in the rank of general. **Page S188**

Messages From the President: **Pages S111–13**

Messages From the House: **Page S113**

Measures Referred: **Page S113**

Measures Placed on Calendar: **Page S113**

Statements on Introduced Bills: **Pages S114–79**

Additional Cosponsors: **Pages S179–80**

Notices of Hearings: **Pages S180–81**

Authority for Committees: **Page S181**

Additional Statements: **Pages S181–87**

Record Votes: One record vote was taken today. (Total–1) **Page S85**

Adjournment: Senate convened at 10:30 a.m., and adjourned at 7:06 p.m., until 10 a.m., on Thursday, January, 29 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S187–88).

Committee Meetings

(Committees not listed did not meet)

NATIONAL DEFENSE REPORT

Committee on Armed Services: Committee held hearings to examine certain national security requirements of the United States, including the force structure necessary to meet those requirements, receiving testimony from Phillip Odeen, Chairman, Richard L. Armitage, Robert M. Kimmitt, Andrew F.

Krepinevich, and Gen. Robert W. RisCassi, all Members of the National Defense Panel; and Adm. William A. Owens, USN (Ret.).

Hearings continue tomorrow.

ECONOMIC OUTLOOK

Committee on the Budget: Committee held hearings to examine the current outlook for the United States economy and the budget for fiscal years 1999 through 2008, receiving testimony from June E. O'Neill, Director, Congressional Budget Office.

Committee will meet again tomorrow.

EDUCATION FUNDING REFORM

Committee on the Budget: Committee held hearings to examine certain Federal education spending reform proposals, receiving testimony from Frank T. Brogan, Florida Department of Education, Tallahassee, on behalf of the Education Leaders Council; Madeleine D. Manigold, Texas Education Agency, Austin; Henry Der, California Department of Education, Sacramento; and Cozette Buckney and Philip J. Hansen, both of Chicago Public Schools, Chicago, Illinois.

Committee recessed subject to call.

IRS REFORM

Committee on Finance: Committee held hearings on proposals and recommendations to restructure and reform the Internal Revenue Service, and a related measure H.R. 2676, receiving testimony from Robert E. Rubin, Secretary of the Treasury; and Charles O. Rossotti, Commissioner, Internal Revenue Service, Department of the Treasury.

Hearings continue tomorrow.

NOMINATIONS

Committee on Finance: Committee concluded hearings on the nominations of Richard W. Fisher, of Texas, to be Deputy United States Trade Representative, with the rank of Ambassador, Donald C. Lubick, of Maryland, to be an Assistant Secretary of the Treasury, and L. Paige Marvel, of Maryland, and Michael B. Thornton, of Virginia, each to be a Judge of the United States Tax Court, after the nominees testified and answered questions in their own behalf.

Mr. Fisher was introduced by Senators Hutchison, Lugar, and Graham, and Ms. Marvel was introduced by Senator Sarbanes.

NATIONAL SECURITY

Select Committee on Intelligence: Committee concluded open and closed hearings to examine current and projected worldwide threats to United States national security, after receiving testimony from George J. Tenet, Director, Central Intelligence Agency; Robert M. Bryant, Deputy Director, Federal Bureau of Investigation, Department of Justice; Phyllis E. Oakley, Assistant Secretary of State of Intelligence and Research; and Lt. Gen. Patrick M. Hughes, USA, Director, Defense Intelligence Agency.

House of Representatives

Chamber Action

Bills Introduced: 20 public bills, H.R. 3116–3135; 1 private bill, H.R. 3136; and 5 resolutions, H. Con. Res. 205–206, and H. Res. 341–343 were introduced. **Pages H99–H100**

Reports Filed: A report was filed today as follows:

Supplemental report on H.R. 10, to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers (H. Rept. 105–164 Part 4). **Page H99**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Nussle to act as Speaker pro tempore for today. **Page H67**

Guest Chaplain: The prayer was offered by the Guest Chaplain, the Reverend Paul I. Nussle of Sumner, Washington. **Page H67**

Question of Privilege of the House: The Chair ruled that H. Res. 341, relating to a question of the privileges of the House, did constitute a question of privilege of the House and was in order. Subsequently, the House agreed to table the resolution by a yea and nay vote of 214 yeas to 189 nays, Roll No. 2. **Pages H72–73**

