The House met at 2 p.m.
The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We all and the generations before us have found assurance and strength in the Book of Psalms and so we are bold to pray: We give thanks to the Lord, for He is good, for His steadfast love endures forever. We give thanks to the God of gods, for His steadfast love endures forever. O let us give thanks to the Lord of lords, for His steadfast love endures forever.

We pray, gracious God, that You would lift our eyes and hearts and minds so that we would see Your steadfast love in all we do. And help us to translate that abiding grace so that we relate to other people with deeds of justice and with hearts of mercy. This is our earnest Prayer. Amen.

—THE JOURNAL—
The SPEAKER. 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. 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.

THE PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nevada (Mr. Gibbons) come forward and lead the House in the Pledge of Allegiance?

Mr. GIBBONS 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.

SWEARING IN OF SERGEANT AT ARMS

The SPEAKER. Will the Sergeant at Arms come to the well of the House and take the oath of office at this time. The Sergeant at Arms, Wilson Livingood, appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office in which you are about to enter. So help you God.
The SPEAKER. Congratulations. You are now Members of the 106th Congress.

COMMUNICATION FROM THE HONORABLE MARC B. POCHÉ

The SPEAKER laid before the House the following communication from the Honorable Marc B. Poché:

DEAR MR. SPEAKER:

Under such designation, I have the honor to report that on January 6, 1999, at Martinez, California, I administered the oath of office to Representative-elect George Miller of the Seventh District of the State of California under House Resolution 12, One Hundred Sixth Congress.

Under such designation, I have the honor to report that on January 7, 1999, at Martinez, California, I administered the oath of office to Mr. Miller. Mr. Miller took the oath prescribed by 5 U.S.C. 3331. I have sent two copies of the oath, signed by Mr. Miller, to the Clerk of the House.

Sincerely,

Judge Ellen Sickles James, Ret.

—PERMISSION FOR MORNING HOUR DEBATES—

Mr. ARMLEY. Mr. Speaker, I ask unanimous consent that on legislative days of Monday and Tuesday during the first session of the 106th Congress,
the House shall convene 90 minutes earlier than the time otherwise established by order of the House for the purpose of conducting "morning-hour debate" (except that on Tuesdays after May 4, 1999, the House shall convene for that purpose one hour earlier than the time otherwise established by order of the House);

the time for morning-hour debate shall be limited to 30 minutes allocated to each party (except that on Tuesdays after May 4, 1999, the time shall be limited to 25 minutes allocated to each party and may not continue beyond 10 minutes before the hour appointed for the resumption of the session of the House); and,

the form of proceeding to morning-hour debate shall be as follows:

the prayer by the Chaplain, the approval of the Journal, and the Pledge of Allegiance to the Flag shall be postponed until resumption of the session of the House;

initialled and subsequent recognitions for debate shall alternate between the parties;

recognition shall be conferred by the Speaker only pursuant to lists submitted by the majority leader and the minority leader;

no Member may address the House for longer than 5 minutes (except the majority leader, the minority leader, or the minority whip); and,

following morning-hour debate, the Chair shall declare a recess pursuant to clause 12 of rule I until the time appointed for the resumption of the session of the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT OF THE HOUSE UNTIL TUESDAY, FEBRUARY 2, 1999

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 11) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 11

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Tuesday, January 19, 1999, it stand adjourned until 12:30 p.m. on Tuesday, February 2, 1999.

The concurrent resolution was agreed to.

A motion to reconsider was laid upon the table.

PERMISSION FOR SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND RULES ON WEDNESDAY, FEBRUARY 3, 1999

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it be in order at any time on Wednesday, February 3, 1999, for the Speaker to entertain motions that the House suspend the rules, provided that the Speaker or his designee consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this request.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REAPPOINTMENT OF MEMBERS TO THE HOUSE SELECT COMMITTEE ON U.S. NATIONAL SECURITY AND MILITARY/COMMERCIAL CONCERNS WITH THE PEOPLE’S REPUBLIC OF CHINA

The SPEAKER. Pursuant to the provisions of sections 21(f) of House Resolution 5, 106th Congress, the Chair reappoints the following Members of the House to the Select Committee on U.S. National Security, Military/Commercial Concerns with the People's Republic of China:

Mr. CASTLE of Delaware, Chairman;
Mr. GLOOR of Utah;
Mr. BURGE of Florida;
Mr. LAMAR of Louisiana, Vice Chair;
Mr. PAVLANSKY of South Dakota;
Mr. ROYAL-ALLARD of California;
Mr. SCOTT of Virginia.

CORRECTION OF NAMES OF COMMITTEES IN HOUSE RESOLUTION 7 AND VACATION OF ELECTION OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that any references to the Committee on Government Reform and Oversight and the Committee on National Security in House Resolution 7 adopted on January 6, 1999, be changed to the Committee on Government Reform and the Committee on Armed Services, respectively, and that the election of Mr. Dixon of California to the Permanent Select Committee on Intelligence by the adoption of House Resolution 7 be vacated.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

APPOINTMENT OF MEMBERS TO BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of sections 5580 and 5581 of the Revised statutes (20 U.S.C. 42-43), the Chair appoints the following Members of the House to the Board of Regents of the Smithsonian Institution:

Mr. REGULA of Ohio;
Mr. SAM JOHNSON of Texas.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:


DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the Rules of the House of Representatives, I herewith designate Mr. Daniel F.C. Crowley, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 106th Congress or until modified by me.

With best wishes, I am sincerely,

JEFF TRANDAHL, Clerk.
RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM

The SPEAKER laid before the House the following resignation as a member of the Committee on Government Reform:

Congress of the United States

Hon. DENNIS J. HASTERT, Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby respectfully request a leave of absence from the Committee on Government Reform, effective immediately. My request is made with the understanding that I will retain all seniority on the Committee.

With best wishes, I am
Sincerely,

JEFF TRANDAHL, Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

House of Representatives
Office of the Clerk

Hon. J. DENNIS HASTERT, Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 5, 1999:

The Senate has designated the following members to serve on the Joint Committee on Taxation for the 106th Congress:

- Mr. Archer, Mr. Crane, Mr. Thomas, Mr. Rangel and Mr. Levin.

With best wishes, I am
Sincerely,

JEFF TRANDAHL, Clerk.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS

The SPEAKER laid before the House the following communication from the Chairman of the Committee on Ways and Means:

House of Representatives
Committee on Ways and Means

Hon. DENNIS HASTERT, Speaker, U.S. House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I am forwarding to you the Committee's recommendations for certain designations required by law for the 106th Congress.

First, pursuant to Section 9002 of the Internal Revenue Code of 1996, the Committee designated the following members to serve on the Joint Committee on Taxation for the 106th Congress: Mr. Archer, Mr. Crane, Mr. Thomas, Mr. Rangel, and Mr. Stark.

Second, pursuant to Section 161 of the Trade Act of 1974, the Committee recommended the following members to serve as official advisors for international conference meetings and negotiating sessions on trade agreements: Mr. Archer, Mr. Crane, Mr. Thomas, Mr. Rangel, and Mr. Levin.

With best personal regards, I am
Sincerely,

BILL ARCHER, Chairman.
do to strengthen them. It is parents and it is teachers that know what is best for our children, and they are the ones that we must empower.

The Dollars to the Classroom Act signals a dramatic shift in how Federal education dollars are spent. In today's system, too many precious education dollars get lost in the bureaucracy, in the red tape. This money must be spent in the classrooms, not on more bureaucracy. That is why the Dollars to the Classroom Act is so important. It represents what our schools should be, schools where parents and local school districts decide what is the best way to teach their children, not Washington.

This legislation requires that 95 percent of Federal funds be spent in the classrooms. This is one of our Republican education proposals. Currently only 65 percent of funds actually reach classrooms for our children. They are spent here in the bureaucracy.

Our children are our future leaders. It is strong moves like these that will improve our local schools, and improve the quality of life for every American. I urge support for the Dollars to the Classroom Act.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LaHood). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO THE TENNESSEE VOLUNTEERS FOOTBALL TEAM

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

Mr. Duncan. Mr. Speaker, I have often said that my district, the colors orange and white are almost as patriotic as red, white, and blue. That is because orange and white represents the official colors of the University of Tennessee and the Tennessee Volunteers football team, now the undisputed NCAA national football champion.

Mr. Speaker, just a few short weeks ago the Tennessee Vols completed a perfect 13-0 season and earned their first national championship in 47 years. Under the eye of the great coach Phillip Fulmer, the winningest active coach in the NCAA, who has now won over 85 percent of his games as the head coach, the Vols captured their second consecutive SEC championship.

Under the great offensive coordinator John Chavis, the Vols defense, led by three All-Americans, won 11 of 13 games.

In 1998, the Vols defense ranked 6th nationally in rushing defense, and had one of the best overall defenses in the nation.

The Vol offense, led by former departures, offensive coordinator David Cutcliffe, who took the top spot at the University of Mississippi, powered through opponents all season long. The new offensive coordinator is not new to aggressive and successful play. Coach Randy Sanders, who took over the offensive reins during the Fiesta Bowl, was previously the quarterbacks and running backs coach at Missouri.

For the past 13 years Coach Dickey has been a true leader in the field of collegiate athletics, and has built the University of Tennessee into a sports powerhouse in the NCAA. Additionally, his efforts to build scholarship fundraising have led to an increase in UT's level of giving from $800,000 to more than $9 million annually to the athletic department.

Mr. Speaker, the people I have mentioned thus far have contributed a great amount to the success of the UT football program, but they alone could not have done it without a host of others. The great Volunteer athletes. The Volun-

The championship team was led by four captains, all of whom brought outstanding leadership and exciting action to the Volunteer team. All American linebacker and co-Captain Al Wilson was the emotional leader of the Vol defense.

His favorite receiver, Peerless Price, had an amazing season, leading the SEC and ranking among the top nationally.

Mr. Speaker, who else could assemble such a great coaching talent and staff but the greatest athletic director in the nation? Coach Dickey has had amazing success in his career at UT. As head football coach from 1964 through '69, Coach Dickey put the UT football program back on the map, winning two SEC championships and leading the Vols to high national rankings in several bowl game appearances.

Mr. Speaker, the people I have mentioned thus far have contributed a great amount to the success of the UT football program, but they alone could not have done it without a host of others. The great Volunteer athletes. The Volunteer football squad achieved a perfect season last year, and joined the 1951 Volunteers as the only other national championship team in Tennessee football history.

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Mr. Speaker, the people I have mentioned thus far have contributed a great amount to the success of the UT football program, but they alone could not have done it without a host of others. The great Volunteer athletes. The Volunteer football squad achieved a perfect season last year, and joined the 1951 Volunteers as the only other national championship team in Tennessee football history.

Finally Mr. Speaker, this year brought an end to the most outstanding college football radio show in the history of the game. The “Voice of the Vols” John Ward and his partner Bill Anderson stepped down after the Fiesta Bowl on January 4th. For over 30 years, Ward and Anderson have given Tennessee football fans around the world chill bumps, calling every game with a heartfelt passion that is second to none in college football. The two are the longest-running broadcast pair in Division 1-A college football.

Mr. Speaker, I congratulate the newly crowned NCAA National Champion Tennessee Volunteers and everyone who has contributed to their perfect season. Go Vols!
Mr. SMITH of Michigan. Mr. Speaker, reports today indicate that the Office of Management and Budget is estimating that there will be a $4.5 trillion surplus over the next 15 years. I think that is a tribute to the efforts of this Chamber, of the Senate, and of the President to work at reducing the expenditures of the Federal Government.

It is also a tribute to the tremendous market-oriented system of free enterprise that we have in this country, where business has decided to expand and offer more job opportunities which has resulted in a lower unemployment rate in this country.

I am particularly interested that reports show that the President is suggesting that $2.8 trillion be dedicated to social security. The question over the next several months is whether or not the President is willing to offer this Congress a proposal that can be scored by the Social Security Administration and their actuaries as keeping social security solvent.

It has been all too easy in the past for politicians in the House of Representatives and in the Senate and the President to tweak at the fringes while indicating that we have to save social security. The fact is there have been surpluses coming in from the social security tax that indicates that American workers are being overtaxed for social security benefits and contributions to the theoretical trust fund. I say “theoretical trust fund” because it really does not exist.

When it becomes time sometime in the area between 2007 and 2013 that there are less revenues coming in from social security taxes than is needed to pay benefits, the Federal Government has three choices: We can borrow more from the public, we can reduce existing expenditures to come up with the additional money needed to pay benefits, or we can increase taxes on workers.

In the past, many times when there is shortage of money, we have simply increased the tax on American workers. Since 1971, Mr. Speaker, taxes, social security taxes, on working Americans have been increased 36 times. More often than once a year we have increased those taxes.

Now I want to come back to the word “surplus.” The surplus coming in from the Social Security Trust Fund, in certain respects, can be considered taxing those workers for more than is necessary to meet the benefits. So I think there is merit in saying to the American workers, we are going to give some back to them. Can we do that considering that they have been paying more than what is needed to pay those benefits.

I think when the President suggests that some of those monies be invested in the capital market, that is consistent with what many of us have been suggesting for the last several years; that we need to increase the return on the investment from the tax money coming in from Social Security. We have a great opportunity, Mr. Speaker, to move ahead with truly saving social security. It should not be just verbiage that is politically popular, it should make tough decisions to come up with a social security bill that can be scored by the actuaries to keep social security solvent over this next 100 years.

Mr. Speaker, I urge my colleagues to look at the serious matters of social security and of medicare and to take this opportunity of surpluses coming in to this government authority to fix those two important programs.

TIME IS RIGHT TO SAVE SOCIAL SECURITY TRUST FUND

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

Mr. ROYCE. Mr. Speaker, the time is now to save the Social Security Trust Fund. And I say that because it has been 30 years that the Federal Government has run chronic budget deficits, and then, last year, in 2012, taking a look at the last 30 years, at budget deficits which were $200 billion a year, and we anticipated that they would go out as far as the eye could see. But, instead, we took some actions in the Congress. We slowed the rate of growth of government spending and we reformed welfare.

We reformed welfare, and close to 40 percent of the people on welfare are now in working jobs. When we slowed the rate of government growth and brought the revenues and expenditures into balance and eliminated much of the wasteful government spending, we found that the interest rates dropped by 2 full percentage points, and this has helped the economy.

When we instituted the cut in the capital gains tax to 20 percent and reduced that capital gains tax, we found that further stimulated the economy. As a result, we have raised a little more in revenue than we had raised off the capital gains tax, a higher tax, the prior year. So we have cut taxes.

We have instituted a $500 per child tax credit. At the same time, we have balanced the budget so that now we have a surplus instead of a deficit.

So what should we do with that surplus? My bill, H.R. 160, would designate 90 percent of the total budget surplus to buy marketable U.S. securities that are out of the market. They are interest-bearing.

Right now what we have in that trust fund is $757 billion worth of IOUs, three-quarters of a trillion dollars owed to social security will be replaced with these marketable interest-bearing securities.

I also believe that as we look at the projections of $4.5 trillion in surpluses over the next 15 years, it will do us little good to take credit for what we have done in terms of balancing the budget and reducing expenditures if we simply return to the old practice of tax and spend, not putting in place a plan that is dedicated to setting aside money year by year, by statute, with a program which will, by 2013, have refunded this money.

Now clearly this is not the only challenge that social security faces, this three-quarters of a trillion dollar debt that has been borrowed out of that trust fund. That is a challenge, because we as a society have seen demographic shifts. We know that we used to have more people working for every person who is retired. We used to have four people per family, and now we have two people per family, and that means that the number of people that are working relative to the number of people who are retired are shifting from four-to-one to two-to-one.

Then we have a second problem. It is not really a problem. It is something actually we should feel proud about. But when social security came into being, people lived to 68 years of age, and then it went to 78, and then 88. And who knows what the future will bring? But one thing we do know, we cannot continue to borrow out of the Social Security Trust Fund and not have a plan to take care of the fact that a larger and larger percentage of our society are going to be seniors who are living longer and longer and are needing to be dependent on that social security.

So, yes, there are other long-term changes we need to make in the program. But as we begin to plan for those long-term changes, it is absolutely essential that we do ourselves out of the hole that we have put ourselves in over the last 30 years and replenish the account, starting this year. And we can do it with H.R. 160. And that is why I urge my colleagues, please cosponsor this bill. Let us not just have the rhetoric; let us have a plan in place that starts today, and over the next 10 years replenishes that trust fund.

AMERICA MUST ENSURE THAT GENOCIDE IS STOPPED

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

Mr. HOYER. Mr. Speaker, I rise with a combination of deep sorrow and great anger. Numerous times on the floor of this House I have risen and talked...
about war crimes in Bosnia. I have talked about Slobodan Milosevic branded by the State Department under George Bush as a war criminal. I have talked about the necessity of us confronting Slobodan Milosevic, not the Serbian people, but the leader of the Serbian Government, confronting him in a way that he clearly understood the West was serious; that the West would not tolerate genocide in Europe.

Mr. Speaker, unfortunately, in Bosnia, as all of us know, some 250,000 people lost their lives, over 2 million refugees were created by ethnic cleansing—the greatest tragedy in Europe since the Second World War.

Mr. Speaker, tragically, when dictators and despots are not confronted effectively, the lesson of history is that they repeat their atrocities. Just the other day we saw such atrocities committed. When Ambassador Walker called it genocide, which truly it was, a crime against humanity—people lying on the ground, children, women shot at close range, in their faces and in the backs their heads—Slobodan Milosevic told Ambassador Walker to "Get out of my country!".

Mr. Speaker, as you may know, I'm the ranking member of the Commission on Security and Cooperation in Europe, the Helsinki Commission. In that capacity, I have traveled to Bosnia and to Kosovo, been to Pristina, talked to leaders, Albanian leaders and Serbian leaders. Tragically, there was no avenue for communication offered by the Serbian authorities. They would say that there are atrocities committed on both sides, and they would be correct. But, Mr. Speaker, as was the case in Bosnia, the overwhelming responsibility for the crimes against humanity which were committed in Bosnia, and are now being committed in Kosovo, are the responsibility of Slobodan Milosevic.

Now, you will recall, Mr. Speaker, that when I and others made those accusations, the response was, "Oh yes, that is in Bosnia, not in Serbia. That is Karadzic, Milad, and other Serbian leaders in Bosnia itself, not me," said Slobodan Milosevic. "I am not responsible. I want to stop the war. I want to ensure the safety of people."

Now, Mr. Speaker, there is no mask, there is no veil. In point of fact, the world has seen the reality of Slobodan Milosevic's determination to accomplish his ends by whatever means possible—no matter how illegal they may be, no matter how evil they may be, no matter how many opponents' lives are lost, no matter that they are innocent women and children, old men, noncombatants. Slobodan Milosevic does not care.

Mr. Speaker, we focus on a lot of things, but the most important to focus on the fact that we are the leader. And in that position we have a responsibility to come together with the rest of Europe to make sure that genocide has a consequence, that genocide is stopped, that people are saved.

**ACCOMPLISHMENTS OF 105TH CONGRESS ARE MANY, BUT MUCH MORE REMAINS TO BE DONE**

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

Mr. WELLER. Mr. Speaker, it is good to be here today. If I look back over the last 2 years, I am so proud of the accomplishments of this Congress, proud of what we have achieved in just the last few short years, accomplishments that include balancing the budget for the first time in 16 years, saving Medicare and giving Medicare another 10 years of a strong, good life; and also reforming welfare by emphasizing work and family and responsibility for the first time in over a generation.

Now, this House of Representatives, even though we have accomplished quite a bit, accomplishments we are proud of, balancing the budget, cutting taxes for the middle class, reforming the welfare system, we face some big challenges ahead. Our tax burden is still too high. In fact, for the average American family the tax burden today totals almost 40 percent, if we add State and local as well as Federal taxes. We need to make sure that taxes are lower for working middle class families.

We need to help our local schools and ensure that the dollars that we provided, because we have increased funding by 10 percent this last year at the Federal level for our local schools, we need to ensure those dollars actually reach the classroom.

We need to increase and strengthen our Nation's defense. I think it is just wrong that 11,000 American military families are hungry and we insist on food stamps in order to make ends meet. That is just wrong. We need to make up and fix that and strengthen our national defense.

We also need to save social security, an issue that is so important not just for today's seniors but for every working American. Tonight we are going to hear the President's State of the Union speech. It is important we be here to hear what the President said and I hope to tonight we hear from the President that he has a specific plan, a specific proposal to save social security.

For the last year and a half now, the President has talked about saving Social Security but he has yet to give us a plan, a proposal, specifics that we can work with him on to accomplish that goal. I hope tonight to hear some specifics.

As a member of the Subcommittee on Social Security, I am anxious to learn the President's proposal, and I am wondering whether his solution will raise taxes on working Americans. Will it cut benefits for seniors? Will he give opportunity for working Americans, or will he just redistribute wealth? Those are important questions, and we are looking forward to hearing the President's proposal.

I also hope to hear the President address an important issue, a fundamental question of tax fairness. I have often asked in this well here this question: Is it right, is it fair, that 21 million married working couples pay on average $1,400 more in taxes today just because they are married, $1,400 more than an identical working couple living together outside of marriage? I think that is wrong, and I know the folks back in Chicago and the south suburbs that I have the privilege of representing also believe that the marriage tax penalty is wrong and unfair and we believe it should be eliminated.

In the Chicago south suburbs, in a town like Joliet in the 16th District that I have the privilege of representing, $1,400 is one year's tuition at our local community college, Joliet Junior College. It is 3 months of day-care at a local day-care center. It is just wrong that 11,000 American military families are hungry and we insist on food stamps in order to make ends meet. That is just wrong. We need to make up and fix that and strengthen our national defense.

We need to save social security, an issue that is so important not just for future seniors but for every working American. Tonight we are going to hear the President's State of the Union speech. It is important we be here to hear what the President said and I hope to tonight we hear from the President that he has a specific plan, a specific proposal to save social security.

Mr. Speaker, the gentleman from Illinois, Mr. HASTERT, that we can save Social Security, that we can eliminate the marriage tax penalty, that we can strengthen our Nation's defense and ensure that the dollars we provide for our local schools actually reach the classroom.

For the last 2 years, we have balanced the budget for the first time in 28 years; we cut taxes for the middle class for the first time in 16 years; we reformed welfare for the first time in a generation; and we extended the life of Medicare by working together. It is my hope that working together under the leadership of our new Speaker, the gentleman from Illinois (Mr. HASTERT), that we can save Social Security, that we can eliminate the marriage tax penalty, that we can strengthen our Nation's defense and ensure that the dollars we provide for our local schools actually reach the classroom.
Emergency Meetings

(c)(1) The Chair may call an emergency meeting of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature; provided, however, that the Chair has had an effort to consult the ranking minority member, or, in such member's absence, the next ranking minority party member of the Committee.

(2) As soon as possible after calling an emergency meeting of the Committee, the Chair shall notify the Committee of the time and location of the meeting.

(3) To the extent feasible, the notice provided in subsection (2) shall include the agenda for the emergency meeting and copies of available materials which would otherwise have been provided under subsection (b) if the emergency meeting was a regular meeting.

Special Meetings

d) Special meetings shall be called and convened as provided in clause 2(c)(2) of rule XI of the Rules of the House of Representatives.

RULE 2—MEETING THE HEARING PROCEDURES

IN GENERAL

(a)(1) Meetings and hearings of the Committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(2) A record vote of the Committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House of Representatives.

RULE 3—SUBCOMMITTEES

Subcommittees

(a)(1) The Chair may call a subcommittee meeting at any time on any matter before the Committee shall be available for public inspection at the offices of the Committee, and with respect to any record vote on any motion to amend or recommit, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

Hearing Procedures

(d)(1) With regard to hearings on matters of original jurisdiction, to the greatest extent practicable: (A) each witness who is to appear before the Committee shall file with the Committee at least 24 hours in advance of the appearance a statement of proposed testimony in written and electronic form and shall limit the oral presentation to the Committee to a brief summary thereof; and (B) each witness appearing in a non-governmental capacity shall include with the statement of proposed testimony provided in written and electronic form a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(2) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each member of the Committee has had an opportunity to question the witness.

(3) The provisions of clause 2(k) of rule XI of the Rules of the House shall apply to any investigative hearing conducted by the Committee.

Subpoenas and Oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee in the course of any investigation or activities, only when authorized by a majority of the members voting, a majority being present.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Chair, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

RULE 4—GENERAL OVERSIGHT AND INVESTIGATIVE RESPONSIBILITIES

(a)(1) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction.

(2) Not later than fifteen days after the beginning of each fiscal year or any fiscal years.

(b) Committee on Rules and Organization of the House, which shall have general
responsibility for matters or measures related to relations between the two Houses of Congress, relations between the Congress and the judiciary, and internal operations of the House.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, such other matters as the Committee may direct.

Referral of Proceedings to Subcommittees

(b)(1) In view of the unique procedural responsibilities of the Committee, no special order shall be provided for consideration of any bill or resolution shall be referred to a subcommittee of the Committee.

(2) The Chair shall refer to a subcommittee such measures or matters of original jurisdiction as the Chair deems appropriate given its jurisdiction and responsibilities.

(3) All other measures or matters of original jurisdiction shall be subject to consideration by the full Committee.

(4) In referring any measure or matter of original jurisdiction to a subcommittee, the Chair may specify a date by which the subcommittee shall report to the Committee.

(5) The Committee by motion may discharge a subcommittee from consideration of any measures or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(c) The size and ratio of each subcommittee shall be determined by the Committee and may be increased or decreased at any time by the Committee. The Chair of the full Committee shall designate a member of the majority party on each subcommittee as its vice chairman.

Subcommittee Meetings and Hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as another meeting or hearing of the full Committee is being held.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

Quorum

(e)(1) For the purpose of taking testimony, two members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the members of the subcommittee.

Effect of a Vacancy

(f) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee.

Records

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee necessary for the Committee to comply with all rules and regulations of the House.

RULE 7—STAFF
In General

(a)(1) Except as provided in paragraphs (2) and (3), the professional and other staff of the Committee shall be appointed, by the Chair, and shall work under the supervision and direction of the Chair.

(2) All professional, and other staff provided to the minority party, members of the Committee shall be appointed, by the ranking minority member of the Committee, and shall work under the supervision and direction of such member.

(3) The appointment of all professional staff shall be subject to the approval of the Committee as provided by, and subject to the provisions of, clause 9 of rule X of the rules of the House.

Associate Staff

(b) Associate staff for members of the Committee may be appointed only at the discretion of the Chair (in consultation with the ranking minority member regarding any minority party associate staff), after taking into account any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Administration under Clause 9 of rule X of the rules of the House.

Subcommittee Staff

(c) Funds made available for the appointment of such staff may be used only to the extent the Chair specifies a date by which the subcommittee shall report to the Committee.

(1) No subcommittee of the Committee may meet or hold a hearing at the same time as another meeting or hearing of the full Committee is being held.

(2) The Chair shall refer to a subcommittee such measures or matters of original jurisdiction as the Chair deems appropriate given its jurisdiction and responsibilities.

(3) The Committee by motion may discharge a subcommittee from consideration of any measures or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(c) The size and ratio of each subcommittee shall be determined by the Committee and may be increased or decreased at any time by the Committee. The Chair of the full Committee shall designate a member of the majority party on each subcommittee as its vice chairman.

Subcommittee Meetings and Hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as another meeting or hearing of the full Committee is being held.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

Quorum

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accordance with rule VII of the rules of the House. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withdraw a request if it is not available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Committee Publications on the Internet
(c) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

Calendars
(d)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other committee on which a rule has been granted or formally requested, and such other matters as the Chair shall direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress. Such Calendar shall be published promptly by the clerk of the Committee, at least 36 hours in advance of the commencement of such meeting.

Rulings on Other Meetings
The date, time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagaph (A) applies) shall be announced at least 36 hours in advance of the commencement of such meeting.

Other Procedures
2(1) Requirements for Testimony. Each witness who is to appear before the Committee or a subcommittee shall file the clerk of the Committee, at least two working days in advance of his or her appearance, a copy of such written testimony in an electronic format prescribed by the chairman. Each witness shall provide an oral presentation to a brief summary of the argument. The chairman of the Committee or of a subcommittee, or the presiding member, may request the requirements of this paragraph or any part thereof.

2(2) Additional Requirements for Testimony. In the case of a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the past five fiscal years by the witness or by an entity represented by the witness.

(c) Questioning Witnesses. The right to interrogate the witnesses before the Committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes until each member of the Committee present has been recognized once for that purpose. While the Committee or subcommittee is operating under the Sine Die rule, the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the Committee or subcommittee, as the case may be.

(d) Explanation of Subcommittee Action. No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full Committee unless the text of the matter reported, together with an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the Committee to all members of the Committee.

Rule 3. Agenda. The agenda for each Committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the Committee at least 36 hours in advance of such meeting.

Rule 4. Procedure. (a)(1) Hearings. The date, time, place, and subject matter of any hearing shall be announced at least one week in advance of the commencement of any hearing and shall be open to the public in accordance with the provisions of the legislation. All subcommittee actions shall be reported promptly by the clerk of the Committee to all members of the Committee.

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Rule 5. Waiver of Agenda, Notice, and Lay Over Requirements. Requirements of rules 3, 4(a), (2), and 1(1) shall not apply to any matters that are not under consideration of the Committee, as may be determined by the chairman or subcommittee in question. A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure of substance, subpoena, or of calling a meeting or hearing pursuant to clause 2(g) of Rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)). For the purposes of taking any action other than those specified in the preceding sentence, one-third of the members of the Committee or subcommittee shall constitute a quorum.

Rule 7. Official Committee Records. (a)(1) The proceedings of the Committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the vote on any question on which a record vote is demanded and a description of the amendment, motion, order, or other proposition voted. A copy of the journal shall be furnished to the ranking minority member. (2) A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a record vote shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each record vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

(b) Archived Records. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available. Such notice shall be presented to the Committee for a determination on the written request of any member of the Committee. The chairman shall consult with the minority leader and the ranking minority member prior to any determination. Any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

Rule 8. Subcommittees. There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the Committee. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the session and shall be submitted to the Committee as part of the initial Committee appointments. A subcommittee shall be no less favorable to the minority than to the full Committee, and shall be no less favorable to the majority than that of the full Committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 11. Ratio of Subcommittees. The majority caucus of the Committee shall determine an appropriate ratio of majority to minority members on the standing subcommittees of which the chairman and the ranking minority member shall be ex-officio members. Such subcommittees shall be so constituted that the minority shall be well represented in the membership of the standing subcommittees.

Rule 12. Subcommittee Membership. (a) Selection of Subcommittee Members. Prior to any organizational meeting held by the Committee, the majority and minority caucuses shall select or designate representatives of the standing subcommittees. (b) Ex Officio Members. The chairman and ranking minority member of the Committee shall be ex-officio members, with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

Rule 13. Managing Legislation on the House Floor. The chairman, in his discretion, shall determine which legislation he shall manage. Legislation approved by the Committee shall be routed to the appropriate committee pursuant to Rule II for consideration in sequence (subject to approved time limitations), either on its initial referral to the Committee or after referral by the full Committee.

Rule 14. Committee Professional and Clerical Staff Appointments. (a) Delegation of Staff. Whenever the chairman of the Committee determines that any professional staff member appointed pursuant to the provisions of Rule 14(e) has ceased to be available to the House of Representatives, who is assigned to such chair and not to the ranking minority member, by reason of such professional staff member’s expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may designate such member to such subcommittee as a member of the professional staff pursuant to this subsection to be available to such subcommittee, except that at any time the Chairman or the ranking minority member may delegate such authority to refer such legislation or matter to one or more additional subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter simultaneously to two or more subcommittees for concurrent consideration, and may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral to the Committee or after referral by the subcommittee of primary jurisdiction. Such authority shall include the power to appoint, remove, or change any member of the Committee for the purpose of carrying out his responsibilities, the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittee having legislative or oversight jurisdiction.

Rule 15. Supervision, Duties of Staff. (a) Supervision of Majority Staff. The professional and clerical staff of the Committee shall be under the supervision and direction of the chairman who, in consultation with the chairmen of the subcommittees, shall establish and assure the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

Rule 16. Committee Budget. (a) Preparation of Committee Budget. The chairman of the Committee, after consultation with the ranking minority member of the Committee and the chairmen of the subcommittees, shall prepare a preliminary budget for the Committee, from the members of the subcommittee having legislative or oversight jurisdiction and also refer the matter to one or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and designate such member to such subcommittee in carrying out its assigned responsibilities, he may designate such member to such subcommittee as a member of the professional staff pursuant to this subsection to be available to such subcommittee, except that at any time the Chairman or the ranking minority member may delegate such authority to refer such legislation or matter to one or more additional subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter simultaneously to two or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral to the Committee or after referral by the subcommittee of primary jurisdiction. Such authority shall include the power to appoint, remove, or change any member of the Committee for the purpose of carrying out his responsibilities, the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittee having legislative or oversight jurisdiction.

(b) Approval of the Committee Budget. The chairman shall take whatever action is necessary to have the budget approved by the Committee duly authorized by the House. No proposed Committee budget may be approved by the Committee unless it has been presented to and approved by the majority party caucus and thereafter by the full Committee. The chairman of the Committee shall manage the process of the Budget, which shows expenditures made during the reporting period and cumulative for the year by the Committee and subcommittee, and other outside consultant expenses for the project Committee program, and detailed information on travel.

Rule 17. Rule 15. Supervision, Duties of Staff. (a) Supervision of Majority Staff. The professional and clerical staff of the Committee shall be under the supervision and direction of the chairman who, in consultation with the chairmen of the subcommittees, shall establish and assure the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

Rule 18. Committee Budget. (a) Preparation of Committee Budget. The chairman of the Committee, after consultation with the ranking minority member of the Committee and the chairmen of the subcommittees, shall prepare a preliminary budget for the Committee, from the members of the subcommittee having legislative or oversight jurisdiction and also refer the matter to one or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and designate such member to such subcommittee in carrying out its assigned responsibilities, he may designate such member to such subcommittee as a member of the professional staff pursuant to this subsection to be available to such subcommittee, except that at any time the Chairman or the ranking minority member may delegate such authority to refer such legislation or matter to one or more additional subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter simultaneously to two or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral to the Committee or after referral by the subcommittee of primary jurisdiction. Such authority shall include the power to appoint, remove, or change any member of the Committee for the purpose of carrying out his responsibilities, the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittee having legislative or oversight jurisdiction.

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Rule 20. Committee Budget. (a) Preparation of Committee Budget. The chairman of the Committee, after consultation with the ranking minority member of the Committee and the chairmen of the subcommittees, shall prepare a preliminary budget for the Committee, from the members of the subcommittee having legislative or oversight jurisdiction and also refer the matter to one or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and designate such member to such subcommittee in carrying out its assigned responsibilities, he may designate such member to such subcommittee as a member of the professional staff pursuant to this subsection to be available to such subcommittee, except that at any time the Chairman or the ranking minority member may delegate such authority to refer such legislation or matter to one or more additional subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter simultaneously to two or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral to the Committee or after referral by the subcommittee of primary jurisdiction. Such authority shall include the power to appoint, remove, or change any member of the Committee for the purpose of carrying out his responsibilities, the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittee having legislative or oversight jurisdiction.

(b) Approval of the Committee Budget. The chairman shall take whatever action is necessary to have the budget approved by the Committee duly authorized by the House. No proposed Committee budget may be approved by the Committee unless it has been presented to and approved by the majority party caucus and thereafter by the full Committee. The chairman of the Committee shall manage the process of the Budget, which shows expenditures made during the reporting period and cumulative for the year by the Committee and subcommittee, and other outside consultant expenses for the project Committee program, and detailed information on travel.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. The Chair will now recognize Members for special orders until 5 p.m., at which time the Chair will declare the House in recess.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that when the two Houses meet in a joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right side will be open. No one will be allowed on the floor of the House who does not have the privileges of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rules regarding the privileges of the floor must be strictly adhered to. Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS
The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 2 o'clock and 50 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 41 minutes p.m.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET
The SPEAKER laid before the House the following resignation as a member of the Committee on the Budget:

H. RES. 21

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 22) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

ELECTION OF MEMBERS TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT
Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 22) and I ask unanimous consent for its immediate consideration in the House.

Mr. Speaker, I request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94-163), after consultation with the members of the Committee.

Rule 18. Comptroller General Audits. The chairman of the Committee is authorized to request a substantiation examination by the Comptroller General of the United States, pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94-163), after consultation with the members of the Committee.

Rule 19. Subpoenas. The Committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House, whenever it is authorized by a majority of the members of the Committee or subcommittee (as the case may be) voting, a quorum being present. Authorized subpoenas may be issued over the signature of the chairman of the Committee or any member designated by the Committee, and may be served by any person designated by such chairman or member. The chairman of the Committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the chairman, authorization and issuance of the subpoena is necessary to obtain the material set forth in the subpoena. The chairman shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practical but in no event later than one week after service of such subpoena.

Rule 20. Travel of Members and Staff. (a) Approval of Travel. Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside by the Committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member, in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) the purpose of the travel; (2) the dates during which the travel is to be made and the dates or dates of the event for which attendance is being made; (3) the location of the event for which the travel is to be made; and (4) the names of members and staff seeking authorization.

(b) Approval of Travel by Minority Members and Staff. In the case of travel by minority party members and minority party professional staff for the purpose set out in (a), the prior approval, not only of the chairman but also of the ranking minority member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority member that setting forth such items enumerated in (1), (2), (3), and (4) of paragraph (a).

HOUR OF MEETING ON TOMORROW PENDING MESSAGE FROM THE SENATE
Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it stand adjourned until 2 p.m. tomorrow, unless the House sooner receives a message from the Senate transmitting its concurrence in House Concurrent Resolution 11, in which case the House shall stand adjourned pursuant to that concurrent resolution. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconvene was laid on the table.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE
Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 29) and I ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.
The Clerk read as follows:

H. RES. 23

Resolved. That the following named Members, Delegates and the Resident Commissioner by, and hereby, elected to serve on standing committees as follows:

COMMITTEE ON AGRICULTURE: Mr. Hill, Indiana.

COMMITTEE ON ARMED SERVICES: Mr. Larson, Connecticut.

COMMITTEE ON INTERNATIONAL RELATIONS: Mr. Pomeroy, North Dakota; Mr. Delahunt, Massachusetts; Mr. Meeks, New York; Ms. Lee, California; Mr. Crowley, New York; and Mr. Hoefel, Pennsylvania.

COMMITTEE ON SCIENCE: Mr. Weiner, New York; and Mr. Capuano, Massachusetts.

COMMITTEE ON SMALL BUSINESS: Mr. Baird, Washington; Ms. Schakowsky, Illinois.

Mr. Hoeffel, Pennsylvania.

Mr. FROST (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER, MAJOR LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. ARMLEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, February 2, 1999, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

J OINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 1 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Deputy Sergeant at Arms, Mr. James Barry, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, escorted by the committee of Senators and Representatives, the part of the Senate to escort the President of the United States into the House Chamber.

The President entering the Senate at the direction of the Senator presiding, took the Senate Chamber.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and sat at the Clerk's desk.

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

The SPEAKER. The President of the United States.

The SPEAKER. Thank you very much.

Mr. Speaker, Mr. Vice President, Members of Congress, honored guests, my fellow Americans:

Tonight, I have the honor of reporting to you on the State of the Union.

Let me begin by saluting the new Speaker of the House and thanking him especially tonight for extending an invitation to two guests sitting in the gallery with Mrs. Hastert, Lyn Gibson and Wood Chestnut.

Mr. Speaker, at your swearing in, you asked us all to work together in a spirit of civility and bipartisanship. Mr. Speaker, let's do exactly that.

Tonight I stand before you to report that America has created the longest peacetime economic expansion in our history, with nearly 18 million new jobs, wages rising at more than twice the amount of inflation, the highest home ownership in history, the smallest welfare rolls in 30 years and the lowest peacetime unemployment since 1957.

For the first time in 3 decades, the budget is balanced. From a deficit of $290 billion in 1992, we had a surplus of $70 billion last year, and now we are on course for budget surpluses for the next 25 years.

Thanks to the pioneering leadership of you, we have the lowest violent crime rate in a quarter of a century. Our environment is the cleanest in a quarter of a century.

America is a strong force for peace from Northern Ireland, to Bosnia, to the Middle East.

Thanks to the leadership of Vice President GORE, we have a government for the Information Age. Once again, our government is a progressive instrument for the common good, rooted in the oldest values of opportunity, responsibility and community, devoted to fiscal responsibility, determined to give our people the tools they need to
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Last year, we wisely reserved all of the surplus until we knew what it would take to save Social Security. Again, I say, we should not spend any of it, not any of it, until after Social Security is truly saved. First things first.

Second, once we have saved Social Security, we must fulfill our obligation to save and improve Medicare. Already, we have extended the life of the Medicare Trust Fund by 10 years, but we should extend it for at least another decade. Therefore, I propose that we use one out of every six dollars in the surplus for the next 15 years to guarantee the soundness of Medicare until the year 2020.

But again, we should aim higher. We must be willing to work in a bipartisan way and look at new ideas, including the upcoming report of the bipartisan Medicare commission. If we work together, we can secure Medicare for the next 2 decades, and cover the greatest care needs of our seniors, affordable prescription drugs.

Third, we must help all Americans, from their first day on the job, to save, to invest, to create wealth. From its beginning, Americans have supplementary Social Security with private pensions and savings. Yet today, millions of people retire with little to live on other than Social Security. Americans living longer than ever simply must save more than ever. Therefore, in addition to saving Social Security and Medicare, I propose a new pension initiative for retirement security in the 21st century. I propose that we use a little over 1 percent of the surplus to establish Universal Savings Accounts, USA Accounts, to give all Americans the means to save. With these new accounts, Americans can invest as they choose, and receive funds to match a portion of their savings, with extra help for those least able to save.

USA Accounts will help all Americans to share in our Nation’s wealth, and to enjoy a more secure retirement. I ask you to support them.

Fourth, we must invest in long-term care. I propose a tax credit of $1,000 for the aged, ailing or disabled and the families who care for them. Long-term care will become a bigger and bigger challenge with the aging of America, and we must do more to help our families deal with it.

I was born in 1946, the first year of the Baby Boom. I can tell you that one woman called the “stark terror of penniless, helpless old age.” Even today, without Social Security, half of our Nation’s elderly would be forced into poverty.

Today, Social Security is strong. But by 2013, payroll taxes will no longer be sufficient to cover monthly payments. And the Trust Fund will be exhausted and Social Security will be unable to pay the full benefits older Americans have been promised.

The best way to keep Social Security a rock-solid guarantee is not to make drastic cuts in benefits; not to raise payroll tax rates; not to drain resources from Social Security in the name of saving it.

Instead, I propose that we make the historic decision to invest the surplus to save Social Security.

Specifically, I propose that we commit 60 percent of the budget surplus for the next 15 years to Social Security, investing a small portion in the private sector just as any private or State government pension would do. This will earn a higher return and keep Social Security sound for 55 years.

But we must aim higher. We should put Social Security on a sound footing for the next 15 years. We should reduce poverty among elderly women, who are nearly twice as likely to be poor as our other seniors, and we should eliminate the limits on what seniors on Social Security can earn.

Now, these changes will require difficult but fully achievable choices over and above the dedication of the surplus. They must be made on a bipartisan basis. They should be made this year. So let me say to you tonight, I reach out to all of you in both Houses and in both parties and ask that we join together in saying to the American people, we will save Social Security now.

So first and above all, we must save Social Security for the 21st century. Every century, beginning with the 21st century, is important. But the century in which we invest in Social Security is truly saved. First things first.

Second, once we have saved Social Security, we must fulfill our obligation to save and improve Medicare. Already, we have extended the life of the Medicare Trust Fund by 10 years, but we should extend it for at least another decade. Therefore, I propose that we use one out of every six dollars in the surplus for the next 15 years to guarantee the soundness of Medicare until the year 2020.

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Last year, we wisely reserved all of the surplus until we knew what it would take to save Social Security. Again, I say, we should not spend any of it, not any of it, until after Social Security is truly saved. First things first.

Second, once we have saved Social Security, we must fulfill our obligation to save and improve Medicare. Already, we have extended the life of the Medicare Trust Fund by 10 years, but we should extend it for at least another decade. Therefore, I propose that we use one out of every six dollars in the surplus for the next 15 years to guarantee the soundness of Medicare until the year 2020.

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balanced budget triples the funding for summer school and after-school programs to keep 1 million children learning.

If you doubt this will work, just look at Chicago, which ended social promotion and made summer school mandatory for those who don’t master the basics. Math and reading scores are up 3 years running, with some of the biggest gains in some of the poorest neighborhoods. It will work, and we should do it.

Second, all States and school districts must turn around their worst performing schools or shut them down. That is the policy established in New Carolina by Governor Jim Hunt. North Carolina made the biggest gains in test scores in the Nation last year. Our budget includes $200 million to help States turn around their own failing schools.

Third, all States and school districts must be held responsible for the quality of their teachers. The great majority of our teachers do a fine job, but in too many schools teachers don’t have college majors, or even minors, in the subjects they teach. New teachers should be required to pass performance exams and all teachers should know the subjects they are teaching.

This year’s balanced budget contains resources to help them reach higher standards, and to attract talented young teachers to the toughest assignments. I recommend a six-fold increase in our program for college scholarships for students who commit to teach in the inner cities and isolated rural areas and in Indian communities. Let us bring excellence to every part of America.

Fourth, we must empower parents with more information and more choices. In too many communities it is easier to get information on the quality of local restaurants than on the quality of local schools. Every school district should issue report cards on every school, and parents should be given more choices in selecting their public schools.

When I became President, there was just one independent public charter school in all America. With our support, on a bipartisan basis, today there are 1,100. My budget assures that early in the next century there will be 3,000.

Fifth, to ensure that our classrooms are true learning places, we should respond to what teachers have been asking us to do for years. I urge Congress to help our children from tobacco. Now we should go beyond that. As more of our medical records are electronically, the threats to our privacy increase. Because Congress has given me the authority to act if it does not do so by August, one way or another, we can all say to the American people, we will protect the privacy of medical records, and we will do it this year.

Now, I have ordered these rights to be extended to the 85 million Americans served by Medicare, Medicaid, and other Federal health programs. But only Congress can pass a Patients’ Bill of Rights for all Americans. Last year, Congress missed that opportunity. We must miss that opportunity again. For the sake of our families, I ask us to join together across party lines and pass a strong, enforceable Patients’ Bill of Rights.

As more of our medical records are stored electronically, the threats to our privacy increase. Because Congress has given me the authority to act if it does not do so by August, one way or another, we can all say to the American people, we will protect the privacy of medical records, and we will do it this year.

Two years ago the Congress extended health coverage to up to 5 million children. Now we should go beyond that. We should make it easier for small businesses to offer health insurance. We should give parents of children ages of 55 and 65 who lose their health insurance the chance to buy into Medicare. We should continue to ensure access to family planning.

Finally, on the matter of work, parents should never have to face discrimination in the workplace. I want to ask Congress to prohibit companies from refusing to hire or promote workers simply because they have children. That is not right. America’s families deserve the world’s best medical care. Thanks to bipartisan Federal support for medical research, we are now on the verge of new treatments to prevent or delay disabilities, from Parkinsons to Alzheimers, from arthritis to cancer. But as we continue our advances in medical science, we can’t let our medical system lag behind.

Managed care has literally transformed medicine in America, driving down costs, but threatening to drive down quality as well. I think we ought to say to every American, you should have the right to know all your medical records, not just the cheapest. If you need a specialist, you should have a right to see one. You have a right to the nearest emergency care, if you are in an accident. These are things that we ought to say. I think we ought to say to you, you should have a right to keep your doctor during a period of treatment, whether it is a pregnancy or a chemotherapy treatment or anything else. I believe this.

Now, if we do these things—end social promotion, turn around failing schools, build modern ones, support qualified teachers, promote innovation, competition, and discipline—then we will begin to meet our generation’s historic responsibility to create 21st century schools.

We also have to do more to support the millions of parents who give their all every day at home and at work.

The most important thing is a decent income. So let’s raise the minimum wage by $1 an hour over the next 2 years. And let’s make sure that women and men get equal pay for equal work by strengthening enforcement of the equal pay laws.

That was encouraging, you know. There was more balance on the seesaw. I like that. Let’s give them a hand. That’s great.

Working parents also need quality child care. So again this year I ask Congress to support our plan for tax credits and subsidies for working families, for improved safety and quality, for expanded after-school programs.

Our plan is a new tax credit for stay-at-home parents, too. They need support, as well. Parents should never have to worry about choosing between their children and their work. The Family and Medical Leave Act, the very first bill I signed into law, has now, since 1993, helped millions and millions of Americans to care for a newborn baby or an ailing relative without risking their jobs. I think it is time, with all the evidence that it hasn’t made a little burdensome to employers, to extend family leave to 10 million more Americans working for smaller companies. I hope you will support it.

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Justice Department is preparing a litigation plan to take the tobacco companies to court, and with the funds we receive, to strengthen Medicare.

Now, if we act in these areas—minimum wage, family leave, child care, health care, safety of our children, our seniors—then we will begin to meet our generation’s historic responsibilities to strengthen our families for the 21st century.

Today, America is the most dynamic competitive job creating economy in history.

But we can do even better in building a 21st century economy that embraces all Americans.

Today’s income gap is largely a skills gap. Last year, the Congress passed a law enabling workers to get a skills grant to choose the training they need, and I applaud all of you here who were part of that. This year, I recommend a five-year commitment to this new system, that we can provide over the next 5 years the appropriate training opportunities for all Americans who lose their jobs and expand rapid response teams to help all towns which have been really hurt when businesses close. I hope you will support this.

Also, I support for a dramatic increase in Federal support for adult literacy. We can mount a national campaign, aimed at helping the millions and millions of working people who still read at less than a fifth grade level. We need to do this.

Here is some good news. In the past 6 years, we have cut the welfare rolls nearly in half. Two years ago, from this podium, I asked five companies to lead a national effort to hire people off welfare. Tonight, our Welfare to Work Partnership includes 10,000 companies who have hired hundreds of thousands of people. Our balanced budget will help another 200,000 people move to the dignity and pride of work. I hope you will support it.

We must do more to bring the spark of private enterprise to every corner of America, to build a bridge from Wall Street to Appalachia, to the Mississippi Delta, to our Native American communities, with more support for community development banks, for empowerment zones, for 100,000 new vouchers for affordable housing, and I ask Congress to support our bold new plan to help businesses raise up to $15 billion for the largest sector of our economy, to bring jobs and opportunities to our inner cities and rural areas, with tax credits, loan guarantees, including the new American Private Investment Companies modeled on our Overseas Private Investment Corporation.

Now, for years and years and years we have had this OPIC, this Overseas Private Investment Corporation, because we knew we had untapped markets overseas. But our greatest untapped markets are not overseas; they are right here at home, and we should go after them.

Now, we must work hard to help bring prosperity back to the family farm. You know, as this Congress knows very well, dropping prices and the loss of foreign markets have devastated too many family farms. Last year, the Congress provided substantial assistance to help stave off a disaster in American agriculture, and I am proud that both parties of Congress stood up and applauded, and we may have about that ratio out there applauding at home in front of their television sets. But, remember, this is a big, big problem and we have been working hard to make sure that the Social Security checks will come on time, but I want all the folks at home listening to know that we need every State and local government, every business, large and small, to work with us to make sure that this Y2K computer bug will be remembered as the last headache of the 20th century, not the first crisis of the 21st.

Now, for our own prosperity, we must support economic growth abroad. Until recently, a third of our economic growth came from exports, but over the past year and a half, financial turmoil overseas has put that growth at risk. Today, much of the world is in recession, with Asia hit especially hard. This is a financial crisis in half a century. To meet it, the United States and other nations have reduced interest rates and strengthened the International Monetary Fund, and while the turmoil is not over, we have worked very hard with other nations to contain it.

At the same time, we have to continue to work on the long-term project, building a global financial system for the 21st century that promotes prosperity and partnership outside of boom and bust that has engulfed too much of Asia.

This June, I will meet with other world leaders to advance this historic purpose, and I ask all of you to support our endeavors. I also ask you to support creating fair and fairer trading systems for 21st century America.

I would like to say something really serious to everyone in this Chamber and both parties. I think trade has divided us and divided Americans outside this Chamber, too. Some people have found a common ground on which business and workers and environmentalists and farmers and government can stand together. I believe these are the things we ought to all agree on, so let’s try.

First, we ought to tear down barriers, open markets and expand trade, but at the same time we must ensure that ordinary citizens in all countries actually benefit from growth and that we promote the dignity of work and the rights of workers and protects the environment. We must insist that international trade organizations be more open to public scrutiny, instead of mysterious secret things subject to wild criticism.

When you come right down to it, now that the world economy is becoming more and more integrated, we have to do in the world what we spent the better part of this century doing here at home. We have got to put a human face on the global economy.

Now, we must enforce our trade laws when imports unlawfully flood our Nation. I have already informed the Government of Japan that if that nation’s policy of dumping electronically controlled cold storage continues, Japan will be part of that. Through the combined efforts of United States and other nations have worked very hard with other nations to find a common ground on trade.

Tonight I issue a call to the nations of the world to join the United States in a new round of global trade negotiations to expand exports of services, manufacturers and farm products.

Tonight I say, we will work with the International Labor Organization on a new initiative to raise labor standards around the world and this year we will lead the international community to conclude a treaty to ban abusive child labor everywhere in the world.

If we do these things—invest in our people, our communities, our technology and lead in the global economy—then we will begin to meet our historic responsibility to build a 21st century prosperity for America.

No nation in history has had the opportunity and the responsibility we now have to shape a more peaceful, more secure, more free. All Americans can be proud that our leadership helped to bring peace in Northern Ireland. All Americans can be proud that our leadership has put Bosnia on the path to peace, and with our NATO allies, we are helping the Serbian Government to stop its brutal repression in Kosovo, to bring those responsible to justice and to give the people of Kosovo the self-government they deserve.

All Americans can be proud that our leadership renewed hope for lasting peace in the Middle East. Some of you were with me last December as we
watched the Palestinian National Council completely renounce its call for the destruction of Israel. Now I ask Congress to provide resources so that all parties can implement the Wye Agreement, to protect Israel’s security, to strengthen Palestinian security, and to support our friends in Jordan. We must not, we dare not, let them down. I hope you will help.

As we work for peace, we must also meet threats to our Nation’s security, including increased dangers from outlaw nations and terrorism. We will defend our security wherever we are threatened, as we did this summer when we struck at Osama bin Laden’s network of terror. The bombing of our embassies in Kenya and Tanzania reminds us again of the risks faced every day by those who represent America to the world. So let us give them the support they need, the safest possible workplaces, and the resources they must have so America can continue to lead.

We must work to keep terrorists from disrupting computer networks. We must work to prepare local communities for local and chemical emergencies, to support research into vaccines and treatments. We must increase our efforts to restrain the spread of nuclear weapons and missiles from Korea to India and Pakistan. We must expand our work with Russia, Ukraine and other former Soviet nations to safeguard nuclear materials and technology so they never fall into the wrong hands.

Our balanced budget will increase funding for these critical efforts by almost two-thirds over the next 5 years. With Russia, we must continue to reduce our nuclear arsenals. The START II Treaty and the framework we have already agreed to for START III could cut them by 80 percent from their Cold War height.

It has been 2 years since I signed the Comprehensive Test Ban Treaty. If we do not do the right thing, other nations will not forgo their nuclear programs. I ask the Senate to take this vital step: Approve the Treaty now to make it harder for other nations to develop nuclear arms and to make sure we can end nuclear testing forever.

For nearly a decade, Iraq has defied its obligations to destroy its weapons of terror and the missiles to deliver them. America will continue to contain Saddam and we will work for the day when Iraq has a government worthy of its people. Last month, in our action over Iraq, our troops were superb. Their mission was so flawlessly executed that we risk taking for granted the bravery and the skill it required. Captain Jeff Taliaferro, a 10-year veteran of the Air Force, flew a B-1B bomber over Iraq as we attacked Saddam’s war machine. He is here with us tonight. I would like to ask you to honor him and all the 33,000 men and women of Operation Desert Fox.

It is time to reverse the decline in defense spending that began in 1985. Since April, together we have added nearly $6 billion to maintain our military readiness. My balanced budget calls for a sustained increase over the next 6 years for readiness, for modernization and for pay and benefits for our troops and their families.

We are all aware of a legacy of bravery represented in every community in America by millions of our veterans. America’s defenders today stand ready at a moment’s notice to go where comforts are few and dangers are many, and to do their job as no one else can. They always come through for America. We must come through for them.

The new century demands new partnerships for peace and security. The United Nations plays a crucial role, with allies sharing burdens America might otherwise bear alone. America needs a strong and effective UN. I want to work with this new Congress to pay our dues and our debts.

We must support security and stability in Europe and Asia, expanding NATO and defining its new missions, maintaining our alliance with Japan, with Korea, with our other Asian allies, and engaging China.

In China last year, I said to the leaders and the people what I would like to say again tonight. Stability can no longer be bought at the expense of liberty. But I would also like to say again to the American people, it is important not to isolate China. The more we bring China into the world, the more the world will bring change and freedom to China.

Last spring, with some of you, I traveled to Africa, where I saw democracy and reform rising but still held back by violence and disease. We must fortify Africa’s democracy and peace by launching radio democracy for Africa, supporting the transition to democracy now beginning to take place in Nigeria, and passing the African Trade and Development Act.

We must continue to deepen our ties to the Americas and the Caribbean, our common work to educate children, fight drugs, strengthen democracy, and increase trade.

In this hemisphere, every government but one is freely chosen by its people. We are determined that Cuba, too, will know the blessings of liberty.

The American people have opened their hearts and their arms to our Central American and Caribbean neighbors who have been so devastated by the recent hurricanes. Working with Congress, I am committed to help them rebuild.

When the First Lady and Tipper Gore visited the region, they saw thousands of our troops and thousands of American volunteers. In the Dominican Republic, Hillary helped to rededicate a hospital that had been rebuilt by Dominicans and Americans working side by side.

With her was someone else who has been very important to the relief efforts. You know, sports records are made and sooner or later they are broken. But making other people’s lives better and showing our children the true meaning of brotherhood, that lasts forever. So for far more than baseball, Sammy Sosa, you are a hero of two countries.

I hope you will help.

As the world has changed, so have our own communities. We must make them safer, more livable and more united. This year we will reach our goal of 100,000 community police officers ahead of schedule and under budget.

The Brady Bill has stopped a quarter million felons, fugitives, and stalkers from buying handguns. Now the murder rate is the lowest in 30 years, and the crime rate has dropped for 6 straight years.

Tonight I propose a 21st century crime bill to deploy the latest technologies and tactics to make our communities even safer. Our balanced budget will help to put up to 50,000 more police on the street in the areas hardest hit by crime and to equip them with new tools, from crime-mapping computers to digital mug shots.

We must break the deadly cycle of drugs and crime. Our budget expands support for drug testing and treatment, saying to prisoners, if you stay on drugs, you have to stay behind bars. And to those on parole, if you want to keep your freedom, you must stay free of drugs.

I ask Congress to restore the 5-day waiting period for buying a handgun and extend the Brady Bill to prevent juveniles who commit violent crimes from buying a gun.

We must do more to keep our schools the safest places in our communities. Last year, every American was horrified and heartbroken by the tragic killings in Jonesboro, Paducah, Pearl, Edinboro, and Springfield.

We were deeply moved by the courageous parents now working to keep guns out of the hands of children and making efforts so that other parents do not have to live through their loss.

After she lost her daughter, Suzann Wilson of Jonesboro, Arkansas, came here to the White House with a powerful plea. She said, “Please, please for the sake of your children, lock up your guns. Don’t let what happened in Jonesboro happen in your town.” It is a message she is passionately advocating every day.

Suzann is here with us tonight with the First Lady. I would like to thank her for her courage and her commitment. Thank you.

In memory of all the children who lost their lives to school violence, I ask you to strengthen the Safe and Drug-Free School Act, to pass legislation to
require child trigger locks, to do everything possible to keep our children safe.

A century ago, President Theodore Roosevelt defined our "great central task" as "leaving this land even a better land for our descendants than it is for us."

Today we are restoring the Florida Everglades, saving Yellowstone, preserving the red-rock canyons of Utah, protecting California's redwoods and our precious coasts. But our most fateful new challenge is the threat of global warming.

1998 was the warmest year ever recorded. Last year's heat waves, floods, and storms are but a hint of what future generations may endure if we do not act now.

Tonight, I propose a new Clean Air Fund to help communities reduce greenhouse and other pollution, and tax incentives and investment to spur clean energy technology, and I want to work with Members of Congress in both parties to reward companies who take early, voluntary action to reduce greenhouse gases.

Now, all our communities face a preservation challenge. As they grow, and green space shrinks. Seventy thousand acres of farmland and open space are lost every day.

In response, I propose two major initiatives: first, a $1 billion Livability Agenda to help communities save their space, ease traffic congestion and grow in ways that enhance every citizen's quality of life; and, second, a $1 billion Lands Legacy Initiative to preserve places of natural beauty all across America, from the most remote wilderness to the nearest city park.

These are truly landmark initiatives, which could not have been developed without the visionary leadership of the Vice President, and I want to thank him very much for his commitment here tonight.

Now, to get the most out of your community, you have to give something back. That is why we created AmeriCorps, our national service program, that gives today's generation a chance to serve their communities and earn money for college. So far, in just 4 years, 100,000 young Americans have built low-income homes with Habitat for Humanity, helped to tutor children, with churches, worked with FEMA to ease the burden of natural disasters, and I want to thank them for their service and performed countless other acts of service that have made America better.

I ask Congress to give more young Americans the chance to follow their lead and serve America in AmeriCorps.

Now, we must work to renew our national community as well for the 21st century. Last year, the House passed the bipartisan campaign finance reform legislation sponsored by Representatives SHAYS and MEEHAN and Senators Voinovich and FEINGOLD. But a partisan minority in the Senate blocked reform.

I hope you will say yes to a stronger American democracy in the year 2000. Since 1997, our Initiative on Race has sought to bridge the divides between and among our people. In its report last fall, the Initiative's Advisory Board said Americans really do want to bring our people together across racial lines. We know it has been a long journey. For some it goes back to before the beginning of our Republic; for others, back since the Civil War; but for all of us alive today, in a very real sense, this journey began 43 years ago, when a woman named Rosa Parks sat down on a bus in Alabama and wouldn't get up. She is sitting down with the First Lady tonight, and she may get up or not as she chooses. We thank her.

We know that our continuing racial problems are aggravated, as the Presidential Initiative said, by opportunity gaps. The Initiative has outlined tonight how we might help to close them. But we know that the discrimination gap has not been fully closed either. Discrimination or violence because of race or religion, ancestry or gender, disability or sexual orientation, is wrong, and it is a hurt, and it is a right. Therefore, I ask Congress to make the Employment Nondiscrimination Act and the Hate Crimes Prevention Act the law of the land.

You know, since every person in America counts, every American ought to be counted. We need a census that uses modern scientific methods to do that.

Our new immigrants must be part of our One America. After all, they are re-vitalizing our cities, they are energizing our culture, they are building up our economy. We have a responsibility to make them welcome here, and they have a responsibility to enter the mainstream of American life.

That means learning English and learning about our democratic system of government.

There are now long waiting lines of immigrants that are trying to do just that. Therefore, our budget significantly expands our efforts to help them meet their responsibility. I hope you will support it.

Whether our ancestors came here on the Mayflower or on slave ships, whether they came to Ellis Island or L.A.X., or whether they came yesterday or walked this land 1,000 years ago, our great challenge for the 21st century is to find a way to be One America. We can meet all the other challenges, if we can go forward as One America.

You know, barely more than 300 days from now, we will cross that bridge into the new millennium. This is a moment, as the First Lady has said, to honor the past and imagine the future. Americans deserve to honor her for leading our Millennium Project, for all she has done for our children, for all she has done in her historic role to serve our Nation and our best ideals at home and abroad. I honor her.

Last year, I called on Congress and every citizen to mark the millennium by saving America's treasures. Hillary has traveled all across the country to inspire recognition and support for saving places like Thomas Edison's invention factory and Harriet Tubman's home.

Now we have to preserve our treasures in every community and tonight, before I close, I want to invite every town, every city, every community, to become a nationally recognized millennium community, by launching projects that save our history, promote our arts and humanities, prepare our children for the 21st century.

Already the response has been remarkable, and I want to say as a special word of thanks to our private sector partners and to Members in Congress of both parties for their support. Just one example: Because of you, the Star Spangled Banner will be preserved for the ages.

In ways large and small, as we look to the millennium, we are keeping what George Washington called "the sacred fire of liberty." Six years ago, I came to office in a time of doubt for America, with our economy troubled, our deficit high, our people divided. Some even wondered whether our best days were behind us.

But across this country, in 1,000 neighborhoods, I had seen, even amidst the pain and uncertainty of recession, the real heart and character of America. I knew then that we Americans could renew this country.

Tonight, as I deliver the last State of the Union address of the 20th century, no one anywhere in the world can doubt the enduring resolve and boundless capacity of the American people to work toward that "more perfect union" of our founders' dream.

We are now at the end of a century when generation after generation of Americans answered the call of greatness, overcoming Depression, lifting up the dispossessed, bringing down barriers to racial prejudice, building the largest middle class in history, winning two World Wars in the "long twilight struggle" of the Cold War. We must all be profoundly grateful for the magnificent achievements of our forebears in this century.

Yet perhaps in the daily press of events in the clash of controversy, we don't see our own time for what it truly is, a new dawn for America. Ten years from tonight, another American President will stand in this place and report on the State of the Union. He, or she, will look back on the 21st century shaped in so many ways by the decisions we make here and now.

So let it be said of us then that we were thinking not only of our time, but of their time; that we reached as high as our ideals, that we put aside our divisions and found a new hour of healing and hopefulness; that we joined together to serve and strengthen the land we love.
My fellow Americans, this is our moment. Let us lift our eyes as one nation, and from the mountain top of this American century, look ahead to the next one, asking God's blessing on our endeavors and on our beloved country. Thank you, and good evening. (Applause, the Members rising.)

At 10 o'clock and 27 minutes p.m. the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet;

The Associate Justices of the Supreme Court of the United States; The Acting Dean of the Diplomatic Corps.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 32 minutes p.m., the joint session of the Two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. THUNE. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

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. DUNCAN) to revise and extend his remarks and include extraneous material):

Mr. HOYER, for 5 minutes today;

Mr. DUNCAN, for 5 minutes, today;

Mr. DREIER, for 5 minutes, today;

Mr. BLILEY, for 5 minutes, today.

(The following Members, (at his own request) to revise and extend his remarks and include extraneous material):

Mr. SMITH of Michigan, for 5 minutes, today;

Mr. ROYCE, for 5 minutes, today;

Mr. WELLER, for 5 minutes, today.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

26. A letter from the Congressional Review Coordinator, Animal Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Veterinary Services User Fees; Embryo Collection Center Approval Fee [Docket No. 98-005-2] received December 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


28. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—General Administrative Regulations; Interpretations of Statutory and Regulatory Provisions—received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

29. A letter from the Deputy Under Secretary for Natural Resources and Environment, Department of Agriculture, transmitting the Department's final rule—Small Business Timber Sale Set-Aside Program; Appeal Procedures On Reconsideration Of Shares—received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

30. A letter from the Administrator, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting the Department's final rule—Disaster Set-Aside Program—Second Installment Set-Aside (RIN: 0560-AF65) received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

31. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received December 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

32. A letter from the Secretary of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for fiscal year 1998, pursuant to Public Law 102-325, section 1203 (106 Stat. 794); to the Committee on Education and the Workforce.

33. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions; Antelope Valley Air Pollution Control District [CA 207-0106a; FRL-6211-1] received December 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

34. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions; Antelope Valley Air Pollution Control District [CA 207-0106a; FRL-6211-2] received December 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

35. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions; Antelope Valley Air Pollution Control District [CA 207-0106a; FRL-6211-1] received December 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

36. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions; Antelope Valley Air Pollution Control District [CA 207-0106a; FRL-6211-1] received December 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

37. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions; Antelope Valley Air Pollution Control District [CA 207-0106a; FRL-6211-1] received December 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

38. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions; Antelope Valley Air Pollution Control District [CA 207-0106a; FRL-6211-1] received December 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

39. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions; Antelope Valley Air Pollution Control District [CA 207-0106a; FRL-6211-1] received December 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

40. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions; Antelope Valley Air Pollution Control District [CA 207-0106a; FRL-6211-1] received December 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.


42. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois State Implementation Plan Revisions; Illinois State Air Pollution Control District [IL 1999-A; FRL-6213-1] received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.


44. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois State Implementation Plan Revisions; Illinois State Air Pollution Control District [IL 1999-A; FRL-6213-1] received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.
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Promulgation of Implementation Plan; Illinois [L176-1a; FRL-6215-3] received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

43. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Department's final rule—Implementation of the Plan for the Promotion of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District [Docket No. 98-0121; I.D. 98-0121-01; FRL-6218-7] received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.


45. A letter from the AMD-Performance Evaluation and Records Management, Federal Aviation Administration, transmitting the Administration's final rule—High Seas Fishing Compliance Act; Vessel Identification and Reporting Requirements [Docket No. 98-0120-01; I.D. 98-0120-01; FRL-6218-7] received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

46. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Incentive Grants for Alcohol-Impaired Driving Prevention Programs [Docket No. NHTSA-98-4942] (RIN: 2127-AH42) received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

47. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Emergency Drawbridge Regulations; Mississippi River, Iowa [Docket No. 98-0268; I.D. 98-0268-01; FRL-6213-5] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

48. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regattas and Marine Parades [CGD 95-054] (RIN: 2125-AE36) received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

49. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Emergency Control Measures for Tank Barges [USCG Docket 98-0448; I.D. 98-0448-01; FRL-6213-5] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

50. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Emergency Control Measures for Tank Barges [USCG Docket 98-0448; I.D. 98-0448-01; FRL-6213-5] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

51. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Emergency Control Measures for Tank Barges [USCG Docket 98-0448; I.D. 98-0448-01; FRL-6213-5] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

52. A letter from the Secretary, Postal Service, transmitting a copy of Presidential Determination No. 99-2; Determination and Certification for Fiscal Year 1999 concerning Argentina's and Brazil's termination of eligibility Under Section 102(a)(2) of the Arms Export Control Act, pursuant to 22 U.S.C. 279aa-2; 2 to the Committee on International Relations.

53. A communication from the President of the United States, transmitting a report to the Congress on the Strategic Concept of International Relations [IL176-1a; FRL-6215-3] received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

54. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of President's Determination No. 99±2: Determination and Certification for Fiscal Year 1999 concerning Argentina's and Brazil's termination of eligibility Under Section 102(a)(2) of the Arms Export Control Act, pursuant to 22 U.S.C. 279aa-2; to the Committee on International Relations.

55. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a report entitled, "Report on Withdrawal of Russian Armed Forces and Military Equipment"; to the Committee on International Relations.

56. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Emergency Control Measures for Tank Barges [USCG Docket 98-0448; I.D. 98-0448-01; FRL-6213-5] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

57. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Emergency Control Measures for Tank Barges [USCG Docket 98-0448; I.D. 98-0448-01; FRL-6213-5] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

58. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Emergency Control Measures for Tank Barges [USCG Docket 98-0448; I.D. 98-0448-01; FRL-6213-5] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

59. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Emergency Control Measures for Tank Barges [USCG Docket 98-0448; I.D. 98-0448-01; FRL-6213-5] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
221-AD; Amendment 39-10950; AD 98-26-10] (RIN: 2120-AA64) received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

73. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 97-CE-72-AD; Amendment 39-10962] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

74. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes—Regional Jet [Docket No. 97-CE-72-AD; Amendment 39-10962] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

75. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Roswell, NM [Airspace Docket No. 98-ASW-53] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

76. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dorntier Model 328-100 Series Airplanes [Docket No. 97-CE-72-AD; Amendment 39-10962] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

77. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Class E Airspace [Docket No. 98-ASA-18-AD] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

78. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D and E Airspace, Amendment to Class D and E Airspace; Montgomery, AL [Airspace Docket No. 98-ASA-18-AD] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

79. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class D and E Airspace; Austin, TX [Airspace Docket No. 98-ASA-18-AD] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

80. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Taylor, TX [Airspace Docket No. 98-ASA-18-AD] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

81. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes [Docket No. 97-CE-23-AD; Amendment 39-10974] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

82. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes [Docket No. 97-CE-23-AD; Amendment 39-10974] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

83. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; San Angelo, TX [Airspace Docket No. 98-ASA-18-AD] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

84. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Tucumcari, NM [Airspace Docket No. 98-ASA-18-AD] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

85. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Marking of Class E Airspace; Lake Charles, LA [Airspace Docket No. 98-ASA-18-AD] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

86. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 97-CE-72-AD; Amendment 39-10962] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

87. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Model 1010 [Docket No. 97-CE-72-AD; Amendment 39-10962] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

88. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Model 1010 [Docket No. 97-CE-72-AD; Amendment 39-10962] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

89. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Models 1000, 1000C, and 1000D Airplanes [Docket No. 98-CE-23-AD; Amendment 39-10962] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

90. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; All Airplane Models of The New England Aircraft Corporation [Docket No. 97-CE-72-AD; Amendment 39-10962] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

91. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; All Airplane Models of The New England Aircraft Corporation [Docket No. 97-CE-72-AD; Amendment 39-10962] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

92. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; All Airplane Models of The New England Aircraft Corporation [Docket No. 97-CE-72-AD; Amendment 39-10962] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

93. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; All Airplane Models of The New England Aircraft Corporation [Docket No. 97-CE-72-AD; Amendment 39-10962] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

94. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; All Airplane Models of The New England Aircraft Corporation [Docket No. 97-CE-72-AD; Amendment 39-10962] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

95. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; All Airplane Models of The New England Aircraft Corporation [Docket No. 97-CE-72-AD; Amendment 39-10962] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

96. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; All Airplane Models of The New England Aircraft Corporation [Docket No. 97-CE-72-AD; Amendment 39-10962] received January 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
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. LEVIN (for himself, Mr. SHAW, Mr. LEWIS of Georgia, Mr. CAMPBELL, Mr. MCCOLLUM, Mr. PAUL, Mrs. MORELLA, Mr. HOLDEN, Mrs. MEEK of Florida, Mr. OBASTAR, Mr. KILDEE, Mr. MALONEY of New York, Mr. GEJENDSON, Mr. BROWN of Ohio, Ms. HOOLEY of Oregon, Mr. WEYGAND, Mr. COYNE, Mr. RANGEL, Ms. MASTRIUOMI, Mr. CONDRY, Mr. FORD, Mr. VENTO, and Mr. BALDACCI):

H.R. 323. A bill to amend the Internal Revenue Code of 1986 to permanently extend the exclusion for employer-provided educational assistance and to restore the exclusion for graduate level educational assistance; to the Committee on Ways and Means.

By Mr. LEVIN:

H.R. 324. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain amounts received as scholarships by an individual under the National Health Service Corps Scholarship Program; to the Committee on Ways and Means.

By Mr. BONIOR (for himself, Mr. GEPHARDT, Mr. FROST, Mr. MENENDEZ, Ms. DELAUR, Mr. LEWIS of Georgia, Mr. KENNEDY, Mr. CLAY, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. ACKERMAN, Mr. ANDREWS, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BLAGOJANOVIC of Mississippi, Mr. BROWN of Ohio, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON, Mrs. CLAYTON, Mr. CONYERS, Mr. COSTELLO, Mr. COYNE, Mr. CRUZ of Texas, Mr. DE LAHUNT, Mr. DINGELL, Mr. FALEOMAVAEGA, Mr. FILER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HINCHY, Mr. JEFFERSON, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK, Mr. KLECKNER, Mr. KLEINFELD, Mr. LAFALCE, Ms. LEE, Mr. LEVIN, Mrs. LOWEY, Mr. MARKAY, Mr. MATSU, Mr. MCDERMOTT, Mr. McGovern, Mr. MCLINTON, Mr. MEEHAN, Mrs. MECK of Florida, Ms. MILLER-MCDONALD, Mrs. MINK of Hawaii, Mr. NADLER, Mr. NEAL of Massachusetts, Mrs. NORIEGA, Mr. OLIVER, Mr. PALLONE, Mr. PAYNE, Mr. PELOSI, Mr. RAHALL, Mr. RANGEL, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SANDERS, Mr. SCHIFF, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Mr. TOWNS, Mr. VENTO, Mr. WAXMAN, Mr. WEEXLER, Mrs. WOOLER, and Mr. WRAY):

H.R. 325. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage; to the Committee on Education and the Workforce.

By Mr. ARCHER (for himself, Mr. RANGEL, Mr. CRANE, and Mr. LEVIN):

H.R. 326. A bill to make miscellaneous and technical changes to various trade law, and for other purposes; to the Committee on Ways and Means.

By Mr. ADERHOLT (for himself and Mr. BACHUS):

H.R. 327. A bill to provide for the assessment of additional antidumping and countervailing duties prior to the effective date of an antidumping order issued under the Tariff Act of 1930 with respect to steel products; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 328. A bill to prevent the implementation of parity payments and certain market stabilization measures under the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949, to reduce the amounts available for payments under production flexibility contracts entered into under the Agricultural Market Transition Act, and to shorten the period during which such payments will be made; to the Committee on Agriculture.

By Mr. ANDREWS (for himself, Ms. DELAUR, and Mr. WELDON of Pennsylvania):

H.R. 329. A bill to provide that children's sleepwear shall be manufactured in accordance with stricter flammability standards; to the Committee on Commerce.

By Mr. FORD:

H.R. 330. A bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates by 30 percent; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 331. A bill to amend the Federal Election Campaign Act of 1971 to provide for public funding for House of Representatives elections, and for other purposes; to the Committee on House Administration.

By Mr. WELDON of Pennsylvania:

H.R. 332. A bill to amend title 11 of the United States Code to modify the application of chapter 7 relating to liquidation cases; to the Committee on the Judiciary.

H.R. 334. A bill to amend the Immigration and Nationality Act to provide for the deportation of aliens who associate with known terrorists; to the Committee on the Judiciary.

H.R. 335. A bill to amend section 207 of title 18, United States Code, to increase to 5 years the period during which former Members of Congress may not engage in certain lobbying activities; to the Committee on the Judiciary.

H.R. 336. A bill to amend the Internal Revenue Code of 1986 to provide incentives for investments in tax enterprise zone businesses and domestic businesses; to the Committee on Ways and Means.

H.R. 337. A bill to amend the Internal Revenue Code of 1986 to exempt from income tax the gain from the sale of a business closely held by an individual who has attained age 62, and for other purposes; to the Committee on Ways and Means.

H.R. 338. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to C corporations which have substantial employee ownership and to encourage stock ownership by excluding from gross income stock paid as compensation for services, and for other purposes; to the Committee on Ways and Means.

H.R. 339. A bill to amend the Internal Revenue Code of 1986 to provide an inflation adjustment of the dollar limitation on the exclusion for employer-provided educational assistance; to the Committee on the Judiciary.

H.R. 340. A bill to amend the Internal Revenue Code of 1986 to expand the investment tax credit for new construction of public schools; to the Committee on Ways and Means.
H.R. 341. A bill to establish a Fund for Environmental Priorities to be funded by a portion of the consumer savings resulting from retail electricity choice, and for other purposes; to the Committee on Commerce, and in addition to the Committee on 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.

H.R. 342. A bill to amend the Controlled Substances Act to provide penalties for open air drug markets, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees 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.

H.R. 343. A bill to protect the Social Security system and to amend the Congressional Budget Act of 1974 to require a two-thirds vote for legislation that changes the discretionary spending limits or the pay-as-you-go provisions of the Balanced Budget and Emergency Deficit Control Act of 1985 if the budget for the current year (or immediately preceding year) was not in surplus; to the Committee on Ways and Means, 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. BARTLETT of Maryland:

H.R. 344. A bill to modify the project for flood control, Wind River, Grand Island, Nebraska; to the Committee on Transportation and Infrastructure.

By Mr. BINGHAM (for himself, Mr. BENTSEN, Mr. MILLER of Utah, Mr. FLORES, Mr. CUMMINGS, Mr. LANTOS, Ms. LEATHERWOOD, Mr. SPEIER, Mr. WAXMAN, Mr. CONDELL, and Mr. WISE): H.R. 345. A bill to authorize the President to issue a posthumous Army commission in recognition of service by General Harry H. Collins, Jr., to the State of Kentucky, 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. COBLE:

H.R. 346. A bill to require a two-thirds vote for legislation that changes the discretionary spending limits or the pay-as-you-go provisions of the Balanced Budget and Emergency Deficit Control Act of 1985 if the budget for the current year (or immediately preceding year) was not in surplus; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and in addition to the Committee on 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.

By Mr. CONDELL (for himself, Mr. BENDTSEN, Mr. MILLER of Utah, Mr. FLORES, Mr. CUMMINGS, Mr. LANTOS, Ms. LEATHERWOOD, Mr. SPEIER, Mr. WAXMAN, Mr. CONDELL, and Mr. WISE):

H.R. 347. A bill to prohibit the payment to the United Nations of any contributions by the United States until United States overpayments to such body have been properly credited or reimbursed; to the Committee on Ways and Means.

H.R. 348. A bill to protect the right to obtain firearms for security, and to use firearms for defense and for the enforcement of such right; to the Committee on the Judiciary.

H.R. 349. A bill to authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs; to the Committee on Resources.

By Mr. BENTSEN:

H.R. 350. A bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes; to the Committee on Rules.

By Mr. BILLIKERIS (for himself, Mr. FRANKS of New Jersey, Mr. FOLEY, Mr. SADLER, Mr. MILLER of Florida, Mr. HALL of Texas, Mr. COKSEY, and Mr. DEUTSCH):

H.R. 351. A bill to prohibit the Secretary of Health and Human Services from treating any Medicaid-relied funds recovered as part of State litigation from one or more tobacco companies as funds derived under the Medicaid Program; to the Committee on Commerce.

By Mr. BLUNT (for himself, Mr. BENTSEN, Mr. MILLER of Montana, Mr. FROST, Mr. MCCOLLUM, Mr. TAYLOR of North Carolina, Mr. SCHaffer Mr. MORAN of Kansas, Mrs. KELLY, Mrs. MYRICK, Mr. THUNE, Mr. LATOURETTE, Mr. SANDLIN, Mr. DELAHUNT, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. HUTCHINSON, Mrs. EMERSON, Mr. COOK, Mr. METCALF, Mr. HINCHHEY, Mr. YOUNG of Alaska, Mr. PASCAREL, Mr. SKINNER, Mr. BRADY of Texas, Mrs. CUBIN, Mr. CINGREY, Mr. RILEY, Mr. KANJORSKI, Mr. MCINTYRE, Mr. TALENT, Mr. PAUL, Mr. LOBIONDO, Mr. HULSHOF, Mr. PICKERING, Mr. MORAN of West Virginia, Mr. DEAL of Georgia, Mr. ALLEN, Mr. MCCARTHY of Missouri, Mr. BALDACCI, Mr. HOOLEY of Oregon, Mr. PEASE of Washington, Mr. KILPATRICK, Mr. SUNUNU, Mr. ENGLISH of Pennsylvania, Mr. DICKEY, Mr. WATKINS, Mr. COOKSEY, and Mr. WELLER):

H.R. 352. A bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals; to the Committee on Ways and Means.

By Mrs. CAPPs (for herself, Mr. FORBES, Mr. VENTO, Mr. OBERSTAR, Mr. EVERETT of New York, Mr. DANNER, Mrs. THURMAN, Mr. MEEHAN, Ms. JACKSON-LEE of Texas, Mr. WEGY AND, Mr. DELAHUNT, Mr. GILMORE, Mr. BILLA R, Mr. RIVERS, Mr. KILPATRICK, Mr. BOEHLERT, Mr. SHERMAN, Mr. HORN, Mr. COYNE, Mr. OLIVER, Mr. REILLY, Mr. FISHOHL, Mr. BENJESN, Mr. KUCINICH, Mr. BALDACCI, Mr. ROTHMAN, Mr. KLECZKA, Mr. ENGLISH of Pennsylvania, Mr. BOYSEN, Mr. BORSOK, Mr. McDERMOTT, Mrs. CLAYTON, Mr. KENNEDY, and Mr. FOLEY):

H.R. 353. A bill to amend the Social Security Act to authorize the Secretary of Health and Human Services to disallow Medicare payments for drug services, in a period for Medicare coverage of individuals disabled by amyotrophic lateral sclerosis (ALS), and to provide Medicare coverage of drugs used for treatment of ALS; 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. COBLE:

H.R. 354. A bill to amend title 17, United States Code, to provide protection for certain collections of information; to the Committee on the Judiciary.

By Mr. CONDELL (for himself, Mr. POMBO, Mr. HUTCHINSON, Mr. GOODE, Mr. PAYNE, Mr. LUGG, Mr. BOYSEN, Mr. BORSOK, Mr. McDERMOTT, Mr. CLAYTON, Mr. KENNEDY, and Mr. FOLEY):

H.R. 355. A bill to amend title 10, United States Code, to provide that persons retiring from the Armed Forces shall be entitled to all benefits which were promised them when they entered the Armed Forces; to the Committee on Armed Services.

By Mr. CONDIT:

H.R. 356. A bill to provide for the conveyance of certain property from the States to Stanislaus County, California; to the Committee on Science.

By Mr. COBLE (for himself, Mrs. MORELLA, Mr. ROYfal-ALLARD, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BALDACCI, Mr. BALDWIN of Wisconsin, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BUCKLEY, Mr. THURMON, Mr. MCINTYRE, Mr. SANDLIN, Mr. DELAHUNT, Mr. KLEWIT, Mr. CLAYTON, Mr. CLEMENT, Mr. COSTELLO, Mr. CRAMER, Mr. CUMMINGS, Ms. DEGETTE, Ms. DELAUR, Mr. DELAHUNT, Mr. DEUTSCH, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. FOLEY, Mr. FORD, Mr. GEJDENSEN, Mr. GEPHARDT, Mr. GILMORE, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. HINCHHEY, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNHARDT, Mr. KEN- NEDY, Mr. KILPATRICK, Mr. LANTOS, Mr. LEACH, Mr. LEWIS of Georgia, Mr. LORGEN, Mr. MCCAUL, Mr. McCAR- THY of New York, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. MARKAY, Mr. MEEK of Florida, Mr. MILLER-BOCA, Mr. MORTON, Mr. POLLO, Mr. PASCAREL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. POMROY, Mr. RODRIGUEZ, Mr. ROMERO-BARCEL, Mr. RUSH, Mr. SANDERS, Mr. SANDLIN, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Mrs. THURMAN, Mr. UNDER- WOOD, Mr. VENTO, Mr. VISCOLOYEE, Ms. WATERS, Mr. WAXMAN, Mr. WEINER, Mr. WEGYAND, Mr. WISE, Ms. WOOL- SEY, and Mr. WYNNE):

H.R. 357. A bill to prohibit violence against women, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and on Agriculture, Natural Resources and Financial Services, Armed Services, and Government Reform, 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. CONDELL (for himself, Mr. GEPHARDT, Mr. BROWN of Ohio, Mr. RANGEL, Mr. STARK, Mr. CLAY, Mr. ANDREWS, Mr. POMALLY, Mrs. ESCHOO, Mr. BERRY, Mr. WAXMAN, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mrs. BALDWIN, Mr. BARRETT of Wisconsin, Mr. BENTSEN, Mr. BERKLEY, Mr. BORMAN, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BONIOR, Mr. BORSKI, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. BROWN of California, Mrs. CAPPs, Mr. CAPUANO, Mr. CARDS, Mr. CARSON, Mrs. CLAYTON, Mr. CLEMENT, Mr. CONYERS, Mr. COSTELLO, Mr. COTULAN, Mr. CRAMER, Mr. DEMELLAURO, Mr. DIXON, Mr. DULY, Mr. ENGLISH, Mr. FALEOMAVAEGA, Mr. FARR of Californi-
H.R. 360. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of insulin pumps as items of durable medical equipment; to the Committee on Ways and Means, and in addition to the Committee on Ways and Means, 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. FLEOMAVAEGA:

H.R. 361. A bill to provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Resources.

H.R. 362. A bill to amend title 10, United States Code, to extend commissary and exchange store privileges to veterans with a service-connected disability rated at 30 percent or more and to the dependents of such veterans; to the Committee on Armed Services.

H.R. 363. A bill to amend title 10, United States Code, to repeal the two-tier annuity computation system applicable to annuities for surviving spouses under the Survivor Benefit Plan of the Department of the Treasury so that there is no reduction in such an annuity when the beneficiary becomes 62 years of age; to the Committee on Armed Services.

H.R. 364. A bill to amend title 38, United States Code, to reauthorize the pilot program providing an opportunity for veterans to buy down the interest rate on VA loans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 365. A bill to amend title 38, United States Code, to reauthorize the pilot program providing an opportunity for veterans to buy down the interest rate on VA loans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 366. A bill to amend the Small Business Act to establish programs and underwrite efforts to expand technology transfers, development, and growth of small business concerns owned and controlled by veterans of service in the Armed Forces, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Veterans' Affairs, 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. FRANKS of New Jersey:

H.R. 367. A bill to authorize the use by interactive computer services of Social Security account numbers and related personally identifiable information; to the Committee on Commerce.

H.R. 368. A bill to require the installation of a system for filtering or blocking matter on the Internet on computers in schools and libraries with Federal funding, and for other purposes; to the Committee on Commerce.

H.R. 369. A bill to amend title 18, United States Code, to prohibit the sale of personal information without the parents' consent, and for other purposes; to the Committee on the Judiciary.

H.R. 370. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to prevent luxurious conditions in prisons; to the Committee on the Judiciary.

By Mr. VENTURE:  

H.R. 371. A bill to expedite the naturalization of aliens who served with special guerrilla units in Laos; to the Committee on the Judiciary.

H.R. 372. A bill to amend title II of the Social Security Act to provide for coverage under the Medicare Program of insulin pumps as items of durable medical equipment; to the Committee on Ways and Means, and in addition to the Committee on Ways and Means, 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. FLEMMING:

H.R. 373. A bill to amend the Internal Revenue Code of 1986 to allow all taxpayers who maintain households with dependents a credit for dependents; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 374. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to notify local law enforcement agencies of allegations of a missing patient or of certain crimes or other misconduct at medical facilities under the jurisdiction of that Secretary and to enable such agencies to investigate such allegations; to the Committee on Veterans' Affairs.

H.R. 375. A bill to amend title 38, United States Code, section 612 of chapter 15, title 38, United States Code, to provide for the establishment of a veterans' medical facilities program for the United States in India; to the Committee on Armed Services.

By Mr. GALLEGTY:

H.R. 376. A bill to authorize the Secretary of the Air Force to procure certain airborne firefighting equipment for the Air Force Reserve and Air National Guard; to the Committee on Armed Services.

By Mr. GILLHOR:

H.R. 378. A bill to authorize States to regulate the disposal of solid waste; to the Committee on Commerce.

H.R. 379. A bill to prohibit States to prohibit the disposal of solid waste imported from other nations; to the Committee on Commerce.

H.R. 380. A bill to authorize and facilitate the use by interactive computer services of Social Security account numbers and related personally identifiable information; to the Committee on Commerce.

By Mr. GREENWOOD (for himself, Mr. NORWOOD, Mr. WHITFIELD, Mr. BOEHLERT, Mr. HOLCROFT, Mr. HINCHEN, Mr. BOSHER, Mr. TIERNEY, Mr. KENNEDY, Mr. ENGLISH of Pennsylvania, Mr. BURR of North Carolina, Mr. SHAYS, Mr. NEY, Mr. GEJDENSON, Mr. PERSSON of Pennsylvania, Mr. ANDREWS, Mr. OXLEY, Mr. ALLEN, Mr. PRICE of North Carolina, Mr. PALLONE, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. MCATLIP, Mr. HOBSON, Mr. ACKERMAN, Mr. KING of New York, Mr. MCNULTY, Mr. BROWN of Ohio, Mr. BASS, Mr. RANGEL, Mr. STUPAK, Mr. FRANKS of New Jersey, Mr. GIBBONS, Mr. DE LAURO, Mr. MICA, Mrs. MORELLA, Mr. KLINK, Mrs. MCCARTHY of New York, Mrs. MYRICK, Mr. GOODE, Mr. CARDIN, Mr. TOWNS, and Mr. CROWLEY):
H.R. 381. A bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds; to the Committee on Ways and Means.

By Mr. GREENWOOD (for himself, Mr. BOEHLENT, Mrs. J. JOHNSON of Connecticut, and Mr. SHAYES):

H.R. 382. A bill to amend the Outer Continental Shelf Lands Act to provide for the Secretary of the Interior from issuing oil and gas leases on certain portions of the Outer Continental Shelf, consistent with the President's Outer Continental Shelf moratorium.

By Mrs. KELLY:

H.R. 383. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and for other purposes; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD (for herself, Mr. ABERCROMBIE, Ms. NORRIS, Mr. KENNEDY, Mr. FILNER, Mr. MCNINIS, and Mr. GUTIERREZ):

H.R. 384. A bill to authorize the President to award a gold medal on behalf of the Congress of the United States to Mr. G. Rudolph in recognition of her enduring contributions to humanity and women's athletics in the United States and the world; to the Committee on Banking and Financial Services.

By Ms. KILPATRICK (for herself, Mrs. CLAYTON, Mr. DELAHUNT, Mr. F. ALEOMAVAEGA, Mr. F. BRISCOE, Mr. ROUTH, Mr. RUSH, Mr. SANDERS, Mr. SANDLIN, Ms. STABENOW, and Mr. STUPAK):

H.R. 385. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to primary health providers who establish practices in health professional shortage areas; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mr. FILNER, Ms. PELOSI, Mr. MCNINIS, and Mr. GUTIERREZ):

H.R. 386. A bill to amend the Uranium Mill Tailings Radiation Control Act of 1978 to provide for the remediation of the Atlas uranium mill tailings facility in Moab, Utah; to the Committee on Commerce.

By Mr. GEORGE MILLER of California (for himself, Mr. RAHALL, Mr. GUTIERREZ, Mr. LAFALE, and Mr. LEWIS of Georgia):

H.R. 387. A bill to ensure that Federal taxpayers receive a fair return for the extraction of locatable minerals on public domain lands; and for other purposes; to the Committee on Resources.

By Mr. GEORGE MILLER of California (for himself, Mr. RAHALL, Mr. GUTIERREZ, Mr. LAFALE, and Mr. DEFAZIO):

H.R. 388. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of soft money to influence any campaign for election for Federal office; to the Committee on House Administration.

H.R. 389. A bill to amend the Federal Election Campaign Act of 1971 to prohibit candidates for election for Federal office from accepting unsecured loans from depository institutions regulated under Federal law, and for other purposes; to the Committee on House Administration.

H.R. 390. A bill to amend title II of the Social Security Act to provide for treatment of spinal cord injuries; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself and Mr. ABERCROMBIE):

H.R. 391. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD (for herself, Mr. ABERCROMBIE, Ms. NORRIS, Mr. KENNEDY, Mr. FILNER, Mr. MCNINIS, and Mr. GUTIERREZ):

H.R. 392. A bill to amend the Small Business Administration to increase the authorization of appropriations for the women's business center program; to the Committee on Small Business.

By Mr. GEORGE MILLER of California (for himself, Mr. FILNER, Ms. PELOSI, Mr. MCNINIS, and Mr. GUTIERREZ):

H.R. 393. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of fiscal 2000 for a plant genetic conservancy program; to the Committee on Appropriations.

By Mr. GEORGE MILLER of California (for himself, Mr. RAHALL, Mr. GUTIERREZ, Mr. LAFALE, and Mr. LEWIS of Georgia):

H.R. 394. A bill to amend the Small Business Administration to increase the authorization of appropriations for the women's business center program; to the Committee on Small Business.

By Mr. GEORGE MILLER of California (for himself, Mr. FILNER, Ms. PELOSI, Mr. MCNINIS, and Mr. GUTIERREZ):

H.R. 395. A bill to provide for the reclamation of abandoned hardrock mines; and for other purposes; to the Committee on Resources.

By Mr. GEORGE MILLER of California (for himself, Mr. RAHALL, Mr. GUTIERREZ, Mr. LAFALE, and Mr. DEFAZIO):

H.R. 396. A bill to amend the Social Security Act to provide for treatment of blindness in determining whether earnings derived from services demonstrate an ability to engage in substantial gainful activity; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself and Mr. ABERCROMBIE):

H.R. 397. A bill to amend the Social Security Act to further extend health care coverage under the Medicare Program; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself and Mr. ABERCROMBIE):

H.R. 398. A bill to make appropriations for fiscal year 2000 for a plant genetic conservancy program; to the Committee on Appropriations.

By Mr. MILLER of California (for himself, Mr. RAHALL, Mr. GUTIERREZ, Mr. LAFALE, and Mr. DEFAZIO):

H.R. 399. A bill to provide for the reclamation of abandoned hardrock mines; and for other purposes; to the Committee on Resources.

By Mr. GEORGE MILLER of California (for himself, Mr. RAHALL, Mr. GUTIERREZ, Mr. LAFALE, and Mr. DEFAZIO):

H.R. 400. A bill to amend the Federal Election Campaign Act of 1971 to provide for the treatment of spinal cord injuries; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself and Mr. ABERCROMBIE):

H.R. 401. A bill to amend the Social Security Act to provide for treatment of blindness in determining whether earnings derived from services demonstrate an ability to engage in substantial gainful activity; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD (for herself and Mr. ABERCROMBIE):

H.R. 402. A bill to amend the Social Security Act to further extend health care coverage under the Medicare Program; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself and Mr. ABERCROMBIE):

H.R. 403. A bill to provide for the reclamation of abandoned hardrock mines; and for other purposes; to the Committee on Resources.

By Mr. MILLER of California (for himself and Mr. ABERCROMBIE):

H.R. 404. A bill to amend title IX of the Education Amendments of 1972 to impose on
employers responsibility for conduct of their employees under certain circumstances; to the Committee on Education and the Workforce.

By Mr. NUSSELE (for himself, Mr. EWING, Mr. BOEHLENT, MS. SANCHEZ, MR. CONDON, MR. OBERSTAR, MR. SANDERS, MR. PETERSON of Minnesota, MR. MANOOGIAN, MR. PRICE of North Carolina, and MR. MEEHAN):

H.R. 405. A bill to amend title XVIII of the Social Security Act to repeal the restriction on payment of certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUSSELE (for himself, MS. HOLODY of Oregon, MS. DUNN of Washington, MR. MCETCALF, MR. BEREUTER, MR. MINGE):

H.R. 406. A bill to amend title XVIII of the Social Security Act to eliminate the budget neutral factor used in calculating the blended capitation rate for MedicareChoice organizations; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 407. A bill to amend title 18, United States Code, to provide for reciprocity in regard to the licensure of nonresidents of a State who may carry certain concealed firearms in that State; to the Committee on the Judiciary.

By Mr. PETESEON of Minnesota:

H.R. 408. A bill to amend the Food and Safety Act of 1965 to expand the number of acres authorized for inclusion in the conservation reserve; to the Committee on Agriculture.

By Mr. PORTMAN (for himself, MR. HOYER, MR. DAVIS of Virginia, MR. CONNOR, MR. SESSIONS, MS. KILPATRICK, and MR. KUCINICH):

H.R. 409. A bill to improve the effectiveness and performance of Federal financial assistance programs; to the Committee on Veterans' Affairs.

By Mr. RAHALL (for himself, MR. GEORGE MILLER of California, and MR. DIAZFAZIO):

H.R. 410. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Resources.

By Mr. RAMSTAD:

H.R. 411. A bill to correct the tariff classification of 13 television sets; to the Committee on Ways and Means.

By Mr. REGULA (for himself, MR. TULLIS of Pennsylvania, MR. ADERHOLT, MR. DINGELL, MR. BERRY, and MR. KLINK):

H.R. 412. A bill to amend the Trade Act of 1974 and for other purposes; to the Committee on Ways and Means.

By Mr. RUSH (for himself, MR. LEACH, MR. LAFALCE, MR. VENTO, MR. OLIVER, MR. KILPATRICK, MR. MALoney of North Carolina, MR. NEW YORK, MS. DEGETTE, MR. METCALF, and MR. FRANK of Massachusetts):

H.R. 413. A bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. RUSH (for himself and MR. HAYES):

H.R. 414. A bill to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will provide nursing services in health professional shortage areas; to the Committee on the Judiciary.

By Ms. SANCHEZ (for herself, MR. SANDLER, MR. GEORGE MILLER of California, MR. CONVY, MR. WEXLER, MR. WAXMAN, MS. NORTON, MS. KILPATRICK, MR. FARR of California, MS. MILLER-McDONALD, MR. FORD, MR. BROWN of California, MR. FINK, MR. GREEN of Texas, and MR. ACKERMAN):

H.R. 415. A bill to extend the Internal Revenue Code of 1986 to encourage new school construction through the creation of a new class of bond; to the Committee on Ways and Means.