Legislative Program: The Chairman of the Rules Committee announced the Legislative Program for the week of February 2. **Page H73**

Presidential Messages: Read the following messages from the President:

National Emergency re Middle East Peace Process: Message wherein he transmitted his report concerning terrorists who threaten to disrupt the Middle East peace process—referred to the Committee on International Relations and ordered printed (H. Doc. 105–182); **Page H91**

Nuclear Energy Agreement with Kazakhstan: Message wherein he transmitted his proposed agreement between the United States and the Republic of Kazakhstan Concerning the Peaceful Uses of Nuclear Energy—referred to the Committee on International Relations and ordered printed (H. Doc. 105–183); and **Page H92**

Nuclear Energy Agreement with Swiss Federal Council: Message wherein he transmitted his proposed agreement between the United States and the Swiss Federal Council Concerning the Peaceful Uses of Nuclear Energy—referred to the Committee on International Relations and ordered printed (H. Doc. 105–184). **Pages H92–93**

Senate Messages: Messages received from the Senate today appear on page H67.

Quorum Calls—Votes: One yea and nay vote developed during the proceedings of the House today and appears on pages H72–73. There were no quorum calls.

Adjournment: Met at 1:00 p.m. and pursuant to H. Con. Res. 201 adjourned at 5:25 p.m. until 12:30 p.m. on Tuesday, February 3.

Committee Meetings

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held an oversight hearing on National Energy Policy. Testimony was heard from the following officials of the Department of Energy: Ernest J. Moniz, Under Secretary; Patricia F. Dodley, Assistant Secretary, Fossil Energy; and Dan W. Reicher, Assistant Secretary, Energy Efficiency and Renewable Energy; Cecil H. Underwood, Governor, State of West Virginia; and public witnesses.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education began hearings on Labor, Health and Human Services appropriations for fiscal year 1999. Testimony was heard from public witnesses.

NATIONAL TESTING—PROHIBIT SPENDING FEDERAL EDUCATION FUNDS

Committee on Education and the Workforce: Ordered reported amended H.R. 2846, to prohibit spending Federal education funds on national testing without explicit and specific legislation.

WISCONSIN CHIPPEWA'S CASINO APPLICATION DENIAL

Committee on Government Reform and Oversight: Held a hearing on the Department of the Interior's denial of the Wisconsin Chippewa's casino application. Testimony was heard from public witnesses.

Hearings continue tomorrow.

DISASTER MITIGATION

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Disaster Mitigation. Testimony was heard from Representatives Skeen, McKeon and Strickland; James L. Witt, Director, FEMA; John H. Zirschky, Acting Assistant Secretary (Civil Works), Department of the Army; and public witnesses.

ARLINGTON CEMETERY BURIAL—WAIVERS GRANTED

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on waivers granted for burial at Arlington Cemetery. Testimony was heard from Richard L. Hembra, Assistant Comptroller General, Health, Education, and Human Services Division, GAO: John C. Metzler, Jr., Superintendent, Arlington National Cemetery, Department of the Army; Togo D. West, Jr., Acting Secretary, Department of Veterans Affairs; Capt. Michael Rosencrans, USCG, Director, National Maritime Center, U.S. Coast Guard, Department of Transportation; Ambassador Eric J. Boswell, Assistant Secretary, Diplomatic Security, Bureau of Diplomatic Security, Department of State; and public witnesses.

FEDERAL TAX BURDEN REDUCTION PROPOSALS

Committee on Ways and Means: Held a hearing on proposals to reduce the Federal tax burden on the American public. Testimony was heard from Representatives Herger, Weller, McIntosh, Salmon, Riley, McCrery and Cox of California; and public witnesses.

Hearings continue February 4.

COMMITTEE MEETINGS FOR THURSDAY, JANUARY 29, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services, to continue hearings on the report and recommendations of the National Defense Panel, 10 a.m., SR–222.

Full Committee, to hold hearings on the national security implications of enlarging NATO and the continued deployment of U.S. forces in Bosnia, 2:30 p.m., SH–216.

Committee on Banking, Housing, and Urban Affairs, Subcommittee on Securities, to hold oversight hearings to review financial market circuit breakers that operate stock, options, and future markets, 2 p.m., SD–538.