By Mr. SCARBOROUGH (for himself, MR. MICA, MR. CUMMINGS, MS. MORELLA, MR. FORD, MR. GILMAN, MR. LEACH, and MR. MURTHA):

H.R. 416. A bill to provide for the rectification of certain retirement coverage errors affecting Federal employees, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, 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. SHAYS (for himself, MR. MEEHAN, MR. WAMP, MR. LEVIN, MS. ROUKEMER, MR. FRANK of New Jersey, MS. MALoney of New York, MR. LEACH, MR. FARR of California, MR. HOUGHTON, MR. BONIOR, MR. REINHART, MR. SASSE, and MR. TULLIS):

H.R. 417. A bill to amend the Medicare, Medicaid, and State Children's Health Insurance Programs; to the Committee on Education and the Workforce.

By Mr. SMITH of Michigan:

H.R. 419. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to all families with young children, and for other purposes; to the Committee on Ways and Means.

H.R. 420. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to require that the size of the public debt be reduced during each fiscal year by the amount of the net surplus in the Social Security trust funds at the end of that fiscal year; to the Committee on the Budget, and in addition to the Committee on Ways and Means, 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. STARK:

H.R. 421. A bill to direct the Secretary of Health and Human Services to reduce the amount of cosurcharge payable in conjunction with outpatient department services furnished under the Medicare Program, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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. SWEENEY:

H.R. 422. A bill to increase the autorizations of appropriations for certain programs that combat violence against women; to the Committee on the Judiciary.

By Mr. THOMAS (for himself, MR. WATKINS, MR. CROSKY, MR. BONILLA, MR. McINNIS, and MR. SMITH of Texas):

H.R. 423. A bill to amend the Internal Revenue Code of 1986 to assure that net operating loss carrybacks for losses attributable to operating mineral interests of oil and gas producers; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 424. A bill to amend title 5, United States Code, to provide that the mandatory retirement age for members of the Capitol Police be increased from 57 to 60; to the Committee on House Administration, and in addition to the Committee on Government Reform, 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. VENTO:

H.R. 425. A bill to authorize the Secretary of Housing and Urban Development to make...
grants to States to supplement State assistance for the preservation of affordable housing for low-income families; to the Committee on Banking and Financial Services.

H.R. 60: Mr. BOEHLENTZ.

H.J. Res. 20. A joint resolution proposing an amendment to the Constitution of the United States to authorize the President to veto; to the Committee on the Judiciary.

By Mr. DOOLITTLE (for himself, Mr. MANZULLO, Mr. CRAMER, Mr. GUTKNECHT, Mr. STUPNICK, Mr. TANCREDO, Mr. GOODE, and Mrs. CHENOWETH):

H.J. Res. 21. A joint resolution proposing an amendment to the Constitution of the United States establishing English as the official language of the United States; to the Committee on the Judiciary.

By Mr. ARMEY:

H. Con. Res. 11. Concurrent resolution providing for the adjournment of the House of Representatives; considered and agreed to.

By Mr. BALDACCI (for himself, Mr. ALLEN, and Mr. HINCHEY):

H. Con. Res. 12. Concurrent resolution directing the Clerk of the House of Representatives and the Secretary of the Senate to compile and make available to the public the names of candidates for election to the House of Representatives and the Senate who appear in campaigns in accordance with a Code of Election Ethics; to the Committee on House Administration.

By Mr. ENGLE (for himself, Mr. KING of New York, Mr. OLVER, Mrs. KELLY, Mr. MORAN of Virginia, Mr. McGOWEN, and Mr. HOYER):

H. Con. Res. 13. Concurrent resolution expressing the sense of the Congress that Serbia-Montenegro has failed to comply with the Holbrooke-Milosevic agreement of October 13, 1998, and that the North Atlantic Treaty Organization (NATO) should implement its activation order of October 12, 1998, to compel compliance; to the Committee on International Relations.

By Ms. KAPTUR (for herself and Mr. LATHAM):

H. Con. Res. 14. Concurrent resolution expressing the sense of the Congress regarding the actions needed to address the disastrous decline in hog prices for American pork producers and to relieve the widespread economic hardship currently being suffered by these producers; to the Committee on Agriculture.

By Mr. MCNULTY:

H. Con. Res. 15. Concurrent resolution expressing the sense of the Congress regarding the primary author and the official home of "Yank Doodle"; to the Committee on Government Reform.

By Mr. NETHERCUTT:

H. Con. Res. 16. Concurrent resolution expressing the sense of the Congress that John Javoll Pollard should serve his full sentence of life imprisonment and should not receive pardon, reprieve, or any other form of executive clemency from the President of the United States; to the Committee on the Judiciary.

By Mr. SAWYER (for himself and Mr. MORELLA):

H. Con. Res. 17. Concurrent resolution expressing the sense of the Congress that the United States should develop, promote, and implement voluntary policies to slow the population growth of the Nation; to the Committee on Commerce.

By Mr. UPTON (for himself and Mr. GOSS):

H. Con. Res. 18. Concurrent resolution expressing the sense of Congress with regard to convicted spy Johnathan Pollard; to the Committee on the Judiciary.

By Mr. ARMEY:

H. Con. Res. 19. A resolution designating majority membership to certain standing committees of the House; considered and agreed to.

H. Res. 20. A resolution designating majority membership to certain standing committees of the House; considered and agreed to.

By Mr. FROST:

H. Res. 21. A resolution designating majority membership to certain standing committees of the House; considered and agreed to.

By Mr. GALLEGLY:

H. Res. 22. A resolution congratulating the House of Representatives on the 150th anniversary of the signing of the peace accords between the People of Colombia and the Revolutionary Armed Forces of Colombia; to the Committee on International Relations.

H. Res. 23. A resolution congratulating the Government of Peru and the Government of Ecuador for signing a peace agreement ending a border dispute which has resulted in several military clashes over the past 50 years; to the Committee on International Relations.

H. Res. 26. A resolution congratulating the people of Guatemala on the second anniversary of the signing of the peace accords in Guatemala; to the Committee on International Relations.

H. Res. 27. A resolution congratulating the people of the Republic of Venezuela on the success of their democratic elections held on December 6, 1998; to the Committee on International Relations.

By Mrs. MINK of Hawaii:

H. Res. 28. A resolution recognizing the success of Crime Stoppers International in stopping crimes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. PELOSI:

H.R. 426. A bill for the relief of Mounir Adel Hajjar, to the Committee on the Judiciary.

By Ms. PELOSI:

H.R. 427. A bill for the relief of Oleg Rasuliyevich Faniulyev Rasuliyevich Rafikova, Evgenia Olegovna Rafikova, and Ruslan Khatimovich Yagudin; to the Committee on the Judiciary.

By Mr. RAHALL:

H.R. 428. A bill for the relief of certain Persian Gulf evacuees; to the Committee on the Judiciary.

By Mr. ROTHMAN:

H.R. 429. A bill for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. SESSIONS.

H.R. 17: Mr. Lucas of Oklahoma, Mr. GUTKNECHT, and Mr. MCHUGH.

H.R. 22: Mr. WALSH.

H.R. 23: Mr. Sessions.

H.R. 27: Mr. Sessions.

H.R. 29: Mr. Sessions.

H.R. 32: Mr. Sessions.

H.R. 36: Mr. REYES, Mr. DEUTSCH, Mr. BRADY of Pennsylvania, Mr. UNDERWOOD, and Mr. WEGYAND.

H.R. 38: Mr. SKEEN.

H.R. 41: Mr. TANCREDO.

H.R. 45: Mr. CALLAHAN, Mr. STEARNS, Mr. GILLMOR, Mr. BAKER, Mrs. MEEK of Florida, Mr. KILPATRICK, Mr. BORSKI, and Mr. SKEEN.

H.R. 49: Mr. WALSH, Mr. FROST, Mr. BERNARD, Mrs. McCARTHY of New York, Mr. ORTIZ, and Mr. ORRIN.

H.R. 51: Mr. MC Laughlin, Mr. GILMAN, Mr. FROST, and Mr. OXLEY.

H.R. 52: Mr. MANZULLO, Mr. ROS-LEHTINEN, and Mr. FROST.

H.R. 61: Ms. PELosi, Mr. NADLER, Mr. FROST, Mr. FILER, Mr. ACKERMAN, Mr. MEENAN, Mr. GREEN of Texas, Mr. SERRANO, and Mr. FRANK of Massachusetts.

H.R. 70: Mr. QUINN, Mr. SAXTON, Ms. DANNEH, Mrs. CHENOWETH, Mr. MCINTOSH, Mr. HUETTER, Mr. GRAHAM, Mr. JENKINS, Mrs. McCARTHY of New York, Mr. CARSON, Mr. BROWN of Florida, Mr. CONDIT, Mr. HOLDEN, Mr. MCNULTY, Mr. BILEY, Mr. ACKERMAN, Mr. THURMAN, Mr. HORN, Mr. HASTINGS of Washington, Mr. TANCREDO, Mr. DAVIS of Florida, Mr. BORSKI, Mr. LATOURETTE, Mr. STEARNS, Mr. PALONE, Ms. KAPFURT, Mr. LAFALCE, Mrs. MYRICK, Mr. ENGLISH of Pennsylvania, Mr. GREEN of Texas, and Mr. GRANGER.

H.R. 86: Mr. OSE, Mr. FLETCHER, Mr. SHERWOOD, Mr. RYAN of Wisconsin, Mr. BIGGERT, and Mr. SIMPSON.

H.R. 116: Mr. ALLEN, Mr. LAMPSON, Mr. KENNEDY, Mr. VENTO, Mr. PASTOR, Ms. CHRISTOPHER, Mr. REITENSEN, Ms. BROWN of Florida, Mr. COSTELLO, Mr. BORSKI, Mr. HALL of Ohio, Mr. OBERSTAR, Mr. SCOTT, Mr. TRAFICANT, Mr. VISCONSKEY, Ms. WATERS, Mr. WISE, Ms. WATERS of Florida, Mr. CUMMINGS, Mr. CONDIT, Mr. CRAMER, Mr. POMEROY, Mr. HOLDEN, Mr. TAUSCHER, Mr. SPRATT, Mr. MEES of New York, Mr. SKELTON, Mr. MOAKLEY, Mr. SANDERSON, Mrs. EDDIE Bernice Johnson of Texas, Mr. WEYGAND, Ms. CHAKOWSKY, Mr. CLEMENT, Mr. GREEN of Texas, Mr. HINOJOSA, Mr. BERNARD, Mr. CROWLEY, and Mr. ROTHAM.

H.R. 136: Mr. MYRICK.

H.R. 137: Ms. JACKSON-Lee of Texas, Mr. BLUMENTAUR, Mr. WEXLER, Mr. KUCINICH, Ms. PELosi, Mr. VENTO, Mr. BONIOR, and Mr. WEYGAND.

H.R. 141: Mr. OLIVER and Mr. MALONEY of Connecticut.

H.R. 155: Mr. PASTOR.

H.R. 160: Mr. HASTINGS of Washington.

H.R. 175: Mr. MCDERMOTT, Mr. MCKEON, Mr. SKELTON, Mr. TAYLOR of North Carolina, Mr. WISE of Texas, Mr. WEYGAND, Ms. ROYAL-ALLARD, Mr. CAPUANO, Mr. LAFALCE, Ms. LEE, and Ms. ESHOO.

H.R. 176: Mr. HEFLEY.

H.R. 179: Mr. BALDACCI, Mr. FROST, Mr. HINOJOSA, Mr. MATSU, Mrs. MEEK of Florida, and Mr. SANDERS.

H.R. 192: Mr. BRYANT.

H.R. 196: Mr. BORSKI, Mr. SANDLIN.

H.R. 206: Mr. BARRETT of Wisconsin, Ms. DUGETTE, Ms. PELosi, Ms. STABENOW, Mr. CARSON, Ms. EDDIE Bernice Johnson of Texas, and Mrs. WILSON.

H.R. 208: Mr. LAFAULCE, Mrs. MEEK of Florida, Mr. CASTLE, Mr. FILER, Mr. DAVIS of Virginia, Mr. TOWNS, Mr. MANZULLO, Mr. NORTON, Mr. KUCINICH, and Mr. STARK.

H.R. 215: Mr. DAVIS of Virginia, Mr. TRAFICANT, and Mr. WYN.

H.R. 217: Mr. BOSWELL.

H.R. 219: Mr. SHERMAN Mr. DUNCAN, Mr. BACHUS, Ms. DANNEH, and Mr. LATOURETTE.

H.R. 222: Mr. CONNOLLY, Mr. BACHUS, Ms. MIYICK, Mr. SANDLIN, and Mr. HALL of Texas.

H.R. 232: Mr. MCCREY, Mr. GILMOR, and Mr. ENGLISH of Pennsylvania.
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H.R. 271: Mr. MALONEY of Connecticut, Ms. ESHOO, Mr. CROWLEY, Mr. ABERCROMBIE, Ms. LEE, Mr. BRADY of Pennsylvania, Mr. SAXTON, Mr. WAXMAN at ETHERIDGE, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, and Mr. GREEN of Texas.

H.R. 306: Mr. BISHOP, Mr. BORSKI, Ms. CARSON, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. COSTELLO, Ms. ESHOO, Mr. HILLIARD, Mr. HOLDEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Ms. KAPTUR, Mr. McDERMOTT, Mrs. MECK of Florida, Mr. OLVER, Mr. OITIZ, Mr. PASTOR, Ms. PELOSI, Mr. RANGEL, Mr. RODRIGUEZ, Mr. SMITH of Washington, Ms. STABENOW, Mr. STRICKLAND, Mr. TIERNEY, Mr. VENTO, Mr. VISCLOSKY, and Mr. WEYGAND.

H.J. Res. 10: Mr. BURR of North Carolina, Mr. COLLINS, Mr. SHAW, and Mr. WELDON of Florida.

H. Con. Res. 5: Ms. KILPATRICK, Ms. NORTON, Mr. FILNER, Mrs. MINK of Hawaii, Ms. JACKSON-Lee of Texas, Mr. TRAFICANT, Mr. GUTIERREZ, Mr. FROST, Mr. BARRETT of Wisconsin, Mr. SHERMAN, Ms. ROYBAL-ALLARD, Mr. SMITH of Washington, Mr. MEEHAN, Mr. SANDERS, Mr. SPRATT, Mr. HORN, Mr. FORD, Mr. DELAURO, Mr. DINGELL, Mr. FRANK of Massachusetts, Mrs. McCARTHY of New York, Mr. CLEMENT, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Ms. LOFGREN, Mrs. CHRISTIAN-CHRISTENSEN, Mr. THOMPSON of California, Mrs. MYRICK, Mrs. LOWEY, Ms. CARSON, Ms. PELOSI, Ms. LEE, Mr. BALKDCCI, and Ms. STABENOW.

H. Con. Res. 8: Mr. DOYLE, Mr. BERRY, Ms. STABENOW, and Mr. GOODE.

H. Res. 15: Mr. LEACH, Ms. SLAUGHTER, Mr. MALONEY of Connecticut, Mr. FROST, Mrs. MECK of Florida, Mr. GILMAN, Ms. CARSON, Mr. SKELETON, Ms. STABENOW, Mr. BARRETT of Wisconsin, Mr. HINOJOSA, Mr. FALEOMAVAEGA, and Ms. LEE.

H. Res. 18: Ms. KILPATRICK and Mr. WYNN.
The Senate met at 9:30 a.m. and was called to order by the Honorable George B. Voinovich, a Senator from the State of Ohio.

PRAYER

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

Gracious God, our Rock of Ages in the shifting sands of our times, You are our stability and strength. You have placed a homing spirit in our hearts, making us restless to return to You. And now in communion with You, we receive what we need—energizing power for this new day, enthusiasm for the demanding schedule of this long day, extraordinary intellectual resiliency for the challenges of this crucial day.

Lord, bless the Senators with an assuring awareness of Your presence in the varied responsibilities they will assume today: the morning business, the party caucuses, the resumption of the impeachment trial, the State of the Union Address by the President. May their consistently repeated prayer in each changing circumstance, conversation, or conflict be: “Lord, use me. Speak through me. Accomplish Your will in my life and leadership.” And so we commit this day to live intentionally in the inspiration of Your Spirit. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Thurmond].

The bill clerk read as follows:

U.S. Senate
PRESIDENT PRO TEMPORE,

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable George B. Voinovich, a Senator from the State of Ohio, to perform the duties of the Chair. Strom Thurmond, President pro tempore.

Mr. Voinovich thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. Nickles. Thank you, Mr. President.

SCHEDULE

Mr. Nickles. Mr. President, this morning the Senate will be in a period of morning business until 11:30 a.m. Following morning business the Senate will recess in order to accommodate the weekly party luncheons. The Senate will then reconvene at 1 p.m. this afternoon and immediately resume consideration of the articles of impeachment. Under the provisions of Senate Resolution 16 the White House will begin its opening arguments. At the conclusion of today’s consideration of the articles of impeachment, the Senate will recess until 8:35 p.m. this evening and upon reconvening will proceed as a body to the House of Representatives for a joint session to receive a message from the President. I thank my colleagues for their attention.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 11:30, with 60 minutes under the control of the majority leader and with 60 minutes under the control of the Democratic leader, or their designees.

The Senator from Illinois.

Mr. Durbin. Mr. President, as I understand it, there are 2 hours equally divided. I ask unanimous consent to designate myself as the Senator in charge of the 1 hour designated to the Democrats.

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

Mr. Durbin. Thank you, Mr. President.

DEMOCRATIC LEGISLATIVE AGENDA

Mr. Durbin. Mr. President, very shortly we will be joined by the minority leader, Senator Daschle, who will speak to the issue at hand. Of course, the issue is one that is positively dwarfed by the events that will occur in this Chamber later this evening. It is very difficult to stand here in the context of the impeachment trial and to speak of legislation, but I think we would be remiss in our responsibilities to the American people if we did not realize that although the impeachment trial is an important constitutional responsibility, we have other responsibilities to the American people, as well.

The Democratic package, leadership package, of legislation speaks to specific issues which many families across America consider paramount in their lives. I think it is a very realistic and a very forward-looking approach to the problems which challenge us. It addresses the day-to-day issues that matter the most to the American people: Health care, education, income security, crime, child care, a safe and stable food supply, and other critical issues.

I am sorry to report that the last Congress—the last 2 years of Congress...
on Capitol Hill—was largely unproductive. The results of the last national election, I think, verified the fact that most people were disappointed by the outcome of the 105th Congress. There were so many opportunities missed in that Congress. Many chances to make real changes to improve life in America that were squandered. We failed to address patients' rights, we failed to reduce tobacco use by our children, we failed to reform the sorry state of campaign financing, and increase the minimum wage. In each instance, we were stymied by the other side of the aisle that simply did not want to deal with these issues.

It appears that the only issue of great moment—and I say that advisedly—was the decision to rename Washington National Airport after our former President, Ronald Reagan. Sadly, many of my colleagues in the Senate, once they had achieved that, decided to go straight to the airport and go home. It was symptomatic of sticking around and working on the issues for which we were called to Washington.

I think the American people have other things on their minds, and I think they are looking to us for leadership.

I am happy at this point to yield the floor to the Democratic leader, our minority leader in the U.S. Senate, who will speak to the agenda which we will try to forcefully address during this session of Congress.

THE OTHER IMPORTANT WORK THIS CONGRESS MUST DO: AN AGENDA TO HELP AMERICA'S WORKING FAMILIES

Mr. DASCHLE. Mr. President, for 3 full days now, this Senate has been sitting as a court of impeachment. We are only the second Senate in the history of our Republic to do so—after the former President, and the first Senate ever to consider impeaching an elected President.

Deciding, ultimately, whether to overturn a free and democratic election is almost certainly the most awesome responsibility any of us will ever be called in our public lives to fulfill.

But it is not the only responsibility before this Senate, Mr. President. On many other urgent issues—from improving our children's schools, to passing HMO reform, to saving Social Security—the American people are waiting for us to act. They've been waiting—frankly, for too long. So today, on behalf of my fellow Democratic Senators, I am introducing our first bills of the 106th Congress.

Our proposals target the real needs of America's families and communities. They are relevant, not revolutionary. If they seem familiar, it's because most of what is in them we first introduced in the last Congress. But they did not pass, despite the support of the American people and, in some cases, by a bipartisan majority of Senators. We offer them again in this Congress because the need for them has not diminished. In fact, it has grown.

SENATE DEMOCRATS' FIRST 5 BILLS

Our first bill is S. 6, the Patients' Bill of Rights. Democratic Senators spoke about this bill so often last year, criticizing the Republican colleagues to permit a vote on it, that I think we may all know it inside and out. In a nutshell, our Patients' Bill of Rights is based on a fundamental premise that insurance company accountability is the basis of practicing medicine. Decisions about medical care should be made by doctors and patients.

The Patients Bill of Rights guarantees HMO patients the right to go to an emergency room, and see a medical specialist, when they need to. It guarantees doctors the right to tell patients all their treatment options, not merely the cheapest ones. If you're being treated for an illness, or you're pregnant, the Patients' Bill of Rights allows you stay with your own doctor, even if your employer changes health plans. It guarantees parents the right to take their child to a pediatric specialist if they need one.

And it holds HMOs accountable for their decisions. If an HMO refuses to cover a prescription or procedure, our bill allows patients to appeal that decision to an independent third-party.

And, if a patient suffers serious harm as a result of an insurance company's decision to delay or deny needed care, the Patients' Bill of Rights guarantees them the right to sue their insurer—the same way every other industry can be sued for its bad decisions.

We're pleased that our Republican colleagues say HMO reform will be a priority for them this year as well. That's progress. The plan they offered last year covered only 1 in 3 privately insured Americans and contained other provisions that the majority of our Republican colleagues will correct those problems. We also hope the Republican leadership will allow an open, honest debate on this issue. That would be further progress. If we can have that debate, we can pass a real Patients' Bill of Rights this year.

Our second bill, S. 7, is the Public Schools Excellence Act. There are more children in America's public schools this year than ever before in our nation's history. These record enrollments are already causing serious teacher shortages. One way some schools are trying to deal with the shortages is by lowering standards for new teachers.

Over the past 10 years, continued enrollment increases and teacher retirements will require America's public schools to hire more than 2 million new teachers. If we don't act now, the need for new teachers will put even more pressure on communities to lower their teaching standards.

Enacting a proposal by Senator MURRAY, we made a historic commitment last year to help local communities hire 100,000 new teachers so they could reduce class size to an average of 18 students in first 3 grades, and give young children the personal attention and solid academic foundation they need.

This year, we are proposing a new partnership to increase both the quantity and quality of America's teachers. It is based on a proposal by Senator KENNEDY. We'll help local communities attract qualified new teachers by offering them $5,000 scholarships to students and to professionals who want to switch careers. We'll also help them provide these new teachers with the intensive support they need—but too often do not get—during the first few years on the job. At the same time, we'll help communities keep good teachers who are already in the classroom, by providing them with the training they need to strengthen their skills, or learn new skills—like how to use computers in the classroom.

But even the best teachers can't teach, and students can't learn, in classrooms that are unsafe or crammed beyond capacity. That is why, as part of our education bill, we're introducing our plan to help local communities repair and replace crumbling and overcrowded schools.

We all know the figures: According to the GAO, 14 million children in this country attend schools that require major renovations; and 7 million children attend schools with serious safety code violations such as asbestos, radon, and lead-based paint. Millions more children attend schools that hold far more students than they were designed for.

Our bill provides communities with reduced-rate bonds that will enable them to cut school construction and repair costs to local taxpayers by as much as 50 percent. Senators LAUTENBERG, ROBB, FEINSTEIN, and HARKIN have all helped put this proposal together.

More than 90 percent of America's children attend public schools. By strengthening their schools, we can give our children the skills to prosper in tomorrow's economy. But we also need help families the tools to succeed in today's economy. That is the focus of Democratic Minority Whip S. 8, the Income Security Enhancement Act.

For 20 years, beginning in the early 1970s, 80 percent of America's families didn't get a raise; their incomes stayed flat—even when they found or even lost other jobs. Fortunately, that's over. Since 1993, the average family income has gone up nearly $2,000 per year.

The way we can keep that trend moving in the right direction is by increasing the minimum wage by $1 over the next years—to $6.15 per hour. We know from experience that raising the minimum wage doesn't hurt the economy. It doesn't kill jobs. What it does is help families, and reinforce our belief as a society in the dignity of work. We hope our Republican colleagues will join us in supporting this modest increase for
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In addition, our bill changes some of the old rules about pensions to match the new reality of the way Americans work. Most people now switch jobs many times in their careers. That makes it hard for them to build up a significant pension. Our proposal makes it easier for workers to take their pensions with them when they change jobs. It also reduces from 5 to 3 years the time it takes to become "vested" in a 401(k) plan; and it allows workers who don't have pension coverage to reduce their tax liability through direct contributions from their paycheck into an IRA.

The other thing this Congress must do to increase Americans' retirement security is protect Social Security. We don't need a detailed Democratic plan to save Social Security, or a detailed Republican plan. We need a detailed American plan to save Social Security. And we're ready and willing to work with our Republican colleagues to produce a plan that will pass, that will be signed into law, and that will all of us need to keep our commitment to save Social Security first.

Some people are suggesting that we can walk away from that commitment now. But this crisis is bigger today than we expected. They want to change the rules and make it easier to spend the surplus. Let me be very clear: Senate Democrats will do everything in our power to prevent this from happening—until we fix Social Security. It doesn't matter how large the projected surplus is. We didn't go through all the hard work of balancing the budget just so Congress could once again start spending the money we don't have and driving up the deficit.

We don't have a Social Security crisis today. But we could create a crisis for the future if we start spending the surplus now, before we know how much it will cost to keep Social Security solvent. We need to keep the personal security of America's families.

This year, for the sixth year in a row, crime is down in America. That's the longest period of decline in 25 years. Our fourth bill, S. 9, the Safe Schools, Safe Streets and Secure Borders Act of 1999, builds on the juvenile crime bill introduced by Senator Leahy in the 105th Congress. It will help reduce crime even further by targeting violent crime in our schools. Reforming the juvenile justice system. Combating gang violence. Cutting down on the sale and use of illegal drugs. Giving police and prosecutors more tools and resources to fight street crime, inter-

national crime and terrorism. And strengthening the rights of crime victims.

In 1994, we made a commitment to put 100,000 new police officers on the street in communities all across America. We're now in the third year of that commitment by enabling communities to hire an additional 25,000 police officers through the COPS program.

It also expands Senator Biden's Violence Against Women Act—providing more money for more police officers, more prevention programs, and more shelters and other services for victims of domestic and sexual violence. It strengthens federal laws against hate crimes.

And it sets a national drunk-driving standard of .08 percent blood alcohol.

The final bill in our leadership package is S. 10, the Health Protection and Assistance for Older Americans Act. Democrats have always made protecting Medicare and older Americans a top priority. Six weeks from now, this Congress will receive a report from the Bipartisan Commission on the Future of Medicare. Senate Democrats will consider the Commission's proposals.

But there are 3 proposals we should all be able to agree on—even before we see the Commission's report—to improve the health and lives of older Americans and their families.

The first proposal addresses a serious health care gap in our country—we refer to it as the "Medicare buy-in" proposal, which Senator Moynihan introduced in the 105th Congress. It contains 3 parts. First, it allows people between ages of 55 and 65, and their spouses, to buy into Medicare when their employer downsizes, or their plant shuts down.

Second, it allows people between 62 and 65 who don't have access to group insurance to buy into Medicare. Participants don't have to be retired to be eligible. Some might work for small firms that don't offer benefits, or be self-employed or work part-time in a job that doesn't provide health benefits.

Both of these new coverage options are largely self-financing. The people "buying in" will pay premiums, just as they would for private health insurance.

The third part of our proposal is designed to help retirees whose promised health benefits are canceled. It allows these retirees to buy into their former employers' company health plan until they turn 65—a much more affordable option than buying private insurance.

We know what people between 55 and 65 are twice as likely to lose their health insurance than someone just 10 years younger who's just in time to experience heart disease, cancer and other major health problems. They have less access to health care coverage, and they face a greater risk of losing their coverage. And they're the fastest-growing age group in our Nation. By the year 2010, the number of Americans between 55 and 65...
will increase by 60 percent. Let's close this critical gap in our health care system now, before it gets worse. I also want to tell my colleagues—that although it is not part of our package today—Democrats will be working on a proposal to expand Medicaid coverage to include prescription drugs. There is no reason that seniors should have to choose between buying medicine and buying groceries. We are making real reform of the Older Americans Act a top priority for this Congress. That is the second part of our seniors package.

The Older Americans Act provides “Meals on Wheels,” counseling and other vital support services that allow older Americans to maintain their dignity and independence. Authorization for it expired in 1995. Older Americans deserve better. Democrats will be seeking not only appropriate funding, but improved services as well. Senator Mikulski will help lead that effort.

The third proposal in our seniors package will help individuals and their families cope with the financial and emotional costs of long-term care. The centerpiece of this proposal is a new $1,000 tax credit. We'll also help communities create “one-stop” centers that provide counseling and support, including respite care, to family caregivers. And, we will create a model long-term care insurance program that will be open to federal employees and retirees and their families. We'll use the negotiated-savings power of the federal government to provide long-term care insurance at 15–20 percent below market prices.

That is our leadership package, Senate Democrats' first 5 priorities for the 106th Congress. Pass a real Patients' Bill of Rights. Strengthen our children's schools. Create a fair and competitive game for our farmers, ranchers and poultry farmers. And help older Americans and their families by strengthening Medicare, including respite care, to family care givers. And, we will create a model long-term care insurance program that will be open to federal employees and retirees and their families. We'll use the negotiated-savings power of the federal government to provide long-term care insurance at 15–20 percent below market prices.

Our agenda strengthens the safety net for seniors. I believe that when we say “honor your mother and your father,” it is not only a good commandment to live by but it is good public policy. Specifically, it provides grants through EPA to help local communities evaluate and clean up contaminated industrial sites. It also provides relief from potential Superfund liability to owners and potential owners from on-site hazardous contamination. By taking these steps, we can reduce public health risks and help create new jobs and opportunities that were badly needed.

We do not claim to have all the right answers. But in these proposals, we believe we have at least identified the rights issues. It's clear these are the issues working families want this Congress to deal with. They've told us so time and time again.

Tonight, in his State of the Union address, the President will outline his agenda for the coming year. We welcome his ideas. We also welcome the ideas of our Republican colleagues. We are meeting at the White House and with our colleagues on both sides of the aisle in the spirit of consensus and teamwork to do the work the American people expect us to do.

Last month, there was a dinner in Washington to honor the political leaders who negotiated the “Good Friday Agreement,” the historic Northern Ireland peace accord. These people who have found a way somehow to overcome ancient hatreds and create a new government based on peace and justice. Their new government is still very fragile, and it faces many challenges. But the people at this dinner were convinced they would succeed. As one woman put it, “There's no turning back. For once, we're doing what Americans do. We believe in ourselves.”

We must believe in ourselves. No generation of Americans has ever said “we can't meet the great challenges of our time.” No Congress has ever said that. And this Congress must not say it, either. Let us agree to work together to help America's families. Let us believe in ourselves.

I yield the floor.

Ms. MIKULSKI. Mr. President, I am proud to join my colleagues in introducing the Democratic agenda for the 106th Congress. I am so proud that the people of Maryland have returned me to the United States Senate for a third term. I promised to continue fighting for our agenda. That agenda means keeping a robust economy. It means fighting for a safety net for seniors. Our agenda means getting behind our kids and our families. It means fighting for safe streets and a safer world. It means that we have to continue to invest in science and technology. The legislation we introduce today is designed to help us achieve these goals. It is a Democratic agenda—and it's Maryland's agenda. I would like to highlight a few initiatives that are particularly important.

Our final bill, S. 20, the Brownfields and Environmental Cleanup Act of 1999, is being introduced by Senator Lautenberg. It encourages people to buy and redevelop the tens of thousands of contaminated former industrial sites in communities across the country. Specifically, it provides grants through EPA to help local communities evaluate and clean up contaminated industrial sites. It also provides relief from potential Superfund liability to owners and potential owners from on-site hazardous contamination. By taking these steps, we can reduce public health risks and help create new jobs and opportunities that were badly needed.

We do not claim to have all the right answers. But in these proposals, we believe we have at least identified the rights issues. It's clear these are the issues working families want this Congress to deal with. They've told us so time and time again.

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policy to govern. What does that mean? First of all, it means helping Americans with long-term care. Since my first days in Congress, I have been fighting to help people afford the costs of long-term care. Ten years ago, a legislative provision put people out of poverty and stopped liens on family farms. The Democratic agenda will make it easier for families to provide long-term care. The agenda also includes my bill to provide long-term care insurance to federal employees and retirees. This provision is a down-payment on extending long-term care insurance to everyone. It will create a model for other employers to use in providing long-term care insurance for their workers. The Democratic agenda also includes measures to expand access to Medicare for individuals aged 55 to 64, and, importantly, calls for reauthorizing the Older Americans Act, an effort I helped lead in the last Congress. Although we did not complete action on the reauthorization last year, I hope my colleagues on both sides of the aisle will recognize how critical the OAA programs are to American seniors. In 1994, the last year OAA was authorized, it provided health and welfare information to 3 million seniors, served 240 million meals to low- and moderate-income seniors, and provided more than 800,000 seniors with critical transportation to and from doctor visits and other needed services.

We also recognize that we must get behind our kids and families. We know that our children are our most important resource. Our Democratic agenda puts education into action with the Public Schools Excellence Act at the top of our agenda. That bill will improve achievement by helping communities lower class sizes and help teachers get the training they need for the twenty-first century. We’re also helping communities create structured after school initiatives. The Democratic agenda will enable one million children to participate in safe and constructive after school programs. We’ll do that by building schools and community groups set up after school programs that provide academic enrichment, tutoring, recreation or other beneficial activities. But we know that we’ve also got to get behind our families by making sure they have high-quality, affordable health care. The Democratic Patients’ Bill of Rights will do just that. It will provide consumers of HMO health care enforceable patient protections. Democrats believe that health care decisions need to be made in consultation room, not the board room.

This legislation will provide 161 million Americans with critical protections for their health care. It will ensure the right to treatment that is medically necessary by the most appropriate health care provider, using best practices. It will provide continuity of care and patients will have the right to hold their health plans accountable for medical malpractice, which means taking the company to court. Right now, we don’t have managed care—we have managed care, and the Democratic Patients’ Bill of Rights will help make sure we put patients ahead of profits. We’re also fighting for a safe world for our children to grow up in. The Democratic crime initiative focuses on prevention, police and punishment. It continues to put more cops on the streets. It helps schools stay free of drugs and violence. And it gives law enforcement more tools to fight international drug pushers and terrorists—who threaten the safety of our world.

We will also focus on ensuring our nation’s food supply is safe for consumption. That and the SAFER Meat and Poultry Act, will be a top initiative in the coming Congress. Every person should have confidence that food is fit to eat and imported food is as safe as food produced domestically. Our food supply has gone global. We need global food safety. Too frequently, Americans suffer food borne illness and even death due to the contamination of imported foods. Just last year, infected raspberries were found in my home state, in Montgomery County. I introduced the Safety of Imported Food Act 1998 and will work with the Democratic leadership to implement safe, effective, and common-sense improvements to our food inspection process, and authorize enforcement tools needed to revolutionize the process and ensure compliance with safety laws.

The Democratic agenda seeks to strengthen our economy by increasing the economic security of working Americans. It does this by increasing the minimum wage and by decreasing taxes that unfairly target working families—like the marriage penalty.

Mr. President, the Democratic agenda is the American agenda. It will help us meet the day to day needs of the American people—and it will also help prepare our nation for the twenty-first century.

The PRESIDING OFFICER (Mr. Craig). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, will the floor manager be kind enough to yield 10 minutes?

Mr. DURBIN. I would be happy to yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, first of all, I want to join our colleagues in commending our leader for an excellent presentation on the unfinished agenda of the past Congress, as these are really the opening moments of the Congress in terms of dealing with our legislative agenda. It is entirely appropriate that our leaders speak to what we hope will be accomplished during this Congress. Tonight we will listen to the President of the United States meet his responsibilities under the Constitution, addressing the State of the Union. In the next day or so we will hear from the Democratic leader in the House of Representatives, Mr. GEPHARDT, who will outline an agenda for the country as well. Tonight at this time say how impressed I am with the outlines of this very thoughtful proposal, a real challenge for the Congress as we begin our important legislative undertakings.

We currently have extraordinary economic prosperity in the United States. It is the excellent leadership of President Clinton, Vice President Gore, and the Administration that has put us into a position to have the strongest economy we have had in any recent period. At the same time, we enjoy economic growth and price stability. That is reflected in enhanced hopes and dreams for working families all across this country. There are those who have not participated in that economic expansion as much as others, however. We hear the concerns expressed by our Democratic leader, and we will also hear the President tonight speak about how we can make our society a fairer and a more just society and how we can enhance the opportunity to reach out to those who are struggling hard, playing by the rules, trying to provide for their families, who also ought to be able to enjoy the kind of prosperity that we are experiencing.

The Democratic leader outlined a number of different areas with which working families in the United States are most concerned. Sure, we have many—about 75, 78 percent—of our working families that have some kind of health insurance, even though those numbers are gradually dropping and have been dropped quite precipitously in the last 3 or 4 years. But we want to make sure that those working families are going to be able to have health care decisions made by their doctors and by their nurses and not by the insurance companies.

That is why I joined with our Democratic leader in strong support of the Patients’ Bill of Rights proposal that is effectively supported by every major medical society, every patient organization, and every nursing organization in the country.

We have asked and invited our Republican friends and colleagues to join with us. We have tried to point out the inadequacies of their particular proposal in the fact that it only covers a third of the Americans who are covered by any kind of health insurance, leaving two-thirds of the members of the American family out. But we have been unable to get them to join with us. The professional health community says the way to go is with the health care
bill of rights as introduced by the Democratic leader.

Mr. President, the Democratic leader and the President outline another major concern that working families have, and that is the quality of education for our children. Sure, that is primary responsibility for education at the local level, and there is a State interest, but it should also be a matter of national priority. We are looking for partnerships. We are looking for ways of being bipartisan. We are looking for a consensus. This particular proposal which the Democratic leader has outlined, has recognized what the General Accounting Office recognized over 2 years ago, and that is that the cost to repair public schools in the United States of America, if they were all to be repaired, would be $110 billion. The President and the Democratic Party stand for trying to help and assist local communities to provide for that reconstruction and, importantly, the modernization of the schools. To work in partnership with the States—not only in terms of the construction but also to make sure we are going to have a qualified teacher in every classroom, that the classrooms, particularly in the elementary and secondary levels, are going to be smaller, and that there are going to be the after-school programs to help keep children out of trouble and to help and assist children who may be falling further behind to be able to enhance their academic achievements and accomplishments. That makes a great deal of sense, Mr. President.

These particular proposals will be advanced for debate and discussion in the Elementary and Secondary Education Act. We are looking forward to that. We are doing the country's business in working in partnership with States and local communities.

There is also urgency, in terms of ensuring that the parents of working families are going to be secure, in dealing with Social Security. We will hear an outline this evening. The President was good enough to invite Democrats and Republicans to come to the White House and to sit down with him to try to find some common ground. We will hear tonight that he is still strongly committed to trying to work this out in a bipartisan, nonpartisan way. It is the only way that that can be managed. And that is going to be very important. It will be a top priority for our seniors, our children, and our working families.

As the leader has pointed out, there will be an additional program to try to help and assist with many of the needs of the children of this country. That is going to be in legislation which he has outlined here today and which many of us have been interested in in terms of the early start programs, the pre-K programs. We talked to the Nation and made a commitment with the President that every child was going to be ready for school. We have to continue with that commitment. We want every child to be ready for school. We want tough standards at schools. We want to make sure that graduation is more than just an attendance program—that it means children have learned in these schools. I believe we are going to hear about excellent programs this evening and we have the report of Excellence Act's inclusion in education.

The list goes on for the elderly, including the continuation of the Older Americans Act, the Early Medicare Access Act, and Medicare coverage of prescription drugs. We are going to be able, in this Congress, to address the issue of prescription drugs, which is of urgency for so many of our elderly and citizens with disabilities. It is such a burden—we find many of our citizens have to make a choice between the prescriptions that they need and a good meal.

Finally, I want to mention the sense of hope that we have, many of us, as we look forward to this Congress. I just want to say that the President indicated his strong support for legislation which has been introduced by Senator Jeffords from Vermont, Senator Roth from Delaware, and cosponsored by myself and Senator Moynihan for his strong leadership on this issue. More than 3 million Americans aged 55 to 64 have no health insurance today. In the past year, the number of the uninsured in this age group increased at a faster rate than any other segment of the population. The elderly are practically the last group we deal with. The price tag is growing by an astonishing 16 percent each year. The time has come to address this glaring problem, and I intend to introduce legislation soon to do so.

Today, we also renew the battle for the Early Medicare Access Act. I commend Senator Moynihan for his strong leadership on this issue. More than 3 million Americans aged 55 to 64 have no health insurance today. Today, we also renew the battle for the Early Medicare Access Act. I commend Senator Moynihan for his strong leadership on this issue. More than 3 million Americans aged 55 to 64 have no health insurance today. In response to this need, our proposal will enable many uninsured Americans between the ages of 55 and 64 to purchase coverage under Medicare.

In addition to addressing America's health care needs, we must continue our campaign to improve the quality of public schools and help children meet high educational standards.

A high school degree must be more than just a certificate of attendance. It must be a certificate of achievement. We made progress last year in improving the quality of education, but we are still far from where we need to be. There are serious problems in the nation's schools, and they deserve serious solutions. We are introducing the Public Schools Excellence Act of 1999 to meet the pressing educational needs of communities and schools across the country. Our comprehensive bill addresses four key challenges facing public schools.

First, it will help communities rebuild, modernize and reduce overcrowding in more than 5,000 local public schools. Second, it will reduce the cost of building, by placing the down payment in last year's budget agreement to hire more teachers. Our legislation authorizes a six-year effort to help local schools meet the goal of hiring 100,000 new, qualified teachers, especially for the lower grades.
Third, our bill will ensure that there is a well-trained teacher in every classroom in America. Such teachers are essential for student achievement. Our bill will invest $2 billion to dramatically increase the size of the teacher workforce—enough to recruit outstanding new teachers and to enable current teachers to improve their skills through mentoring programs and other professional development.

Fourth, our proposal will expand the nation’s after-school programs. Every day, over 5 million children are left home alone after school for future thousands of families are on waiting lists. By investing in after-school programs, we keep children away from drugs, off the streets, and out of trouble, and provide more learning environment in the afternoons.

Improving education is clearly one of our highest priorities. That is in order for all children to achieve their full potential, we must make significant investments in children long before they ever walk through schoolhouse doors.

Ten years ago, the nation’s governors said their number one educational goal was that by the year 2000, all children should enter school “ready to learn.” Unfortunately, we will not reach this goal by 2000. One of my priorities in the new Congress is to renew this battle. We are already fighting hard for smaller classes, better teacher standards, and more modern school facilities, but we can’t neglect to invest in education at the very earliest ages.

The next priority is save Social Security. Few issues facing Congress today will have greater long term impact on the lives of more Americans than strengthening Social Security, currently providing retirement benefits for 110 million Americans. For one-third of America’s senior citizens, Social Security retirement benefits provide more than half their annual income. Without Social Security, the nation’s elderly would be living in poverty.

But it is much more than a retirement program. Thirty percent of its benefits support disabled persons of all ages and their families, and the surviving dependents of breadwinners who have died prematurely. In 1996, Social Security benefits kept over one million children out of poverty as well.

Radical change is unnecessary and unwise. We face a Social Security problem, not a Social Security crisis. The program can be made healthy without dismantling it in the process. It now has enough resources to fully fund current benefits for more than 30 years. If we were to address the long-term problems now, the long-run revenue shortfall can be eliminated with relatively minor adjustments to the system.

Some have suggested that the only way to save Social Security is to privatize a major part of it. Nothing could be further from the truth. In reality, diverting a portion of the payroll tax from Social Security into private retirement accounts would only make the future Social Security shortfall far greater and would necessitate sharp cuts to the benefits for citizens in need.

Private accounts, subject to the ups and downs of the stock market, are fine as a supplement to Social Security. But, they are no substitute for Social Security. The guaranteed benefits which Social Security currently provides are the best foundation on which to build for secure retirement.

More than half of the long-run shortfall can be closed by merely broadening the types of investments made by the trust fund, just as state and local public pension funds have done routinely for years. The remainder of the shortfall can be eliminated by several other minor adjustments to the program—with little or no cost.

The overwhelming majority of today’s workers would be unaffected by these changes. Current and future beneficiaries would be fully protected, and the guarantee of a secure retirement for America’s workers would be preserved through the 21st century. Another Democratic priority for this year is a much-needed increase in the minimum wage. Today, far too many workers work full time, and yet cannot make ends meet. Minimum wage workers who work 40 hours a week, 52 weeks a year earn just $10,700-$2,900 below the poverty level for a family of three. Under the leadership of President Clinton, America has enjoyed 6 years of extraordinary economic growth. Unemployment is at its lowest level in a generation. Inflation is the lowest in 40 years. But for too many people, someone else’s boom.

Twelve million working Americans are still earning poverty-level wages.

That is why we say now is the time to raise the minimum wage. The bill we introduce today will increase the level by a dollar—50 cents this years and 50 cents next year—and bring the minimum wage to $6.15 an hour by September 2000.

We know who minimum wage workers are. They clean our office buildings. They are teachers aides in classrooms. They care for the chronically ill and the elderly. They are child care workers. They are aides in nursing homes. They sell groceries at the supermarket, and more than 2 million are making health care decisions.

In good conscience, as we celebrate the nation’s continuing prosperity, we should not consign the millions of Americans who have these jobs to a life of economic uncertainty. We must raise the minimum wage, and we must raise it now.

Finally, I look forward to early action by the Senate on the landmark, bipartisan disability legislation that Senator Jeffords, Senator Roth, Senator Moynihan, and I announced last week. Over 75 percent of America’s Social Security beneficiaries are disabled. Most want to work—to enjoy the same fruits of their labor and fulfillment of their talents as everyone else in our society.

Our proposal makes this possible. It allows disabled Americans to take jobs without losing the Medicare and other benefits that are their line. It also provides valuable job training and rehabilitation assistance that will give persons with disabilities the skills they need to have and hold a job.

These three top items—Social Security, education, and taxes—are lead items the Republican Senate is going to be putting forward, and I look forward to a hearty session full of those meaty items, dealt with, hopefully, in a bipartisan fashion. I welcome colleagues from the other side of the aisle to help us in solving those difficult issues.

Mr. BROWNBACK. Mr. President, the issue I specifically want to address this morning, more than just our legislative agenda, is something that we celebrated yesterday, and that is the tribute to Rev. Martin Luther King, Jr. and the celebration we had yesterday, on January 18, when we once again paused to remember Dr. King, a man who changed the character and America’s conscience. Dr. King is one of the few individuals throughout history who has so nobly exemplified the principles of sacrificial love and devotion.

Yesterday in Kansas, I attended two Dr. King celebrations, one in Topeka and one in Kansas City, and both full of people redefining themselves to the life of Dr. King and what he had committed himself to and what he had done. Dr. King dedicated his life to the advancement of the human family. He selflessly gave of his time and energy—and his life—in order to bring this country to a higher moral plateau. Dr.
King suggested that we should not, as he stated, "judge success by the index of our salaries or the size of our automobiles, but rather . . . by the quality of our service and relationship to humanity.

In keeping with that vision, it is not enough to discuss how we can foster change within our communities. We must act and become involved in our communities the way Dr. King involved himself in the late 1950s and throughout the 1960s.

This year, Martin Luther King, Jr. Holiday observance theme was "Remember! Celebrate! Act! A day on, not a day off!" I cannot think of a better way to honor Dr. King's memory than taking part in our local communities and extending our help to those in need.

I am particularly pleased that Kansas organizations are working to honor Dr. King's memory by their outstanding work in their communities. I regularly visit different charity organizations throughout the State of Kansas, such as the Grace Center, which is a home for unwed mothers, and Bread of Life, which is an inner-city church that is leading community revitalization by partnering with schools and neighborhood organizations to provide scholastic, mentoring, and bible study programs. It is through this important work that we truly demonstrate the sacrificial love required to achieve Dr. King's "Dream" of an equal society.

Likewise, in order to realize Dr. King's "Dream" we must constantly work to improve our communities. Dr. King suggested that we will one day live in a society that encompasses all the principles for which he fought so hard and valiantly on April 3, 1968, the day before Dr. King's tragic death, he gave the following speech:

"I don't know what will happen now. We've got some difficult days ahead. But it doesn't matter with me now, because I've been to the mountaintop. I don't mind. I would like to live a long life; longevity has its place. But I'm not concerned about that now. I just want to do God's will. And he's allowed me to go up to the mountain. And I've looked over. And I've seen the Promised Land. I may not get there with you. But I want you to know tonight that we as a people will get to the Promised Land. And I'm happy tonight. I'm not worried about anything. I'm not fearing any man. Mine eyes have seen the glory of the coming of the Lord.

The day before.

Let us keep pressing up the mountain. We are not in the Promised Land yet. We must keep his faith and his wisdom for our future.

We must keep those basic values, which Dr. King promoted. Those values are work, family, and most important, the recognition of a higher moral authority. Only through those values will we become a nation truly worthy of Dr. King's legacy. Quoting again, from the Lord.

The ultimate measure of a man is not where he stands in moments of comfort and convenience, but . . . at times of challenge and controversy. The true neighbor will risk his position, his prestige, and even his life for the welfare of others.

Indeed, Dr. King exemplified those qualities in his life. We should all join me in continuing his legacy.

So, as we start this legislative session on the day after we honor Dr. King, let us keep his principles in mind as we press forward in this Nation to the promised land.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I yield 10 minutes to the Senator from the State of Washington, Senator MURRAY.

The PRESIDING OFFICER. The Senator from Washington.

CLASS-SIZE REDUCTION

Mrs. MURRAY. Mr. President, I thank my colleague from Illinois for his work this morning, with our leader Senator TOM DASCHLE, in setting the Democratic priorities that are so important to us and to the American people.

Having just returned from a very short weekend in my State, 2,500 miles away, it is clear that the American people are waiting anxiously to hear what the 106th Congress is planning to do regarding the business of the people. At the top of the list of people's concerns is the education of our young people.

Today, as you heard from our leader, we are presenting a comprehensive set of investments in America's public schools—school construction, before- and after-school care, improvements in teacher quality and class-size reduction.

In the fall of 1998, the U.S. Senate took the first important step on the path to reducing class size. In the fall of 1999, just a few months from now, when parents send their children off to school, they will ask them on the first day, as they always do: "Who is your teacher? And how many children are in your class?"

But the schools those children attend next fall will have a new tool for helping students learn. Approximately 30,000 new, well-prepared teachers will go into classrooms across this country. Demonstrating that Capitol Hill can listen to the people and get things done, we got the 105th Congress to agree to starting on this important path.

This year, we must finish the job we started last fall. We must provide the school districts the remainder of the funding necessary to hire 100,000 new and well-trained teachers over the next 6 years. This year, our work will include the reauthorization of the Elementary and Secondary Education Act, the major law that governs K-12 education in this country.

As part of our work, we must authorize the class-size reduction effort we started last year in appropriations. We must finish the job for the people in local school communities who are relying on us to do our job.

People in schools across this Nation are fully engaged in the debate over educational quality and in identifying what works to improve learning for students. Local education leaders know that reducing class size is an effective part of local school improvement.

Research shows that it works and so do the experiences of teachers, parents and students. Policymakers and educators know that as they reduce class size, they can also improve the quality of their local teacher pool by improving professional development, training, certification and recruitment.

Local communities are using the Federal class size and teacher quality effort as a way to beef up their own investment in the future of their young investments in teacher quality effort. Governors and State legislators are proposing class-size investments this year based on our successful effort last year.

All of these people are moving ahead with class-size reduction, because last year their representatives in Washington, DC, finally heard the call for funding for more and better teachers. They are counting on continued funding, and the time has come back this year to get it for them. I just want to take this opportunity to tell people directly—that we intend to keep class-size reduction a national priority.

The proposal in the bill that was outlined by our Democratic leader today, and in a bill I will be introducing separately, honors the agreement that we achieved last year. It requires no new forms and no red tape. It focuses on hiring new teachers, but it also makes improvements in other steps to improve the quality of their teaching pool.

I can't tell you how many times I have heard from people since the end of last Congress, how thankful they were that their Congress started this important investment in class-size reduction.

People learn better when they get the help they need in their classroom. I have been hearing it from students themselves. They want to thank us for doing the right thing, and they want us to keep it up.

Mr. President, education really matters. This year, we have the country behind us and several major opportunities to seriously improve American schools to meet our nation's expectations. But it will take a lot of hard work and courage to get there. We need all our school laws to work better for local communities, for our teachers and staff, for parents and families, and for what works to improve learning for all students. We must keep in mind that the students are our real clients and organize our work around their needs and not ours.
We need better flexibility, better accountability, better efficiency and better funding. We need to make some important investments in the nuts and bolts of providing education, class-size reduction, better facilities, better training for our teachers and more opportunities for students to be safe and to learn. These investments cost money, and we just need to make it happen.

We also need better leadership and vision and articulation of why we are all working so hard—so that students learn better, parents and more have more hope for the future.

As a former school board member, I can tell you that sometimes the decisions are not about money, they are about finding the best way to do things so students can learn. And we need to support those decisions as well.

A great example of this was our superintendent, John Stanford, of the Seattle school district. Superintendent Stanford, who died this year after a heroic struggle, showed people in Seattle and around the Nation just what we can accomplish in our schools by setting the right tone, asking for the best effort possible, and not accepting less. Many adults in a community know the superintendent of their district, but never have I seen so many students, young children who knew that John Stanford was their superintendent and that he wanted desperately and personally for them to succeed and they responded.

You will see elements of all these ideas today that address all of these issues—clear vision, more flexibility, better accountability, increased efficiency and improved funding. You will see here what America is asking for its public schools: We need to set high standards, articulate a vision, and give people the support and backing they need to get the job done. When these bills pass into law, you will see American schools that work better, for better results for our children.

I look forward to working with my colleagues and the American people to make progress this year and make a difference in the quality of life in all of the families in this country. Thank you, Mr. President.

Mr. BOND addressed the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair. (The remarks of Mr. Bond pertaining to the introduction of S. 52 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I yield 5 minutes to the Senator from Iowa, Senator HARKIN.

The PRESIDING OFFICER. The Senator from Iowa is recognized. The Senator from Iowa is recognized for 5 minutes.

Mr. HARKIN. Mr. President, I thank the manager.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. I ask unanimous consent that privileges of the floor be granted to Sarah Lister, a fellow on my staff, during the introduction of S. 18. The PRESIDING OFFICER. Without objection, it is so ordered.

The remarks of Mr. Harkin pertaining to the introduction of S. 18 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions."

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

STATE OF THE UNION

Mr. SPECTER. Mr. President, I have sought recognition this morning to comment briefly on the President's State of the Union speech and to introduce legislation, since this is the first day of the 106th Congress when legislation may be introduced.

I applaud President Clinton for proceeding with the State of the Union tonight. Some say that Capitol Hill is schizophrenic with impeachment proceedings in the Senate Chamber, and across the Rotunda we will hear the President's State of the Union speech in the House Chamber. But I believe that it is very important that we take care of the Nation's business. I think that can be accomplished at the same time that we move forward with the Senate being constituted as a Court of Impeachment to decide that issue.

I have noted the advance text of the President's statement commenting on education and his desire to set up incentives to be a condition for Federal funding. I chair the Appropriations' Subcommittee on Education and we will proceed very promptly with hearings on that subject to make a determination, legislatively, as to whether, at least in the view of our subcommittee, those kinds of standards and those kinds of incentives are appropriate or whether they constitute too much Federal interference with education which traditionally has been left to the State and local levels. But we are prepared to move right ahead with that legislation, with that consideration.

Noted also from the President's advance text about an intention to deal with the issue of local preparation for responding if—God forbid—there should be weapons of mass destruction unleashed on the American people—again, that is a matter which would come within our Subcommittee on Health. At the same time, there is a commission working on weapons of mass destruction, on legislation which I authored 2 years ago as chairman of the Senate Intelligence Committee. John Deutch, former CIA Director, chairs the commission and I serve as vice chairman of the committee.

We are prepared to move ahead with what the President has offered and what the President has to say. I compliment him for moving ahead with that State of the Union speech to take care of the Nation's business. I believe the Congress will cooperate by moving ahead on two tracks—we can have the Court of Impeachment in the Senate Chamber and the State of the Union speech in the House Chamber, and the Rotunda will not be schizophrenic and we can function.

HEALTH CARE

Mr. SPECTER. Mr. President, I am introducing three legislative matters, including legislation on health care, which has been a focal point of my attention and my tenure in the Senate, and again for my chairmanship of the Appropriations' Subcommittee on Health. I believe that we can move ahead to cover the 43 million Americans who are now not covered within the existing expenditures of $1.10 trillion a year. There are ways to economize. There can be an extension of health care by making it easier for small businesses to pool their resources and buy health insurance, by accelerating the date when there will be full deductibility for health care, and there could be very, very substantial savings possible on matters which are specified in the course of this legislation.

ENTERPRISE ZONES IN AMERICA

Mr. SPECTER. Mr. President, I am introducing, along with the distinguished Senator from Illinois, Senator Durbin, legislation to deal with America's cities. Some are urgently in need of assistance. Our legislation is not to add new funding through appropriations, but, instead, to have the General Services Administration allocate 15 percent of new expenditures to enterprise zones, to distressed areas, to have Federal buildings constructed, with the priority in cities where there are depressed areas to provide jobs in those areas, and to reinstitute certain historical tax breaks which could be of great benefit for the cities.

ADDITIONAL ALLOCATION FOR NIH

Mr. SPECTER. Mr. President, a third legislative matter is a resolution calling for the Budget Committee to allocate an additional $2 billion to the health account to be used for the National Institutes of Health, being offered on behalf of myself and Senator Harkin in our continuous effort to see to it that additional funds are allocated for the National Institutes of Health, which is really the crown jewel.
of the Federal Government. In fact, Mr. President, it may be the only jewel in the Federal Government. We understand that the allocation in health is to a category, but the funds are very, very limited on our subcommittee.

Last year, Senator Mark Kirk, ranking, and I, as chairmen, were able to take the lead in some $2 billion to NIH, but it was at the expense of other programs which were very, very important for worker safety, for education programs, for other health programs. We are committed to the resolution with that specific request to the Budget Committee.

STEEL INDUSTRY RELIEF

Mr. SPECTER. Mr. President, tomorrow legislation will be introduced by a coalition of bipartisan Senators—Democrats and Republicans—to bring some relief to the steel industry. The steel industry has been very, very hard hit in America. In the past two decades, steel jobs have declined from some 500,000 to about 150,000. Billions of dollars have been invested in the steel industry, and we have had a surge of dumped steel—that is, steel which is sold in the United States at a lower price than it is sold in the country of origin. Russia, with their economy in great distress, will sell steel at any price in the United States to get dollars. A similar problem has evolved, too, in Japan, Korea, Indonesia and other countries.

The Senate Steel Caucus, both on the House side and the Senate side, has held hearings. Senator Rockefeller, vice chairman of the Steel Caucus, and I, in my capacity as chairman, will be introducing the legislation tomorrow with many Senators in support—Senator Byrd, Senator Santorum, and many others—as well as representatives of the steelworkers union and the steel industry themselves. On the House side, Representative Regula of Ohio, who chairs the House Steel Caucus, will be joining us in this legislative introduction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

ANNUAL STATE OF THE UNION ADDRESS

Mr. DURBIN. Mr. President, this is indeed a strange day on Capitol Hill—January 19, 1999—and I am sure that history will look back on this day as one of stark contrast. It is a day when the President will deliver his State of the Union Address, and of course that is a historic ritual which began with President Wilson and will continue with President Clinton this evening.

The oddity, of course, is that some of the same Members of the House of Representatives who over the span of the last session on the House floor in this Senate Chamber and at various times described the President as being "corrupt" or "felonious," as being "one who has turned his back on the law," will be tonight, in the House Chamber applauding this President as he comes to the floor.

Many people might view this as somewhat hypocritical. I do not. I think it reflects two basic values in America. First and most important is a presumption of innocence, a presumption which is extended to every person when they are accused by their accusers, be it government or otherwise, until proven otherwise.

Today, the question is whether we will hear for the first time the defense of the President and hear the other side of the story. That presumption of innocence, I think, argues that all of us come to the State of the Union Address tonight with an open mind to the issues at hand, serious issues facing the country.

The second and equally important value that will be tested this evening is one which I have seen in my time on Capitol Hill, time and time again. I can certainly recall at the height of the Iran-contra affair when President Reagan came to give a State of the Union Address. I had very serious concerns about the Iran-contra affair, the sale of arms to an avowed enemy of the United States, the diversion of proceeds from that sale to contras, rebels, in Nicaragua, in direct violation of the law, and all of that proceeding and all of that controversy which took the eventual prosecution of members of the President's Cabinet.

In the midst of that was a State of the Union Address by President Reagan. Many of us who were critical of the Iran-contra affair came to that State of the Union Address and gave appropriate respect to the President in his presentation to Congress and to the American people.

I expect the same thing to occur tonight. And I expect that what we have heard from the House floor, from the Democratic side about the agenda that we are hoping to propose and push forward during the coming months will be addressed by the President in his speech. At this point, I reserve the balance of my time.

Mr. THOMAS addressed the Chair.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I am pleased that we are finally getting to introduce bills today. This is, of course, the first day that we have had that option. I want to talk about the legislative priorities of the majority party in Congress as well as several of the bills that I will be introducing that I believe reflect those priorities.

The leadership of the majority in Congress has just had a press conference talking about the opportunity and the security that we are going to provide with our major bills and priorities this session. We are talking about Social Security reform, trying to make sure we have the security for those who have retired. We are going to add to that pension reform to give more Americans the opportunity to add to that Social Security base. Social Security is supposed to be a base, but every American ought to be adding savings, tax free, as an incentive to have retirement security.

And I am going to address education as an opportunity, making sure that every child in America has a chance to succeed with a public education. By that, we are going to give more choices. I will introduce today a bill under "Stimulus Options for Excellence in Education, to try to replace the paperwork and bureaucracy of federal education programs with rewards for innovation, excellence, and choice."
In a bill that I will introduce today, the Options for Excellence in Education Act, we are going to give incentive grants to states and school districts that demonstrate exceptional educational progress and practices that translate into better student performance. The bill will also build upon a very successful program to place military veterans who wish to teach into schools where there is a need for qualified teachers by expanding the program to include civilian professionals. Under the program, individuals with special skills and experience will be given stipend while they seek teacher certification under a streamlined state process so that they can translate those skills into benefits for students. We are going to give help to expedite certification so that if a retired military or civilian professional has the ability, for example, to speak Russian or French or has experience in computer science or math, and the school district has that need for teachers with those skills, those professionals can enter the classroom much more easily and cheaply than they could otherwise.

And then we want to grade the ability of schools through the ability of the children. If those schools that are in the bottom part of the achievement levels don't come up, we want to give more educational options for their students. States will be able under the bill to use any federal funds for a variety of school choice options, including allowing students to attend another public school in their area, the expansion of charter schools, magnet schools, or even private school choice if that's what the state wants to do to give kids trapped in failed schools the chance to succeed.

Finally, the bill addresses the need for the construction of new schools that so many of our school districts are facing. It gives incentives for the private construction or renovation of public schools in low-income and high-growth parts of our country. So that is what my Options for Excellence in Education bill that I am introducing today will do.

We in Congress must also address the issue of economic opportunity. More people in this country are paying more taxes than ever before in our peacetime history. Thirty-eight percent of the average American family has an unmet need for better retirement security with Social Security reform, and the feeling that they can be secure in the quality of both their national defense and educational systems.

I appreciate very much the opportunity to start talking about our agenda today, to introduce our bills, to get them into committee and to get started on the people's business.

SENATE REPUBLICAN LEGISLATIVE AGENDA

Mr. LOTT. Mr. President, in recent weeks, I have made clear that the Senate would proceed, full speed ahead, with the people's business. Today's legislative action is an important part of that business.

Today, by mutual agreement of Members on both sides of the aisle, we begin the actual introduction of bills and resolutions. Following tradition, Republicans will introduce the first five bills. Senator Daschle will then introduce the following five bills.

Of course, this is an occasion, not just to introduce major legislation, but for both parties to explain to the American people the principles behind their bills, and the values that shape them. That is what I would like to do today.

Today's Americans want the same things our people have always sought. They want a better life for themselves and for their children—better, not just in personal economic or financial
terms, but also in terms of their community. They want a healthier environment, and decent neighborhoods where children can play without fear or danger.

They want to be able to plan for their own future, while ensuring for their elders the security they want for themselves.

They want a just social order. That means a society that rewards labor and thrift, punishes those who harm others, and cares for those who cannot care for themselves.

Those goals form the great common ground on which the American people stand united. Whatever our many differences and disagreements, we share a commitment to opportunity, to security, and to personal responsibility.

Put the three of those together—opportunity, security, and responsibility—and you have the formula for freedom.

Freedom, after all, is the one overarching concept for which our country stands. It is what the word “America” has meant from the very beginning—and not only to those who were blessed enough to live here, but also to the millions of people around the world who lived, and often died, in the hope that someday they might share in that freedom.

But freedom is not a negative commodity. It is not just the absence of oppression that allows every individual to do whatever he or she wants to do. True freedom is a positive force that turns responsibility into a creative energy that can empower individuals, lift their families, and improve their communities.

That is why the starting point for the Senate agenda is freedom. Not as a slogan, but as the sum total of everything the American people, day by day, work for and hope for: broader opportunity, enhanced security, and stronger personal responsibility.

From that starting point come the first five bills of the 106th Congress. They address both educational opportunity and economic opportunity, because the two are really interdependent. And they deal with issues of security—retirement security, community security, and national security—as fulfillments of our ideal of freedom.

Our first bill deals with one of the most pressing concerns of the American people: Social Security. We are strongly committed to preserving and protecting Social Security for future generations.

Many in the Senate, like Rick Santorum and Judd Gregg, have shown great leadership on this issue. We want this bill to carry the symbolic title of S. 1, even though its substance will not be introduced today. We will hold the number for a while. That is a highly unusual procedure, and I should explain why we are using it in this case.

Over the last several weeks, I have repeatedly urged the President to submit to the Congress and the Nation his own bill to save and strengthen Social Security.

I repeated that plea as recently as this weekend, in a joint letter that Speaker Hastert and I gave the White House. In that letter the Speaker and I promised to arrange an unprecedented joint meeting of the House Ways and Means Committee and the Senate Finance Committee to receive and hold hearings on the President’s bill.

I have made clear that, if the President will give us his proposals in legislative form, I will introduce his bill here in the Senate. Today, I pledge to honor the President’s bill by introducing it as S. 1.

But first, he must send us his bill. That is the way Presidents do business. It is part of presidential leadership. It is part of his job.

I continue to hope that the job will get done. And as a token of our good faith in the Senate, and our willingness to work in a bipartisan spirit, to make sure that Social Security is there for both our parents and our children, I will withhold introducing of S. 1 and reserve that title for the President’s bill on Social Security. I hope he will send it to us soon.

The second item on the Republican agenda is education.

Here we have a dilemma: an overabundance of great ideas. Starting today, and in the weeks to follow, Republican Senators will be introducing many bills dealing with education. They will all have one common goal: To make sure this country has the world’s best schools.

I won’t attempt to offer a comprehensive list of those proposals, because there are so many of them. One consistent theme is to shift decision-making out of Washington and back to parents, teachers, and local officials. In short, the folks who know the kids best—and who know what our schools need to succeed.

That’s the principle behind Senator Bond’s “Direct Check,” Senator Hutchinson’s “Options for Excellence,” Senator Hutchinson’s “Dollars to the Classroom,” and Senator Gordon’s stencil campaign to renew and empower State and local education systems.

The same principle—that excellence in education begins at the State and local level—has shaped what will be one of the most important bills of the 106th Congress. It’s called Ed-Flex, for Educational Flexibility, and it is not a partisan initiative. It has been jointly advanced by Senators Frist and Wyden.

It is strongly supported by all the Nation’s Governors. It should be something we can consider and pass quickly. If we want the 106th Congress to be known as the Education Congress, Ed-Flex is a great way to start.

Right off the bat, with virtual unanimity, we can give the States the leeway they need to use their share of federal dollars to meet the needs of students. Around this flag, we should all rally.

A second principle of Republican education reform is equality teaching. Senator Mack’s bill on teacher testing leads the way in that regard, along with our other proposals for teacher training and merit pay.

Those three principles, and the issues to which we apply them, come together in the largest education bill that will come before the 106th Congress: the reauthorization of the Elementary and Secondary Education Act, universally known as the ESEA.

In the cafeteria fare of education bills, this one is pizza with the works, even the anchovies. Over the last 33 years, we have spent more than $120 billion through the ESEA. Its reauthorization during the 106th Congress will be our opportunity to assess what has gone right, or wrong, in that process—and to adjust the ESEA to meet the challenges of a changing society in a new century in an unpredictable world.

Senator Jeffords, chairman of the Committee on Health, Education, Labor and Pensions, will introduce the reauthorization of the Elementary and Secondary Education Act as the second bill of the 106th Congress.

Our third bill, S. 3, is a tax cut, introduced by Senator Grams, Senator Roth, and others. To be precise, a 10-percent reduction in personal income tax rates. Hence the bill’s title: the Tax Cuts for All Americans Act.

Whatever justification this may need in the Congress, it requires no explanation to the American people. They are overworked and overtaxed to meet the demands of government. Senate Republicans want them to keep more of what they earn.

We believe it is wrong—morally wrong—to make the American family pay more in taxes than it spends on food, clothing, housing, and transportation combined. So we propose to reduce their tax burden while making government smaller, smarter, and more efficient.
Our fourth bill, S. 4, is the Soldiers’ Bill of Rights, to be introduced by Senator WARNER and his Republican colleagues on the Armed Services Committee. This bill represents the determination of Senator Republicans to rebuild our nation’s national security by restoring the readiness and morale of our Armed Forces.

In other words, it is a small symbol of an enormous commitment. At last Congress, the administration proposed to deal with military retirement by robbing the military’s readiness funds. That was a terrible idea. It made no sense to offer our servicemen and women a little better retirement while depriving them of the wherewithal to defend themselves and their country. So we blocked that dishonest ploy, and we promised to address the problems of inadequate military pay and retirement early in 1999.

Enactment of this bill, S. 4, will fulfill that commitment. By step, with a bill that deals with virtually every aspect of both the domestic and the international fight against drugs. It will impact the operations of most of the federal government, from the Justice Department to the Pentagon, from the State Department to the Coast Guard. It addresses some of the most pressing questions on national drug policy, including the sentencing differential between powder cocaine and crack.

Drug traffickers and their allies in certain foreign countries will not like the bill nor will the criminals who peddle drugs to school kids. But parents, teachers, and law enforcement officers will cheer it. For its passage will be a clear signal, throughout this country and around the world, that we are serious about winning the war on drugs.

Mr. President, these five pieces of legislation—four introduced today, and one awaiting a draft from President Clinton—lead the Republican agenda for the 106th Congress. But they are not the whole story.

They set the foundation I mentioned earlier—the foundation of opportunity, security, responsibility, and freedom, and we are going to build on that foundation in many ways.

Along with the Drug Free Century Act, we will be moving against juvenile crime, following the lead of Senator HATCH and his colleagues on the Judiciary Committee. And in tandem with the House, we should consider legislation that will prevent Federal judges from turning loose hardened criminals in violation of their own sentences.

On another front, we will soon—by March 1 at the latest—receive the recommendations of our Bipartisan Medicare Commission, and we hope to act on that report.

Even sooner, I will bring to the Senate floor the first major reform of the budget process since it was established in 1974. Our reform package will put an end to the treatment shutdowns and stop the abuses of what is dubiously called “emergency spending.”

We hope to schedule early action on a vital piece of legislation, the Water Resources Development Act, under the leadership of Senator CHAFFEE, chairing our Committee on Environment and Public Works.

We will move ahead with a Patients’ Bill of Rights that will protect individuals without undermining the integrity and efficiency of our health care system.

And we will continue to uphold the right to life, by advancing again a ban on partial-birth abortions, as proposed by Senator SANTORUM and the Child Custody Protection Act, proposed by Senator ABRAMAH.

To the legislation I have already outlined must be added a score of other matters, from bankruptcy reform and financial services reform to export expansion and trade reform, especially with regard to agricultural products.

And we intend to build upon our landmark welfare reforms by strengthening families, communities, and religious institutions. We should undertake nothing less than the renewal of civil society.

It will take both compassion and common sense to revitalize those areas where the cretinism of the Reagan and Bush presidencies has turned dreams into nightmares. It will take both compassion and common sense to revitalize those areas where the cretinism of the Reagan and Bush presidencies has turned dreams into nightmares.

That is an agenda of hope and dignity that acknowledges that the solutions to America’s problems will ultimately come, not from the Congress or the White House, but from the people.

Granted, the renewal of civil society will be a heroic enterprise, but Americans are equal to it. Today, on behalf of the Republican Members of the Senate, I pledge that we will do our part to make the 106th Congress, not so much the foundation to the troubles and trials of the 20th century, but the threshold to a new American era.

1999—THE YEAR OF AVIATION CAN BE ACCOMPLISHED IN 3 MONTHS

Mr. LOTT. Mr. President, last year the Senate passed S. 2279, the Wendell H. Ford National Air Transportation System Improvement Act of 1998. The Ford Act promises to bring much-needed service to under-served communities throughout the Nation through policy changes and market-based incentives. Unfortunately, the Ford Act was not passed into law by the last Congress. I believe that Congress has an obligation to enhance the development of America’s smaller air service markets. That is a promise that this Congress can fulfill. It is a promise that this session of Congress will fulfill.

The First Session of the 106th Congress will prove to be critical for our Nation’s air passengers. The top aviation policy priority remains a full FAA reauthorization—not just a quick extension of this important agency and the Airports Improvements Program (AIP). A full reauthorization—money plus policies. Commerce Committee Chairman McCaIN’s aviation legislation, submitted this morning, reflects the bipartisan, unconditional support for rural air service built in the Ford Act.

Last year, the FAA’s informal conference was able to reach a consensus on almost all issues. I encourage my colleagues to continue the good work in addressing aviation policies by returning where the 105th Congress left off. If the provisions that were agreed upon late last year are adopted, Congress will be able to clear this bill before the March 31 deadline and guarantee a smooth, clean continuation of AIP funds.

Mr. President, there is talk of an increase in airline user fees through the passenger facility charges (PFCs). I’m
not a fan of user fees and I hope this mechanism is not used for aviation services. These are taxes, period. The goal of this Congress is to cut taxes, not increase them.

Last year, tens of thousands of Mississippians flew to New Orleans to watch the Super Bowl. Many of these passengers were new customers that chose air travel as a result of greater air service, options and lower fares from a new entrant. These changes allowed the Jackson Airport to make several flights to New Orleans. I look forward to ensuring the east central pocket of Mississipi is involved in commercial aviation. He served as a member of the National Civil Aviation Review Commission where he again distinguished himself.

It is my hope that the recommendations from this commission are not overlooked by this Congress. I implore my colleagues to seek out their Dirks or Gene to find out what their states need.

Mr. President, this Congress does not need a year for aviation policy—it needs 3 months and the work left from the last Congress. Quality air service for all Americans must be the focus of any aviation legislation. Never forget that the FAA is not a hub. Quality air service is essential for economic development. Quality air service will enable rural Americans to be competitive and spur economic development to under served communities in the 21st century.

DATABASE ANTIPIRACY LEGISLATION

Mr. HATCH. Mr. President, I rise today to speak on an issue of great and escalating importance: database piracy. While perhaps not an issue on the tips of most Americans’ tongues, it is nevertheless an issue that has garnered considerable attention in recent years both in the United States and internationally. The 105th Congress is now the third consecutive Congress in which database legislation will be considered. This is an appropriate reflection of the fact that while intellectual property is an outgrowth of the information age, information is its lifeblood.

Utahns are interested in an appropriate balance of interest here. Utah is a leader in the hi-tech and information industries, and is home to both producers and users of information and database collections. Utah is blessed with world class scientists and scholars, genealogists, and computer and hi-tech companies that create new information, organize information, and use information—often using information created by others in innovative ways to create new information or to make it more easily or inexpensively accessible. I would guess that most of my colleagues would find that similarly in their own home states that many of their constituents are interested in this issue at some level because so many are producers or users of information, and often both. Amtias database providers render an invaluable service by collecting, organizing, and disseminating billions of bits of information from myriad sources of every possible sector of our economy. They give us such widely-used tools as phone books, directories, catalogs, almanacs, encyclopedias, and other reference guides. They provide specialized products like statistical abstracts, medical and pharmaceutical reference books, pricing guides, genealogical data and countless other sources of information for businesses, researchers, scientists, educators, and consumers. Indeed, it is the information they collect that allows us to predict the weather, to use computers to communicate over global networks, like the Internet, to travel, to buy a home, and even to watch the evening news. It is not surprising that the cost of creating and maintaining accurate, reliable, and user-friendly databases is significant. Yet, the commercial viability of these products has, for many years, served as an incentive to invest in and produce data. The continued viability of these products, raising the question of whether current law is sufficient to maintain the same sort of incentives needed to keep the United States on the cutting edge of the information age.

The most debated among these is perhaps the 1991 decision in Feist Publications v. Rural Telephone Service Co., 499 U.S. 340, in which the Supreme Court rejected the so-called “sweat of the brow” theory as a basis for copyright protection for databases. Under Feist, the degree of labor and investment associated with producing a database is irrelevant to the question of copyrightability. Rather, a database may be protected by copyright only where it exhibits a minimum level of originality in the selection and arrangement of its contents. And, even if they are copyrightable, databases are said to be “thin” in that it extends only to the original selection and arrangement of the material but does not protect against the wholesale appropriation of the facts themselves. Thus, Feist made clear that a database owner who spends several years and a substantial amount of money to respond to an unmet market for data cannot look to copyright law for protection against a competitor who seeks to reproduce and commercialize the same information in a different format, so long as the competing product does not copy the original selection or arrangement of the underlying information, if any. For example, in Martindale-Hubbell Publishing Co. v. Martindale-Hubbell Law Directory, No. 98-6767-CIV-ROETTGER (S.D. Fla. Dec. 30, 1994), the court held that wholesale copying of attorney’s names, addresses, and other information from the Martindale-Hubbell directory for inclusion in a competing directory was not infringing.

Having no recourse to copyright law, such database producers must rely on
state law regimes of contract and unfair competition to protect their investment. While there has been an ongoing and healthy debate as to whether such protections are sufficient, it is clear that the varying nature of the patchwork of laws will continue to make some a very, at least, to some uncertainty among database producers regarding the degree of protection they may expect.

Also of growing importance is the effect of technology on the database industry as a whole. To a large extent, technology has been the fire that has fueled the growth of the database industry. Many also look to emerging technology as the solution to many of the problems sought to be addressed in the current debate. But while technological measures for protecting databases are still emerging, current technology has greatly contributed to the uncertainty that surrounds existing database protections. As databases move from hard-bound printed text to versions to fully searchable electronic information-bases, selection and arrangement of the material becomes less important, and copyright protection is further removed. Thus, a database in a form that is not protected by copyright based on its arrangement of facts would likely no be protected by copyright when the same information is placed in a searchable electronic database where the arrangement of the facts is unimportant. And the digital networked environment has made piracy of databases much easier, both in terms of the facility of reproduction and in terms of the ease of unauthorized access to the contents of the database itself.

Finally, recent international proposals for database legislation and have heightened awareness of database piracy and prompted a greater sense of urgency among some to elevate the level of protection for databases in the United States. The most significant example of these is the 1996 directive of the European Union requiring its member states to adopt certain protections for both copyrightable and noncopyrightable databases by January 1, 1998. Of particular relevance is a provision withholding protection for those databases produced in countries that do not afford a similar level of protection for European databases. Thus, failure by the United States to enact legislation extending protection for copyrightable databases will likely result in the withholding of protection for American databases in Europe—a significant market for U.S. database providers.

Mr. President, I have long been on record as supporting some form of federal protection to fill the gap of protection created by Feist for those databases that are the result of significant effort and investment. Nearly 2 years ago I initiated a process that set out to balance the varied interests at stake in order to preserve appropriate incentives for investment in information while promoting the widest, possible dissemination of information, as well as the greatest innovation in making information inexpensive and easy to use. I began this process by asking the Copyright Office to conduct a comprehensive study of the issues involved and to make recommendations to the Judiciary Committee. The Register of Copyrights and her staff did an outstanding job in responding to my request, and the Copyright Office issued a formal report in August 1997, shortly before the 104th Congress adjourned.

Congressman Coble, chairman of the Subcommittee on Courts and Intellectual Property in the House of Representatives, spearheaded the effort to report database legislation in the 106th Congress. His subcommittee reported legislation, which was ultimately passed twice by the House of Representatives in the 106th Congress—once under suspension of the rules and then again as title V of the H.R. 2991, the Digital Millennium Copyright Act. I commend him for the hard work that he has done and for his work in bringing the various parties together on this particular issue.

As my colleagues will recall, while the Coble bill encountered very limited opposition on the House floor, it proved to be more controversial in the Senate. In order to address the outstanding concerns of various information users, the parties sit down under the auspices of the Judiciary Committee to discuss their differences and seek a resolution that was favorable to all. These discussions went on almost daily for approximately three weeks, and considerable progress was made. Based on these meetings, I put forward a series of discussion drafts that sought to narrow the gaps and arrive at an acceptable solution. While ultimately a solution could not be reached before the Congress adjourned, we made considerable progress. Each of these discussion drafts represented an additional step toward a resolution, and I believe that, in the end we were close to a workable compromise.

As we begin the 106th Congress, I want to stand before my colleagues to reiterate my commitment to the timely enactment of database legislation. There are many people that stand to be affected by such legislation, and many have expressed a view about what the proper approach should be. While I am not wedded to a specific proposal or a particular approach, I do believe that any bill should keep in mind the dual priorities of providing the protections necessary to encourage proliferation of databases in the United States and of protecting widespread access to and dissemination of information. In an effort to build upon the progress we made in the Senate last year, I am sharing with my colleagues a draft that is identical to the last of the discussion drafts I offered last year. I ask unanimous consent that the text of this draft be included in the Record immediately after my statement. The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. Hatch. By putting forward this particular draft I do not mean to suggest that this is necessarily the appropriate starting point for debate in the 106th Congress. Provisions of this draft must be read in light of the circumstances in which they were written, namely the consideration of the conference report on the Digital Millennium Copyright Act. It does, however, represent a number of significant advances toward consensus as well as ideas and principles that I expect will prove useful in crafting a database bill that meets the above-stated objectives. For these reasons I commend it to my colleagues for their consideration. But there are other approaches we should be cognizant of as we work toward the best possible solution.

First, there is a broad unfair competition model that approaches in some ways a property rights model. The foremost example of this approach has been the House's bills over the past few years which sought that Chairman Coble has introduced a bill in the House that largely reflects the bill that passed by the House last year and that he will be seeking to forge a consensus in the House based on that proposal. I am pleased that he has made this a priority again this year and I look forward to working with him as I have been privileged to do on so many prior occasions. For the reference of my colleagues, I ask unanimous consent that Mr. Coble's bill be printed in the Record as an example of the broad model of database protection.

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

* * *

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 “Collections of Information Antipiracy Act.”

SEC. 2. MISAPPROPRIATION OF COLLECTIONS OF INFORMATION.

Title 17, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 14—MISAPPROPRIATION OF COLLECTIONS OF INFORMATION"

"§ 1401. Definitions.
§ 1402. Prohibition against misappropriation.
§ 1403. Permitted acts.
§ 1404. Exclusions.
§ 1405. Relationship to other laws.

"CHAPTER 15—MISAPPROPRIATION OF COLLECTIONS OF INFORMATION"

"§ 1401. Definitions.
§ 1402. Prohibition against misappropriation.
§ 1403. Permitted acts.
§ 1404. Exclusions.
§ 1405. Relationship to other laws.
§ 1406. Civil remedies.
§ 1407. Criminal offenses and penalties.
§ 1408. Limitations on actions.

"A" as used in this chapter:

"(1) COLLECTION OF INFORMATION.—The term ‘collection of information’ means information that has been collected and has been organized for the purpose of bringing discrete items of information together in one place or through one source so that users may access them.

"(2) INFORMATION.—The term ‘information’ means facts, data, works of authorship, or
any other intangible material capable of being collected and organized in a systematic way.

(3) Potential market.—The term ‘potential market’ means any market that a person claiming protection under section 1402 has current and demonstrable plans to exploit or that is commonly exploited by persons or groups offering similar products or services in- 

ternational market’ means any market that a person engaged in commerce, all or a substantial part, measured in any format.

(4) Commerce.—The term ‘commerce’ means all commerce which may be regulated by Federal or State law.

§ 1402. Prohibition against misappropriation

(a) Educational, Scientific, Research, and Additional Reasonable Uses.

(b) Computer Programs.

(c) Gathering or use of information obtained through other means.

(d) News Reporting.

(e) Government collections of information

(f) Communications Act of 1934.

(g) Securities and Commodities Market Information.

(h) Federal agencies and acts.

(i) Antitrust.

(j) Licensing.

(k) Preemption of State law.

(l) Relationship to copyright.

(m) Relationship to patent, trademark, design rights, antitrust, trade secrets, and the law of contract.

§ 1404. Exclusions

(a) Certain nonprofit educational, scientific, or research uses.

(b) Transfers of copy.

(c) Government collections of information.

(d) Exception.

(e) Exception.

§ 1405. Relationship to other laws

(a) Other rights not affected.

(b) Relationship to other laws.

§ 1406. Permitted acts

(a) Educational, scientific, research, and additional reasonable uses.

(b) Computer programs.

(c) Gathering or use of information obtained through other means.

(d) News reporting.

(e) Definition.

(f) Purpose.

(g) Use of an individual item of information, or other insubstantial part of a collection of information, in itself. An individual item of information, including a work of authorship, shall not itself be part of a collection of information so as to circumvent the prohibition contained in section 1402.

(h) Gathering or use of information obtained through other means.

(i) News reporting.

(j) Relationship to copyright.

(k) Relationship to patent, trademark, design rights, antitrust, trade secrets, and the law of contract.
the Commodity Futures Trading Commission;

"(c) the functions and operations of self-regulatory organizations and securities information processors under the provisions of the Securities Exchange Act of 1934 and the rules and regulations thereunder, including making market information available pursuant to the provisions of the Securities Exchange Act of 1934, the Commodity Exchange Act, and the rules and regulations thereunder may otherwise provide. In addition, nothing in subsection (a) shall be construed to permit any person to extract or use real-time market information in a manner that constitutes a market substitute for a real-time market information service (including the real-time systematic updating of or display of a substantial part of market information) provided on a real-time basis.

"(2) PROHIBITION.—Notwithstanding any provision in subsection (a), (b), (d), or (f) of section 1403, nothing in this chapter shall permit the extraction, use, resale, or other disposition of real-time market information except as Exchanges authorized pursuant to the provisions of the Securities Exchange Act of 1934 or by a contract market that is designated by the Commodity Futures Trading Commission pursuant to the Commodity Exchange Act and the rules and regulations thereunder.

§ 1406. Civil remedies

(a) CIVIL ACTIONS.—Any person who is injured by a violation of section 1402 may bring a civil action for such a violation in an appropriate United States district court without regard to the amount in controversy, except that in a civil action under subsection (d) of section 1403, a plaintiff shall be required to prove all elements of cost or deduction claims. In assessing damages the court may determine, according to the circumstances of the case, for any violation of section 1402, any simple, usual, and extraordinary damages, not exceeding three times such amount. The court in its discretion may award reasonable costs and attorney’s fees to the prevailing party in such action. The court may also award such costs and fees where it determines that an action was brought under this chapter in bad faith against a nonprofit educational, scientific, or research institution, library, or archives, or an employee or agent of such an entity, acting within the scope of his or her employment.

(b) REDUCTION OR REMISSION OF MONETARY RELIEF FOR NONPROFIT EDUCATIONAL, SCIENTIFIC, OR RESEARCH INSTITUTIONS.—The court shall reduce or remit entirely mone
tary relief under subsection (d) in any case in which a defendant believed and had reasonable grounds for believing that his or her conduct was permissible under this chapter. If, however, the defendant was an employee or agent of a nonprofit educational, scientific, or research institution, library, or archives, the court may not remit or reduce monetary relief under this subsection.

§ 1407. Criminal offenses and penalties

(a) VIOLATION.—Any person who violates section 1402 shall be guilty of a

(b) PENALTIES.—An offense under sub-

(c) IN GENERAL.—Any person who violates section 1402 willfully, and—

(d) WITHIN THE STATE.—Any court having jurisdiction over claims against such entity.

§ 1408. Limitations on actions

(a) IN GENERAL.—No criminal proceeding shall be maintained under this chapter unless it is commenced within three years after the cause of action arises.

(b) CIVIL ACTIONS.—No civil action shall be maintained under this chapter unless it is commenced within three years after the cause of action arises or claim accrues.

(c) ADDITIONAL LIMITATION.—No criminal or civil action shall be maintained under this chapter for the extraction or use of all or any substantial part of a collection of information that has been offered for sale or otherwise in commerce after the portion of the collection that is extracted or used was first offered for sale or otherwise in commerce, following the investment of resources in maintaining a preexisting collection after the 15 years have expired with respect to the portion of that preexisting collection that is so used or extracted, and any liability under this chapter shall thereafter attach to such acts of use or extraction.

SECTION 3. CONFORMING AMENDMENTS.

(a) TITLE 17 CHARTER TABLE OF CHAP-

(b) BY ADDING AT THE END THE FOLLOWING:

(c) PLACE FOR BRINGING ACTIONS.—(1) A

(d) COURT OF FEDERAL CLAIMS JURISDICTION.—(Section 1408 of title 28, United States Code, is amended by adding the following:

§ 1409. Patents and copyrights, mask works, designs, and collections of information

(a) IN GENERAL.—This title and the amend-

(b) PENALTIES.—Any offense under sub-

(c) ADDITIONAL LIMITATION.—No criminal or civil action shall be maintained under this chapter for the extraction or use of all or any substantial part of a collection of information that has been offered for sale or otherwise in commerce after the portion of the collection that is extracted or used was first offered for sale or otherwise in commerce, following the investment of resources in maintaining a preexisting collection after the 15 years have expired with respect to the portion of that preexisting collection that is so used or extracted, and any liability under this chapter shall thereafter attach to such acts of use or extraction.

Mr. HATCH. Second, there are many who believe a narrower unfair competition model is preferable to the model set forth in the Coble bill. One such proposal has been proposed by certain commercial database users, with the support of the scientific, educational, and library communities. I ask unanimous consent that this proposal also be printed in the Record.
There being no objection, the material ordered to be printed in the Record, as follows:

PROPOSED BILL TO AMEND TITLE 17, UNITED STATES CODE, TO PROMOTE RESEARCH AND FAIR COMPETITION IN THE DATABASES INDUSTRY

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 "Database Fair Competition and Research Promotion Act of 1999".

SEC. 2. FINDINGS. Congress finds that—

(1) the United States workforce is increasingly engaged in the creation, processing, distribution, and maintenance of information in interstate and foreign commerce;

(2) comprehensive, trustworthy databases are increasingly a fundamental component of scientific, educational, and social progress;

(3) such databases are also critical to the operation of financial markets and the burgeoning electronic commerce;

(4) the United States public benefits from having ready access to reliable, up-to-date databases concerning virtually all the endeavors of mankind;

(5) the presence of accurate, trustworthy databases requires the investment of substantial amounts of human, technical, and financial resources to compile, sort, organize, maintain, verify, and distribute;

(6) the wholesale, unauthorized duplication and dissemination of another person's information product constitutes market-destructive free riding on the investment of mankind;

(7) advances in digital technology render information products increasingly vulnerable to database piracy as unauthorized copies may be made and transmitted around the world in a few seconds;

(8) current Federal and State laws, including laws governing copyright, contract, and misappropriation, do not adequately protect investments against this free riding;

(9) the continuous development of digital technology raises even the smallest information provider to transact business on a national scale, rendering uniformity essential to the continued growth of interstate commerce;

(10) technology safeguards do not adequately deter database piracy, because such safeguards are not foolproof, add to the cost and delay in accessing and delivering information, and provide no recourse once the safeguards have been circumvented;

(11) the United States should set the world standard for effective and balanced database protection, and make a determined effort to ensure similar international protection of these valuable information products;

(12) the wholesale, unauthorized duplication by a competitor diminishes the incentive to invest in database creation, transformative use of the information in new products promotes fair competition, innovation, and consumer welfare;

(13) transformative uses of information are also critical to scientific research and the advancement of knowledge even the smallest information provider to transact business on a national scale, rendering uniformity essential to the continued growth of interstate commerce;

(14) transformative uses of information are essential to free speech, a free press, and democratic institutions;

(15) a global regime designed to prevent unfair competition in databases must be carefully crafted so as not to prevent fair competition;

(16) in addition to database piracy, database publishers are also harmed by other publishers misrepresenting various aspects of the information included in their database, including its source, currency, and comprehensiveness;

(17) these misrepresentations also harm consumers who rely upon them, thereby diminishing the credibility of the database industry as a whole;

(18) new legislation is needed to protect the substantial investments involved in the production and dissemination of databases in interstate commerce.

SEC. 3. PROMOTION OF FAIR DATABASE COMPETITION.

Title 17, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 14—FAIR DATABASE COMPETITION

Sec. 1401. Prohibition Against Duplication.

Sec. 1402. Permitted acts.

Sec. 1403. Exclusions.

Sec. 1404. Prohibition Against Misrepresentation.

Sec. 1405. Definitions.

Sec. 1406. Relation to other laws.

Sec. 1407. Limitations on Liability.

Sec. 1408. Civil remedies.

Sec. 1409. Limitations on actions.

SEC. 1401. PROHIBITION AGAINST DUPLICATION. It is unlawful for a person to duplicate a database collected and organized by another person in a database that competes in commerce with that database.

SEC. 1402. PERMITTED ACTS.

(a) Collecting or use of information obtained through other means.—Nothing in this chapter shall restrict any person from independently collecting information or using information obtained by means other than by duplicating it from a database collected and organized by another person.

(b) News reporting.—Nothing in this chapter shall restrict any person from duplicating a database for the sole purpose of news reporting, including news gathering and dissemination, or comment, unless the information duplicated is time sensitive and has been collected by a news reporting entity, and the duplication is part of a consistent pattern engaged in for the purpose of direct competition.

(c) Law enforcement and intelligence activities.—Nothing in this chapter shall prohibit an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or a person acting under contract or agreement with an enumerated officer, agent or employee of the United States, a State, or a political subdivision of a State from lawfully acquiring, organizing, or disseminating information necessary to the operation of the United States, a State, or a political subdivision of a State, or a person acting under contract or agreement with an enumerated officer, agent or employee of the United States, a State, or a political subdivision of a State.

(d) Genealogical information.—

(1) In general.—No person shall be restricted from using genealogical information for nonprofit, religious purposes, or from using, for private, noncommercial purposes, genealogical information that has been gathered, organized, or maintained for nonprofit, religious purposes.

(2) Definition.—For purposes of this subsection, "genealogical information" includes, but is not limited to, data indicating the place and/or manner of an individual’s birth, marriage, christening, maiden-, or legal name, the identity of another individual’s parents, spouse, children or siblings, and other information useful in determining the identity of ancestors.

(e) Scientific, educational, or research uses.—No person or entity who for scientific, educational, or research purposes duplicates the same information that has been collected or generated by another person or entity shall incur liability under this chapter.

(f) Scientific, educational, or research uses.—No person or entity who for scientific, educational, or research purposes duplicates the same information that has been collected or generated by another person or entity shall incur liability under this chapter.

SEC. 1403. EXCLUSIONS.

(a) Government information.—

(1) Exclusion.—Protection under Section 1 shall not extend to government databases.

(2) The incorporation of all or part of a government database into a non-government database does not preclude protection for the portions of the non-government database which came from a source other than the government database.

(3) Nothing in this chapter shall prevent a federal, state, or local government entity from determining that a database, the creation or maintenance of which is substantially funded by that entity, shall not be subject to the protection afforded under this chapter.

(b) Databases related to digital communications.—Protection under Section 1 does not extend to a database incorporating information collected or organized to perform the function of addressing, routing, forwarding, transmitting, storing, or delivering digital online communications or the function of providing or receiving connections for digital online communications.

(c) Computer programs.—

(1) Protection not extended.—Subject to paragraph (2), protection under Section 1 shall not extend to computer programs, including but not limited to, any computer program used in the manufacture, production, operation, or maintenance of a database, or any element of a computer program necessary to its operation.

(2) Incorporated databases.—A database that is otherwise subject to protection under Section 1 is not protected solely because it resides in a computer program, so long as the database does not, in whole or in part, function as an element necessary to the operation of the computer program.

(d) Nonprotectable subject matter.—Protection for databases under Section 1 shall not extend to any idea, fact, procedure, system, method of operation, concept, principle or discovery, as distinct from a database protected under Section 1.

SEC. 1404. PROHIBITION AGAINST MISREPRESENTATION.

It shall be unlawful for any person, in connection with the use in commerce of any database, to misrepresent any of the following:

(a) the sponsorship or approval of the database by any other person;

(b) the affiliation, connection, or association of the person with any other person;

(c) the qualities of the information contained in the database, including its source, currency, or comprehensiveness;

(d) the extent of the person’s responsibility for the collection and organization of the information contained in the database.

SEC. 1405. DEFINITIONS.

As used in this chapter:

(1) Database.—The term ‘database’ means a collection of discrete items of information that have been collected and organized in a single place, and in such a way as to be accessible through a single source, through the provision of substantial moneys or other resources, for the purpose of providing access to those discrete items of information by users of the database.

(2) Information.—The term ‘information’ means any data or other material capable of being collected and organized in a systematic way, with the exception of works of authorship.

COMMERCIAL.—The term ‘commerce’ means all commerce which may be lawfully regulated by the Congress.
and the law of contract.

privacy, access to public documents, misuse,
righ
ts or obligations relating to information,
ject to subsection (b), nothing in this chap-

151 et seq.). Nor shall this chapter restrict

or network controlled or operated by or for
therefor, shall not be liable for a violation of

or network access, or the operator of facilities

``SEC. 1407. LIMITATIONS ON LIABILITY.
``(a) Other Rights Not Affected.—Subject
to subsection (b), nothing in this chap-
ter shall affect rights, limitations, or rem-
edies concerning copyright, or any other
rights or obligations relating to information,
including laws with respect to patent, trade-
mark, design rights, antitrust, trade secrets,
privacy, access to public documents, misuse,
and the law of contract.
``(b) PREEMPTION OF STATE LAW.—On or
after the effective date of this chapter, all
rights that are equivalent to the rights spec-
ified in subsection (a) of this section with
respect to the subject matter of this chap-
ter shall be governed exclusively by Federal
law, and no person is entitled to any equivalent
right in such subject matter under the common
law or statutes of any State.
``(c) LICENSING.—Subject to the provisions
on misuse in Section 7(b), nothing in this
chapter shall restrict the rights of parties
freely to enter into licenses or any other
contracts with respect to the use of informa-
tion.
``(d) COMMUNICATIONS ACT OF 1934.—Noth-
ing in section 1 shall affect the applica-

``SEC. 1406. RELATIONSHIP TO OTHER LAWS.
``(a) Other Rights Not Affected.—Subject
to subsection (b), nothing in this chap-
ter shall affect rights, limitations, or rem-
edies concerning copyright, or any other
rights or obligations relating to information,
including laws with respect to patent, trade-
mark, design rights, antitrust, trade secrets,
privacy, access to public documents, misuse,
and the law of contract.
``(b) PREEMPTION OF STATE LAW.—On or
after the effective date of this chapter, all
rights that are equivalent to the rights spec-
ified in section 1 with respect to the subject
matter of this chapter shall be governed ex-
clusively by Federal law, and no person is
entitled to any equivalent right in such sub-
ject matter under the common law or stat-
utes of any State.
``(c) LICENSING.—Subject to the provisions
on misuse in Section 7(b), nothing in this
chapter shall restrict the rights of parties
freely to enter into licenses or any other
contracts with respect to the use of informa-
tion.
``(d) COMMUNICATIONS ACT OF 1934.—Noth-
ing in section 1 shall affect the applica-

``SEC. 1405. LIMITATION ON LIABILITY.
``(a) SERVICE PROVIDER LIABILITY.—
``(1) Subject to the limitations of para-
graph (2), a provider of online services or
network access shall not be liable to any
person for the use of any system or network,
collected or maintained, to the extent so re-
quired by federal statute or regulation to be
collected or maintained, to the extent so re-
quired by federal statute or regulation to be
collected or maintained, to the extent so re-
quired by federal statute or regulation to be
collected or maintained, to the extent so re-
quired by federal statute or regulation to be
collected or maintained, to the extent so re-
quired by federal statute or regulation to be

“(b) No civil action shall be maintained under the provisions of this chapter for the duplication of a database collected and organized prior to the effective date of this Act.

SEC. 4. CONCLUSION.

The table of chapters for title 17, United States Code, is amended by adding at the end the following:

CHAPTE 13—MISAPPROPRIATION OF DATABASES

SEC. 1. SHORT TITLE.