Committee on the Budget, to hold hearings to examine the state of the United States economy, 10 a.m., SD–608.

Full Committee, to hold hearings to examine the impact of research and technology on K–12 education, 2 p.m., SD–608.

Committee on Finance, to continue hearings on the recommendations of the IRS Restructuring Commission to reform and restructure the Internal Revenue Service, and on H.R. 2676, to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, 10 a.m., SD–215.

Committee on Governmental Affairs, Permanent Subcommittee on Investigations, to hold hearings on improving the Medicare enrollment process in an effort to prevent Medicare fraud, 9:30 a.m., SD–342.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E59–60 in today's Record.

House

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education, on public witnesses, 10 a.m., and 2 p.m., 2358 Rayburn.

Subcommittee on Legislative, on House of Representatives and the Office of Compliance, 9 a.m., H–144 Capitol.

Subcommittee on National Security, executive, briefing on World-Wide Threat, 10 a.m., H–140 Capitol.

Committee on Commerce, hearing on the Tobacco Settlement: Views of Tobacco Industry Executives, 10 a.m., 2123 Rayburn.

Committee on Government Reform and Oversight, to continue hearings on the Department of the Interior's denial of the Wisconsin Chippewa's casino application, 10 a.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, oversight hearing on Congress, the Courts and the Constitution, 9:30 a.m., 2226 Rayburn.

Committee on National Security, Subcommittee on Military Personnel, hearing on the Quadrennial Defense Review and National Defense Panel Recommendations, 9 a.m., 2118 Rayburn.

Committee on Small Business, hearing on the third party consultation provision in the Safety Advancement for Employees (SAFE) Act, 9 a.m., 2360 Rayburn.

Committee on Ways and Means, Subcommittee on Health, hearing on Preparing the Health Care Financing Administration for the 21st Century, 10 a.m., 1100 Longworth.

Subcommittee on Human Resources, hearing on modifying child support penalties for automatic data processing, 9 a.m., B–318 Rayburn.

Next Meeting of the SENATE

10 a.m., Thursday, January 29

Senate Chamber

Program for Thursday: After the recognition of five Senators for speeches and the transaction of any morning business (not to extend beyond 12 noon), Senate may consider proposed legislation to redesignate Washington National Airport as ''Ronald Reagan Washington National Airport.''

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, February 3

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Abercrombie, Neil, Hawaii, E42
Barcia, James A., Mich., E47
Bentsen, Ken, Tex., E32, E40, E46, E49
Bishop, Sanford D., Jr., Ga., E42
Boyd, Allen, Fla., E54
Calvert, Ken, Calif., E34, E44
Clay, William (Bill), Mo., E30, E31, E34, E36
Condit, Gary A., Calif., E38, E43
Conyers, John, Jr., Mich., E55
Davis, Thomas M., Va., E50
DeLauro, Rosa L., Conn., E47
Dellums, Ronald V., Calif., E40
Dixon, Julian C., Calif., E55
Engel, Eliot L., N.Y., E30, E38, E40, E46, E49
Farr, Sam, Calif., E52
Filner, Bob, Calif., E40
Frank, Barney, Mass., E53
Hamilton, Lee H., Ind., E29, E31, E33, E35, E37, E39, E41, E43, E45, E48, E52
Kucinich, Dennis J., Ohio, E36, E45
Maloney, Carolyn B., N.Y., E38, E43
Morella, Constance A., Md., E49
Neal, Richard E., Mass., E57
Ortiz, Solomon P., Tex., E40
Owens, Major R., N.Y., E34, E56
Pallone, Frank, Jr., N.J., E57
Ramstad, Jim, Minn., E38, E45
Roukema, Marge, N.J., E54
Schumer, Charles E., N.Y., E36, E45
Shays, Christopher, Conn., E29
Sherman, Brad, Calif., E29, E30, E33, E35, E37, E39, E42, E44, E46, E48, E53, E56
Skelton, Ike, Mo., E54
Smith, Adam, Wash., E58
Stark, Fortney Pete, Calif., E36, E44
Stearns, Cliff, Fla., E49
Traficant, James A., Jr., Ohio, E51
Underwood, Robert A., Guam, E58
Waters, Maxine, Calif., E57
Waxman, Henry A., Calif., E49
Weller, Jerry, Ill., E30, E32, E35, E37

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