This Act may be cited as the “Database Antipiracy Act of 1999.”

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States workforce is increasingly engaged in the creation, processing, distribution, and maintenance of information in interstate and foreign commerce;

(2) comprehensive, trustworthy collections of information are increasingly a fundamental component of scientific, educational, and social progress;

(3) the United States public benefits from having ready access to reliable, up-to-date collections of information concerning virtually all the endeavors of mankind;

(4) the production of accurate, trustworthy collections of information requires the investment of substantial amounts of human, technical, and financial resources to compile, sort, organize, maintain, verify, and distribute;

(5) the wholesale, unauthorized copying, and dissemination of another person’s information product constitutes market-destructive free riding on the investment of the information compiler;

(6) advances in digital technology render informational products increasingly vulnerable to database piracy as unauthorized copies may be made and transmitted around the world in a few seconds;

(7) current Federal and State laws, including long-standing contract, antitrust, and misappropriation, do not adequately protect investments against this free riding;

(8) as a result of the decision of the United States Supreme Court in Feist Publications, Inc. v. Rural Telephone Services Co., 499 United States 340 (1991), and certain decisions of the inferior courts, the costs and burdens of the United States business community, both individuals and entities that create and distribute compilations of data less certain protection against database piracy, because such entity, acting within the scope of his or her employment, agency, or license;

(9) the creation or maintenance of which is substantially funded by such government entity;

(10) the picaeneal, inconsistent protection for database products provided by State misappropriation and contract laws inadequately protects the investment of database compilers from destructive acts of free riding;

(11) the continuing development of digital technology has enabled even the smallest information provider to transact business on a national scale, rendering uniformity essential to the continued growth of interstate commerce;

(12) technology safeguards do not adequately deter database piracy, because such safeguards are not foolproof, and add unacceptably high cost and difficulty of accessing and delivering information, and provide no recourse once the safeguards have been circumvented;

(13) the United States should set the world standard for effective and balanced database protection, and make a determined effort to ensure similar international protection of these valuable information products;

(14) database piracy, if left unchecked by Congress, will so reduce the incentive to produce these databases that their quality or existence will be significantly threatened or eliminated; and

(15) new legislation is needed to protect the substantial investment of resources involved in the production and dissemination of collections of information in interstate commerce.

SEC. 3. MISAPPROPRIATION OF DATABASES.

Title 17, United States Code, is amended by adding at the end the following new chapter:

CHAPTER 13—MISAPPROPRIATION OF DATABASES

Sec. 1301. Definitions.

1302. Prohibition against misappropriation.

1303. Permitted acts.

1304. Exclusions.

1305. Exclusions.

1306. Relationship to other laws.

1307. Certain instructional activities and library uses.

1308. Civil remedies.

1309. Criminal offenses and penalties.

1310. Limitations on actions.

1311. Deposit of databases.

§ 1301. Definitions

As used in this chapter:

1. D A T A B A S E.—The term ‘database’ means a collection of discrete items of information that has been organized in a single place, or in such a way as to be accessible through a single source, for the purpose of providing access to those discrete items of information by users of the database.

2. I N F O R M A T I O N.—The term ‘information’ means facts, data, works of authorship, or any other intangibles capable of being collected and organized in a systematic way.

3. N E A R B Y M E A R K E T.—The term ‘neighboring market’ means any market that is commonly exploited by persons offering similar products or services incorporating databases.

4. C O M M E R C E.—The term ‘commerce’ means all commerce that may be lawfully regulated by the Congress.

5. P R O D U C T O R OR S E R V I C E.—A product or service incorporating a database that has been created or maintained by or for a government entity, whether Federal, State, or local.

(A) that is created or maintained by an employee or agent of such government entity, or any person exclusively licensed by such entity, acting within the scope of his or her employment, agency, or license;

(B) the creation or maintenance of which is substantially funded by such government entity;

(C) that is required by statute or regulation to be created or maintained, to the extent so required, except that such term does not include a database required by a statute or regulation to be created or maintained where such database or a prior version, was first created or maintained prior to the enactment of such statute or regulation.

7. G O V E R N M E N T INFORMATION.—The term ‘government information’ means information produced or otherwise generated by or for a government entity, whether Federal, State, or local.

(A) that is produced or otherwise generated by an employee or agent of such government entity or any person exclusively licensed by such entity, acting within the scope of his or her employment, agency, or exclusive license;

(B) the production or generation of which is substantially funded by such government entity.

§ 1302. Prohibition against misappropriation

Any person who extracts, or uses in commerce, all or a substantial part, measured either quantitatively or qualitatively, of a database gathered, organized, or maintained by another person through the investment of substantial monetary or other resources, so as to cause substantial harm to the actual or neighboring market of that other person, or a successor in interest of that other person, for a product or service incorporating that database and is offered or intended to be offered for sale or otherwise in commerce by...
that other person, or a successor in interest of that person, shall be liable to that person or successor in interest for the remedies set forth in section 1308.

§ 1303. Permitted uses of information

(a) IN GENERAL.—Nothing in this chapter shall prevent the extraction or use of an individual item of information, or other information as part of a database or database component that is protected under section 1302. Nothing in this section shall prevent the use of an individual item of information, or other information as part of a database or database component that is protected under section 1302.

(b) INCLUSION OF DATABASES.—Nothing in this chapter shall restrict the owner of a particular database, or a successor in interest, to or from selling or otherwise disposing of a database from a government database, or a database incorporated into a protected database, or a non-government database under this chapter. A contract market, subject to section 1306 of this title, shall not extend to computer programs, so long as the database that is otherwise subject to protection under this chapter is not protected solely because it resides in a computer program, so long as the database does not, in whole or in part, function as an essential element necessary to the operation of the computer program.

§ 1304. Permitted use for certain purposes

(a) IN GENERAL.—Nothing in this chapter shall prohibit or otherwise restrict the extraction or use of a database protected under this chapter for the following purposes—

1. for illustration, explanation or example, comment, criticism, translation, adaptation, or scientific or statistical analysis of the portion used or extracted; and

2. in the case of nonprofit scientific, educational or research activities by nonprofit organizations, for similar customary or transformative purposes.

(b) CERTAIN EXCEPTIONS PERMITTED.—In no case may a use or extraction for a purpose described in subsection (a) be permitted if the substantial harm referred to in section 1302.

1. arises because the amount of the portion used or extracted is more than is reasonable for a lawful purpose; or

2. consists of the use or extraction being intended to, or being likely to, serve as a substitute for or to supplant all or a substantial part of the information that is protected and the person making such request, or both

(c) EXCEPTION.—The exclusions under subsections (a)(1) and (2) do not apply to any information required to be collected and disseminated—

1. under the Securities Exchange Act of 1934 by a national securities exchange, a registered securities association, or a registered securities information processor, subject to section 1306(g) of this title; or

2. under the Commodity Exchange Act by a contract market, subject to section 1306(g) of this title.

§ 1305. Exclusions

(a) GOVERNMENT DATABASES.

1. DATA RELATING TO NATIONAL SECURITY OR INTELLIGENCE ACTIVITIES.—Nothing in this chapter shall affect the confidentiality of any information concerning national security or intelligence activities.

2. GOVERNMENT DATABASES.

(b) GATHERING OR USE OF INFORMATION OBTAINED FROM OTHER MEANS.—Nothing in this chapter shall restrict any person from independently gathering or using information obtained by means other than this chapter, or independently organizing, maintaining, or maintaining any other information useful in determining the identity of an individual, organized, or maintained by another person through the investment of substantial moneys or other resources.

(c) NONPROFIT EDUCATIONAL, SCIENTIFIC, OR RESEARCH USES.—Notwithstanding section 1302, no person shall be restricted from extracting or using information for nonprofit, educational, scientific, or research purposes in a manner that does not harm directly the actual market for the product or service referred to in section 1302.

(d) GENEALOGICAL INFORMATION.—

1. IN GENERAL.—Notwithstanding section 1302, no person shall be restricted from extracting or using genealogical information for nonprofit, religious purposes, from or extracting or using, for private, noncommercial purposes, data indicating the identity of an individual, including personal, family, spouse, children or siblings, an other information useful in determining the identity of an ancestor.

2. EXCEPTION.—Nothing in this chapter shall affect rights, limitations, or remedies concerning copyright, or any other rights or obligations relating to information, including laws with respect to patent, trademark, design rights, trade secrets, privacy, access to public documents, fraud and other inequitable conduct (including, where applicable, misuse), and the law of contracts.

(e) NEWS REPORTING.—Nothing in this chapter shall prohibit or otherwise restrict the extraction or use of a news report, or an element of a news report, including a work of authorship, contained in a database from a government database, or a database incorporated into a protected database, or a non-government database under this chapter; provided, that such extraction or use is necessary to or in a manner that does not harm directly the actual market for the product or service referred to in section 1302.

(f) TRANSFER OF COPY.—Nothing in this chapter shall affect the right of a owner of a particular database, or a successor in interest, to or from selling or otherwise disposing of a database from a government database, or a database incorporated into a protected database, or a non-government database under this chapter.

(g) ENFORCEMENT OF RIGHTS AND INFRINGEMENT ACTIVITIES.—Nothing in this chapter shall prohibit an officer, agent, or employee from extracting and using information without reimbursement, to pay all costs and attorney's fees incurred by the person making such request, or both

1. in cases where a dispute arises as to whether a request made for the ability to extract or use government information or information incorporated in a protected database, from a government database, or a database incorporated into a protected database, or a non-government database under this chapter, satisfies the requirements of subsection (b)(1), the court shall determine whether such request was reasonably made or denied and may, upon finding that such request was reasonably made or denied in bad faith, order the person to whom the request was made to provide the ability extract or use the requested information without reimbursement, to pay all costs and attorney's fees incurred by the person making such request, or both

2. in the case of nonprofit scientific, educational, or research activity.

§ 1306. Relationship to other laws

(a) OTHER RIGHTS NOT AFFECTED.—Subject to subsection (b), nothing in this chapter shall affect rights, limitations, or remedies concerning copyright, or any other rights or obligations relating to information, including laws with respect to patent, trademark, design rights, trade secrets, privacy, access to public documents, fraud and other inequitable conduct (including, where applicable, misuse), and the law of contracts.

(b) PREEMPTION OF STATE LAW.—On or after the effective date of this chapter, all rights that are equivalent to the rights specified in section 1302 with respect to the subject matter of this chapter shall be governed exclusively by Federal law, and no person is entitled to any equivalent right in such subject matter under the common law or statutes of any State. State laws with respect to trademark, design rights, antitrust, trade secrets, privacy, access to public documents, fraud and other inequitable conduct (including, where applicable, misuse), and the law of contracts, shall not be preempted in any way to provide equivalent rights for purposes of this subsection.

(c) RELATIONSHIP TO COPYRIGHT.—Protection under this chapter is independent of, and does not affect or enlarge the scope, duration, ownership, or subsistence of, any copyright, protection or limitation, including, but not limited to, fair use, any work of authorship that is contained in or consists in whole or part of a database. This chapter shall not provide any greater protection to a work of authorship contained in a database, other than a work that is itself a database, than is available to that work under any other chapter of this title.

(d) ANTITRUST.—Nothing in this chapter shall limit in any way the constraints on the entity, employee, agent, or exclusive licensee, in the original format, separate and apart from other portions of the database; and

1. the person requesting such extraction or use reimburses the person who has gathered, organized or maintained such information for the costs of identification, extraction and delivery.
manner in which products and services may be provided to the public that are imposed by Federal and State antitrust laws, including Federal and State antitrust laws, including those regarding single suppliers of products and services.

"(e) Licensing.—Nothing in this chapter shall restrict the rights of parties freely to enter into licenses or any other contracts with respect to the use of databases.

"(f) Communications Act of 1934.—Nothing in this chapter shall affect the operation of the provisions of the Communications Act of 1934 (47 U.S.C. 151 et seq.). Nor shall this chapter restrict any person from extracting or using subscriber list information, as such term is defined in section 222(f)(3) of the Communications Act of 1934 (47 U.S.C. 222(f)(3)).

"(g) Securities and Commodities Market Information.—

"(1) Federal agencies and acts.—Nothing in this Act shall affect:

(A) the operation of the provisions of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(B) the jurisdiction or authority of the Securities and Exchange Commission under the Commodity Futures Trading Commission or

(C) the functions and operations of self-regulatory organizations and users of market information processors under the provisions of the Securities Exchange Act of 1934 and the rules and regulations thereunder, including making market information available pursuant to the provisions of Act and the rules and regulations promulgated thereunder.

"(2) Rules of Construction.—Nothing in subsection (e) of section 103 shall be construed to permit any person to extract or use real-time market information in a manner that substitutes for, or can reasonably be used as a substitute for, real-time market information service (including the real-time systematic updating of or display of a substantial part of market information) provided on a real-time basis.

"(3) Definition.—As used in this subsection, the term 'market information' means information relating to quotations and transactions that is collected, processed, distributed, or published pursuant to the provisions of the Securities Exchange Act of 1934 or by a contract market that is designated by the Futures Industry Futures Industry Commission pursuant to the Commodity Exchange Act and the rules and regulations thereunder.

§ 1307. Certain instructional activities and library use.

(a) It shall not be a violation of §1302 to display visually the content of a lawfully obtained database if—

(1) such display occurs in the course of formal, face-to-face teaching activities in a classroom or similar instructional location of a nonprofit educational institution; or

(2) occurs in the course of, and as a directly relevant and integral part of, a transmission, where such transmission is a regular part of a systematic instructional activity of a nonprofit educational, institutional or governmental body, and is primarily for reception—

(A) in classrooms or similar places of instruction; or

(B) by persons whose disabilities prevent attendance at such classroom or place of instruction; or

(C) by government offices or employees as part of their official duties or employment.

(b) It shall not be a violation of §1302 for a nonprofit library accessible to the public to make the information contained in a database available in the library's current collection if such copy is made solely for the purpose of preservation and security in connection with that library's collection.

(c) A disseminated and commercially available database for the sole purpose of replacing in that library's collection, material that has been lost or stolen if the library has reasonably determined that a replacement cannot be commercially purchased, licensed or otherwise provided that any copy made in digital format is neither further reproduced or distributed in that format nor made available to the public outside of the physical premises of that library.

(d) One analog copy of all or a portion of an undisseminated database in the library's current collection, for the sole purpose of research use in another nonprofit publicly accessible library or

(e) one analog copy of a small portion of a disseminated and commercially available library, including inter-library arrangements, for the benefit of a specific user who takes permanent possession of that copy.

(A) has no notice that the copy would be used for purposes other than private study;

(B) is not aware that it is involved in related or connected multiple or cumulative copying; and

(C) is not engaged in systematic activity other than through its mere participation in the inter-library arrangement, librar czing within the scope of his or her employment.

(f) L ICENSING.ÐNothing in this chapter shall affect:

(A) the right of a library, educational, scientific, or research institution, library, or archives, maintained under this chapter unless it is maintained under its direction. In assessing profits the court shall consider the defendant's gross revenue only and the defendant shall be required to prove all elements of cost or deduction claims. In assessing damages or cause the same to be assessed in an appropriate United States district court within the scope of his or her employment.

§ 1308. Civil remedies.

(a) CIVIL ACTIONS.—Any person who is injured by a violation of section 1302 may bring a civil action for such violation in an appropriate United States district court without regard to the amount in controversy, except that any action against a State governmental entity to the extent permitted by applicable law.

(b) TEMPORARY AND PERMANENT INJUNCTIONS.—Any court having jurisdiction of a civil action under this section shall have the power to grant temporary and permanent injunctions, and to make all other orders and decrees necessary to prevent a violation of section 1302. Any such orders or decrees shall be enforceable by any party injured thereby, and may be enforced by proceedings in contempt or otherwise by any United States district court having jurisdiction over that person.

(c) IMPROBABILITY.—At any time while an action under this section is pending, the court may order the impounding, on such terms and conditions as it deems reasonable, of any copies of the contents of a database extracted or used in violation of section 1302 and all masters, tapes, disks, diskettes, or other articles by means of which such copies may be reproduced. The court may, as part of a final judgment or decree finding a violation of section 1302, order the remedial modification or destruction of all copies of contents of a database extracted or used in violation of section 1302, and all masters, tapes, disks, diskettes, or other articles by means of which such copies may be reproduced.

(d) MONETARY RELIEF.—When a violation of section 1302 has been established in any civil action arising under this section, the court, in addition to any other relief it may grant, may allow as costs of the action reasonable costs and attorney's fees to the prevailing party and shall award such costs and fees where it determines that an action was brought under this chapter in bad faith against a nonprofit educational, scientific, or research institution, library, or archives, or an employee or agent of such entity, acting within the scope of his or her employment.

§ 1309. Criminal offenses and penalties.

(a) VIOLATION.—

(1) In general.—Any person who violates section 1302 wilfully shall be punished as provided in subsection (b), provided such violation—

(A) is committed for direct or indirect commercial advantage or

(B) causes loss or damage aggregating $10,000 or more in any 1-year period to the person who gathered, organized, or maintained the information concerned.

(2) Inapplicability.—This section shall not apply to an employee or agent of a nonprofit educational, scientific, or research institution, library, or archives acting within the scope of his or her employment.

(b) PENALTIES.—

(1) Any person who commits an offense under subsection (a) shall be punished by a fine of not more than $100,000 or imprisonment for not more than 1 year.

(2) Any person who commits an offense under subsection (a) and causes loss or damage aggregating $250,000 or more in any 1-year period to the person who gathered, organized, or maintained the information concerned shall be punishable by a fine of not more than $500,000 or imprisonment for not more than 5 years.

(c) Any person who commits a second or subsequent offense under subsection (a) shall be punishable by a fine of not more than $500,000 or imprisonment for not more than 10 years.

§ 1310. Limitations on actions

(a) CRIMINAL PROCEEDINGS.—No criminal proceeding shall be maintained under this chapter unless it is commenced within three years after the violation of which the action is brought.

(b) CIVIL ACTIONS.—No civil action shall be maintained under this chapter unless it is
commenced within three years after the cause of action arises or claim accrues.

(c) Additional Limitation.—No criminal or civil action shall be commenced unless the act or omission that is alleged to have been performed or committed within the period prescribed for bringing a civil action or criminal prosecution except in the case of injury arising from the use or disposal of a database established by this section.

(3) Notification of claimed violation.—A service provider shall be presumed to have knowledge of the database or user’s commercial use or disposal of a database established by this section when such notification is made by or on behalf of the service provider.

(4) Reenabling of use.—If a person claiming to be injured by a violation of section 1302 or, in the absence of such actual knowledge or awareness, the service provider acts expeditiously to remove the database or user’s commercial use or disposal of a database established by this section, the service provider may request the Register of Copyrights to reenable the database or user’s commercial use of a database established by this section.

(b) Rights of the person claiming to be injured.—A person who suffers injury as a result of a violation of section 1302 may bring an action for damages or declaratory judgment against the service provider, or against others involved in the violation of section 1302, in a Federal court of competent jurisdiction.

(1) The Register of Copyrights shall, upon receipt of the deposit copy, Statement of Deposit, and fee specified by this section, issue a certificate of deposit.

(2) The effective date of deposit for a database is the date on which the deposit copy of the database is deposited with the Copyright Office and the fee has been received.

(i) Inspection and copies.—A record of all Statements of Deposit for databases deposited with the Copyright Office shall be maintained in the Copyright Office and shall be available to the public for inspection and copying.

(2) Deposit copies.—During the fifteen years following the end of the calendar year of the date specified in the deposit statement as the date of the first offering in commerce after the qualifying investment, the Copyright Office shall permit access to the deposit copy of the database only upon authorization of the depositor or its successor in interest, or with the purposes of litigation under this chapter in accordance with regulations issued by the Register.

SEC. 4. Study regarding the effect of the Act.

(a) In General.—Not later than 5 years after the effective date of this Act, and every 5 years thereafter, the Register of Copyrights, in consultation with the Register of Copyrights and the Department of Justice, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives, a report evaluating the effect of this Act.

(b) Elements for consideration.—The study conducted under subsection (a) shall consider—

(1) The extent to which the ability of persons to engage in the permitted acts under this Act has been frustrated by contractual arrangements or technological measures,

(2) The extent to which information contained in databases deposited with the Copyright Office pursuant to this section are not subject to the provisions of the Freedom of Information Act, 5 U.S.C. §552.

(3) The extent to which the license or sale of information contained in databases protected under this Act has been conditioned on the acquisition or license of any other product or service, or on the performance of any act, not directly related to the license or sale;

(4) The extent to which the judicially-developed doctrines of merger may apply to the databases established by this Act;

(b) Limitation on other liability.—A service provider shall not be liable for any claim based on the service provider’s good faith removal, or disabling of a use, or a database claimed to violate section 1302 or, in the absence of such actual knowledge or awareness, a database established by this section which such violation is apparent, regardless of whether a violation of section 1302 is ultimately determined to have occurred.

(g) Service providers.—Any person who knowingly makes a false statement regarding the substantial part of a database that occurs more than 15 years after the end of the calendar year in which the database was first offered for sale or otherwise in commerce after the qualifying investment is apparent, regardless of whether a violation of section 1302 is ultimately determined to have occurred.

(h) Effective date.—This section and section 1301(d) shall take effect one year from the date of the enactment of this Act.
(6) the extent to which claims have been made that this Act prevented access to valuable information for research, competition or innovation purposes and an evaluation of these claims;
(7) the extent to which enactment of this Act resulted in the creation of databases that otherwise would not exist; and
(8) such other matters necessary to accomplish the purpose of the report.

SEC. 5. CONFORMING AMENDMENTS.
The table of chapters for title 17, United States Code, is amended by adding at the end the following:

"12 Misappropriation of Databases .... 1301."

SEC. 6. CONFORMING AMENDMENTS TO TITLE 28, UNITED STATES CODE.
(a) DISTRICT COURT JURISDICTION.—Section 1338 of title 28, United States Code, is amended—
(1) in the section heading by inserting "misappropriations of databases," after "trade-marks;" and
(2) by adding at the end the following:

"The district courts shall have original jurisdiction of any civil action arising under chapter 13 of title 17, relating to misappropriation of databases. Such jurisdiction shall be exclusive of the courts of the States, except that any action against a State governmental entity may be brought in any court that has jurisdiction over claims against such entity.

(b) CONFIRMING AMENDMENT.—The item relating to section 1338 in the table of sections for chapter 13 of title 28, United States Code, is amended by inserting "and to protections afforded databases under chapter 13 of title 17" after "title 17."
introducing a resolution to establish a privileged, non-debatable motion to proceed to any appropriations measure after June 30 of any year.

As anyone who has followed Congress over the years knows, budget process reform is often the subject of heated political debate. It has spawned numerous vigorous floor debates and been the subject of much controversy. Unfortunately, little in the way of substantive reform has ever been accomplished. Surely, after our experience with the fiscal year 1999 budget process, most in Congress would agree that budget process reform is an idea whose time has finally come. The time for rhetoric has passed, and the time for overall substantive reforms is here.

The power of the purse is vested in the Congress. However, the obligation to control the purse does not mean Congress do so with impunity or with disregard for the greater good of the Nation.

Since I came to Congress, I have spent a great deal of my time considering matters related to the budget. As critical as I have been of the Congressional budget process over the past 16 years, I have always called the omnibus appropriation bill we passed last year my outrage to new heights. This bill clearly illustrates that our budget process is flawed. If we had adequate controls on the budget process, the fiscal year 1999 omnibus appropriations bill would never have occurred.

The second session of the 105th Congress convened on January 27 and adjourned on October 21, 1998—a total of 266 calendar days in which Congress completed work on only 4 of the 13 regular appropriations bills that keep the federal government open and functioning. Yet it took us just 24 hours to debate and pass a 4,000-page, 40-pound, non-amendable, budget-busting omnibus appropriations bill that provided more than half-a-trillion dollars to fund 10 Cabinet-level federal departments for the fiscal year that started 21 days prior.

The bill exceeded the budget ceiling by $20 billion for what is euphemistically called emergency spending, much of which is really everyday, garden-variety, special interest, pork-barrel spending projects. Sadly, these projects are paid for by robbing from the budget surplus. This bill made a mockery of the Congress’ role in fiscal matters. It was and still is a betrayal of our responsibility to spend the taxpayers’ dollars wisely and enact laws and policies that reflect the best interests of all Americans, rather than the special interests of a few.

I voted against the omnibus appropriations bill, as did many of my colleagues. But the bill passed, and is now law. This new law is not because the Congress was forced to either adopt this bill, or face another government shutdown. In a sense, Congress was once again held hostage by the prospect of experiencing another government shutdown.

Sadly, for most years, the Federal budget is passed in one fell swoop through one monster bill. Appropriations committees, charged with passing appropriation bills for each specific area of Federal government activity which is not already specifically authorized in a law other than an appropriations act, were given an impossible task. This is the system of budgeting we’ve used for years. I believe the Senate must move beyond this, to adopt a system that provides adequate budget process reforms.

The budget we passed last year took my outrage to new heights. This bill became law because Congress was forced to either adopt this bill, or face another government shutdown. In a sense, Congress was once again held hostage by the prospect of experiencing another government shutdown.

First, the biennial budgeting legislation drafted by Senator Domenici will radically change the way Congress funds a Federal budget. This legislation will require the President to submit and the Congress to enact two-year authorization and appropriations bills. Biennial budgeting would allow us to focus attention on fiscal matters during the first full year of the Congress, then turn to other pressing matters of national policy the second year. Two-year budgets would also provide needed predictability and stability for government agencies and programs.

Biennial budgeting won’t solve all our budget process woes, and it will not automatically solve the serious problems posed by the increased demand on entitlement programs as the next generation begins to retire. However, what a biennial budget can do is to give us time for the important tasks that often get short shrift these days, such as conducting oversight and long-range planning. The legislation that we are introducing today will ensure that time for oversight and long-range planning is set aside.

I am also sponsoring 3 procedural changes governing the Senate’s budget process. I am introducing a resolution in the Senate to authorize the Senate to establish a 60-vote point of order against any item in an appropriations measure that provides more than $1 million for any program, project, or activity which is not already specifically authorized in a law other than an appropriations act. This is the system of checks and balances that is envisioned in the law, and I believe the Senate should adhere to this necessary fiscal restraint. To do anything less makes a mockery of the authorization process. If we do not do this, and we continue to use appropriations bills to do all our authorizing business, why even have authorizing committees?

I am also introducing a resolution in the Senate to make a motion to proceed to any appropriations measure after June 30 a privileged motion. The Budget Act establishes June 30 as the date by which the House is expected to take final action on the budget and appropriations measures. By eliminating the need to debate, file cloture, and vote on a motion to proceed to appropriations measures after that date, the Senate could save a full week’s time, and could instead spend that time working on the bill itself.

Also, I am sponsor of Senate Resolution 4, introduced on January 6, 1999, introducing a resolution to establish a privileged, non-debatable motion to proceed to any appropriations measure after June 30 of any year.
which restores the point of order preventing Senators from attaching legislative "riders" to appropriations measures.

This measure will go a long way toward preventing gridlock over policy matters in the appropriations season begins in earnest. To do nothing to reform our budget process is far more dangerous than to try and not succeed. Budget process reform must be adopted to ensure that we do not waste the opportunity to start shaving away at our massive national debt. The system is set up to have checks and balances. Lately, we have drifted from this process. Congress must adopt meaningful budget process reform to risk further fiscal monstrosities like the fiscal year 1999 omnibus appropriations bill.

Clearly, the process by which we spend Americans' hard-earned dollars is flawed and needs to be changed. I hope my colleagues will acknowledge the obvious, and push for comprehensive budget process reform at the earliest opportunity.

THE "ED-FLEX" PROGRAM
Mr. ABRAHAM. Mr. President, I rise today to urge my colleagues' support for important legislation introduced by Senator FRIST and WYDEN, the Education Flexibility Act. This legislation would expand the popular "Ed-Flex" program to all 50 states. Currently, 12 states, including Michigan, participate in the program.

Through the "Ed-Flex" program, the Department of Education delegates to the states its power to grant individual school districts temporary waivers from certain federal requirements if those requirements interfere with state and local efforts to improve education. To be eligible, a State must be able to waive requirements on certain state assessments. The State must hold schools accountable for results by setting academic standards and measuring student performance, requiring schools to publish school report cards, and intervening in low performance schools. This program does a great deal to reduce the regulatory burden for states trying to improve the education it provides to its citizens.

This program has been a tremendous success in Michigan. The first benefit came to Michigan in simply applying for the program. It was during this process that the Governor's office realized it did not meet the two criteria necessary to apply for the waiver because the state could not waive its own regulations. As a result, the Governor's office worked with the State legislature and State Board of Education to prepare and obtain this authority. Another benefit to this program came when the state put in place the Waiver Referent Group. This group is made up of representatives from the Department, local and intermediate school districts, private schools, parent organizations, advisory and professional groups, and community members. Through this collaboration, the State will receive input on potential regulations that may help reduce barriers to reform from the people most closely associated with the regulations that are hindering their ability to achieve real and lasting reform.

I am proud to be an original cosponsor of this important legislation. I am confident that the "Ed-Flex" program will be as valuable a tool to educational reform for other states as it has been to Michigan's education reform efforts.

THE TRADE FAIRNESS ACT OF 1999
Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation which will help the President deal with the flood of dirt-cheap steel imports from our trading partners. I introduce this legislation with full knowledge that there are many actions required to respond to the steel import crisis that is corroding the United States' steel industry's ability to compete. This crisis is hurting our steelworkers and our companies. It must be dealt with as a top priority in the 106th Congress.

The bill I am introducing today deals with two important aspects of this crisis: monitoring imports and remedying injury to domestic producers. I introduce this legislation with full knowledge that there are many actions required to respond to the steel import crisis that is corroding the United States' steel industry's ability to compete. This bill will help the President deal with the flood of steel imports. I firmly believe that a 201 action is what is required, now, to stop the imports. I have strenuously made that case to the Administration and will make that case to the President and his advisors, as well as my colleagues on the Finance Committee, and in the Congress. I am also likely to submit other legislative remedies to deal with the emergent crisis which faces the United States' steel industry and its workers.

This legislation I am introducing today includes reforms we need to improve the way U.S. trade laws function in a crisis. The import licensing will help the steel industry specifically, but the Section 201 reforms will ultimately benefit all products where foreign competitors have dumped their product on the American market. I intend to push these provisions during the Finance Committee's consideration of trade legislation in the 106th Congress. The 201 reforms will improve our ability to remedy harm against domestic industries and at the same time remain consistent with rules we expect our world trading partners to live by. We can be tough and fair on trade at the same time and the bill I am introducing today proves it.

In my state of West Virginia, our two largest steel manufacturers, Weirton Steel and Wheeling Pittsburgh Steel, have been hit hard by the steel import crisis. Weirton alone has laid off 900 workers and there is the possibility that their fourth quarter earnings and order book could force these two companies to consider additional lay offs in the near future. Wheeling-Pittsburgh is also worried about the effect of the crisis on their bottom-line. Laying off workers is never easy, but this crisis is forcing hard decisions. West Virginia steel makers are producing world-class steel but have had to cut production to compete, but when foreign competitors are blatantly dumping their product at prices which are sometimes actually below the cost of production,
it cuts the legs out from under American companies. Such unfair practices are absolutely unacceptable. U.S. industry—the U.S. steel industry and other industries—deserve just remedies when competitors unfairly dump their products on the U.S. market. We want to give the President the policy tools he needs to deal with unfair import competition.

Import data tells the story of a worsening steel crisis—the first two quarters of 1998 have shown a 27% increase in imports. Domestic steel imports increased by an astounding 114% in that same time frame. Steel imports from South Korea increased 90%. There is no end in sight. Russia and Brazil are other prime offenders. A trade case is pending against the imports of hot-rolled steel from Russia, Brazil and Japan. The Commerce Department made a determination of critical circumstances in regard to that case. More cases are expected.

The other side of this coin is that the U.S. steel industry has spent over a decade reinventing itself, adjusting and modernizing, in order to become a top-notch competitor as we approach the 21st century. This industry is a true success story—productivity has shot up and we can beat any producer in the world on price and quality when provided with a level playing field. For decades, I have worked with leaders in the steel industry at Weirton Steel, Wheeling-Pittsburgh, Nissin, and others. I have watched and encourage these steelmakers and unions working together to make the tough, necessary decision to modernize.

Unfortunately, just as United States steel manufacturers are realizing the gains of such investments, they are facing a flood of imported steel being sold at rock bottom prices—again, below the cost of production in some instances. We cannot compete against that kind of competition. The legislation Senator Specter and I are introducing today will both allow us to more efficiently track steel imports and give the President an improved tool to ensure that when there is serious injury—as a result of imports, the U.S. can respond.

Specifically, the legislation I introduce today with Senator Specter will reform Section 201 of our trade law and require import transparency. Steel imports which are classified under Chapters 72 or 73 of the Harmonized Tariff Schedule of the United States.

Let me lay each of the bill’s two major provisions in a little more detail.

First, Section 201, which this legislation will strengthen, permits the President to grant domestic industries import relief in circumstances where imports are the substantial cause of serious injury. Under current law, domestic industries must show that increased imports are the “substantial cause” of serious injury—which means a cause that is important and not less than any other cause. This imposes an unfair, higher burden of proof on domestic industries than is required to prove injury under World Trade Organization standards. The Safeguards Code of the World Trade Organization was designed to make sure that fair trade did not mean countries had to put up with unfair practices. The WTO standard requires only that there be a causal link between increased imports and serious injury. I believe that the United States should not impose a tougher standard for American companies of harm than the WTO uses for the international community. Applying the WTO standard is responsible and reasonable. In this bill, we propose to establish the same standard for the U.S. as is used by the WTO. Free trade must mean fair trade.

In addition, in this bill we also intend to conform U.S. law to the standard in the WTO Safeguards Code when determining the degree of injury when there has been serious harm to a domestic industry. We clarify that the International Trade Commission (ITC) should review the overall condition of the domestic industry in determining the degree of injury by making it clear that it is the effect of the imports on the overall state of the industry that counts, not solely the effect on any one of the particular criteria used in the evaluation.

Many of our trade partners, like Canada and Mexico, have more modern systems to track imports than we do in the United States. This legislation addresses that problem and provides us with better and more timely data on imports. Explicitly, this legislation requires that within 30 days of the enactment of this legislation, that the Secretary of Commerce, in consultation with the Secretary of the Treasury, will establish an import permit and monitoring program which applies to any country under chapter 72 or 73 of the Harmonized Tariff Schedule of the United States that is initially entered into a bonded warehouse or foreign trade zone. Steel import permits will be required before the steel is manufactured and entered into the customs territory of the United States. These permits will be valid for 30 days. The data collected from this permit program will be compiled in aggregate form and be made publicly available on an ongoing basis through an Internet site. The Administration already proposed releasing import data earlier and publicly as part of its January, 1999, report to Congress on steel. This legislation will complement that proposal. The Secretary of Commerce will be able to impose reasonable fees to defray the costs of this program.

It is our sincere hope that Congress will enact this legislation as part of trade legislation that moves in the 106th Congress. Passage of this legislation will send the message that the United States will fight for the right of its industries to compete on a level playing field in world trade. If imports flood our markets, we will act to protect American industries against the consequences.

I am someone who adamantly believes the promotion of free trade is essential to our country’s continued economic well-being. I would love to expand the trade base of our economy. We need U.S. industry to know that we will keep it fair. American industry and American workers can deal with fair trade, but they shouldn’t be asked to sit still for unfair trade practices that rob our workers and their families, while robbing the profit-margins of U.S. companies.

I intend to work in the 106th Congress, with my colleagues on the Finance Committee and those in the Administration responsible for trade policy, to give the President better, more effective tools to ensure that our country can insist trade be free and fair. Our steel industry, indeed all U.S. industries, deserve no less. But this legislation alone will not remedy the steel crisis our country faces. Rest assured, I will continue to carefully review my legislative options and take other appropriate actions in the near future to help fight this important crisis.

COUNTRY OF ORIGINAL LABELING BILL

Mr. BURNS. Mr. President, I rise today to sponsor a bill, being introduced by myself, Mr. Craig and Mr. Thomas on an issue of great importance to my state and the agricultural industry. The issue is that of labeling meat coming into America from other countries.

This language offered today will require all meat products that are imported from a foreign country to be labeled with the country of origin of that meat. This bill will protect the consumer as well as the agricultural industry, which has not been able to compete from foreign countries in recent years.

American agricultural producers are currently faced with a huge influx of imports from both Canada and Mexico. Country of origin labeling would do two very important things. First, it would present the consumer with the knowledge to make the choice which meat they want to buy. 78% of consumers polled by Wirthlin Worldwide endorse country of origin labeling. 70%! This says to me that consumers want to be making informed decisions. The vast majority of other types of products that come into the U.S. are labeled with the country they originated in. To name a few, we are aware of where our textiles, manufactured parts, automobiles and watches come from. Why should food be any different? Consumers go to the store with the assumption they are buying U.S. products. In fact, this is usually not the case. Consumers are completely aware of the country of origin of each article of clothing they put on the outside of their body. Yet they
have no idea where any of the food they put inside their body comes from. Many consumers prefer to buy “Made in the U.S.A.” and they especially have a right to know.

Secondly, this bill will protect both the American consumer and the American farmer. Currently, foreign meat that comes into the U.S. is rolled with the USDA grade stamp. This is grossly unfair to the producer and consumer alike. The USDA stamp on foreign product is a detriment to the producer because foreign countries get the benefit of the grade stamp, without having to pay for it. America’s producers need the protection of country of origin labeling to assure that the USDA label really means just that—produced in the U.S. It is a detriment to the consumer because they deserve to know that they are buying American and that they are buying absolutely the safest food supply in the world, which is grown by American farmers and ranchers alike.

Furthermore, other countries already require labeling of meat and meat products. Argentina, Australia, Brazil, Canada and Mexico currently require country of origin labeling. The European Union does the same thing, but it is growing food that try to save in advance for college face a situation in which their income is taxed before it goes into a savings account, and the interest they earn on their education savings are then taxed again every year. It is time for Washington to stop punishing working families for planning ahead for their children’s future. It is time to help middle class kids and their parents afford a college education.

Mr. President, this is why The Collegiate Learning and Student Savings, or “CLASS,” Act is so important. This legislation will help more than 2.5 million students afford a college education. It would extend tax-free treatment to prepaid tuition plans sponsored by States and private institutions.

Currently, 39 States, including my own State of Michigan, have prepaid tuition plans that allow parents to save for their children’s college education. Now, a nationwide consortium of more than 100 private schools, in 32 different States, have launched a similar plan. These plans overwhelmingly benefit working, middle income families. For example, families with an annual income of less than $35,000 purchased 62 percent of the prepaid tuition contracts sold by Pennsylvania in 1996. In Kentucky, the average monthly contribution to a family’s college savings account was $43 in 1995. By making all of these plans tax-free, we can help families afford the ever-increasing cost of a college education. I urge my colleagues to support this important legislation.

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 appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)
into complacency. How we are as a nation far into the 21st Century depends upon what we do as a nation today.

So with our budget surplus growing, our economy expanding, our confidence rising, now is the moment for this generation to meet our historic responsibility to the 21st Century. Let's get to work.

**THE AGING OF 21ST CENTURY AMERICA**

Our fiscal discipline gives us an unsurpassed opportunity to address a remarkable new challenge: the aging of America.

With the number of elderly Americans set to double by 2030, the Baby Boom will become a Senior Boom.

So first and above all, we must save Social Security for the 21st Century.

Early in this century, being old meant being poor. When President Roosevelt created Social Security, thousands wrote to thank him for eliminating what one woman called the "stark terror of peniless, helpless old age." Even today, millions of people retire with little to live on other than Social Security. Americans living longer than ever must save more than ever.

Therefore, addition to saving Social Security and Medicare, I propose a new pension initiative for retirement security in the 21st Century. I propose that we use 11% of the surplus to establish Universal Savings Accounts—USA Accounts—to give all Americans the security to save. With these new accounts, Americans can invest as they choose, and receive funds to match a portion of their savings, with extra help for those least able to save.

Saving Social Security, Medicare and creating USA accounts will help all Americans to secure in our nation's wealth, and enjoy a more secure retirement.

Fourth, we must invest in long-term care. I propose a tax credit of $1,000 for the aged, ailing and disabled and the families who care for them. Long term care will become a bigger and bigger challenge with the aging in America—and we must help our families deal with it.

I was born in 1946, the first year of the Baby Boom. And I can tell you that saving Social Security for the Boomers was the highest priority of my generation. And I can tell you that saving Social Security for the Boomers was the highest priority of my generation.

Second, once we have saved Social Security, we must fulfill our obligation to save and improve Medicare. Already, we have extended the life of Medicare by 10 years—but we should extend it for at least another decade. Tonight I propose that we use one out of every six dollars in the surplus over the next 15 years to guarantee the soundness of Medicare until the year 2020.

But again, we should aim higher. We must start an honest discussion of the way and look at new ideas, including the upcoming report of the bipartisan Medicare commission. If we work together, we can secure Medicare for the next two decades and cover seniors' greatest need—affordable prescription drugs.

One of the greatest challenges of our time is the aging of America. Americans can live longer and healthier lives than ever before. There are more children, from more diverse backgrounds, in our public schools than at any time in our history. Their education must provide the knowledge and nurture the creativity that will allow our nation to thrive in the new economy.

Today we can say something we could not say six years ago: with tax cuts and more Pell grants and work-study jobs, education IRAs, and the new HOPE Scholarship tax cut that more than 5 million Americans will receive this year, we have opened the doors of college to all.

With our help, nearly every state has set higher academic standards for public schools, and a voluntary national test is being developed to measure the progress of our students. With over one billion dollars in discounts available this year, we are on our way to our goal of connecting every classroom and library to the Internet.

Last fall, you passed our proposal to start hiring 100,000 new teachers to reduce class size in the early grades. Now I ask you to finish the job.

Our children are doing better. SAT scores are up. Math scores have risen in nearly all grades. But there is a problem: While our fourth graders outperform our peers in other countries in math and science, our eighth graders are around average, and our twelfth graders rank near the bottom.

We must do better. Each year the national government invests more than $15 billion in our public schools. I believe we must change the way we invest that money, to support what works and to stop supporting what doesn't.

Later this year, I will send Congress a plan that for the first time holds states and school districts accountable for progress and rewards them for results. My Education Accountability Act will require every school district receiving federal help to take the following five steps:

1. All schools must end social promotion.
2. No child should graduate from high school with a diploma he or she can't read. We do our children no favors when we allow them to pass from grade to grade without mastering the material.
3. We can't just hold students back when the system fails them. So my balanced budget triples the funding for summer school and after school programs so that we can keep students learning beyond regular school hours, when parents work and juvenile crime soars.
4. If you doubt this will work, look at Chicago, which ended social promotion and made summer school mandatory for those who don't master the basics. Math and reading scores are up three years running—w ith some of the biggest gains in some of the poorest neighborhoods.

Second, all states and school districts must turn around their worst performing schools—or shut them down. That is the policy established by Gov. Jim Hunt in North Carolina,
where test scores made the biggest gains in the nation last year. My budget includes $200 million to help states turn around their failing schools.

Third, all states and school districts must be held responsible for the quality of their schools. The result of the compulsory attendance law is that 98% of the children of working parents also need quality child care. Again, this year, I ask Congress to extend the Family Medical Leave Act—the first bill I signed into law—has now helped millions of Americans care for a new baby or an ailing relative without risking their jobs. We should extend Family Leave to 10 million more Americans working in small companies.

Parents should never face discrimination in the workplace. I will ask Congress to prohibit companies from refusing to hire or promote workers simply because they have children. America’s families deserve the world’s best medical care. Thanks to bipartisan federal support for medical research, we are on the verge of new treatments to prevent or delay diseases like Parkinsons to Alzheimer’s to all sorts of other major illnesses.

As we continue our advances in medical science, we cannot let our health care system lag behind. Managed care has transformed medicine in America—driving down costs, but threatening to drive down quality as well. I say to every American: You should have the right to know all your medical options—not just the cheapest. You should have the right to see a specialist. You should have the right to emergency care. You should have the right to continuity of care—to keep your doctor during pregnancy or chemotherapy or other treatment.

I have ordered these rights to be extended to the 85 million Americans served by Medicare, Medicaid, and other federal health programs. But only Congress can pass the Patients’ Bill of Rights for all Americans. Last year, Congress missed that opportunity. This year, for the sake of our families, we must not miss that opportunity again. Pass a strong, enforceable Patients’ Bill of Rights.

As more of our medical records are stored electronically, the threats to our privacy increase. Because Congress has given me the authority to act if it does not do so by August, one way or another, we will protect the privacy of medical records this year.

Two years ago, we acted to extend health coverage to up to 5 million children by helping communities build or modernize 5000 schools. If we do these things—end social promotion, turn around failing schools, build modern ones, support qualified teachers, promote innovation, competition and discipline—we will begin to meet America’s historic responsibility to create 21st Century schools.

21ST CENTURY SUPPORT FOR AMERICAN FAMILIES

We must do more to help the millions of parents who give their all every day at home and at work. The most basic tool of all is a decent income. Let’s raise the minimum wage by a dollar an hour over the next two years.

And let’s make sure women and men get paid for equal work by strengthening enforcement of equal pay laws.

Working parents also need quality child care. Again, this year, I ask Congress to support our plan for tax credits and subsidies for working families, improved safety and quality, and expanded after-school programs. Our plan also includes a new tax credit for stay-at-home parents. They need support too.

The Family Medical Leave Act—the first bill I signed into law—has now helped millions of Americans care for a new baby or an ailing relative without risking their jobs. We should extend Family Leave to 10 million more Americans working in small companies.

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and 100,000 vouchers for affordable housing.

And I ask Congress to support our bold plan to help businesses raise up to $15 billion of private sector capital to bring jobs and opportunity to our inner cities, including increased crop insurance reform and farm income assistance.

We must strengthen our lead in technology. Government investment led to the creation of the Internet. I propose a 28% increase in long-term computing research.

We must be ready for the 21st Century from its very first moment, by solving the "Y2K" computer problem. Already, we have made sure that Social Security checks will come on time. If we work hard with state and local governments and businesses large and small, the "Y2K problem" can be remembered as the last headache of the 20th Century, not the first crisis of the 21st.

For our own prosperity, we must support economic growth abroad.

Until recently, one third of our economic growth came from exports. But over the past year and a half, financial turmoil overseas has put that growth at risk. Today, much of the world is in recession, with Asia hit especially hard.

This is the most serious financial crisis in a half century. To meet it, the United States and other nations have reduced interest rates and strengthened the International Monetary Fund. While the turmoil is not over, we are working with other nations to contain it.

At the same time, we will continue to work to build a global financial system for the 21st Century that promotes prosperity and tames the cycles of boom and bust. This June I will meet with other world leaders to advance this historic purpose.

We must also create a freer and fairer trading system for the 21st Century. Trade has divided Americans for too long. We must find the common ground on which business, workers, environmentalists, farmers and government can stand together.

We must tear down barriers, open markets, and expand trade. At the same time, we must ensure that ordinary citizens in all countries actually benefit—trade that promotes the dignity of work, the rights of workers, the protection of the environment. And we must insist that international trade organizations be open to public scrutiny. In short, we must put a human face on the global economy.

We must enforce our trade laws when imports unlawfully flood our nation. I have already informed the government of Japan that this sudden surge of steel imports into our country is not reversed, America will respond.

We must help all American manufacturers hit hard at the present crisis—with loan guarantees and other incentives to increase U.S. exports by nearly $2 billion.

We can achieve a new consensus on trade, based on these principles. I ask Congress to join me in this common approach and to give the President the trade authority long used to advance our prosperity.

And tonight, I also issue a call to the nations of the world to join the United States in a new round of global negotiations to expand exports of services, of pharmaceutical products.

We will work with the International Labor Organization on a new initiative to raise labor standards around the world. And this year, we will lead the international community to conclude a treaty to ban abusive child labor everywhere in the world.

If we do these things—invest in our people, our communities, and our technology, and lead in the global economy—then we will begin to meet the historic responsibility of our generation to build a 21st Century prosperity for America.

A STRONG AMERICA IN A NEW WORLD

No nation in history has had the opportunity and the responsibility we now have to shape a world more peaceful, secure and free.

All Americans can be proud that our leadership helped to bring peace in Northern Ireland.

All Americans can be proud that our leadership has put Bosnia on the path to peace. And with our NATO allies, we are pressing the Serbian government to stop its brutal repression in Kosovo, to bring those responsible to justice, and give the people of Kosovo the self-government they deserve.

All Americans can be proud that our leadership renewed hope for lasting peace in the Middle East. Some of you were with me in December as we watched the Palestinian National Council completely renounce its call for the destruction of Israel. I ask Congress to provide resources to implement the Wye Agreement... to protect Israel's security, stimulate the Palestinian economy, and support our friends in Jordan. We must not, we dare not, let them down.

As we work for peace, we must also meet threats to our nation's security—including increased dangers from outlaw nations and terrorism. We will defend our security wherever we are threatened. But this summer, when we struck at Osama bin Laden's network of terror, the bombing of our embassies in Kenya and Tanzania reminded us of the risks faced every day by those who represent America to the world. Let's give them our support, the safest possible workplaces, and the resources they need so America can continue to lead.

We must work to keep terrorists from disrupting computer networks, to prepare local communities for biological and chemical emergencies, to support research into vaccines and treatments.

We must increase our efforts to restrain the spread of nuclear weapons and missiles, from North Korea to India and Pakistan.

With Russia, we must continue to reduce our nuclear arsenals. The START II treaty, and the framework we have already agreed to for START III, could cut them by 80% from their Cold War height.

It has been two years since I signed the Comprehensive Test Ban Treaty. If we don't do the right thing, other nations won't either. I ask the Senate to take this vital step: Approve the Treaty now so we can make it harder for other nations to develop nuclear arms—and we can end nuclear testing forever.

For nearly a decade, Iraq has defied its obligations to destroy its weapons of terror and the missiles to deliver them. America will continue to contain Saddam—and we will work for the day when Iraq has a government worthy of its people.

Last month, in our action over Iraq, our troops were superb. Their mission was so flawlessly executed that we risk for granted the bravery and skill it required. Captain Jeff Taliaferro [toliver], a 10-year veteran of the Air Force, flew a B-1B bomber over Iraq as we attacked Saddam's war machine. He is here with us tonight. Let's honor him and all the 33,000 men and women of Desert Fox.

It is time to reverse the decline in defense spending that began in 1989. Since April, together we have added nearly $6 billion to maintain our readiness. My balanced budget calls for a sustained increase over the next six years for readiness and modernization, and pay and benefits for our men and women.

We are the heirs of a legacy of bravery represented by millions of veterans. America's defenders today stand ready at a moment's notice to go where comforts are new and dangers are mounting, where we need to be done as no one else can. They always come through for America. We must come through for them.

The new century demands new partnerships for peace and security. The United Nations plays a crucial role, with allies sharing burdens. America might otherwise bear alone. America needs a strong and effective UN.
want to work with this new Congress to pay our dues and our debts.

We must support security in Europe and Asia—expanding NATO and defining its new missions, maintaining our alliance with Japan, Korea, and our other Asian allies, and engaging China.

In China last year, I said to the leaders and people what I say again tonight: Stability can no longer be bought at the expense of liberty.

And I say again to the American people: It is important not to isolate China. The more we bring China into the world, the more the world will bring change and freedom to China.

Last spring, with some of you, I traveled to Africa, where I saw democracy and reform rising, but still held back by violence and disease. We must fortify African democracy and peace, by launching Radio Democracy for Africa, supporting the transition to democracy now beginning to take hold in Nigeria, and passing the African Trade and Development Act.

We are strengthening our ties to the Americas and the Caribbean—to educate our children about drugs, deepen democracy, and increase trade.

In this hemisphere, every government but one is freely chosen by its people. We are determined that Cuba, too, will know the blessings of liberty. The American people have opened their arms and their hearts to our Central American and Caribbean neighbors devastated by recent hurricanes. Working with Congress, we will help them to rebuild. First Lady and Tipper Gore visited the region, they saw thousands of American troops and volunteers. In the Dominican Republic, Hillary helped to re dedicate a hospital that had been rebuilt by Dominicans and Americans, working side by side.

With her was someone who has been very important to the relief efforts. Sports records are made, and sooner or later, they are broken. But making other better—advancing the quality of living our children the true meaning of brotherhood—that lasts forever. So far more than baseball, Sammy Sosa, you are a hero to two countries.

If we do all these things—pursue peace, fight terrorism, increase our strength, and renew our alliances—then we will begin to meet our generation's historic responsibility to build a stronger 21st Century America in a freer, more peaceful world.

Lett's have communities

As the world has changed, so have our own communities. We must make them safer, more livable, more united.

This year, we will reach our goal of 100,000 community police officers— ahead of schedule and under budget. The Brady Bill has stopped a quarter million felons, fugitives, and stalkers from buying handguns. Now, the murder rate is the lowest in 30 years, and the crime rate has dropped for six straight years.

Tonight, I propose a 21st Century Crime Bill to deploy the latest technologies and tactics to make our communities even safer.

My balanced budget will help put up to 50,000 more police on the beat in the areas hardest hit by crime, and to equip them with new tools, from crime-mapping computers to digital mug shots.

We must break the deadly cycle of drugs and crime. My budget expands support for drug testing and treatment. It says to prisoners: If you stay on drugs, you stay behind bars. It says to those on parole: To keep your freedom, keep free of drugs.

Congress should restore the 5-day waiting period for buying a handgun—and extend the Brady Bill to prevent juveniles who commit violent crimes from buying a gun.

We must keep our schools the safest places in our communities.

Last year, we were horrified and heartbroken by the tragic killings in Jonesboro, Paducah, Pearl, Edinboro, Springfield. We were deeply moved by the courageous parents now working to keep guns out of children.—so that other parents don't have to live through their loss.

After she lost her daughter, Suzann Wilson of Jonesboro, Arkansas came to the White House with a powerful plea: "Please, please for the sake of your children, lock up your guns... Don't let what happened in Jonesboro happen in your town." Suzann is here tonight with the First Lady, and we thank her for her courage and commitment. In communities who lost their lives to school violence, let's strengthen the Safe and Drug-Free School Act... let's pass legislation to require child trigger locks... let's keep our children safe.

A century ago, President Theodore Roosevelt defined our "great, central task" as "leaving this land even a better land for our descendants than it is for us." Today, we are restoring the Florida Everglades, saving Yellowstone, preserving the red-rock canyons of Utah, protecting California's redwoods and our precious coasts.

But our most fateful new challenge is the threat of global warming. 1998 was the warmest year ever recorded. Last year's heat waves, floods, and storms are but a hint of what future generations may endure if we don't act now.

So tonight, I propose a new clean air fund to help communities reduce pollution, and tax incentives and investment in renewable energy technologies. I will work with Congress to reward companies that take early, voluntary action to reduce greenhouse gases.

All communities face a preservation challenge, as they grow, and green space shrinks. 7,000 acres of farmland and open space are lost every day.

In response, I propose two major initiatives: first, a one billion dollar Livable America Agenda to help communities preserve open space, reduce traffic congestion, and find ways that enhance every citizen's quality of life; second, a one billion dollar Lands Legacy Initiative to preserve places of natural beauty all across America—from the most remote wilderness to the nearest city park. I thank Vice President Gore for his visionary leadership in helping to develop these landmark proposals.

To get the most out of your community, I say to give back. That's why we created AmeriCorps—our national service program that gives today's generation a chance to serve their communities and earn money for college.

Far, in just four years, 100,000 young people have built low-income homes with Habitat for Humanity... helped tutor children... worked with FEMA to ease the burden of natural disasters... and performed countless other acts of service that have made America better.

I ask Congress to give more young Americans the chance to follow their lead.

We must work to renew our national community for the 21st Century. Last year, the House passed the bipartisan campaign finance reform legislation sponsored by Representatives SHAYS and MEEHAN and Senators McCaIN and FEINGOLD. But a partisan minority in the Senate blocked reform.

To the House I say: Pass it again, quickly. And to the Senate: Say yes to a strong democracy in the Year 2000.

Since 1997, our Initiative on Race has sought to bridge the divides between our people. In its report, last fall, the Initiative's Advisory Board found that Americans want to bring our people together across racial lines. We are on a journey that in a very real sense began forty years ago, when a woman sat down on a bus in Alabama. She is sitting here with the First Lady tonight—Rosa Parks.

We must do more to close the opportunity gaps that remain. The economic, health care, and education initiatives I have discussed tonight will do a lot to close those gaps.

But we have more to do. Discrimination or violence because of race or religion, ancestry or gender, disability or sexual orientation, is wrong. It should be illegal. Therefore I call upon Congress to make the Employment Non-Discrimination Act and the Hate Crimes Prevention Act the law of the land.

Since every person in America counts, every American must be counted. Republicans and Democrats have a consensus that uses the most modern scientific methods.

Our newest immigrants must be part of One America. They are revitalizing our cities, energizing our culture, building our new economy. We have a responsibility to make immigrants welcome here, and they have a responsibility to enter the mainstream of American life. That means learning English, and learning about our democratic system of government. There are a million calling lines of immigrants seeking to do just that. Therefore, my budget expands significantly our efforts to help them meet their responsibility.
A hundred years from tonight, an American President will stand in this place to report on the State of the Union. He—or she—will look back on a 21st Century shaped in so many ways by the decisions we make here and now.

Let it be said of us then that we were thinking not only of our time, but of their time; that we reached as high as our ideals; that we put aside our divisions and found a new hour of healing and hopefulness; that we joined together to serve and strengthen the land we love.

My fellow Americans, this is our moment. Let us lift our eyes as one nation, and from the mountaintop of this American century, look ahead to the next one—asking God’s blessing on our endeavors and our beloved country.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers and documents, which were referred as indicated:

EC-707. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety Fitness Procedures” (RIN:2125-AC71) received on November 9, 1998, to the Committee on Commerce, Science, and Transportation.

EC-708. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “National Corridor Planning and Development Program and Coordinated Border Infrastructure Program—Implementation of the Transportation Equity Act for the 21st Century” (Docket FHWA-98-4620) received on November 9, 1998, to the Committee on Commerce, Science, and Transportation.

EC-709. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter France Model AS 332C, L, and J Helicopters” (Docket 97-SW-43-AD) received on November 9, 1998, to the Committee on Commerce, Science, and Transportation.

EC-710. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric Aircraft Engines CJ-610 Turbojet and CF-700 Series Turboprop Engines” (Docket 98-ANE-60-AD) received on November 9, 1998, to the Committee on Commerce, Science, and Transportation.

EC-711. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Nome, AK” (Docket 98-AAL-12) received on November 9, 1998, to the Committee on Commerce, Science, and Transportation.

EC-712. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Yakutat, AK” (Docket 98-AAL-17) received on November 9, 1998, to the Committee on Commerce, Science, and Transportation.

EC-713. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Unalakleet, AK” (Docket 98-AAL-10) received on November 9, 1998, to the Committee on Commerce, Science, and Transportation.

EC-714. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Newport, OR” (Docket 98-AW-5) received on November 9, 1998, to the Committee on Commerce, Science, and Transportation.

EC-715. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; King Salmon, AK” (Docket 98-AAL-19) received on November 9, 1998, to the Committee on Commerce, Science, and Transportation.

EC-716. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments” (Docket 98-A-2198) received on November 9, 1998, to the Committee on Commerce, Science, and Transportation.

EC-717. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter France Model AS 332C, L, and J Helicopters” (Docket 97-SW-43-AD) received on November 9, 1998, to the Committee on Commerce, Science, and Transportation.

EC-718. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Newport, OR” (Docket 98-AW-5) received on November 9, 1998, to the Committee on Commerce, Science, and Transportation.

EC-719. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments” (Docket 98-A-2198) received on November 9, 1998, to the Committee on Commerce, Science, and Transportation.

EC-720. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric Aircraft Engines CJ-610 Turbojet and CF-700 Series Turboprop Engines” (Docket 98-ANE-60-AD) received on November 9, 1998, to the Committee on Commerce, Science, and Transportation.

EC-721. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Reno, NV” (Docket 98-AWP-23) received on November 9, 1998, to the Committee on Commerce, Science, and Transportation.
EC-724. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B, 214B-1, and 214ST Helicopters" (Docket NHTSA 98-4723) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-725. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Concordia, KS" (Docket 98-ACE-46) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-726. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Goodland, KS" (Docket 98-ACE-35) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-727. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Muscatine, IA" (Docket 98-ACE-25) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-728. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Burkhart GroB Luft-und Raumfahrt GmbH Model G 1098 Gliders" (Docket 98-CE-72-AD) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-729. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Aviation Dassault-Caravelle Airplanes" (Docket 97-NN-99-AD) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-730. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; de Havilland Model DHC-7 Series Airplanes" (Docket 98-NN-143-AD) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-731. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model Viscount 744, 745, 745D, and 810 Series Airplanes" (Docket 98-NN-217-AD) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-732. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes" (Docket 98-NN-304-AD) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-733. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Vought Aeronautics Model S-3A, S-3B, and S-3V Airplanes, Refitted" (Docket 98-NN-294-AD) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-734. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Vought Aeronautics Model S-3A, S-3B, and S-3V Airplanes, Refitted" (Docket 98-NN-294-AD) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-735. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B, 214B-1, and 214ST Helicopters" (Docket NHTSA 98-4723) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-736. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; International Aero Engines (IAE) V2500-A Engine Model 98-ANE-67 Airplanes" (Docket 98-NN-304-AD) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-737. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT9D Series Turbofan Engines" (Docket 98-ANE-21-AD) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-738. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200 Series Airplanes Equipped With Rolls Royce Model RB211-533E4/4B Engines" (Docket 98-NN-294-AD) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-739. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney PW4000 Series Turbofan Engines" (Docket 98-ANE-21-AD) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-740. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Model BAE.125, DH.125, BH.125, and HS.125 Series Airplanes" (Docket 97-NN-305-AD) received on November 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-741. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "Final Guidelines for the H-1B Nonimmigrant Classification Under Public Law 105-277" received on December 14, 1998; to the Committee on the Judiciary.

EC-742. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Petitioning Requirements for the H-1B Nonimmigrant Classification Under Public Law 105-277" received on December 14, 1998; to the Committee on the Judiciary.

EC-743. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "A Plan for the Use of the Little Traverse Bay Band of Odawa Indians for "Maritime Transportation"; to the Committee on Indian Affairs.

EC-744. A communication from the Chief of the Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Environmental Policies and Procedures" (RIN 0578-AA20) received on December 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-745. A communication from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting, pursuant to law, a report entitled "Conservation Farm Option" (RIN 0578-AA20) received on December 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-746. A communication from the Coordinator, Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a report of interagency agreement between the Natural Resources Conservation Service, Department of Agriculture, and the Little Traverse Bay Band of Odawa Indians (RIN 0579-AB01) received on December 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-747. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Final Guidelines for the H-1B Nonimmigrant Classification Under Public Law 105-277" received on December 14, 1998; to the Committee on the Judiciary.

EC-748. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Final Guidelines for the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Violence Against Women Act of 1994)" (RIN 19075-A-33) received on December 15, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-749. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Environmental Policies and Procedures" (RIN 0578-AA20) received on December 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-750. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of a rule entitled "Conservation Farm Option" (RIN 0578-AA20) received on December 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-751. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of a rule entitled "Conservation Farm Option" (RIN 0578-AA20) received on December 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-752. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of a rule entitled "Solid Packaging Material" (RIN 0579-AB01) received on December 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-753. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of a rule entitled "Conservation Farm Option" (RIN 0578-AA20) received on December 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-754. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of a rule entitled "Conservation Farm Option" (RIN 0578-AA20) received on December 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-755. A communication from the Director of the National Institute on Disability and Rehabilitation Research, Department of Education, transmitting, pursuant to law, the annual report of the Interagency Coordination Committee on Disability Services and Commodities for the Year 1998; to the Committee on Labor and Human Resources.

EC-756. A communication from the Director of the National Institute on Disability and Rehabilitation Research, Department of Education, transmitting, pursuant to law, the annual report of the Interagency Coordination Committee on Disability Services and Commodities for the Year 1998; to the Committee on Labor and Human Resources.

EC-757. A communication from the Director of the National Institute on Disability and Rehabilitation Research, Department of Education, transmitting, pursuant to law, the annual report of the Interagency Coordination Committee on Disability Services and Commodities for the Year 1998; to the Committee on Labor and Human Resources.
transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Ad- juvants, Production Aids, and Sanitizers (Clarifying Agent)" (Docket 589±0029) re- ceived on December 19, 1998, to the Committee on Governmental Affairs.

EC±757. A communication from the Chair- man of the Committee on the Judiciary, transmitting, pursuant to law, the Commission's report under the Inspector General Act for fiscal year 1998, to the Committee on Governmental Affairs.

EC±758. A communication from the Direc- tor of the Office of Personnel Management, transmitting, pursuant to law, the Office's report for the period from April 1, 1998 through September 30, 1998, to the Committee on Governmental Affairs.

EC±759. A communication from the United States Office of Governmental Ethics, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to Financial Disclosure Rule for Executive Branch Employees" (RIN3209±AA00) received on December 14, 1998, to the Committee on Governmental Affairs.

EC±760. A communication from the United States Office of Governmental Ethics, transmitting, pursuant to law, the report of a rule entitled "Ethical Conduct for Federal Employees of the Executive Branch" (RIN3209±AA04) received on December 15, 1998, to the Committee on Governmental Affairs.

EC±761. A communication from the Execu- tive Director of the Committee for Purchase From People Who Are BLIND or Severely Dis- abled, transmitting, pursuant to law, a list of additions to and deletions from the Committee's Procurement List dated December 9, 1998, to the Committee on Governmental Affairs.

EC±762. A communication from the Secre- tary of Transportation, transmitting, pursuant to law, the Department's report under the Inspector General Act for the period from April 1, 1998 through September 30, 1998, to the Committee on Governmental Affairs.

EC±763. A communication from the Chair- man of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, the Commission's report under the Inspector General Act for the period from April 1, 1998 through September 30, 1998, to the Committee on Governmental Affairs.

EC±764. A communication from the Inspect- or General of the United States Railroad Retiree Board, transmitting, pursuant to law, the Department's report under the Inspector General Act for the period from April 1, 1998 through September 30, 1998, to the Committee on Governmental Affairs.

EC±765. A communication from the Inspect- or General of the Tennessee Valley Authority, transmitting, pursuant to law, the Report of the Tennessee Valley Authority's Inspector General for the period from October 1, 1997 through December 31, 1997, to the Committee on Governmental Affairs.

EC±766. A communication from the Secre- tary of the Army, transmitting, pursuant to law, the Department's report under the Inspector General Act for the period from April 1, 1998 through September 30, 1998, to the Committee on Governmental Affairs.

EC±767. A communication from the Benefi- cits Communications Manager, Farm Credit Bank of Georgia, transmitting, pursuant to law, the Bank's annual report for calendar year 1998, to the Committee on Governmental Affairs.

EC±768. A communication from the Inter- nment Center of Columbus Auditor, transmitting, pursuant to law, notice of a report entitled "Statutory Audit of Advisory Neighborhood Council No. 6, Period Ending September 30, 1998," to the Committee on Governmental Affairs.

EC±769. A communication from the Interim District of Columbus Auditor, transmitting, pursuant to law, notice of a report entitled "Audit of Advisory Neighborhood Council No. 6, Period Ending October 1, 1998," to the Committee on Governmental Affairs.

EC±770. A communication from the Chair- man of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the Commission's report under the Federal Manager's Financial Integrity Act, to the Committee on Governmental Affairs.

EC±771. A communication from the Direc- tor of the Federal Bureau of Investigation, transmitting, pursuant to law, the report of a rule entitled "Drawback; Correction" (RIN1315±A995) received on November 30, 1998, to the Committee on Governmental Affairs.

EC±772. A communication from the Deputy Associate Administrator for Acquisition, U.S. General Services Administration, transmitting, pursuant to law, the report of final and interim revisions to the Federal Acquisition Regulation received on December 17, 1998, to the Committee on Governmental Affairs.

EC±773. A communication from the Direc- tor of the Federal Bureau of Prisons, Depart- ment of Justice, transmitting, pursuant to law, the report of a rule entitled "Inmate Work and Performance Pay Program: Work Evaluation" (RIN1120±AA74) received on December 14, 1998, to the Committee on the Ju- diciary.

EC±774. A communication from the Secre- tary of Health and Human Services, transmit- ting, pursuant to law, the report of a rule entitled "Simplification of Grant Appeals Process" (RIN0030±ZA00) received on December 16, 1998, to the Committee on Labor and Human Resources.

EC±775. A communication from the Chair- man of the United States Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's report under the Inspector General Act for the period from April 1, 1998 through September 30, 1998, to the Committee on Governmental Affairs.

EC±776. A communication from the Direc- tor of the Office of Regulatory Management, transmitting, pursuant to law, the report of a rule entitled "Approval and Pro- mulgation of Air Quality Implementation Plans; State of Maine; Interim Final Determination that Maine has Avoided Deficiencies of its IM SIP revision (FR 6203±4) received on December 15, 1998, to the Committee on Environment and Public Works.

EC±777. A communication from the Direc- tor of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to the States of Iowa; Kansas; Missouri; Nebraska; Lincoln-Lancaster County, Nebraska; and City of Omaha, Nebraska" (FR 6200±5) received on December 17, 1998, to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. J EFFORDS (for himself, Mr. GREGG, Mr. L OTT, Mr. M CCAIN, Mr. M ACK, and Mr. C OVERDELL):

S. 1. A bill to extend programs and activi- ties under the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Judiciary.


By Mr. G RAMS (for himself, Mr. R OTH, Mr. A BRHAM, Mr. A SHCROFT, Mr. L OTT, Mr. M CCAIN, Mr. C OVERDELL, and Mrs. H UCHISON):

S. 3. A bill to amend the Internal Revenue Code of 1986 to reduce the income tax rates by 10 percent; to the Committee on Finance.

By Mr. W ARNER (for himself, Mr. T HURMOND, Mr. M CCAIN, Mr. S MITH of New Hampshire, Mr. I NHOFE, Ms. S NOWE, Mr. R OBERTS, Mr. A LLARD, Mr. H UCHINSON, Mr. S ESSIONS, Mr. L OTT, Mr. M CCAIN, Mr. C OVERDELL, Mrs. H UCHISON, Mr. S ANTORUM, Mr. H AGEL, and Mr. A BRHAM):

S. 4. A bill to improve pay and retirement equity for members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. D ELIN (for himself, Mr. A BRHAM, Mr. A SHCROFT, Mr. G RASSLEY, Mr. HATCH, Mr. L OTT, Mr. M CCAIN, and Mr. C OVERDELL):

S. 5. A bill to reduce the transportation and distribution of drugs that lead to strengthened domestic demand reduction, and for other purposes; to the Committee on the Judiciary.

By Mr. D ASCHLE (for himself, Mr. K ENNEDY, Mrs. B OXER, Mr. D ODD, Mr. D ORGAN, Mr. E DWARDS, Mr. C LEAND
Mr. REID, Mr. DURBIN, Mrs. MURRAY, Mr. AKAKA, Mr. WYDEN, Mr. HARKIN, Ms. MIKULSKI, Mr. LEAHY, Mr. REED, Mr. SARABANES, Mr. WELLSTONE, Mr. FISCHER, Mr. AKAKA, Mr. BROWNBACK, Mr. ROCKEFELLER, Mr. KERRY, Mr. TORRICELLI, Mr. COCHRAN, Mr. BRYAN, Mr. JOHNSON, Mr. LAUTENBERG, Mr. SCHUMER, and Mr. MURPHY.


By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. MURRAY, Mr. SARABANES, Mr. ROBB, Mrs. FEINSTEIN, Mr. BROWNBACK, Mr. TORRICELLI, Mr. LEAHY, Mr. DODD, Mr. HARKIN, Mr. ROCKEFELLER, Mr. CLELAND, Mr. WELLSTONE, Mr. SCHUMER, Mr. EDWARDS, Mr. REID, Mrs. BOXER, Mr. DURBIN, Mr. BREAUD, Ms. MIKULSKI, Mr. KERRY, Mr. JOHNSON, Mr. BAUCUS, and Mr. LAUTENBERG):

S. 7. A bill to authorize public schools for the 21st century; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. ROCKEFELLER, Ms. FEINSTEIN, Mrs. MURRAY, Mrs. BOXER, Mr. DURBIN, Mr. WELLSTONE, Mr. KERRY, Mr. MOYNIHAN, and Mr. LAUTENBERG):

S. 8. A bill to increase the Federal minimum wage, to repeal the marriage tax penalty, to provide more effective remedies to victims of discrimination on the basis of sex in the workplace, and to prohibit any changes to the Social Security Trust Fund to provide for personal and family expenses incurred by certain members and their dependents; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. TORRICELLI, Mr. SCHUMER, Mr. DOGAN, Mr. KERRY, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. BREAUD, Mr. DURBIN, Mr. BINGHAMAN, Mr. BRYAN, and Mr. MOYNIHAN):

S. 9. A bill to combat violent and gang-related crime in schools and on the streets, to reform America’s justice system, to target international crime, to provide effective drug and other crime prevention programs, to assist crime victims, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Ms. MIKULSKI, Mr. CLELAND, Mr. HARKIN, Mr. SARABANES, Mr. KENNEDY, Mrs. BOXER, Mr. DURBIN, Mr. ROCKEFELLER, Mr. DODD, Mr. BRYAN, Mr. JOHNSON, Mr. KOHL, Mr. KERRY, and Mr. LAUTENBERG):

S. 10. A bill to provide health protection and needed assistance for older Americans, including access to health insurance for 55 to 65 year olds, assistance for individuals with long-term care needs, and social services for older Americans; to the Committee on Finance.

By Mr. ABRAHAM:

S. 11. A bill for the relief of Wei jinghong; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself, Mr. LOTT, Mr. BROWNBACK, Mr. NICKLES, Mr. ABRAHAM, Mr. BURNS, Mr. COVERDELL, Mr. COCHRAN, Mr. CRAP, Mr. FRIST, Mr. HELMS, Mr. HAGEL, Mr. KERR, Mr. MCCONNELL, Mr. SESSIONS, and Mr. ALLARD):

S. 12. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing a tax incentive on joint income, standard deduction, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals; to the Committee on Finance.

By Mr. SESSIONS (for himself, Mr. GRAHAM, Mr. MACK, Mr. ABRAHAM, Mr. BURTON, Mr. COVERDELL, Mr. HATCH, Mr. HARKIN, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 13. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education; to the Committee on Finance.

By Mr. COVERDELL (for himself and Mr. TORRICELLI):

S. 14. A bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. ASHCROFT, Mr. BROWNBACK, Mr. BURNS, Mr. COCHRAN, Mr. COVERDELL, Mr. CLELAND, Mr. HELMS, Mr. HAGEL, Mr. KYN, Ms. SNOWE, and Mr. ALLEN):

S. 15. 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; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. SARABANES, Mr. BRYAN, Mr. KERRY, Mr. ROCKEFELLER, Mr. DURBIN, Mr. WELLSTONE, Mr. MOYNIHAN, and Mr. LAUTENBERG):

S. 16. A bill to reform the Federal election campaign laws applicable to Congress; to the Committee on Rules and Administration.

By Mr. DODD (for himself, Mr. DASCHLE, Mr. KENNEDY, Mr. HARKIN, Mr. AKAKA, Mrs. MURRAY, Mr. KOHL, Mr. KERRY, Mr. KERRY, Mr. BINGHAMAN, Mr. BRYAN, Mr. SARABANES, Mr. BIDEN, Mrs. BOXER, Mr. BREAUD, Mr. DURBIN, Mr. ANDREWS, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. REED, Mr. SCHUMER, Mr. TORRICELLI, Mr. WELLSTONE, Mr. LAUTENBERG, and Mrs. FEINSTEIN):

S. 17. A bill to increase the availability, affordability, and quality of child care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. DASCHLE, Mr. JOHNSON, Ms. MIKULSKI, Mr. KENNEDY, Mr. TORRICELLI, Mr. SCHUMER, Mr. BREAUD, Mr. BOXER, Mr. DORGAN, Mr. WELLSTONE, Mr. BRYAN, Mr. MOYNIHAN, and Mr. KERRY):

S. 18. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. DORGAN, Mr. JOHNSON, Mr. KERRY, Mr. BINGHAMAN, Mr. BRYAN, Mr. SARABANES, Mr. BOXER, Mr. DORGAN, Mr. MOYNIHAN, Mr. KERRY, Mr. KERRY, Mr. CLELAND, Mr. LEAHY, Mr. BITH, Mrs. FEINSTEIN, Mr. MOYNIHAN, Ms. GRAHAM, Mr. JOHNSON, and Mr. CHAFEE):

S. 20. A bill entitled the “ Bipartisan Campaign Reform Act of 1999”; to the Committee on Rules and Administration.

By Mr. FEINGOLD (for himself and Mr. HOLINGS):

S. 21. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend and clarify the pay-as-you-go requirement regarding the Social Security trust fund and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. HELMS, Mr. LOTT, Mr. DASCHLE, Mr. THOMPSON, Ms. COLLINS, and Mr. SCHUMAN):

S. 22. A bill to provide for a system to classify information in the interests of national security and a system to declassify information, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SPECTER (for himself and Mr. DURBIN):

S. 23. A bill to promote a new urban agenda, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 24. A bill to provide improved access to health care, enhance informed individual choice regarding health care services, lower health care costs through the use of appropriate providers, improve the quality of health care, improve access to long term care, and for other purposes; to the Committee on Finance.

By Mr. LANDRIEU (for herself, Mr. MURKOWSKI, Mr. BREAUD, Ms. MIKULSKI, and Mr. LIEBERMAN):

S. 25. A bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. THOMPSON, Mr. LEVIN, Ms. COLLINS, Mr. LIEBERMAN, Ms. SNOWE, Mr. WELSTONE, Mr. JEFFORDS, Mr. DURBIN, Mr. SCHUMER, Mr. REID, Mr. BRYAN, Mr. SANDERS, Mr. BOXER, Mr. DORGAN, Ms. MOYNIHAN, Mr. KERRY, Mr. KERRY, Mr. CLELAND, Ms. LEAHY, Mr. BAY, Mrs. FEINSTEIN, Mr. MOYNIHAN, Ms. GRAHAM, Mr. JOHNSON, and Mr. CHAFEE):

S. 26. A bill entitled the “Bipartisan Campaign Reform Act of 1999”; to the Committee on Rules and Administration.

By Mr. FEINGOLD (for himself and Mr. HOLINGS):

S. 27. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend and clarify the pay-as-you-go, to the Committee on the Budget and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 28. A bill to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:

S. 29. A bill to amend section 1091 of title 10, United States Code, to provide for payment under CHAMPUS of certain health care expenses incurred by certain members and
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former members of the uniformed services and their dependents to the extent that such expenses are not payments under medicare, and for other purposes; to the Committee on Armed Services.

By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. JOHNSON, Mr. WELLSTONE, Mr. KERREY, Mr. BINGAARD, and Mr. NUGUS):

S. 30. A bill to provide countercyclical income loss protection to offset extreme losses resulting from severe economic and weather-related events, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND:

S. 31. A bill to amend title I, United States Code, to clarify the effect and application of legislation; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 32. A bill to eliminate a requirement for a unanimous verdict in criminal trials in Federal courts; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. HELMS):

S. 33. A bill to amend title II of the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973 to exclude prisoners from the requirements of that title and section; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THURMOND:

S. 34. A bill to amend title 38, United States Code, to clarify the remedial jurisdiction of inferior Federal courts; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. GRAHAM, and Mr. BREAUD):

S. 35. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the long-term care insurance costs of all individuals who are not eligible to participate in employer-subsidized long-term care health plans; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. GRAHAM, and Mr. BREAUX):

S. 36. A bill to amend title 5, United States Code, to clarify the effect and application of the significant extent of wetlands conservation; to the Committee on Government Affairs.

By Mr. GRAHAM (for himself, Mr. MACK, and Mrs. HUTCHISON):

S. 38. A bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

By Mr. HELMS:

S. 43. A bill to prohibit the provision of Federal funds to any State or local educational agency that denies or prevents participation in all traditional prayer in schools; read the first time.

By Mr. HELMS:

S. 44. A bill to amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to expel a student determined to be in possession of an illegal drug or illegal drug paraphernalia, on school property, in addition to expelling a student determined to be in possession of a firearm, and for other purposes; read the first time.

By Mr. HELMS:

S. 45. A bill to prohibit the executive branch of the United States Government from establishing an additional class of individuals that is protected against discrimination in Federal employment, and for other purposes; read the first time.

By Mr. HELMS:

S. 46. A bill to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes; read the first time.

By Mr. KYL:

S. 47. A bill to establish a commission to study the impact of voter turnout of making the deadline for filing federal income tax returns conform to the date of federal elections; to the Committee on Rules and Administration.

By Mr. HARKIN (for himself, Mr. DASCHLE, Mr. JOHNSON, Ms. MIKULSKI, Mr. KENNEDY, Mr. TORRICELLI, Mr. DREIBIN, Mr. LEARY, and Mrs. BOXER):

S. 48. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. STEVENS:

S. 49. A bill to amend the wetlands program under the Federal Water Pollution Control Act to provide credit for the low wetlands loss rate in Alaska and recognize the significant extent of wetlands conservation in Alaska property owners, and to ease the burdens on only regulated Alaska cities, boroughs, municipalities, and villages; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON (for herself and Mr. DEWINE):

S. 50. A bill to improve options for excellence in education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself, Mr. SPECER, Mrs. BOXER, Mrs. MURRAY, Ms. MIKULSKI, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. LINCOLN, Ms. SNOWE, Mr. LAUTENBERG, Mr. REID, Mr. REED, Mr. DODD, Mr. INOUYE, Mr. KERRY, Mr. ROBB, Mr. SCHUMER, Mr. WELLSTONE, and Mr. KENNEDY):

S. 51. A bill to reauthorize the Federal programs to prevent violence against women, and for other purposes; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mr. ASHCROFT, Mr. SANTORUM, Mr. BURNS, Mr. SHAYS, Mr. BROWNBACK, and Mr. INHOFE):

S. 52. A bill to provide a direct check for education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL (for himself and Mr. COVERDOLL):

S. 53. A bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gain rates for all taxpayers and a partial dividend income exclusion for individuals, and for other purposes; to the Committee on Finance.

By Mr. KYL:

S. 54. A bill to amend the Internal Revenue Code of 1986 to repeal the corporate alternative minimum tax; to the Committee on Finance.

By Mr. KYL (for himself and Mr. COVERDOLL):

S. 55. A bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small business and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself, Mr. ALLARD, Mr. ASHCROFT, Mr. BURNS, Mr. COCHRAN, Mr. COVERDOLL, Mr. ENZI, Mr. GRAMM, Mr. GRAMS, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. MACK, Mr. MURkowski, Mr. ROBERTS, Mr. SMITH of New Hampshire, Mr. THOMAS, and Mr. SESSIONS):

S. 56. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Mr. SARABANES, Mr. ROBB, and Mr. WARNER):

S. 57. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants, and for other purposes; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself, Mr. DURBIN, and Mr. JEFFORDS):

S. 58. A bill to amend the Communications Act of 1934 to improve protections against telephone service “slamming” and provide protections against telephone billing “cramming” by providing the Commission jurisdiction over unfair and deceptive trade practices of telecommunications carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THOMPSON (for himself, Mr. BREAUD, and Mr. LOTT):

S. 59. A bill to provide Government wide accounting of regulatory costs and benefits, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GRASSLEY:

S. 60. A bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for contributions by public employees to pension plans; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. HOLINGS, Mr. ABRAHAM, Mr. SANTORUM, Mr. SPECTER, Mr. THARP, Mr. HUTCHISON, and Mr. VOINOVICH):

S. 61. A bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions; to the Committee on Finance.

By Mr. KOHL:

S. 62. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of Federal employees, and for other purposes; to the Committee on Finance.

By Mr. KOHL:

S. 63. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of Federal employees, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 64. A bill to amend section 313 of the Tariff Act of 1930 to allow duty drawback for grape juice concentrates, regardless of color or variety; to the Committee on Finance.

By Mr. KERRY:

S. 65. A bill to apply the rates of duty effective after December 31, 1994, to certain water resistant wool trousers that were entered, or withdrawn from warehouse for consumption, after December 31, 1988, and before
January 19, 1999; to the Committee on Finance.  
By Mr. MOYNIHAN (for himself and Mr. SCHUMER):  
S. 66. A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.  
By Ms. SNOWE (for herself, Mr. KERRY, Mr. DURBIN, Mr. ROBB, Mr. SCHUMER, and Mr. KENNEDY):  
S. 69. A bill to establish the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the “Robert C. Weaver Federal Building”; to the Committee on Environmental and Public Works.  
By Mr. MOYNIHAN:  
S. 68. A bill for the relief of Dr. Yuri F. Orlov of New York; to the Committee on Governmental Affairs.  
By Mr. MOYNIHAN:  
S. 69. A bill to make available funds under the Foreign Assistance Act of 1961 to provide scholarships for nationals of any of the independent states of the former Soviet Union to undertake doctoral graduate study in the social sciences; to the Committee on Foreign Relations.  
By Ms. SNOWE:  
S. 70. A bill to require the establishment of a Federal task force on Regional Threats to International Security; to the Committee on Foreign Relations.  
S. 1. A bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes; to the Committee on Veterans Affairs.  
By Mr. MOYNIHAN:  
S. 73. A bill to make available funds under the Mutual Educational and Cultural Exchange Act of 1961 to provide Fulbright scholarships for Cuban nationals to undertake graduate study in the social sciences; to the Committee on Foreign Relations.  
By Mr. DASCHLE (for himself, Mr. KERRY, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Mr. REID, Mr. WYDEN, Mr. BOXER, Mr. LAUTENBERG, Mr. KENNEDY, Mr. KERRY, Mr. DURBIN, Ms. LANDRIEU, Mr. REED, Mr. ROBB, Mr. TORRICELLI, Mr. BREAUX, Mr. WELLSTONE, and Mrs. FEINSTEIN):  
S. 74. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages based on sex and for other purposes; to the Committee on Health, Education, Labor, and Pensions.  
By Mr. LUGAR (for himself, Mr. HAGEL, Mr. ROBERTS, and Mr. HELMS):  
S. 75. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.  
By Mr. LUGAR (for himself, Mr. HAGEL, Mr. ROBERTS, and Mr. HELMS):  
S. 76. A bill to phase-out and repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.  
By Mr. LUGAR (for himself, Mr. HAGEL, Mr. ROBERTS, and Mr. HELMS):  
S. 77. A bill to increase the unified estate and gift tax credit to exempt small businesses and farmers from estate taxes; to the Committee on Finance.  
By Mr. LUGAR (for himself, Mr. HAGEL, Mr. ROBERTS, and Mr. HELMS):  
S. 78. A bill to amend the Internal Revenue Code of 1986 to increase the gift tax exclusion to $25,000; to the Committee on Finance.  
By Ms. SNOWE (for herself and Mr. EFFORDS):  
S. 79. A bill to amend the Federal Election Campaign Act of 1971 to require disclosure of certain disbursements made for electioneering communications, and for other purposes; to the Committee on Rules and Administration.  
By Ms. SNOWE:  
S. 80. A bill to establish the position of Assistant United States Trade Representative for Small Business, and for other purposes; to the Committee on Finance.  
By Mr. MCCAIN (for himself, Mr. FRIST, Mr. ALLARD, and Mr. AKAKA):  
S. 81. A bill to authorize the Federal Aviation Administration to establish rules governing park overflights; to the Committee on Commerce, Science, and Transportation.  
By Mr. AKAKA:  
S. 82. A bill to authorize appropriations for the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.  
By Mr. BUNNING:  
S. 83. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to the planting and cleaning of crops, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.  
By Mr. BUNNING:  
S. 84. A bill to amend the Internal Revenue Code of 1986 to provide exemptions from tax with respect to public safety officers killed in the line of duty; to the Committee on Finance.  
By Mr. BUNNING:  
S. 85. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose; to the Committee on Finance.  
By Mr. BUNNING:  
S. 86. A bill to amend the Social Security Act to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide beneficiaries with disabilities, unemployment beneficiaries, and Low-Income Individuals with the opportunity to work, to extend Medicare coverage for such beneficiaries, and to make additional miscellaneous amendments relating to Social Security; to the Committee on Finance.  
By Mr. BUNNING:  
S. 87. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income on qualified payments shall also apply to payments by qualifying placement agencies, and for other purposes; to the Committee on Finance.  
By Mr. BUNNING:  
S. 88. A bill to amend title XIX of the Social Security Act to exempt disabled individuals from being required to enroll with a managed care entity under the medicad program; to the Committee on Finance.  
By Mr. HUTCHINSON:  
S. 89. A bill to prohibit the importation into the United States of articles that are manufactured with prison labor; to the Committee on Finance.  
By Mr. Mccain:  
S. 90. A bill to establish uniform criteria for the payment of United States arrearages in assessed contributions to the United Nations; to the Committee on Foreign Relations.  
By Ms. SNOWE:  
S. 91. A bill to restrict intelligence sharing with the United Nations; to the Committee on Foreign Relations.  
By Mr. DOMENICI (for himself, Mr. THOMPSON, Mr. SMITH of Oregon, Mr. MCCAIN, Mr. KYL, Mr. LUGAR, and Ms. COLLINS):  
S. 92. A bill to provide for biennial budget process and a biennial congressional appropriations process and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.  
By Mr. DOMENICI (for himself, Mr. GRASSLEY, Mr. GORTON, Mr. ABRAM, Mr. FRIST, Mr. GRAMS, Mr. SMITH of Oregon, Mr. THOMAS, Mr. Kyl, Mr. MACK, and Mr. VOINOVICH):  
S. 93. A bill to improve and strengthen the budget process; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.  
By Mr. MCCAIN:  
S. 94. A bill to repeal the telephone excise tax; to the Committee on Finance.  
By Mr. MCCAIN:  
S. 95. A bill to amend the Communications Act of 1934 to ensure the public availability of information concerning stocks traded on an established stock exchange continues to be freely and readily available to the public through all media of public communication; to the Committee on Commerce, Science, and Transportation.  
By Mr. MCCAIN:  
S. 96. A bill to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of the year’s date; to the Committee on Commerce, Science, and Transportation.  
By Mr. MCCAIN (for himself and Mr. HOLLINGS):  
S. 97. A bill to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet computers with Internet access to be eligible to receive or retain universal service assistance; to the Committee on Commerce, Science, and Transportation.  
By Mr. MCCAIN (for himself, Mr. HOLLINGS, and Mr. LOTT):  
By Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mr. STEVENS, Mr. CRAIG, Mr. WARNER, and Mr. ASHCROFT):  
S. 99. A bill to provide for continuing in the absence of regular appropriations for fiscal years 2000 to 2003 to the Committee on Appropriations.  
By Mr. MCCAIN:  
S. 100. A bill to grant the power to the President to reduce budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.
By Mr. LUGAR (for himself, Mr. ROBERTS, Mr. CRAIG, Mr. FITZGERALD, and Mr. COCHRAN):

S. 101. A bill to promote trade in United States specialty commodities, livestock, and value-added products, and to prepare for future bilateral and multilateral trade negotiations; to the Committee on Finance.

S. 102. A bill to provide that the Secretary of the Senate and the Clerk of the House of Representatives shall include an estimate of Federal and local benefits for each Member of Congress in their semiannual reports, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ALLARD (for himself and Mr. ENZI):

S. 103. A bill to amend the Internal Revenue Code of 1986 to eliminate the temporary increase in unemployment tax; to the Committee on Finance.

By Mr. GRAMS:

S. 104. A bill to provide for continuing appropriations in the absence of regular appropriations; to the Committee on Appropriations.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 105. A bill to deauthorize certain portions of the project for navigation, Bass Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 106. A bill to amend the Water Resources Development Act of 1996 to deauthorize the remainder of the project at East Boothbay Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 107. A bill to deauthorize the project for navigation, Boothbay Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 108. A bill to modify, and to deauthorize certain portions of, the project for navigation at Wells Harbor, Maine; to the Committee on Environment and Public Works.

By Mr. COVERDILL (for himself and Mr. CLELAND):

S. 109. A bill to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia; to the Committee on Energy and Natural Resources.

By Mr. SMITH of Oregon:

S. 110. A bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a federally-funded screening program; to the Committee on Finance.

By Mr. GRAMS:

S. 111. A bill to authorize negotiation for the accession of the United States to the North American Free Trade Agreement, and for other purposes; to the Committee on Finance.

By Mr. GRAMS:

S. 112. A bill to authorize negotiation of free trade agreements with the countries of the Americas, and for other purposes; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself, Mr. THURMOND, Mr. LEAHY, and Mr. JEFFORDS):

S. 113. A bill to increase the criminal penalties for threatening Federal judges, their family members, and other public servants, and for other purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 114. A bill to amend title VII of the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. FEINSTEIN (for herself and Mrs. FEINSTEIN):

S. 115. A bill to require that health plans provide coverage for lymphoma, breast cancer, and other wasting conditions that if one Committee reports, the bill to the Committee on Finance.

By Ms. SNOWE:

S. 116. A bill to establish a training voucher system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 117. A bill to permit individuals to continue health plan coverage of services while participating in approved clinical studies; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 118. A bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decision-making at the National Institutes of Health; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 119. A bill to establish a Northern Border States-Canada Trade Council, and for other purposes; to the Committee on Finance.

By Ms. SNOWE:

S. 120. A bill to amend title II of the Trade Act of 1974 to clarify the definition of domestic industry and to include certain agricultural products for purposes of providing relief from injury caused by import competition, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD:

S. 121. A bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, age, or disability; and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 122. A bill to amend title 37, United States Code, to ensure equitable treatment of members of the National Guard and the reserve components of the United States with regard to eligibility to receive special duty assignment pay, and for other purposes; to the Committee on Armed Services.

By Mr. FEINGOLD:

S. 123. A bill to phase out Federal funding of the Tennessee Valley Authority; to the Committee on Environment and Public Works.

By Mr. FEINGOLD:

S. 124. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from including any storage charges in the calculation of loan deficiency payments or loans made to producers for loan commodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. WYDEN, and Mr. JOHNSON):

S. 125. A bill to terminate operation of the Experimental Low Frequency Communication System of the Navy; to the Committee on Armed Services.

By Mr. FEINGOLD (for himself, Mr. LAUTENBERG, Mr. WYDEN, and Mr. JOHNSON):

S. 126. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Finance.

By Ms. SNOWE:

S. 127. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day care and respite care expenses of individual taxpayers with respect to the taxpayer who suffers from Alzheimer’s disease or a related organic brain disorder; to the Committee on Finance.

By Ms. SNOWE:

S. 128. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women; to the Committee on Finance.

By Mr. CRAIG:

S. 129. A bill for the relief of Benjamin M. Banfield; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 130. A bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. SPEETER, Mr. BAUCUS, Mr. KERREY, Ms. LANDRIEU, Mrs. BOXER, and Mr. JEFFORDS):

S. 131. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. DASCHLE, Mrs. MURRAY, Mr. LEVIN, Mr. WELSTON, Mrs. BOXER, Mr. KERRY, Ms. MIKULSKI, and Mr. BAUCUS):

S. 132. A bill to provide for teacher excellence and classroom help; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL:

S. 133. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in tax on social security benefits; to the Committee on Finance.

By Mr. KYL:

S. 134. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses of attending elementary and secondary schools and for contributions to charitable organizations which provide scholarships for children to attend such schools; to the Committee on Finance.

By Mr. ROBB (for himself and Mr. HILL):

S. 135. A bill to grant the power to the President to reduce budget authority; to the Committee on the Budget and the Committee on Governmental Affairs.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):
S. 140. A bill to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 141. A bill to amend section 945 of title 18, United States Code, relating to explosive materials; to the Committee on the Judiciary.

S. 142. A bill to amend section 842 of title 18, United States Code, relating to record-keeping requirements for explosive materials transfers; to the Committee on the Judiciary.

S. 143. A bill to amend the Professional Boxing Act of 1996 to standardize the physical examinations that each boxer must take prior to each professional boxing match and to require a brain CAT scan every 2 years as a requirement for the licensing of a boxer; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself and Mr. MAXEX):

S. 144. A bill to require the Secretary of the Interior to review the suitability for inclusion in the National Wilderness Preservation System of the Everglades expansion area; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM:

S. 145. A bill to control crime by requiring mandatory victim restitution; to the Committee on the Judiciary.

By Mr. ABRAHAM (for himself, Mr. ALLARD, Mrs. FEINSTEIN, Mr. HATCH, Mr. THURMOND, Mr. HELMS, Mr. KYL, Mr. HUTCHINSON, Mr. GRAMS, Mr. ENZI, Mr. HAGEL, and Mr. COVERMAN):

S. 146. A bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes; to the Committee on the Judiciary.

By Mr. ABRAHAM (for himself, Mr. LEVIN, Mr. ASHCROFT, and Mr. DEDWYNE):

S. 147. A bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles and light trucks until 2010 and beyond; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN:

S. 148. A bill to amend chapter 44 of title 18, United States Code, to prohibit the manufacture, transfer, or importation of .25 caliber and .32 caliber ammunition; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 149. A bill to amend chapter 121 of title 18, United States Code, to increase fees paid to Federal jurors, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 150. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 151. A bill to prohibit the use of certain ammunition, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 152. A bill to require the Secretary of Commerce to determine any surpluses or shortfalls in certain grant amounts made available to States by reason of an undercount in the most recent decennial census conducted by the Bureau of the Census; to the Committee on Energy and Natural Resources.

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

S. 153. A bill to extend the authorization for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania, to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 154. A bill to amend title 18, United States Code, with respect to the licensing of ammunition manufacturers, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 155. A bill to provide for the collection and dissemination of information on injuries, death, and family dissolution due to bullets; to require the keeping of records with respect to dispositions of ammunition, and to increase taxes on certain bullets; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 156. A bill to amend chapter 44 of title 18, United States Code, to prohibit the manufacture, transfer, or importation of .25 caliber and .32 caliber ammunition; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 157. A bill to amend the Internal Revenue Code of 1986 to increase the minimum millimeter, .25 caliber, and .32 caliber bullet taxes; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 158. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 159. A bill to amend chapter 121 of title 18, United States Code, to increase fees paid to Federal jurors, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 160. A bill to authorize the Architect of the Capitol to develop and implement a plan to improve the Capitol grounds through the elimination and modification of space allocated for parking; to the Committee on Rules and Administration.

By Mr. MOYNIHAN:

S. 161. A bill to provide for a transition to mark all motor fuel sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BREAUX (for himself, Ms. LANDRIEU, Mr. HELMS, and Mr. NICKLES):

S. 162. A bill to amend the Internal Revenue Code of 1986 to change the determination of the 50,000-barrel refinery limit on oil depletion deduction from a daily basis to an annual average daily basis; to the Committee on Finance.

By Mr. BREAUX:

S. 163. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 164. A bill to improve mathematics and science instruction; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MOYNIHAN (for himself, Mr. EFFORDS, and Mr. LIEBERMAN):

S. 165. A bill to require the Secretary of Education to conduct a correct poverty data study and to account for cost of living differences; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MOYNIHAN:

S. 166. A bill to require the Secretary of Commerce to determine any surpluses or shortfalls in certain grant amounts made available to States by reason of an undercount in the most recent decennial census conducted by the Bureau of the Census; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 167. A bill to extend the authorization for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania, to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 168. A bill for the relief of Thomas J. Salone, Jr.; to the Committee on the Judiciary.

By Mr. CLELAND (for himself, Mr. ROBB, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. BYRD, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. REED, and Mr. DASCHLE):

S. 169. A bill to improve pay, retirement, and educational assistance benefits for members of the Armed Forces; and for other purposes; to the Committee on Armed Services.

By Mr. SMITH of New Hampshire (for himself, Mr. MOYNIHAN, and Mr. MACK):

S. 170. A bill to permit revocation by members of the clergy of their exemption from Social Security coverage; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. LEVIN, Mr. LEAHY, Mr. SCHUMER, Mrs. BOXER, and Mr. CLELAND):

S. 171. A bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN (for himself, Mr. SCHUMER, and Mr. LIEBERMAN):

S. 172. A bill to reduce acid deposition under the Clean Air Act for and for other purposes; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN:

S. 173. A bill to amend the Immigration and Nationality Act to revise amendments made by the Illegal Immigration Reform and Immigrant Responsibility Act; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself, Mr. BENNETT, and Mr. DODD):

S. 174. A bill to provide funding for States to combat Y2K problems that are used to administer State and local government programs; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 175. A bill to repeal the habeas corpus requirement that a Federal court defer to State court judgments and uphold a conviction regardless of whether the Federal court believes that the State court erroneously interpreted constitutional law, except in cases where the Federal court believes that the State court acted in an unreasonable manner; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 176. A bill to direct the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the history of the Harlem Renaissance, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:

S. 177. A bill for the relief of Donald C. Pence; to the Committee on Veterans Affairs.

By Mr. INOUYE:

S. 178. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.
By Mr. INOUYE:
S. 179. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in prevention of domestic violence, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:
S. 180. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State Medicaid programs; to the Committee on Finance.

By Mr. INOUYE:
S. 181. A bill to amend the Social Security Act to remove the restriction that a professional psychologist or clinical social worker provide services in a comprehensive rehabilitation facility to a patient only under the care of a physician, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:
S. 182. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Governmental Affairs.

By Mr. INOUYE:
S. 183. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

By Mr. INOUYE:
S. 184. A bill to convert a temporary Federal judicial district in the district of Hawaii to a permanent judicial district, to authorize an additional permanent judicial district in the State of Hawaii, to extend statutory authority for magistrate positions in Guam and the Northern Marianas Islands, and for other purposes; to the Committee on the Judiciary.

By Mr. ASHCROFT (for himself, Mr. DASCHELLE, Mr. BAUCUS, Mr. BURNS, Mr. BROWNBACK, Mr. GRASSLEY, and Mr. HAGEL):
S. 185. A bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative; to the Committee on Finance.

By Mr. MURkowski (for himself and Mr. Gorton):
S. 186. A bill to provide for the reorganization of the Ninth Circuit Court of Appeals, and for other purposes; to the Committee on the Judiciary.

By Mr. SARBAZ (for himself, Mr. DODD, Mr. BRYAN, Mr. LEAHY, Mr. EDWARDS, and Mr. HOLLINGS):
S. 187. A bill to give customers notice and choice about how their financial institutions share their personally identifiable sensitive financial information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURDEN (for himself and Mr. BURNS):
S. 188. A bill to amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements; to the Committee on Environment and Public Works.

By Mr. INOUYE:
S. 189. A bill to restore the traditional day of observance of Memorial Day; to the Committee on Veterans' Affairs.

By Mr. INOUYE:
S. 190. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

By Mr. INOUYE:
S. 191. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. DASCHELLE, Mr. LEAHY, Mr. SARBAZ, Mr. MOYNIHAN, Mr. LEVIN, Mr. DODD, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. KERRY, Mr. HARKIN, Ms. MIKULSKI, Ms. AKAKA, Mr. FEINSTEIN, Ms. BOXER, Mrs. MURRAY, Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. TORRICELLI, Mr. REED, and Mr. SCHUMER):
S. 192. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:
S. 193. A bill to apply the same quality and safety standards to domestically manufactured handguns that are currently applied to imported handguns; to the Committee on the Judiciary.

By Mrs. BOXER:
S. 194. A bill to amend the Internal Revenue Code of 1986 to allow the first $2,000 of health insurance premiums to be fully deductible; to the Committee on Finance.

By Mrs. BOXER:
S. 195. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit; to the Committee on Finance.

By Mrs. BOXER:
S. 196. A bill to extend the Internal Revenue Code of 1986 to waive in the case of multiemployer plans the section 415 limit on benefits to the participant's average compensation for his high 3 years; to the Committee on Finance.

By Mrs. BOXER:
S. 197. A bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to cease mineral leasing activity on the outer Continental Shelf seaward of a coastal State that has declared a non-Mineral Management Plan, to enter into joint oil and gas exploration, development, or production activity in State water; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:
S. 198. A bill to amend the Social Security Act to provide for improved data collection and evaluations of State programs to be used primarily for statistical purposes under strong safeguards; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:
S. 199. A bill to amend the Social Security Act to increase the authorization of appropriations for the maternal and child health services block grant and to promote integrated physical and specialized mental health services for children and adolescents; to the Committee on Finance.

By Mr. MOYNIHAN:
S. 200. A bill to amend title XXI of the Social Security Act to provide for improved data collection and evaluations of State Children's Health Insurance Programs, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN:
S. 201. A bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative; to the Committee on Finance.

By Mr. MOYNIHAN:
S. 202. A bill to amend title XVIII of the Social Security Act and the Employee Re-    
insurance Company Act to provide for an equitable determination of the Federal medical assist-    
ance percentage; to the Committee on Finance.

By Mr. MOYNIHAN:
S. 203. A bill to amend title XIX of the Social Security Act to provide for an equitable determination of the Federal medical assist-    
ance percentage; to the Committee on Finance.

By Mr. MOYNIHAN:
S. 204. A bill to amend chapter 5 of title 13, United States Code, to require that any data relating to the incidence of poverty produced or published by the Secretary of Commerce for subnational areas is corrected for differences in the cost of living in those areas; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:
S. 205. A bill to establish a Federal Commission on Statistical Policy to study the reorganization of the Federal statistical system, to provide uniform safeguards for the confidentiality of information acquired from scientifically statistical surveys to improve the efficiency of Federal statistical programs and the quality of Federal statistics by permitting limited sharing of records among designated agen-    
cies under strong safeguards; to the Committee on Finance.

By Mr. MOYNIHAN:
S. 206. A bill to amend title V of the Social Security Act to increase the authorization of appropriations for the maternal and child health services block grant and to promote integrated physical and specialized mental health services for children and adolescents; to the Committee on Finance.

By Mr. MOYNIHAN:
S. 207. A bill to enhance family life; to the Committee on Finance.

By Mr. MOYNIHAN:
S. 208. A bill to prohibit States from imposing a family cap under the program of temporary assistance to needy families; to the Committee on Finance.

By Mr. MOYNIHAN:
S. 209. A bill to establish a medical education trust fund, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. ROTH, Mr. BAUCUS, Mrs. BOXER, Mr. BRYAN, Mr. CONRAD, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. JEFFORDS, Mr. KYL, Mr. LEAHY, Mr. MIKUL-    
ski, Mr. MURkowski, Mr. ROBB, and Mr. SCHUMER):
S. 210. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):
S. 211. A bill to amend the Economic Opportunity Act of 1964 to authorize to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):
S. 212. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation of...
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the cover over of tax on distilled spirits, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):
S. 214. A bill to amend the Internal Revenue Code of 1986 to extend the research and development tax credit to research in the Commonwealth of Puerto Rico and the possessions of the United States; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):
S. 215. A bill to amend title XXI of the Social Security Act to increase the allotments for teaching programs under the State Children's Health Insurance Program; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):
S. 216. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. INOUYE, and Mr. WELLSTONE):
S. 217. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of charitable transfers of collections of personal papers with a separate right to control access to the documents; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. SCHUMER, and Mr. DURBIN):
S. 218. A bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suiting; to the Committee on Finance.

By Mr. MOYNIHAN:
S. 219. A bill to authorize appropriations for the United States Customs Service; to the Committee on Finance.

By Mr. MOYNIHAN:
S. 220. A bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance and NAFTA transitional adjustment assistance programs under that Act, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. INOUYE):
S. 221. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, so that the Committee on Finance may be consulted in connection with the provision of consumer goods and services for the clean-up, repair, and recovery from the effects of a major disaster declared by the President, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself and Mr. DEWINE):
S. 222. A bill to amend title 23, United States Code, to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mr. DASCHEL, MR. CONRAD, MR. BINGAMAN, MR. EDWARDS, MR. TORRICELLI, MR. KERRY, MR. BREAXE, MR. INOUYE, MRS. BIDEN, and Mr. JOHNSON):
S. 223. A bill to help communities modernize public school facilities, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN:
S. 224. A bill to amend the Internal Revenue Code of 1986 to correct the treatment of tax-exempt financing of professional sports facilities; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. AKAKA):
S. 225. A bill to provide housing assistance to Native Hawaiians; to the Committee on Indian Affairs.

By Mr. FEINGOLD:
S. 226. A bill to promote democracy and good governance in Nigeria, and for other purposes; to the Committee on Foreign Relations.

By Mr. COVERDELL (for himself and Mr. BROWNBACK):
S. 227. A bill to prohibit the expenditure of Federal funds for programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:
S. 228. A bill for the relief of Susan Rebola Cardenas; to the Committee on the Judiciary.

By Mr. INOUYE (for himself and Mr. AKAKA):
S. 229. A bill for the relief of the State of Hawaii; to the Committee on Finance.

By Mr. INOUYE:
S. 230. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Governmental Affairs.

By Mr. INOUYE:
S. 231. A bill to provide for a special application of section 1034 of the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. INOUYE:
S. 232. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:
S. 233. A bill to amend title VII of the Public Health Service Act to ensure that social workers employed by social agencies are qualified to provide services to low-income elderly persons; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:
S. 234. A bill to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

By Mr. INOUYE:
S. 235. A bill to amend title VII of the Public Health Service Act to allow certain grant programs in professional psychology eligible to participate in various health professions loan repayment programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:
S. 236. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:
S. 237. A bill to allow the psychiatric or psychological examinations required under title 10, United States Code, to be performed by a qualified psychologist in the Veterans Health Administration; to the Committee on the Judiciary.

By Mr. INOUYE:
S. 238. A bill to amend title 17, United States Code, to reform the copyright law to simplify the procedures of the Federal courts in certain matters, to reformat prisoner litigation, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. MCCAIN, Mr. DEWINE, MR. KOHL, and Mr. LOTT):
S. 242. A bill to amend chapter 81 of title 5, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. ASHCROFT, MR. THURMOND, MR. Sessions, MRS. Kyl;)
S. 243. A bill to authorize the construction of the Perkins County Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON (for himself, Mr. DASCHEL, Mr. GRAMS, MR. WELLSTONE, MR. GRASSLEY, and Mr. HARKIN):
S. 244. A bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:
S. 245. A bill to reauthorize the Federal programs to prevent violence against women, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. MCCAIN, Mr. DEWINE, Mr. KOHL, and Mr. LOTT):
S. 247. A bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. DEWINE):
S. 248. A bill to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. DEWINE):
S. 249. A bill to establish ethical standards for Federal prosecutors, and for other purposes.

By Mr. THURMOND:
S. J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.
By Mr. KYL (for himself, Mr. ABRAHAM, Mr. ALLARD, Mr. ASHcroft, Mr. BROWNBACK, Mr. COVERDELL, Mr. CRAPO, Mr. Frist, Mr. GRAMM, Mr. GREGG, Mr. HAGEL, Mr. HATCH, Mr. HUTCHISON, Mr. INHOFE, Mr. MACK, Mr. McCONNELL, Mr. Sessions, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Texas, Mr. SPECTER, Mr. STEPHENS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICE, Mr. WARNER, and Mr. Wellingstone):

S. Res. 1. A concurrent resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000 in fiscal year 2000; to the Committee on the Budget and the Committee on Science, Technology, and Innovation.

By Mr. KYL (for himself, Mr. FEINSTEIN, Mr. BIDEN, Mr. GRASSLEY, Mr. INOUYE, Mr. DEWINE, Ms. LANDRIEU, Ms. SNOWE, Mr. LIEBERMAN, Mr. MACK, Mr. CLELAND, Mr. COVERDELL, Mr. SMITH of New Hampshire, Mr. SHELBY, Mr. HUTCHISON, Mr. HELMS, Mr. Frist, Mr. GRAMM, Mr. LOTT, and Mrs. HUTCHISON):

S. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States to require the protection of the rights of crime victims; to the Committee on the Judiciary.

By Mr. KYL:

S. Res. 3. A joint resolution proposing an amendment to the Constitution of the United States to provide that expenditures for a fiscal year shall not exceed neither revenues for that fiscal year nor 19 per centum of the Nation's gross domestic product for the calendar year ending before the beginning of such fiscal year; to the Committee on the Judiciary.

By Mr. GRAMM (for himself and Mr. GORTON):

S. Res. 4. A joint resolution providing for a Balanced Budget Constitutional Amendment that prohibits the use of Social Security surpluses to achieve compliance; to the Committee on the Judiciary.

By Mr. Hollings (for himself, Mr. SPECTER, Mr. MCCAIN, and Mr. BRANSTAD):

S. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. THURMOND, Mr. CRAIG, and Mr. ASHCROFT):

S. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself and Mr. Harkin):

S. Res. 19. A resolution to express the sense of the Senate that Federal investment in biomedical research should be increased by $2,000,000 in fiscal year 2000; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1997 with instructions, that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. JEFFORDS (for himself and Mr. KENNEDY):

S. Res. 20. A resolution to rename the Committee on Labor and Human Resources the Committee on Health, Education, Labor, and Pensions; considered and agreed to.

By Mr. Frist (for himself and Mr. Hoggenson):

S. Res. 21. A resolution congratulating the University of Tennessee Volunteers football team on winning the 1998 National Collegiate Athletic Association Division I-A football championship; considered and agreed to.

By Mr. CAMPBELL (for himself, Mr. ABRAHAM, Mr. McCACA, Mr. ALLARD, Mr. BIDEN, Mr. BINGAMAN, Mr. BROWNBACK, Mr. BRYAN, Mr. BURNS, Mr. CLELAND, Mr. COVERDELL, Mr. CRAMER, Mr. Daschle, Mr. DeWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. Frist, Mr. Gorton, Mr. GRAMM, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HOLLSING, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. LEAHEY, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURkowski, Mrs. MURRAY, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. TORRICE, Mr. WARNER, and Mrs. WELLSSTONE):

S. Res. 22. A joint resolution commending and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers under the order of August 4, 1977 with instructions, that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. Durbin (for himself and Mr. Fitzgerald):


By Mr. McCAIN (for himself and Mr. KYL):

S. Res. 25. A bill to reform the budget process by making the process fairer, more efficient, and more open; to the Committee on Rules and Administration.

By Mr. Lugar:

S. Res. 26. A resolution expressing the sense of the Senate that the income tax should be eliminated and replaced with a national sales tax; to the Committee on Finance.

By Mr. McCAIN (for himself and Mr. KYL):

S. Res. 27. A bill to extend programs and activities under the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself, Mr. GREGG, Mr. LOTT, Mr. MCCAIN, Mr. MACK, and Mr. COVERDELL):

S. 2. A bill to extend programs and activities under the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

EDUCATIONAL OPPORTUNITIES ACT

Mr. JEFFORDS. Mr. President, I am pleased to introduce as an amendment the Majority Leader in introducing the "Educational Opportunities Act." This legislation extends programs authorized under the Elementary and Secondary Education Act (ESEA) and will serve as the foundation for our efforts this Congress to expand and strengthen those programs.

The 106th Congress will see the close of the 20th century and the birth of the new millennium. At such a time, one quite naturally begins to imagine the advances and challenges—the promises and perils—which lie ahead. As a nation, we have viewed the future with optimism. We know the march of civilization may at times be uphill, but we move as a people towards our goal forward. We know as well that the success of our efforts will not rely upon luck, but upon hard work and thoughtful planning.

It comes as little surprise, therefore, that at this time in history our thoughts turn to education. From the kitchen table to the board room to the halls of Congress, education heads the agenda. That is as it should be, as we rediscover the truth in Aristotle's observation that "all who have meditated on the art of governing mankind have been convinced that the fate of empires depends on the education of youth."

Reauthorization of federal elementary and secondary education programs this Congress offers this Congress an opportunity to make a lasting mark on the programs and policies which will define the role of the United States in the coming century. Our international competitors have long observed and admired our system of education; unfortunately, in all too many cases, the pupils have surpassed the teacher. We lag behind many of our competitors. We must pick up the pace, and we must do so without delay.

The renewed emphasis on education has stimulated thinking and has produced a wealth of ideas regarding the paths we should follow. As chairman of the Senate committee charged with pulling these ideas into a sound and coherent package, I am looking forward to a Congress which is both challenging and productive.

It is my hope that the Educational Opportunities Act will bring to the education successes of the 106th Congress and will recycle the important initiatives which touched the lives of students of all ages—from youngsters in Head Start and Even Start, to special education students, to high school vocational students, to college undergraduates and graduate students, to adults in need of remedial education.

These successes were possible because of a willingness to work together towards common objectives. In the United States Congress, we begin with 535 individual roads marking a course to our destination. Arriving there will require the good faith give-and-take which has characterized our finest moments as a democracy.

The legislation which Senator Lott and I are introducing today does not fill in all the blanks regarding federal elementary and secondary education policy. What it does do is set the course to our destination. Arriving there will require the good faith give-and-take which has characterized our finest moments as a democracy.

The findings and purposes contained in this legislation are intended to underscore the basic building blocks of
success; parental involvement, qualified teachers, a safe learning environment, and a focus on high achievement by all students.

Everyone has a role to play in assuring our students acquire the knowledge and skills they need to compete in the United States number one in the world. Parents are the first and most consistent educators in a child’s life. Reading to young children and emphasizing the importance of education instills a love of learning which lasts a lifetime. The teacher in the classroom is at the core of educational improvement. Without a strong, competent, well prepared teaching force, other investments in education will be of little value. It has been 15 years since the national crisis in education was raised by the “A Nation At Risk” report. The admonition was given in these terse words: If a foreign government has imposed on us our educational system we would have declared it an act of war.

Yet little has changed. There is some improvement in science but little in math. Children are coming to school slightly more prepared to learn, but this is primarily in the areas of health. It is obvious that nothing is going to change unless it changes in the classroom. And nothing will change in the classroom until the teachers change. And the teachers cannot be expected to change until they have help in knowing what is expected of them.

The Higher Education Amendments enacted into law last October took significant steps towards demanding excellence in education. This is primarily in the area of health.

The federal government, since the Elementary and Secondary Education Act was initiated in 1965, has offered support for these efforts—as well as providing critical additional resources to offer extra help to educationally disadvantaged students. In addition, the federal government makes a significant investment in research, a key challenge for us will be determining how the federal investments can be most effectively targeted. The research we support must not only be sound but must also be useful and readily available to states and localities.

Ultimately, the focus of all of our efforts must be on the student in the classroom. The training of teachers, the establishment of expectations, and the development of assessments are all pieces of the puzzle which take shape in the classroom itself. If we keep that objective foremost in mind, we will build the educational system we need and that our children deserve.

By Mr. GRAMS (for himself, Mr. ROTH, Mr. ABRAHAM, Mr. ASHCROFT, Mr. LOTT, Mr. MCCAIN, Mr. COVERDELL, and Mrs. HUTCHISON):

S. 3. A bill to amend the Internal Revenue Code to reduce individual income tax rates by 10 percent; to the Committee on Finance.

TAX CUTS FOR ALL AMERICANS ACT

Mr. GRAMS. Mr. President, I rise today to introduce S. 3, the Tax Cuts for All Americans Act, along with Senator ROTH, Chairman of the Senate Finance Committee.

First, I’d like to commend the Senate Majority Leader for including this important legislation as one of the Republican agenda. In a family’s Fi-

nance Committee Chairman ROTH for making this a committee priority. This emphasizes the importance and com-

mitment by Republicans to provide meaningful tax relief for working Americans.

Mr. President, American families are taxed at the highest levels in our history, even higher than during World War II, with nearly 40 percent of a typical family’s income going to pay taxes on the federal, state and local levels.

Today, the Clinton Administration consumes over 20.5 percent of America’s entire gross domestic product. That’s the highest level since 1946 when taxes were raised to pay for the war.

The average American family today spends more on taxes than it does on food, clothing, and housing combined. The “hidden taxes” that result from the high cost of government regulations and the tax cut, Mr. President. They are now taxed at a higher rate than at any time since the Vietnam War. Not even at the height of the Vietnam War have the American people seen such a large part of their income siphoned off to the federal government this year.

It was John F. Kennedy who observed that “an economy hampered with high tax rates will never produce enough revenue to balance the budget just as it will never produce enough output and enough jobs.”

It was seven years ago, President Reagan enacted a 25 percent across-the-board tax cut and in 1986, President Reagan signed a landmark piece of legislation to reduce the marginal tax rate from a simple two-rate income tax system: 15 percent and 28 percent.

What resulted was nothing short of an economic miracle. Our nation experienced the longest peacetime economic expansion in American history, the benefits of which we are still enjoying today. Ronald Reagan fought for tax cuts, not to bribe special interest groups to buy their votes—but because individuals have a right to spend their own money.

Mr. President, Reagan was right. When we enact the 10 percent across-the-board tax cut, we will make our economy more dynamic, and our families more prosperous as we approach the 21st cen-

Mr. GRAMS. Mr. President, I rise to join my colleagues Senators GRAMS and ROTH in introducing S. 3, the Tax Cut for All Americans Act. This legislation will provide every American taxpayer with substantial tax relief by cutting all income tax rates 10 percent across the board, effective January first of this year.

American working families need this tax relief, Mr. President. They are now taxed at a higher rate than at any time since World War II. Not even at the height of the Vietnam War have the American people seen such a large part of their pay taken away from them in the form of taxes.

Since the current Administration came into office in 1993, federal taxes have gone up by over 35 percent, or over $600 billion. The nonpartisan Tax Foundation recently told us that these taxes cost nearly $1 trillion to the typical American family. First, they mean that the typical family now pays more in total taxes than it spends on food, clothing and shelter combined—spending more than 3 percent on taxes and double that percent on food, clothing and housing.

Second, the typical American now works nearly three hours out of an eight hour day just to pay taxes. That American works from January 1 to May 10, the latest day ever, before he or she stops working for the government and starts working for himself or herself.

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Mr. WARNER. Mr. President, today Senator LOTT, the Majority Leader, introduced S-4, The Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999.

Mr. WARNER. Mr. President, I urge my colleagues to support this important legislation in the name of fairness and economic responsibility. The Joint Chiefs testified that the "Redux" retirement system is responsible for an increasing number of mid-career military personnel deciding to leave the service. S-4 will offer these highly trained personnel an attractive option to incentivize them to continue to serve a full career.

We will establish a Thrift Savings Plan that will allow service members to save up to five percent of their base pay, before taxes, and will permit them to directly deposit their enlistment and re-enlistment bonuses into their Thrift Savings Plan. In a separate section, the bill authorizes Service Secretaries to offer to match the Thrift Savings Plan contributions of those service members serving in critical specialities for a period of six years in return for a six year service commitment. This is a powerful tool to assist the services in retaining key personnel in the most critical specialities.

Senator McCain was the key proponent of an initiative in S-4 that would authorize a Special Subsistence Allowance to assist the most needy junior military personnel who are eligible for food stamps. The allowance would provide these families an additional $180 per month and will reduce the number of military families on the foodstamp rolls.

As I and other Members of the Senate, have visited military bases here in the United States, in Bosnia and in other deployment areas, we have found that our young service men and women are doing a tremendous job, in many cases, under adverse conditions. In order to demonstrate to these highly trained and dedicated military personnel that we appreciate their sacrifices and contributions, we must move quickly to pass this legislation. Such action will permit military personnel and their families to continue to serve and will assist the military services in recruiting the high quality force we have worked so hard to achieve.

I am proud to be co-sponsor of this important legislation and will do my utmost to ensure its quick passage.

Mr. MCcAIN. Mr. President, I rise today with my Republican colleagues to introduce legislation, S. 4, to provide increased pay and retirement benefits to members of the U.S. Armed Forces and their families. As one who has long warned that declining defense budgets and increasing commitments were propelling our military towards the infamous "hollow force" of the 1970s, I decided last October 7th to join with my friend, Senator Pat Roberts, to craft legislation, S. 2563, that would restore military retirement benefits to a full 50 percent of base pay for 20-year retirees in order to encourage highly trained, experienced military personnel to remain in the service. Unfortunately, because of time constraints, Congress did not act on the bill last year.
Since then I have worked closely with Senator ROBERTS and the Republican Leader, Senator LOTT, to draft legislation that address the readiness concerns of the Joint Chiefs of Staff and the Secretary of Defense. This bill is a significant step toward addressing the pressing readiness problems afflicting our Armed Forces. The Joint Chiefs of Staff have repeatedly stated the current retirement and pay gap is their highest priority for solving the retention problem and improving the preparedness of our men and women in uniform.

Specifically, this legislation which is sponsored by Major Leader LOTT, Senator ROBERTS, myself the distinguished Chairman of the Armed Services Committee and the other committee Republicans, includes a 4.8% pay raise, effective January 1, 2000, pay table reform, restored military retirement benefits to the pre-1996 level of 50 percent, Thrift Savings Plan proposals, and a Special Subsistence Allowance to help the neediest families in the Armed Forces, many of whom now require federal food stamp assistance.

Mr. President, the Republican Leader has agreed to make this legislation a priority for the 106th Congress and we fully expect to pass this legislative proposal by Memorial Day. If Congress approves this bill by the end of May, then 3,000 military families will be paid enough to get them off food stamps at the beginning of next year. It is unconscionable that the men and women who are willing to sacrifice their lives for their country have to rely on food stamps to make ends meet. The Pentagon estimates that approximately 11,900 military households currently receive food stamps. This bill will help nearly 10,000 of these military families get off food stamps over the next 5 years by ensuring their income is sufficient to provide for their spouses and children.

Mr. President, it is critical that we address the concerns of the senior military leadership who have cited better military pay and retirement benefits as their highest priority. We failed to do so last year. We must move this bill through Congress quickly this year to slow the exodus of our pilots, military personnel, Naval special operations policemen, and the Secretary of Defense.

As we all know, reducing drug use is a team effort at all levels of government: the Federal Government, the State government, the local government, the federal law enforcement agencies, the Coast Guard, and the Defense Department. In other words, our drug interdiction effort had been falling far behind. It had become clear that the resources and manpower devoted to reducing illegal drug importation to our Customs Service, the Coast Guard, and the Defense Department. In other words, our drug interdiction effort had been falling farther and farther behind. It had become less and less a percentage, a smaller percentage of our budget year after year.

By Mr. Dewine for himself, Mr. Abraham, Mr. Ashcroft, Mr. Grassley, Mr. Hatch, Mr. Lott, Senator Coverdell, and Mr. McCain:

S. 5. A bill to reduce the transportation and distribution of illegal drugs and to strengthen domestic demand reduction and for other purposes; to the Committee on the Judiciary.

DRUG FREE CENTURY ACT

Mr. DEWINE. Mr. President, it is an honor for me, today, to be introducing the Drug Free Century Act. This bill is cosponsored by Senator ABRAHAM, Senator ASHCROFT, Senator GRASSLEY, Senator HATCH, the chairman of the Judicial Committee, Senator HATCH, and the chairman of the Caucus on International Narcotics Control. I want to extend my thanks to Senator GRASSLEY. This legislation is truly a team effort. There are over a dozen Members of the Senate who have worked very extensively on this bill and I appreciate very much their work. This is really a team effort. This bill is a comprehensive approach to anti-drug effort, and it really is a continuation of the great work that was begun by Congress last year.

This legislation represents the continuation of those efforts that we began last year, a continuation of the efforts to reverse the dangerous trend of rising drug use in our country, particularly among our young people. According to data prepared as part of the Monitoring the Future Program funded by the National Institute on Drug Abuse, from 1992 to 1997 we saw an 80 percent increase in cocaine use among high school seniors, and a 100 percent increase in heroin use among high school seniors.

Other very serious trends related to drug use highlight the problems that have increased over the course of the last decade. Drug abuse related arrests for minors doubled between 1992 and 1996. Emergency room admissions related to heroin jumped 58 percent between 1992 and 1996. In the first half of 1995, methamphetamine related emergency room admissions were 321 percent higher compared to the first half of 1991.

This increase in drug use and criminal activity virtually wiped out the gains made in the previous decade. Just in the 4 years prior to 1992, the Office of National Drug Control Policy—the drug czar’s office—reported a 25 percent reduction in drug use by adolescent Americans, and a 35 percent reduction in overall drug use.

Last year, Congressman BILL MCCOLLUM and I and other Members of the Senate and House took a close look at why our increasing investment in anti-drug programs was not resulting in a decline in drug use among young people. One immediate problem that we found was a clear decline in resources and manpower devoted to reducing illegal drug importation to our Customs Service, the Coast Guard, and the Defense Department. In other words, our drug interdiction effort had been falling farther and farther behind. It had become less and less a percentage, a smaller percentage of our budget year after year.

As a result, the volume of drugs entering our country and, in turn, the price of drugs on the streets of America has never been higher, making illegal drugs too easy to find and too easy to buy.

To reverse this trend and to correct the imbalance, Congressman MCCOLLUM and I last year led a bipartisan, bicameral effort to pass the Western Hemisphere Drug Elimination Act. We passed it and the President signed it.

We were joined in this effort by the Republican Leader, and Speaker NASTERT, by Senator COVERDELL, Senator GRAHAM of Florida, and many, many others. This new law provides a 3-year, $26 billion investment in our drug-fighting capabilities abroad. Through crop eradication and drug interdiction we will reduce the amount of drugs entering our country and, in turn, increase the price of drugs on the streets of America.

An even larger goal of this new law is to restore a balanced antidrug strategy, one that makes a clear commitment to all the elements of our strategy—treatment, education, domestic law enforcement, and drug interdiction. A balanced drug control strategy worked before, and we are ready to make it work again.

The Western Hemisphere Drug Elimination Act that we cited last year was one of several key initiatives passed by the Republican Congress. There is no doubt we are determined to turn the corner on drug use. Congressman ROB PORTMAN of Cincinnati, Senator CHUCK GRASSLEY, myself, and others worked to pass the Drug Free Communities Act, which directs Federal funds to community coalitions that educate children about the dangers of drugs. The 105th Congress also passed the Substance Abuse Prevention and Treatment Act, which will streamline existing Federal education and treatment programs and make these programs more accountable. We also passed the Drug Free Workplace Act, which provides grants to assist nonprofit organizations in promoting drug-free workplaces, and encourages States to adopt cost-effective financial incentives, such as a reduction in worker’s compensation premiums for drug-free workplaces.

The today, with the Drug Free Century Act that we are introducing, we will continue to make oversight and reform of our antidrug policies a top priority of this Congress. This bill is the beginning of a critical and comprehensive examination of our antidrug strategy. While we devoted most of last year to correcting the resource imbalances that we found in this strategy, we intend to devote the next 2 years to looking at the effectiveness of the very programs that we reviewed last year. We are also ready to change current laws to crack down on the elements within the illegal drug industry.
The Drug Free Century Act is the first phase of this effort. It addresses all elements of our antidrug strategy, and it is a comprehensive strategy that we are presenting today—education, treatment, law enforcement, and drug interdiction.

It is my hope that as we examine our drug strategy through meetings and hearings, we will build on the foundation of the legislation that we are introducing this morning.

First, the Drug Free Century Act contains much-needed reforms in our international criminal laws. It would improve extradition procedures for those who flee justice for drug crimes by prohibiting fugitives from benefitting from fugitive status. It would crack down on illegal money-transmitting businesses. It would punish money launderers who conduct their business through foreign banks. And it would enable greater global cooperation in the fight against international crime.

Mr. President, these provisions, advocated by the chairman of our caucus on international narcotics control, Senator Grassley, are designed to disrupt and dismantle the drug lords' criminal infrastructure. And like the Western Hemisphere Drug Elimination Act we passed in the last Congress, these provisions would make the drug business far more costly and far more dangerous.

Our legislation also authorizes additional funding for our eradication and interdiction operations and calls on the administration to meet the funding goals we set last year in the Western Hemisphere Drug Elimination Act. The new interdiction initiatives outlined in this bill are designed to supplement last year's legislation and came about as a direct result of my visits and the visits of other Members of the Senate and the House to the transit zones in the Caribbean, as well as the source countries—such as Colombia. These visits reconfirmed, in my mind, what statistics had already told us: Seizing or destroying a ton of cocaine outside our borders is more cost effective than seizing the same quantity at the point of sale. It just makes good common sense.

Our legislation also addresses domestic reduction efforts. It would increase penalties for certain drug offenses committed in the presence of a child. It would authorize the Drug Enforcement Administration to develop a plan for the safe and speedy cleanup of methamphetamine laboratories in the United States. I know this latter issue is of great concern to my colleague from Missouri, Senator Ashcroft, who was successful last year in increasing penalties for those involved in meth labs here in the United States.

Mr. President, the bill also includes Senator Abraham's legislation to increase mandatory minimum sentencing requirements for powder cocaine offenses.

Our bill sets a foundation for what I hope will be a comprehensive initiative to reduce the demand for drugs, especially among our young people. The bill includes Senator Coverdell's initiative to protect children and teachers from drug-related school violence and Senator Grassley's legislation to strengthen law and family movement to teach children and society about the dangers of drugs.

This bill, frankly, is a first step. I expect we will see other important anti-drug bills that we would want to roll into this larger comprehensive bill, and we will do that as the times come. For example, I am working on legislation to clarify that juvenile facilities should be eligible for jail-based and aftercare drug treatment programs and provide coordinated services for early mental health and substance abuse screening for juveniles. The latter initiative is based on an effort underway in Hamilton County, OH, an initiative and effort I have personally looked at on a number of occasions. In Hamilton County, OH, the courts are working with all the relevant county agencies to offer a coordinated service delivery system for at-risk youth. By bringing these resources together, Mr. President, we can ensure that young people in need of help will get the right kind of assistance.

I believe in a balanced counterdrug strategy. I made it clear in the past Congress that I strongly support our continued commitment in demand reduction and law enforcement programs. We need to work on all these elements to have success, and that is why we are today introducing this bill—to demonstrate that we intend to find ways to improve all elements of our comprehensive antidrug strategy.

Combined with the efforts begun last year, the Drug Free Century Act represents a turning point in a decade of increased youth delinquency and drug use. With this legislation, we are sending a clear signal that we intend to use our power in the next decade and, yes, the next century, on the road to eliminating the scourge of illegal drugs in this country.

Mr. President, I ask unanimous consent that the text of the Drug Free Century Act be printed in the RECORD.

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

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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 "Drug-Free Century Act".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTERNATIONAL SUPPLY REDUCTION

Subtitle A—International Crime

Chapter 1—International Crime Control

Sec. 1001. Short title.

Sec. 1002. Punishment for violence committed along the United States border.
Sec. 1201. Short title.


Sec. 1203. Sense of Congress regarding reauthorization of prevention and treatment programs.

Sec. 1204. Report on drug-testing technologies.

Subtitle D—Drug-Free Families Support Programs.

Sec. 1205. Establishment of drug-free families support program.

Sec. 1206. Authorization of appropriations.

TITLE IV—FUNDING FOR UNITED STATES COUNTER-DRUG ENFORCEMENT AGENCIES

Sec. 4001. Authorization of appropriations.

Sec. 4002. Cargo inspection and narcotics detection equipment.

Sec. 4003. Peak hours and investigative resource enhancement.

Sec. 4004. Air and marine cooperation and maintenance funding.

Sec. 4005. Compliance with performance plan requirements.

Sec. 4006. Commission on Customs salary.

Sec. 4007. Passenger preclearance services.

Subtitle B—United States Coast Guard Border Enforcement Administration.

Sec. 4201. Additional funding for counter-narcotics and information support operations.

Subtitle C—Drug-Free Borders.

Sec. 4301. Additional funding for counter-narcotics and information support operations.

Sec. 4401. Additional funding for expansion of drug interdiction and counterdrug activities of the Department of Defense.

Sec. 4402. Forward military base for counternarcotics operations.

Sec. 4403. Expansion of radar coverage and operation in source and transit countries.

Sec. 4404. Sense of Congress regarding funding under Western Hemisphere Drug Elimination Act.

Sec. 4405. Sense of Congress regarding the propriety of the drug interdiction and counterdrug activities of the Department of Defense.

CHAPTER 1—INTERNATIONAL CRIME CONTROL

Subtitle A—International Crime Enforcement

Sec. 1001. Short title.

This chapter may be cited as the "International Crime Control Act of 1999".

Sec. 1002. FELONY PUNISHMENT FOR VIOLENCE COMMITTED ON UNITED STATES BORDER.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

§ 554. Violence while eluding inspection or during violation of arrival, reporting, entry, or clearance requirements.

(1) Whoever attempts to commit or commits a crime of violence or recklessly operates any conveyance during and in relation to—

(a) attempting to elude or eluding immigration, customs, or agricultural inspection; or

(b) failing to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States along any border of the United States, or


(A) fined under this title, imprisoned not more than 5 years, or both;

(B) if bodily injury (as defined in section 1365(g)) results, fined under this title, imprisoned not more than 10 years, or both; or

(C) if death results, fined under this title, imprisoned for any term of years or for life, and may be sentenced to death.

(2) CONSPIRACY.—If 2 or more persons conspire to commit an offense under subsection (a), and 1 or more of those persons do any act to effect the object of the conspiracy, each shall be punished as a principal, except that a sentence of death may not be imposed.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—The analysis for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

§ 554. Violence while eluding inspection or during violation of arrival, reporting, entry, or clearance requirements.

(c) RECKLESS ENDANGERMENT.—Section 111 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

(4) RECKLESS ENDANGERMENT.—Whoever—

(A) knowingly disregards or disobeys the lawful authority or command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States along any border of the United States while engaged in, or on account of, the performance of official duties of that officer or employee; and

(5) as a result of disregarding or disobeying an authority or command referred to in paragraph (1), endangers the safety of any person or property, shall be fined under this title, imprisoned not more than 6 months, or both.

CHAPTER 2—STRENGTHENING MARITIME LAW ENFORCEMENT ALONG UNITED STATES BORDERS

Sec. 1003. SANCTIONS FOR FAILURE TO HEAVE TO, OBSTRUCTING A LAWFUL Boards, and Providing False Information.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

§ 537. Sanctions for failure to heave to; sanctions for obstruction of boarding, and providing false information.

(1) DEFINITIONS.—In this section:

(B) FEDERAL LAW ENFORCEMENT OFFICER.—The term `Federal law enforcement officer' has the meaning given that term in section 112(c).

(2) HEAVE TO.—The term `heave to' means, with respect to a vessel, to cause that vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and the sea state.

(3) VESSEL OF THE UNITED STATES; VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The terms 'vessel of the United States' and 'vessel subject to the jurisdiction of the United States' have the meanings given those terms in section 3 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

(B) FAILURE TO OBEY AN ORDER TO HEAVE TO.—In general.—It shall be unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States, to fail to obey an order to heave to that vessel on being ordered to do so by an authorized Federal law enforcement officer.
"(2) IMPEDING BOARDING; PROVIDING FALSE INFORMATION IN CONNECTION WITH A BOARDING.—It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the law of any State or territory of the United States knowingly or willfully to—

"(A) fail to comply with an order of an authorized Federal law enforcement officer in connection with the boarding of the vessel;

"(B) impede or obstruct a boarding or arrest, or other law enforcement action authorized by any Federal law or

"(C) provide false information to a Federal law enforcement officer during a boarding of a vessel regarding the destination, origin, ownership, registration, nationality, cargo, or crew members of the vessel.

"(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to limit the authority granted before the date of enactment of the International Crime Control Act of 1999 to—

"(1) a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other provision of law enforced or administered by the United States Customs Service;

"(2) any Federal law enforcement officer under any Federal law to order a vessel to heave to;

"(d) CONSENT OR WAIVER OF OBJECTION BY A FOREIGN COUNTRY.—

"(1) GENERAL.—A foreign country may consent to or waive objection to the enforcement of United States law by the United States under this section by international agreement or, on a case-by-case basis, by radio, telephone, or similar oral or electronic means.

"(2) PROOF OF CONSENT OR WAIVER.—The Secretary of State may prove a consent or waiver described in paragraph (1) by certification.

"(e) PENALTIES.—Any person who intentionally violates any provision of this section shall be fined under this title, imprisoned not more than 5 years, or both.

"(f) SEIZURE OF VESSELS.—

"(1) GENERAL.—A vessel that is used in violation of this section may be seized and forfeited.

"(2) APPLICABILITY OF LAWS.—

"(A) IN GENERAL.—Subject to subparagraph (C), the laws described in subparagraph (B) shall apply to seizures and forfeitures undertaken under this section.

"(B) LAWS DESCRIBED.—The laws described in this subparagraph are the laws relating to seizure, detention, and condemnation of property for violation of the customs laws, the disposition of the property or the proceeds from the sale thereof, the remission or mitigation of the forfeiture, and the compromise of claims.

"(C) EXECUTION OF DUTIES BY OFFICERS AND AGENTS.—Any duty that is imposed upon a customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to a seizure or forfeiture of property under this section by the officer, agent, or other person that is authorized or designated for that purpose.

"(3) IN REM LIABILITY.—A vessel that is seized and forfeited under this subsection shall, in addition to any other liability prescribed under this subsection, be liable in rem for any fine or civil penalty imposed under this section.

"(4) CONFORMING AMENDMENT.—The analysis for chapter 17 of title 18, United States Code, is amended by inserting before "section 2277 of this title, a vessel used to violate any law of the United States; or"

"2277. Sanctions for failure to heave to; sanction for obstruction of boarding or providing false information."

SEC. 1004. CIVIL PENALTIES TO SUPPORT MARITIME LAW ENFORCEMENT.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

"$675. Civil penalty for failure to comply with a lawful boarding, obstruction of boarding, or providing false information."

"(a) General.—Whoever who violates section 2237(b) of title 18 shall be liable for a civil penalty of not more than $25,000.

"(b) IN REM LIABILITY.—In addition to being subject to any civil penalty under section (a), a vessel used to violate an order relating to the boarding of a vessel issued under the authority of section 2237 of title 18 shall be forfeited, and sold in accordance with section 594 of the Tariff Act of 1930 (19 U.S.C. 1594)."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 17 of title 18, United States Code, is amended by adding at the end the following:

"675. Civil penalty for failure to comply with a lawful boarding, obstruction of boarding, or providing false information."

SEC. 1005. CUSTOMS ORDERS.

Section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) is amended by adding at the end the following:

"(j) AUTHORIZED PLACE DEFINED.—In this section, the term ‘authorized place’ includes, with respect to a vessel or vehicle, a location identified by the United States customs officers are permitted to conduct inspections, examinations, or searches."
§ 3197. Extradition for offenses not covered by a list treaty

(a) Serious offense defined.—In this section, the term ‘serious offense’ means conduct that would be punishable by death, by life imprisonment, or by imprisonment for a term of years, by imprisonment for a term exceeding 1 year, or by a fine exceeding $100,000, or by any combination of any of the offenses described in any of subsections (A) through (G), or aiding and abetting the commission of any of the offenses described in any of subsections (A) through (G), or assisting or confederating with any of the offenses described in any of subsections (A) through (G), or attempting to commit any of the offenses described in any of subsections (A) through (G), or conspiring with any of the offenses described in any of subsections (A) through (G).

(b) Submission of the request for extradition.—In any case in which a request for extradition would be important to the law enforcement interests of the United States or otherwise in the interests of justice; and

(c) Filing of the complaint described in subsection (b) only upon a certification—

(i) the complaint described in subsection (b) shall be filed pursuant to section 3184.

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SEC. 3198. Extradition absent a treaty.

Chapter 209 of title 18, United States Code, as amended by section 1009 of this title, is amended by adding at the end the following:

§ 3198. Extradition absent a treaty

(a) Serious offense defined.—In this section, the term ‘serious offense’ has the meaning given that term in section 3319(a).

(b) Authorization of filing.—

(i) In general.—If a foreign government makes a request for the extradition of a person who is charged with or has been convicted of an offense within the jurisdiction of that foreign government, and an extradition treaty exists between the United States and the foreign country of the request, the Secretary of State may authorize the filing of a complaint for extradition pursuant to subsections (c) and (d).

(ii) Procedure.—With respect to a complaint filed under paragraph (1), the procedures contained in sections 3184 and 3186 and the terms of the relevant extradition treaty shall apply as if the offense were a ‘crime provided for by such treaty’ as described in section 3184.

(c) Criteria for authorization of complaints.—

(i) In general.—The Attorney General may authorize the filing of a complaint for extradition pursuant to subsection (b) only upon a certification—

(A) that the offense for which extradition is sought is a serious offense; and

(B) that the extradition request would be important to the law enforcement interests of the United States or otherwise in the interests of justice; and

(ii) by the Secretary of State, that in the judgment of the Secretary of State, submission of the request would be consistent with the foreign policy interests of the United States.

(d) Factors for consideration.—In making any certification under paragraph (1)(B), the Secretary of State may consider whether any of the facts and circumstances of the request then known appear likely to present any significant impediment to the ultimate surrender of the person sought for extradition before the receipt of documents or other proof in support of the request for extradition.

(e) Conditions of surrender; assurances.—

(i) In general.—Before issuing a warrant of surrender under section 3184 or 3186, the Secretary of State—

(A) impose conditions upon the surrender of the person that is the subject of the warrant; and

(B) require those assurances of compliance with those conditions, as are determined by the Secretary of State to be necessary.

(ii) Additional assurances.—

(A) In general.—In addition to imposing conditions and requiring assurances under paragraph (1), the Secretary of State shall require, as a condition of the extradition of the person in every case, an assurance described in subparagraph (B) that the Secretary determines to be satisfactory.

(B) Description of assurances.—An assurance described in subparagraph (A) is an assurance that the person that is sought for extradition shall be neither tried nor punished for an offense other than that for which the person has been convicted, absent the consent of the United States.

(f) Filing and effect of filing of complaints.—

(i) In general.—A complaint authorized under this subsection shall be filed in the manner provided in section 3184.

(ii) Filing and treatment of complaint filed under paragraph (1), the judicial officer shall find a basis for the filing of a complaint as described in subsection (b) only upon a certification—

(A) by the Attorney General that, in the judgment of the Attorney General—

(i) the offense for which extradition is sought is a serious offense; and

(ii) filing of a complaint for extradition pursuant to subsection (b) only upon a certification—

(A) that the foreign government submitting the request for extradition would be important to the law enforcement interests of the United States or otherwise in the interests of justice; and

(B) that the extradition request would be consistent with the foreign policy interests of the United States;

(iii) the facts and circumstances of the request, including humanitarian considerations, do not appear likely to present any significant impediment to the ultimate surrender of the person if found extraditable; and

(C) the foreign government submitting the request for extradition would be important to the law enforcement interests of the United States;

(iv) the facts and circumstances of the request, including humanitarian considerations, do not appear likely to present any significant impediment to the ultimate surrender of the person if found extraditable; and

(D) the foreign government submitting the request for extradition would be important to the law enforcement interests of the United States;

(v) the facts and circumstances of the request, including humanitarian considerations, do not appear likely to present any significant impediment to the ultimate surrender of the person if found extraditable; and

(E) the foreign government submitting the request for extradition would be important to the law enforcement interests of the United States;

(g) Delegation.—The Attorney General may authorize the filing of a complaint described in subsection (b) only upon a certification—

(i) by the Attorney General, that in the judgment of the Attorney General—

(A) the offense for which extradition is sought is a serious offense; and

(ii) the submission of the extradition request would be important to the law enforcement interests of the United States or otherwise in the interests of justice; and

(iii) the facts and circumstances of the request, including humanitarian considerations, do not appear likely to present any significant impediment to the ultimate surrender of the person if found extraditable; and

(iv) the foreign government submitting the request for extradition would be important to the law enforcement interests of the United States;

(h) Delegation.—The Attorney General may authorize the filing of a complaint described in subsection (b) only upon a certification—

(i) by the Attorney General, that in the judgment of the Attorney General—

(A) the offense for which extradition is sought is a serious offense; and

(ii) the submission of the extradition request would be important to the law enforcement interests of the United States or otherwise in the interests of justice; and

(iii) the facts and circumstances of the request, including humanitarian considerations, do not appear likely to present any significant impediment to the ultimate surrender of the person if found extraditable; and

(iv) the foreign government submitting the request for extradition would be important to the law enforcement interests of the United States;
offense for which that person is sought, or was duly convicted of that offense in the foreign country of the requesting foreign government.

(2) In addition to imposing conditions and requiring assurances under paragraph (1), the Secretary shall demand, as a condition of the extradition of that person, any appropriate State authorities in a case under subsection (c), and the requesting foreign government requesting the extradition of that person in order to face prosecution—

(A) a temporary transfer under this subpart shall result in an interruption in the pretrial detention status of that person; and

(B) the right to challenge the conditions of confinement pursuant to section 3142(f) does not extend to the right to challenge the conditions of confinement in a foreign country while in that foreign country temporarily under this subpart.

(2) RETURN OF PERSONS.—(1) IN GENERAL.—If the temporary transfer to or from the United States of a person in custody for the purpose of prosecution is provided for by this section, that person shall be returned to the United States or to the foreign country from which the person is transferred on completion of the proceedings upon which the transfer was based.

(3) CERTAIN RIGHTS AND REMEDIES BARRED.—Notwithstanding any other provision of law, a person temporarily transferred to the United States pursuant to this section shall not be entitled to apply for or obtain any right or remedy under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including the right to be granted asylum or withholding of deportation.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 306 of title 18, United States Code, is amended by adding at the end the following:

"§ 4116. Temporary transfer for prosecution

(a) STATE DEFINED.—In this section, the term 'State' includes a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States.

(b) AUTHORITY OF ATTORNEY GENERAL WITH RESPECT TO TEMPORARY TRANSFERS.—

(1) IN GENERAL.—Subject to subsection (d), if a person is in pretrial detention or is otherwise being held in custody in a foreign country based upon a violation of the law in that foreign country, and that person is appropriate to be extradited to the United States by the competent authorities of that foreign country while still in the pretrial detention or custody, the Attorney General shall have the authority—

(A) to request the temporary transfer of that person to the United States in order to face prosecution in a Federal or State criminal proceeding;

(B) to maintain the custody of that person; and

(C) to return that person to the foreign country at the conclusion of the criminal prosecution, including any imposition of sentence.

(2) REQUIREMENTS FOR REQUESTS BY ATTORNEY GENERAL.—The Attorney General shall make a request under paragraph (1) only if the Attorney General determines, after consultation with the Secretary of State, that the return of the person sought for extradition to the foreign country of the foreign government requesting the extradition would be consistent with United States international obligations.

(3) CRI TERION FOR REQUEST.—The Attorney General shall make a request under paragraph (1) only if the Attorney General determines, after consultation with the Secretary of State, that the return of the person sought for extradition to the foreign country of the foreign government requesting the extradition would be consistent with United States international obligations.

(d) RETURN OF PERSONS.—(1) IN GENERAL.—If the temporary transfer to or from the United States of a person in custody for the purpose of prosecution is provided for by this section, that person shall be returned to the United States or to the foreign country from which the person is transferred on completion of the proceedings upon which the transfer was based.

(2) STATUTORY INTERPRETATION WITH RESPECT TO IMMIGRATION LAWS.—In no event shall the return of a person under paragraph (1) require extradition proceedings or procedures under the immigration laws.

(3) CERTAIN RIGHTS AND REMEDIES BARRED.—Notwithstanding any other provision of law, a person temporarily transferred to the United States pursuant to this section shall not be entitled to apply for or obtain any right or remedy under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including the right to be granted asylum or withholding of deportation.

(4) CONSENT OF PERSONS.—(A) A temporary transfer under this section shall result in an interruption in the pretrial detention status of that person; and

(B) the right to challenge the conditions of confinement pursuant to section 3142(f) does not extend to the right to challenge the conditions of confinement in a foreign country while in that foreign country temporarily under this subsection.

(5) CONSENT BY PARTIES TO WAIVE PRIOR FINDING OF WHETHER A PERSON IS EXTRA DITABLE.—The Attorney General may exercise the authority described in subsections (b) and (c) absent a prior finding that the person in custody is extraditable; and

(6) return that person to the foreign country.
18, United States Code, is amended by adding at the end the following:

"4116. Temporary transfer for prosecution.".

SEC. 1013. PROHIBITING FUGITIVES FROM BENEFITING FROM DEPORTATION.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"§ 4266. Transit through the United States of a person wanted for

"(a) A court may not use the resources of the courts of the United States in furtherance of a claim in any related civil forfeiture action or a claim in third party proceedings in any related criminal forfeiture action if that person—

"(1) purposely leaves the jurisdiction of the United States;

"(2) declines to enter or reenter the United States to submit to its jurisdiction; or

"(3) otherwise evades the jurisdiction of the court in which a criminal case is pending against the person.

"(b) Technical and Conforming Amendment.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"4266. Fugitive disentitlement.

SEC. 1014. TRANSFER OF FOREIGN PRISONERS TO SUBORDINATE JURISDICTIONS.

(a) IN GENERAL.—Chapter 325 of title 18, United States Code, is amended by adding at the end the following:

"§ 4087. Transit through the United States of a person wanted for

"(a) I N GENERAL.ÐThe Attorney General, in consultation with the Secretary of State, may, in consultation with the Secretary of

"(b) Technical and Conforming Amendment.—The analysis for chapter 325 of title 18, United States Code, is amended by adding at the end the following:

"§ 4087. Transit through the United States of a person wanted for

"(a) PURPOSES.ÐThe Attorney General, in consultation with the Secretary of State, may, in consultation with the Secretary of

"(b) PENALTIES.ÐSections 5321(a)(1), 5322(a), and 5322(b) of title 31, United States Code, are each amended by inserting "or order issued after" after "or a regulation prescribed"

"© DISCLOSURE.

SEC. 1017. CRACKING DOWN ON ILLEGAL MONEY TRANSMITTING BUSINESSES.

Section 1960 of title 18, United States Code, is amended by adding at the end the following:

"(c) SCIENTER REQUIREMENT.—For the purposes of proving a violation of this section involving an illegal money transmitting business (as defined in subsection (bb)(1)(A))—

"(1) it shall be sufficient for the government to prove that the defendant knew that the money transmitting business lacked a license required by State law; and

"(2) it shall not be necessary to show that the defendant knew that the operation of such a business was illegal under Federal law.

"(d) EXPANDING CIVIL MONEY LAUNDERING LAWS TO REACH FOREIGN PERSONS.

Section 1966 of title 18, United States Code, is amended—

"© DISCLOSURE.

SEC. 1018. EXPANDING CIVIL MONEY LAUNDERING LAWS TO REACH FOREIGN PERSONS.

(a) PURPOSES.ÐThe Attorney General, in consultation with the Secretary of State, may, in consultation with the Secretary of

"© DISCLOSURE.

SEC. 1019. PUNISHMENT OF MONEY LAUNDERING OFFENSES.

(b) PENALTIES.ÐSections 5321(a)(1), 5322(a), and 5322(b) of title 31, United States Code, are each amended by inserting "or order issued after" after "or a regulation prescribed"

"© DISCLOSURE.

SEC. 1020. AUTHORITY TO ORDER CONVICTED CRIMINALS TO RETURN PROPERTY LOCATED ABROAD.

(a) ORDER OF FORFEITURE.ÐSection 413(p) of the Controlled Substances Act (21 U.S.C. 853(p)) is amended by adding at the end the following:

"© DISCLOSURE.

SEC. 1021. ADMINISTRATIVE SUMMONS AUTHORITY UNDER THE BANK SECRECY ACT.

Section 5339(d) of title 31, United States Code, is amended by striking paragraph (1) and inserting the following:

"© DISCLOSURE.

SEC. 1022. EXEMPTING FINANCIAL ENFORCEMENT DATA FROM UNNECESSARY DISCLOSURE.

(a) IEEP.—Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)) is amended—

"© DISCLOSURE.

SEC. 1023. PUNISHMENT OF MONEY LAUNDERING OFFENSES.

Section 1966 of title 18, United States Code, is amended to read as follows:

"© DISCLOSURE.

SEC. 1024. ADMINISTRATIVE SUMMONS AUTHORITY UNDER THE BANK SECRECY ACT.

Section 5339(d) of title 31, United States Code, is amended by adding at the end the following:

"© DISCLOSURE.

SEC. 1025. PUNISHMENT OF MONEY LAUNDERING OFFENSES.
Code, unless the release of the information is determined by the President to be in the national interest.

SEC. 1023. CRIMINAL AND CIVIL PENALTIES UNDER INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

(a) INCREASED CIVIL PENALTY. — Section 206(a) of the International Emergency Economic Powers Act (50 U.S.C. 1705(a)) is amended by striking "$10,000" and inserting "$50,000".

(b) INCREASED CRIMINAL FINE. — Section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)) is amended to read as follows:

"(b) FINE. — A fine for an offense for which a person is convicted under this section shall be not less than $100,000 if an organization (as defined in section 18 of title 18, United States Code, and not more than $250,000, imprisoned not more than 10 years, or both, if an individual.

SEC. 1024. ATTEMPTED VIOLATIONS OF THE TRADING WITH THE ENEMY ACT.

Section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16) is amended —

(1) in subsection (a), by inserting "or attempt to violate" after "violate" each time it apppears; and

(2) in subsection (b)(1), by inserting "or attempts to violate" after "violates".

SEC. 1025. JURISDICTION OVER CERTAIN FINANCIAL CRIMES COMMITTED ABROAD.

Section 1029 of title 18, United States Code, is amended by adding at the end the following:

"(j) JURISDICTION OVER CERTAIN FINANCIAL CRIMES COMMITTED ABROAD.—Any person who, outside the jurisdiction of the United States, engages in any act that, if committed within the jurisdiction of the United States, would constitute an offense under subsection (a) or (b), shall be subject to the same penalties as if that offense had been committed within the United States, if the act —

"(1) involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

"(2) causes, or if completed would have caused, a transfer of funds from or a loss to an entity within the jurisdiction of the United States; or

"(3) results in more than 1 judicial district, to a corporation or in accordance with section 206(a) of the International Emergency Economic Powers Act (50 U.S.C. 1705(a)), is

SEC. 1026. STREAMLINED PROCEDURES FOR EXECUTION OF MLAT REQUESTS.

(a) IN GENERAL.—Chapter 117 of title 28, United States Code, is amended by adding at the end the following:

"§ 1790. Assistance to foreign authorities

"(a) IN GENERAL.—Chapter 117 of title 28, United States Code, is amended by adding at the end the following:

"§ 3508. Temporary transfer of witnesses in custody

(1) by striking the section heading and inserting the following:

"§ 3508. Temporary transfer of witnesses in custody

(b) TRANSFER AUTHORITY.—

"(D) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—The Attorney General shall not take any action under this section to transfer or return a person to a foreign country unless the Attorney General determines, after consultation with the Secretary of State, that transfer or return would be consistent with the international obligations of the United States. A determination by the Attorney General under this subsection shall not be subject to judicial review by any court.

"(E) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 223 of title 18, United States Code, is amended by striking the item relating to section 3508 and inserting the following:

"§ 3508. Temporary transfer of witnesses in custody

SEC. 1027. TRAINING OF FOREIGN LAW ENFORCEMENT AGENCIES.

Section 660(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2420(b)) is amended —

(1) in paragraph (4), by striking "or" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(7) with respect to training, provided for antiterrorism purposes.

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SEC. 1209. SENSE OF CONGRESS REGARDING NORTHERN KOREA.

It is the sense of Congress—

(1) to be concerned regarding an increase in the number of reports of drug trafficking in and through North Korea;

(2) to encourage the President to submit to Congress the reports, if any, required by law regarding the production and trafficking of narcotics in or through North Korea; and

(3) to express concern that the Department of State has evaded its obligations with respect to North Korea under section 400 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), and thereby diminished the significance of the United States of narcotics production and transit in and through North Korea, in order to enhance cultural exchanges between the United States and North Korea.

Subtitle C—Foreign Military Counter-Drug Support

SEC. 1301. REPORT.

(a) MONTHLY REPORT.—The Department of State and the Department of Defense shall report monthly to the Committee on International Relations and the Committee on National Security of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate on the current status of any military or law enforcement unit of a foreign country in the scope of United States law enforcement personnel who participated in the money laundering sting operation known as CASABLANCA is an attempt by that government to embarrass and harass such personnel even though such personnel were acting within the scope of United States law and Mexican law in pursuing drug traffickers and money launderers operating both in the United States and in Mexico.

SEC. 1302. PROHIBITION ON USE OF FUNDS FOR COUNTERNARCOTICS ACTIVITIES AND ASSISTANCE.

(a) PROHIBITION.—Notwithstanding any other provision of law, no funds appropriated for any fiscal year after fiscal year 1999 for the counternarcotics or counternarcotic activities of the United States (including funds appropriated for assistance to other countries for such activities) may be obligated or expended for such activities during the period beginning on November 1 of such fiscal year and ending on the later of—

(1) the date the notification required in such fiscal year under subsection (h) of section 400 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291); or

(2) the date of the submittal of the plans required by subsection (i) of that section, as amended by section 1002 of the Anti-Drug Abuse Act of 1988 (22 U.S.C. 2291).

(b) LIMITATION ON OVERRIDE.—No provision of law enacted after the date of enactment of this Act may be construed to override the prohibition set forth in subsection (a) unless such provision specifically refers to such prohibition in effecting the override.
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The date that the request has been approved by all relevant departments and agencies; and

The expected delivery time for the request or delivery of the information.

(b) Analysis.—The Department of State shall review and forward to Congress an analysis of the current foreign military sales program, including the time from receipt of request to delivery. This review shall focus on—

(1) what, if any, the current delays in the foreign military sales program;

(2) the manner in which the program can be streamlined;

(3) the manner in which the efficiency of processing requested equipment can be increased; and

(4) what, if any, legislative changes are necessary to improve the program so that the time from request to delivery is minimized.

Subtitle D—Money Laundering Deterrence

SEC. 1401. SHORT TITLE.

This subtitle may be cited as the "Money Laundering Deterrence Act of 1999."

SEC. 1402. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the dollar amount involved in international laundering exceeds $400,000,000 per annum;

(2) organized crime groups are continually devising new methods to launder the proceeds of illegal activities in an effort to subvert the requirements of subchapter II of chapter 53 of title 31, United States Code, and chapter 2 of Public Law 95–568;

(3) a number of methods to launder the proceeds of criminal activity were identified and described in congressional hearings, including the use of financial service providers that are not depository institutions, such as money transmitters and check cashing services, the purchase and resale of durable goods, and the exchange of foreign currency in the so-called "black market;" and

(4) recent successes in combating domestic money laundering have involved the application of the长效机制 used in subchapter V of title 18, United States Code, and the cooperative efforts of Federal, State, and local law enforcement agencies; and

(b) Purpose.—The purposes of this title are—

(1) to amend subchapter II of chapter 53 of title 31, United States Code, to provide the law enforcement community with the necessary legal authority to combat money laundering;

(2) to broaden the law enforcement community's access to transactional information already being collected that relates to coins and currency received in a nonfinancial trade or business; and

(3) to express the sense of Congress that the Secretary of the Treasury should expedite the development and implementation of controls designed to deter money laundering activities at certain types of financial institutions.

SEC. 1403. REPORTING OF SUSPICIOUS ACTIVITIES.

(a) Amendment Relating to Civil Liability for Disclosures.—Section 5318(g)(3) of title 31, United States Code, is amended to read as follows:

``''(3) by adding at the end the following:

``(A) in general.—Notwithstanding any other provision of law, and subject to subparagraph (B) of this paragraph, any financial institution, and any director, officer, employee, or agent of a financial institution, may disclose, in any suit or proceeding before a court of the United States, any information that is the subject of the disclosure or any other person identified in the disclosure.

``(B) Exempted Entities.—For purposes of this paragraph, the term 'exempted entity' means—

``(i) any financial institution that—

``(I) makes a disclosure pursuant to an applicable law or regulation to an appropriate government agency;

``(II) makes a disclosure pursuant to this subsection or any other authority;

``(iii) any independent public accountant who audits any such financial institution and makes a disclosure described in clause (i); and

``(B) Limit on Liability for Disclosures.—A financial institution, and any director, officer, employee, or agent of the institution, shall not be liable under any provision of law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision thereof, or any contract or other legally enforceable agreement (including any arbitration agreement), for any disclosure under subparagraph (A), to the extent that—

``(i) the disclosure does not contain information that the institution, director, officer, employee, agent, or accountant knows to be false; and

``(ii) the institution, director, officer, employee, agent, or accountant has not acted with malice or with reckless disregard for the truth in making the disclosure.''

SEC. 1404. EXPANSION OF SCOPE OF SUMMONS POWER.

Section 5318(b)(1) of title 31, United States Code, is amended by inserting "examinations to determine compliance with the requirements of this subtitle of the Federal Deposit Insurance Act, and chapter 2 of Public Law 91–568 and regulations promulgated thereunder;" after "in connection with;" and

SEC. 1405. PENALTIES FOR VIOLATIONS OF GEOGRAPHIC TARGETING ORDERS AND CERTIFICATES OF RECORDKEEPING REQUIREMENTS.

(a) Civil Penalty for Violation of Targeting Order.—Section 5321(a)(1) of title 31, United States Code, is amended by inserting "or order issued" after "regulation prescribed;" and

(b) Criminal Penalties for Violation of Targeting Order.—Subsection (a) and (b) of section 5322 of title 31, United States Code, are amended by inserting "or order issued"
SEC. 1406. SENSE OF CONGRESS. It is the sense of Congress that the Secretary of the Treasury should, in conjunction with the Board of Governors of the Federal Reserve System, expedite the promulgation of “know your customer” regulations for financial institutions.

Subtitle E—Additional Funding For Source Zone Countries

SEC. 1501. SOURCE ZONE COUNTRIES.

In addition to other amounts appropriated for Colombia and Peru for counternarcotics operations for fiscal year 2013, there is authorized to be appropriated (1) $20,000,000 for Peru for each of fiscal years 2014 and 2015 for supporting additional surveillance, pursuit of drug aircraft, and general support for counternarcotics operations; (2) $75,000,000 for Colombia for each of fiscal years 2014 and 2015 for supporting additional surveillance, pursuit of drug aircraft, and general support for counternarcotics operations, including the acquisition of a minicopter, two Blackhawk helicopters and 2 aerostats; and

SEC. 1502. CENTRAL AMERICA.

In addition to other amounts appropriated under this Act or any other provision of law, for counternarcotics matters for countries in Central America, there is authorized to be appropriated $52,000,000 for fiscal year 2014 for enhanced efforts in counternarcotics matters by the United States Coast Guard, the United States Customs Service, and other appropriate agencies.

TITLE II—DOMESTIC LAW ENFORCEMENT

Subtitle A—Criminal Offenders

SEC. 2001. APPREHENSION AND PROCEDURAL TREATMENT OF ARMED CRIMINALS.

(a) CONGRESSIONAL OVERSIGHT.—(1) REPORT TO ATTORNEY GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall require each United States Attorney to report to the Attorney General on the number of violent crimes committed and the number of arrest warrants issued under any such section each place that term appears.

SEC. 1406. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) In General.—Section 1374(g)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1829j(g)(5)) is amended by requiring that the Depository Institutions Defense Fund established under section 1374(g)(5) of such Act be used only for the purposes of providing assistance to the federal deposit insurance corporations and the Federal Deposit Insurance Corporation for the purposes of reducing the likelihood of loss to depositors resulting from the failure of any institution insured by such corporations.

(b) Technical and Conforming Amendment.—Section 1374(h)(5) of the Federal Deposit Insurance Act is amended by striking “subsection (c)” and inserting “subsection (b)”.

SEC. 1407. LIMITED EXEMPTION FROM PAPERWORK RedUCTION ACT.

Section 3518(c)(1) of title 44, United States Code, is amended—

SEC. 1408. SENSE OF CONGRESS. It is the sense of Congress that the Secretary of the Treasury, in conjunction with the Board of Governors of the Federal Reserve System, expedite the promulgation of “know your customer” regulations for financial institutions.

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(b) Technical and Conforming Amendment.—Section 1374(h)(5) of the Federal Deposit Insurance Act is amended by striking “subsection (c)” and inserting “subsection (b)”.

SEC. 1407. LIMITED EXEMPTION FROM PAPERWORK RedUCTION ACT.

Section 3518(c)(1) of title 44, United States Code, is amended—

SEC. 1408. SENSE OF CONGRESS. It is the sense of Congress that the Secretary of the Treasury, in conjunction with the Board of Governors of the Federal Reserve System, expedite the promulgation of “know your customer” regulations for financial institutions.

Subtitle E—Additional Funding For Source Zone Countries

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In addition to other amounts appropriated for Colombia and Peru for counternarcotics operations for fiscal year 2013, there is authorized to be appropriated (1) $20,000,000 for Peru for each of fiscal years 2014 and 2015 for supporting additional surveillance, pursuit of drug aircraft, and general support for counternarcotics operations; (2) $75,000,000 for Colombia for each of fiscal years 2014 and 2015 for supporting additional surveillance, pursuit of drug aircraft, and general support for counternarcotics operations, including the acquisition of a minicopter, two Blackhawk helicopters and 2 aerostats; and

SEC. 1502. CENTRAL AMERICA.

In addition to other amounts appropriated under this Act or any other provision of law, for counternarcotics matters for countries in Central America, there is authorized to be appropriated $52,000,000 for fiscal year 2014 for enhanced efforts in counternarcotics matters by the United States Coast Guard, the United States Customs Service, and other appropriate agencies.

TITLE II—DOMESTIC LAW ENFORCEMENT

Subtitle A—Criminal Offenders

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(a) In General.—Section 1374(g)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1829j(g)(5)) is amended by requiring that the Depository Institutions Defense Fund established under section 1374(g)(5) of such Act be used only for the purposes of providing assistance to the federal deposit insurance corporations and the Federal Deposit Insurance Corporation for the purposes of reducing the likelihood of loss to depositors resulting from the failure of any institution insured by such corporations.

(b) Technical and Conforming Amendment.—Section 1374(h)(5) of the Federal Deposit Insurance Act is amended by striking “subsection (c)” and inserting “subsection (b)”.

SEC. 1407. LIMITED EXEMPTION FROM PAPERWORK RedUCTION ACT.

Section 3518(c)(1) of title 44, United States Code, is amended—

SEC. 1408. SENSE OF CONGRESS. It is the sense of Congress that the Secretary of the Treasury, in conjunction with the Board of Governors of the Federal Reserve System, expedite the promulgation of “know your customer” regulations for financial institutions.

Subtitle E—Additional Funding For Source Zone Countries

SEC. 1501. SOURCE ZONE COUNTRIES.

In addition to other amounts appropriated for Colombia and Peru for counternarcotics operations for fiscal year 2013, there is authorized to be appropriated (1) $20,000,000 for Peru for each of fiscal years 2014 and 2015 for supporting additional surveillance, pursuit of drug aircraft, and general support for counternarcotics operations; (2) $75,000,000 for Colombia for each of fiscal years 2014 and 2015 for supporting additional surveillance, pursuit of drug aircraft, and general support for counternarcotics operations, including the acquisition of a minicopter, two Blackhawk helicopters and 2 aerostats; and

SEC. 1502. CENTRAL AMERICA.

In addition to other amounts appropriated under this Act or any other provision of law, for counternarcotics matters for countries in Central America, there is authorized to be appropriated $52,000,000 for fiscal year 2014 for enhanced efforts in counternarcotics matters by the United States Coast Guard, the United States Customs Service, and other appropriate agencies.
"(a) In General.—If 2 or more; and (B) by striking "either to commit any offense against the United States, or;"; and (3) by adding at the end the following: "(3) 2 or more persons conspire to commit any offense against the United States, and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be subject to the same penalties as those prescribed for the most serious offense, the commission of which was the object of the conspiracy if the crime of which they were convicted consists of a violation of section 1512 of this title; and (c) the penalty of death shall not be imposed.".

SEC. 2003. DRUG OFFENSES COMMITTED IN THE PRESENCE OF CHILDREN.

(a) In General.—Except as provided in section 1510 of this title, a person who has not attained the age of 18 years; or (2) an individual who has not attained the age of 18 years habitually resides in the place where the offense occurs.

(b) Guidelines.—Not later than 120 days after the date of enactment of this Act, the United States Sentencing Commission shall amend the Federal sentencing guidelines to provide, with respect to an offense under part D of the Controlled Substances Act, a sentencing enhancement of not less than 2 offense levels above the base offense level for the underlying offense, or 2 additional years, whichever is greater.

(c) Assumption.—The United States Sentencing Commission shall, after the date of enactment of this Act, an offense is committed in the presence of a child—(1) a sentencing enhancement of not less than 2 offense levels above the base offense level for the underlying offense, or 1 additional year, whichever is greater; and (2) in the case of a second or subsequent such offense, a sentencing enhancement of not less than 4 offense levels above the base offense level for the underlying offense, or 2 additional years, whichever is greater.

SEC. 2004. SENSE OF CONGRESS ON BORDER DEFENSE.
(a) Findings.—Congress finds that—(1) the Southwest Border of the United States is a major crossing point for more than 60 percent of the cocaine entering the United States from Latin America; (2) drug traffickers are increasingly using violence to threaten local residents, to endanger their property; (3) drug traffickers are creating a law enforcement no-man's land to facilitate drug trafficking on the Mexican side of the common border and using extortionate methods, illegal threats, and intimidation to acquire property on the United States side of the border; and (4) United States law enforcement efforts have been insufficient to protect lives and property or to prevent the use of illegally obtained riches to acquire property.

(b) Sense of Congress.—It is the sense of Congress that—(1) the President, in cooperation with the Government of Mexico, should take immediate action at and near the United States border with Mexico to control violence and other illegal acts directed at the respective residents of both countries; and (2) the Attorney General should submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on—(A) what steps are being taken to ensure the safety of United States citizens at and near the United States border with Mexico; (B) what steps are being taken to prevent the illegal acquisition of sites and facilities at or near the border by drug traffickers; and (C) what further steps need to be taken to ensure the safety and well being of the people of the United States along the United States border with Mexico.

SEC. 2005. CLONE PAGERS.
(a) General.—Section 3121(2)(h) of title 18, United States Code, is amended by striking clause (i) and inserting the following: "(i) to use a pen register, a trap and trace device, or a clone pager, as those terms are defined in chapter 206 (relating to pen registers, trap and trace devices, and clone pagers) of this title.

(b) Exception.—Section 3211 of title 18, United States Code, is amended—(1) by striking subsection (a) and inserting the following:

"(a) In General.—Except as provided in this section, no person may install or use a pen register, trap and trace device, or clone pager without first obtaining a court order under section 3213 or section 3215 of this title, or under the Foreign Intelligence Surveillance Act (8 U.S.C. 1801 et seq.)

(2) in subsection (b), by striking "a pen register or a trap and trace device" and inserting "a pen register, trap and trace device, or clone pager"; and

(3) by striking the section heading and inserting the following: "§ 3121. General prohibition on pen register, trap and trace device, and clone pager use; exception.

(c) Assistance.—Section 3214 of title 18, United States Code, is amended—(1) by redesigning subsections (c) through (f) as subsections (d) through (g), respectively;

(2) by inserting after subsection (b) the following:

"§ 3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager.

(d) Emergency Installations.—Section 3215 of title 18, United States Code, is amended—(1) by striking "pen register or a trap and trace device" and inserting "pen register, trap and trace device" each place those terms appear,

(2) the identity, if known, of the person affecting the use of the clone pager unobtrusively and with a minimum of interference with the services that the person so ordered by the court has a right to receive, or if such person or assistance is directed by a court, as provided in section 3213(b)(2) of this title; and

(3) by striking the section heading and inserting the following: "§ 3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager.

(e) Reports.—Section 3216 of title 18, United States Code, is amended—(1) by striking "pen register orders and orders for trap and trace devices" and inserting "orders for pen registers, trap and trace devices, and clone pagers";

(2) by striking the section heading and inserting the following: "§ 3126. Reports concerning pen registers, trap and trace devices, and clone pagers.

(f) Definitions.—Section 3217 of title 18, United States Code, is amended—(1) in paragraph (2)—(A) in subparagraph (A), by striking "or" at the end; and

(B) by striking subparagraph (B) and inserting the following:

"(B) with respect to an application for an order for a pen register or trap and trace device, or a court of general criminal jurisdiction of a State authorized by the law of the State to issue orders authorizing the use of a pen register or a trap and trace device, or

"(C) with respect to an application for the use of a clone pager, a court of general criminal jurisdiction of a State authorized by the law of that State to issue orders authorizing the use of a clone pager;"

(2) in paragraph (5), by striking "and" at the end section 3219 of this title authorizing the use of a clone pager.

(a) Application.—(1) Federal Representatives.—Any attorney for the Government may apply to a court of competent jurisdiction for an order or an extension of an order under section 3219 of this title authorizing the use of a clone pager.

(b) State Representatives.—A State investigating or law enforcement officer may, if authorized by a State statute, apply to a court of competent jurisdiction of such State for an order or an extension of an order under section 3219 of this title authorizing the use of a clone pager.

(c) Contents of Application.—An application under subsection (a) of this section shall include—(1) the identity of the attorney for the Government or the State law enforcement or investigative officer making the application and identifying the law enforcement agency conducting the investigation;

(2) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

(3) a description of the numeric display paging device to be cloned;

(4) a description of the offense to which the information likely to be obtained by the clone pager relates;

(5) the identity, if known, of the person who is subject of the criminal investigation;

(6) an affidavit or affidavits, sworn to before the court of competent jurisdiction, establishing probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

(a) In General.—Upon an application made under section 3219 of this title, the court shall enter an ex parte order authorizing the use of a clone pager within the jurisdiction of the court if the court finds that the application has established probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.
``(b) CONTENTS OF AN ORDER.—An order issued under this section—
``(1) shall specify—
``(A) the identity, if known, of the individual or entities using the numeric display paging device to be cloned;
``(B) the numeric display paging device to be cloned;
``(C) the identity, if known, of the subscriber to the pager service; and
``(D) the offense to which the information likely to be obtained by the clone pager relates;
``(2) shall direct, upon the request of the applicant, the furnishing of information, facilities, and technical assistance necessary to use the clone pager under section 3124 of this title.
``(c) TIME PERIOD AND EXTENSIONS.—
``(1) IN GENERAL.—An order issued under this section shall authorize the use of a clone pager for a period not to exceed 30 days. Such 30-day period shall begin on the earlier of the day on which the investigative or law enforcement officer first begins use of the clone pager under the order or the tenth day after the order is entered.
``(2) EXTENSIONS.—Extensions of an order issued under this section may be granted, but only upon an application for an order under this title and upon the judicial finding required by subsection (a). An extension under this paragraph shall be for a period not to exceed 30 days.
``(3) within a reasonable time after the termination of the period of a clone pager order or any extensions thereof under this subsection, the applicant shall report to the issuing court the number of numeric pager messages acquired through the use of the clone pager during such period.
``(d) LAW ENFORCEMENTILITIES AND TECHNICAL ASSISTANCE.—
``An order authorizing the use of a clone pager shall direct that—
``(1) the order shall be sealed until otherwise ordered by the court; and
``(2) the person who has been ordered by the court to provide assistance to the applicant may not disclose the existence of the clone pager, the existence of the investigation to the listed subscriber, or to any other person, until otherwise ordered by the court.
``(e) NOTIFICATION.—Within a reasonable time, not more than 10 days after the date of termination of the period of a clone pager order or any extensions thereof under this subsection, the issuing judge shall cause to be served, on the individual or individuals using the numeric display paging device that was cloned, an inventory including notice of—
``(1) the date of the entry of the order or the application;
``(2) the date of the entry and the period of clone pager use authorized, or the denial of the application; and
``(3) whether or not information was obtained through the use of the clone pager. Upon an ex-parte showing of good cause, a court may, on a motion by the attorney appearing in a proceeding in which such judgment was entered, in its discretion postpone the serving of the notice required by this section.
``(h) CLERICAL AMENDMENTS.—The table of sections for chapter 206 of title 18, United States Code, is amended—
``(1) by striking the item relating to section 3121 and inserting the following:
``3121. General prohibition on pen register, trap and trace device, and clone pager use; exception.;
``(2) by striking the items relating to sections 3124, 3125, and 3126 and inserting the following:
``3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager.
``3125. Emergent use of a pager, trap and trace device, and clone pager installation and use.
``3126. Reports concerning pen registers, trap and trace devices, and clone pagers.; and
``(3) by adding at the end the following:
``3128. Application for an order for use of a clone pager.
``3129. Issuance of an order for use of a clone pager.
``(l) CONFORMING AMENDMENT.—Section 606(a) of title 28, United States Code, is amended by striking "chapter 119" and inserting "chapters 119 and 206".

**Subtitle B—Methamphetamine Laboratory Cleanup**

**SEC. 2201. SENSE OF CONGRESS REGARDING METHAMPHETAMINE LABORATORY CLEANUP.**

(a) FINDINGS.—Congress finds that—
``(1) the production of methamphetamine is increasing;
``(2) the production of methamphetamine is increasingly taking place in laboratories located in rural and urban areas;
``(3) such production involves dangerous and explosive chemicals that are dumped in an unsafe manner; and
``(4) the cost of cleaning up these production facilities involves major financial burdens on State and local law enforcement agencies.
``(b) SENSE OF CONGRESS.—It is the sense of Congress that—
``(1) the Administrator of the Drug Enforcement Administration should develop a comprehensive plan for addressing the need for the speedy and efficient cleanup of methamphetamine laboratory sites; and
``(2) the Federal Government should allocate sufficient funding to pay for a comprehensive effort to clean up methamphetamine laboratory sites.

**Subtitle C—Powder Cocaine Mandatory Minimum Sentencing**

**SEC. 2202. SENTENCING FOR VIOLATIONS INVOLVING DRUGS.**

(a) AMENDMENT OF CONTROLLED SUBSTANCES ACT.—

``(1) LARGE QUANTITIES.—Section 404(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)(i)) is amended by striking "5 kilograms" and inserting "500 grams".
``(2) SMALL QUANTITIES.—Section 404(b)(1)(B) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(B)(i)) is amended by striking "5 kilograms" and inserting "500 grams".

(b) AMENDMENT OF CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—

``(1) LARGE QUANTITIES.—Section 103(b)(1)(B) of the Controlled Substances Import and Export Act (21 U.S.C. 950(b)(1)(B)) is amended by striking "5 kilograms" and inserting "500 grams".
``(2) SMALL QUANTITIES.—Section 103(b)(1)(B) of the Controlled Substances Import and Export Act (21 U.S.C. 950(b)(1)(B)(ii)) is amended by striking "5 kilograms" and inserting "500 grams".

(c) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by this section.

**Subtitle D—Drug-Free Borders**

**SEC. 2301. INCREASED PENALTY FOR FALSE STATEMENT OFFENSE.**

Section 542 of title 18, United States Code, is amended by striking "two years" and inserting "five years".

**SEC. 2302. INCREASED NUMBER OF BORDER PATROL AGENTS.**

(a) INCREASED NUMBER OF BORDER PATROL AGENTS.—The Attorney General in each of fiscal years 2000, 2001, 2002, 2003, and 2004 shall increase by not less than 1,500 the number of positions for full-time, on-duty border patrol agents within the Immigration and Naturalization Service above the number of such positions for which funds were allocated for the previous fiscal year, to achieve a level of 15,000 positions by fiscal year 2004.

**SEC. 2303. ENHANCED BORDER PATROL PURSUIT POLICY.**

A border patrol agent of the United States Border Patrol may not cease pursuit of an alien who the agent suspects has unlawfully entered the United States if the agent suspects the alien who the agent suspects has unlawfully imported a narcotic into the United States, until State or local law enforcement authorities are in pursuit of the alien or individual and have the alien or individual in their visual range.

**TITLE III—DEMAND REDUCTION**

**Subtitle A—Education, Prevention, and Treatment**

**SEC. 3001. SENSE OF CONGRESS ON REAUTHORIZATION OF SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1994.**

(a) FINDINGS.—Congress finds that—
``(1) drug and alcohol use continue to plague the Nation’s youth; and
``(2) approximately 5.6 percent of high school seniors currently smoke marijuana daily.
``(3) the American public has identified drugs as the most serious problem facing its children today.
``(4) delinquent behavior is clearly linked to the frequency of marijuana use; and
``(5) 89 percent of students in grades 6 through 12 say their teachers have taught them about the dangers of drugs and alcohol.
``(b) SENSE OF CONGRESS.—It is the sense of Congress that—
``(1) the production of methamphetamine is a high priority for the 106th Congress, and that such reauthorization should maintain substance abuse prevention as a major focus of the program.

**SEC. 3002. SENSE OF CONGRESS REGARDING REAUTHORIZATION OF THE SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1994.**

(a) FINDINGS.—Congress finds that—
``(1) 34.8 percent of Americans 12 years of age or older have used a drug in their lifetime and 90 percent of these individuals have used marijuana or hashish and approximately 30 percent have tried cocaine;
``(2) the number of teenage drug users has increased significantly over the past 5 years;
``(3) drug abuse is a health issue being faced in every community, town, State and region of this country;
``(4) no one is immune from drug abuse, and such abuse threatens Americans of every socioeconomic background, every educational level, and every race and ethnicity;
``(5) in 1990 the United States spent $67,000,000,000 on drug-related disorders including health costs, the costs of crime, the costs of accidents and other damages to individuals and property, and the costs of the loss of productivity and premature death;
``(6) comprehensive prevention activities can help youth in saying no to drugs and;
``(7) there are over 6,000 community coalitions throughout the Nation helping the youth of America chose a healthy lifestyle; and
``(8) individuals with drug problems should be held accountable for their actions and should be offered treatment to help change destructive behavior.

**SEC. 3003. BETTER BALANCE APPLIED TO DEALING WITH DRUG ABUSE.**

A balanced approach to dealing with drug abuse is needed in the United States between reducing the demand for drugs and the...
supply of those drugs and a comprehensive plan for addressing drug abuse will involve prevention, education and treatment as well as law enforcement and interdiction; and

(1) the Substance Abuse and Mental Health Services Administration is the lead Federal agency for substance abuse prevention and treatment initiatives.

(b) Discovery of the Truth.—It is the sense of Congress that Congress and the President should—

(1) make the reauthorization of Federal substance abuse treatment and prevention programs a high priority for the 106th Congress; and

(2) provide more flexibility to States in the use of Federal funds for provision of drug abuse prevention and treatment services while holding States accountable for their performance.

SEC. 3003. REPORT ON DRUG-TESTING TECHNOLOGIES.

(a) REQUIREMENT.—The National Institute on Standards and Technology shall conduct a study of drug-testing technologies in order to identify and assess the efficacy, accuracy, and usefulness for purposes of the National effort to detect the use of illicit drugs of any drug-testing technologies (including the testing of hair) that may be used as alternatives or complements to urinalysis as a means of detecting use of such drugs.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Institute shall submit to Congress a report on the results of the study conducted under subsection (a).

SEC. 3004. USE OF NATIONAL INSTITUTES OF HEALTH SUBSTANCE ABUSE RESEARCH.

(a) NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM.—Section 464(h) of the Public Health Service Act (42 U.S.C. 287n) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) REQUIREMENT TO ENSURE THAT RESEARCH AIDS PRACTITIONERS.—The Director, in conjunction with the Director of the National Institute on Drug Abuse and the Director of the Center for Substance Abuse Treatment, shall—

(1) Enact, actively enforce, and publicize a law that makes it illegal to drive in the State with any measurable amount of an illegal controlled substance in the driver's body. An illegal controlled substance is a controlled substance for which an individual does not have a legal written prescription. An individual who is convicted of such illegal driving shall be referred to appropriate services, including intervention, counselling, and treatment.

(2) Enact, actively enforce, and publicize a law that makes it illegal to drive in the State when driving is impaired by the presence of any drug. The State shall provide that in the enforcement of such law, a driver shall be presumed to be in possession of a drug when there is evidence of impaired driving and a driver will have the driver's license suspended. An individual who is convicted of such illegal driving shall be referred to appropriate services, including intervention, counselling, and treatment.

(3) Enact, actively enforce, and publicize a law that provides for revocation of a driver's license if the driver is convicted of any criminal offense relating to drugs.

(4) Enact a law that provides that beginning drivers and other individuals applying for or renewing a driver's license will be provided information about the laws referred to in subsections (1), (2), and (3) and will be required to answer drug-related questions on their applications.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each of fiscal years 2000 through 2004 to carry out this section.

SEC. 3007. DRUG-FREE SCHOOLS.

Congress finds that—

(1) the continued presence in schools of violent students who are a threat to both teachers and other students is incompatible with a safe learning environment; and

(2) unsafe and unhealthy school environments affect students who are already at risk of school failure for other reasons in further jeopardy;

(3) recently, over one-fourth of high school students surveyed reported being threatened at school;

(4) 2,000,000 more children are using drugs in school today than were doing so a few short years prior to 1997;

(5) more of our children are becoming involved with hard drugs at earlier ages, as use of cocaine and crack has more than doubled since 1991; and

(6) greater cooperation between schools, parents, law enforcement, the courts, and the community is essential to making our schools safe from drugs and violence.

SEC. 3008. VICTIM AND WITNESS ASSISTANCE PROGRAMS FOR TEACHERS AND STUDENTS.

(a) VICTIM COMPENSATION.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)) is amended by adding at the end the following:

"(f) VICTIMS OF SCHOOL VIOLENCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the National Institute on Alcohol Abuse and Alcoholism shall, in conjunction with the Director of the National Institute on Drug Abuse and the Director of the Center for Substance Abuse Treatment, shall—

(1) the continued presence in schools of violent students who are a threat to both teachers and other students is incompatible with a safe learning environment; and

(2) unsafe and unhealthy school environments affect students who are already at risk of school failure for other reasons in further jeopardy;

(3) recently, over one-fourth of high school students surveyed reported being threatened at school;

(4) 2,000,000 more children are using drugs in school today than were doing so a few short years prior to 1997;

(5) more of our children are becoming involved with hard drugs at earlier ages, as use of cocaine and crack has more than doubled since 1991; and

(6) greater cooperation between schools, parents, law enforcement, the courts, and the community is essential to making our schools safe from drugs and violence.

SEC. 3008. VICTIM AND WITNESS ASSISTANCE PROGRAMS FOR TEACHERS AND STUDENTS.
(A) programs that provide parent and teacher notification about incidents of physical violence, weapon possession, or drug activity on school grounds as soon as such information is available, to previous annual reports under this paragraph, which comparison shall not involve a comparison of more than 5 such previous annual reports; and

(C) programs to enhance school security measures that may include—

(i) equipping schools with fences, closed circuit cameras, and other physical security measures;

(ii) providing increased police patrols in and around elementary schools and secondary schools, including canine patrols; and

(iii) mailings to parents at the beginning of the school year stating that the possession of a gun or other weapon, or the sale of drugs in school, will not be tolerated by school authorities.

(c) APPLICATION.—

(1) Each State, State educational agency, or local educational agency desiring a grant under this subchapter shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall contain an assurance that the State or agency has implemented or will implement policies that—

(A) provide protections for victims and witnesses of school crime, including protections for attendance at school disciplinary proceedings;

(B) expedite students who, on school grounds, sell drugs, or who commit a violent offense that causes serious bodily injury of another student or teacher; and

(C) require referral to law enforcement authorities or juvenile authorities of any student who on school grounds—

(i) commits a violent offense resulting in serious bodily injury; or

(ii) sells drugs.

(d) SPECIAL RULE.—For purposes of paragraphs (B) and (C) of paragraph (2), State law shall determine what constitutes a violent offense resulting in serious bodily injury.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

(e) INNOVATIVE Voluntary Random Drug Testing Programs.—Section 4116(b) of the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7121(b)) is amended—

(1) in paragraph (9), by striking "and"

(ii) the sale of drugs;

(2) by redesigning paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

"(10) innovative voluntary random drug testing programs; and"

Subtitle B—Drug-Free Families

SEC. 3101. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Families Act of 1999."
SEC. 3101. ESTABLISHMENT OF DRUG-FREE FAMILIES AND COMMUNITIES PROGRAM.

(a) IN GENERAL.—The Administrator shall make a grant to the Parent Collaboration to conduct a national campaign to build a movement to help parents and families prevent drug abuse among their children and adolescents.

(b) TERMINATION.—The period of this grant under this section shall be 5 years.

SEC. 3106. AUTHORIZATION OF APPROPRIATIONS.

SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

SEC. 4002. CARGO INSPECTION AND NARCOTICS DETECTION EQUIPMENT.

SEC. 5001. NON-USE MESSAGE.
(L) $400,000 for 100 vehicle counters.
(M) $1,200,000 for 12 examination tool trucks.
(N) $2,400,000 for 3 dedicated commuter lanes.
(O) $1,050,000 for 3 automated targeting systems.
(P) $572,000 for 26 weigh-in-motion sensors.
(Q) $1,000,000 for Portable Transmission Enforcement Communication Systems (TECS).
(R) Florida and Gulf Coast Seaports.—For Florida and the Gulf Coast seaports, the following:
(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).
(B) $11,800,000 for 5 mobile truck x-rays with ha-backscatter imaging.
(C) $7,200,000 for 81-MeV pallet x-rays.
(D) $250,000 for 50 portable contraband detectors (bustees) to be distributed among ports, where the current allocations are inadequate.
(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic.
(b) Fiscal Year 2001.—Of the amounts made available for fiscal year 2000 under section 301(b)(2) of the Customs Procedural Reform and Simplification Act of 1997 (19 U.S.C. 2075(b)(2)), as amended by section 4001(a) of this title, $9,923,500 shall be for the support of the equipment and related equipment.
(c) Acquisition of Technologically Superior Equipment; Transfer of Funds.—
(1) In General.—The Commissioner of Customs may use amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 4001(a) of this title, $9,923,500 shall be for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a). (A) Acquisition of Technologically Superior Equipment; Transfer of Funds.—
(2) In General.—The Commissioner of Customs may use amounts made available for fiscal year 2001 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 4001(a) of this title, for the acquisition of equipment other than the equipment described in subsection (a) if such equipment—
(1) is technologically superior to the equipment described in subsection (a); and
(2) can be obtained at a lower cost than the equipment described in subsection (a).
(3) Transfer of Funds.—Notwithstanding any other provision of law, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—
(A) the amount specified in any of subparagraphs (A) through (Q) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (R);
(B) the amount specified in any of subparagraphs (A) through (Q) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (Q); and
(C) the amount specified in any of subparagraphs (A) through (Q) of subsection (a)(4) for equipment specified in any other of such subparagraphs (A) through (E).
SEC. 4003. PEAK HOURS AND INVESTIGATIVE RESOURCES.
Of the amounts made available for fiscal years 2000 and 2001 under subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)), as amended by section 4001(a) of this title, $519,557,000, including $5,673,600, expended, for investigative equipment, for fiscal year 2000 and $220,351,000 for fiscal year 2001 shall be available for the following:
(1) A net increase of 358 inspectors, 120 special agents, and 10 intelligence analysts for the United States-Mexico border and 357 inspectors for the United States-Canada border.
(2) A net increase of 285 inspectors and canine enforcement officers to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Mexico border and a net increase of 125 inspectors to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Canada border.
(3) A net increase of 40 inspectors at sea ports in southeast Florida to process and screen cargo.
(4) A net increase of 70 special agent positions, 23 intelligence analyst positions, 9 additional portable x-ray suppression systems, and training equipment to enhance investigation efforts targeted at internal conspiracies at the Nation's seaports.
(5) A net increase of 360 special agents, 30 intelligence analysts, and additional resources to be distributed among offices that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensified efforts against illegal drug smuggling and money laundering organizations.
(6) A net increase of 2 special agent positions to re-establish a Customs Attache office in Nassau.
(7) A net increase of 62 special agent positions and 5 intelligence analyst positions for maritime smuggling investigations and interdiction operations.
(8) A net increase of 50 positions and additional resources to the Office of International Affairs to enhance investigative resources for antiterrorism efforts.
(9) The costs incurred as a result of the increase in personnel hired pursuant to this section.
SEC. 4004. AIR AND MARINE OPERATION AND MAINTENANCE FUNDING.
(a) Fiscal Year 2000.—Of the amounts made available for fiscal year 2000 under subparagraphs (A) and (B) of section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3) (A) and (B)) as amended by section 4001(c) of this title, $130,513,000 shall be available until expended for the following:
(1) $96,500,000 for Customs aircraft restoration and replacement initiative.
(2) $15,000,000 for increased air interdiction and investigative support activities.
(3) $33,033,000 for increased marine vessel replacement and related equipment.
(b) Fiscal Year 2001.—Of the amounts made available for fiscal year 2001 under subparagraphs (A) and (B) of section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3) (A) and (B)) as amended by section 4001(c) of this title, $175,340,000 shall be available until expended for the following:
(1) $36,500,000 for Customs Service aircraft restoration and replacement.
(2) $21,000,000 for increased air interdiction and investigative support activities.
(3) $24,024,000 for marine vessel replacement and related equipment.
SEC. 4005. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.
As part of the annual performance plan for each of the fiscal years 2000 and 2001 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals and performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section.
2000 and 2001 to be used to expand activities
to stop the flow of illegal drugs into the
United States.

SEC. 4402. FORWARD MILITARY BASE FOR COUN-
TERNARCOTIC MATTERS

(a) The Secretary of the Air Force may ac-
qure real property and carry out military
construction projects in the amount of $300,000-
000 to establish an air base or a base for use for support of counternarcotics
operations in the areas of the southern Car-
ribbean Sea, northern South America, and the
eastern Pacific Ocean, to be located in Latin
America or the area of the Caribbean Sea, or
both.

(b) There is authorized to be appropriated
such sums as may be necessary for fiscal
year 2000, and any succeeding fiscal year, for
military construction and land acquisition
for an airbase referred to subsection (a).

SEC. 4403. EXPANSION OF RADAR COVERAGE AND
OPERATION IN SOURCE AND TRANS-
SPORT COUNTRIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated for the
Department of Defense for fiscal year 2000, $110,000,000 for purposes of the procure-
ment of a Relocatable Over the Horizon Radar
(ROTHR) to be located in South America.

(b) AUTHORIZATION TO LOCATE.—The Relocatable Over the Horizon Radar pro-
cured pursuant to the authorization of ap-
propriations in subsection (a) may be located at a location in South America that is suit-
able for purposes of providing enhanced radar
coverage of narcotics source zones in South America.

SEC. 4404. SENSE OF CONGRESS REGARDING
PROTECTION OF MEXICAN AND LATIN
AMERICAN COUNTRIES.

(a) FINDINGS.—Congress makes the follow-
ing findings:

(1) Teenage drug use in the United States has
doubled since 1993.
(2) The drug crisis facing the United States poses a parammount threat to the national se-
curity interests of the United States.
(3) The trans-shipment of illicit drugs through United States borders cannot be halted without an effective drug interdiction strategy.
(4) The Clinton Administration has placed a low priority on efforts to reduce the supply of illicit drugs and the seizure of drug traffickers by the Coast Guard and other Federal a-
genies has decreased, as is evidenced by a 68 percent decrease in the ponds of cocaine
seized by such agencies between 1993 and 1996.
(5) The Western Hemisphere Drug Elimi-
nation Act was enacted into law on October 19, 1998.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the President should allocate funds ap-
propriated for fiscal year 1999 pursuant to the
authorization of appropriations for that fiscal year in the Western Hemisphere Drug
Elimination Act in order to carry out fully the purposes of that Act during that fiscal year;
and
(2) the President should include with the budgets for fiscal years 2000 and 2001 that are submitted to Congress under section 1105 of title 31, United States Code, a request for funds for such fiscal years in accordance with the authorizations of appropriations for such years in that Act.

SEC. 4405. SENSE OF CONGRESS REGARDING THE
PRIORITY OF THE DRUG INTERDIC-
TION AND COUNTERDRUG ACTIVI-
TIES OF THE DEPARTMENT OF DE-
FENSE.

It is the sense of Congress that the Sec-
retary of Defense should revise the Global
Military Force Policy of the Department of
Defense in order—

(1) to treat the international drug interdiction and counterdrug activities of the De-
partment as a military operation other than war, thereby elevating the priority given such activities under the Policy to the next priority below the priority given to war under the Policy and to the same priority given to peacekeeping operations under the Policy;
and
(2) to allocate the assets of the Department
to such activities in accordance with the pri-
ority given such activities under the revised
Policy.

Mr. GRASSLEY. Mr. President, the most recent High School survey of teen drug use tells us something. After years of dramatic increases in drug use among 12–18 years old, we may have a leveling off. The numbers are down, but only rarely. At this rate of decline, we will reach the modest goals for drug re-
duction set by the present Administra-
tion in the year 2050. The Administra-
tion seems to find this good news. At least, they find the present leveling off something but not a clue. Frankly, I think these numbers are the occasion for a little more modesty and whole lot more work.

That’s what the Congress has been doing. The 106th Congress passed major legislation to fight drugs. It put more resources into efforts to make sure that the Administration has ignored or
downed. We did this because we saw the consequences—more teen drug use. Today, we continue that effort. Our goal is not to claim bragging rights, but to statistically minor
changes but to make real changes through serious efforts. Today, we intro-
duced the “Drug Free Century Act.”
This is a comprehensive bill that will be one of the main agenda items for the 106th Congress. It gives us the means to build on what we did last Congress. It gives us the tools that the Administration has left out to put in the sand-
wich.

More important, this bill provides re-
sources to sustain a comprehensive ef-
fort and a coherent policy. In this bill, we provide the means to support our national and international law enforce-
ment efforts. We provide the resources to help families and communities get and remain drug free. We support treatment and education. In short, we build on success and extend our ability to do yet more.

This bill represents the kind of com-
prehensive approach that I have pushed for. It gives us the tools to do the job. More important, it focuses on sustained and sustained attention that we need to do the job. We have a lot of work ahead of us. It is not going to be easy. But we will be better equipped and more able to do the job.

By Mr. DASCHLE (for himself, Mr. NEFFY, Mrs. BOXER, Mr. DODD, Mr. DORGAN, Mr. ED-
WARDS, Mr. CLELAND, Mr. REID, Mr. BINGAMAN, Mr. ENYARD, Mr. AKAKA, Mr. WYDEN, Mr. HARKIN, Mr. MIKULSKI, Mr. LEAHY, Mr. REED, Mr. SARBANES, Mr. WELLSTONE, Mrs. FEINSTEN, Mr. BYRD, Mr. ROCKEFELLER, Mr. KERRY, Mr. TORRICELLI, Mr. BINGAMAN, and Mr. BRYAN):

S. 6. A bill to amend the Public Health Service Act, the Employee Ret-

Mr. KENNEDY. Mr. President, today, we renew the battle in Congress to enact a strong Patients’ Bill of Rights to protect American families from abuses by HMOs and managed care health plans that too often put profits over patients’ needs. Our Patients’ Bill of Rights will protect families against the arbitrary and self-serving decisions that can rob average citizens of their savings and their peace of mind, and often their health and their very lives. Doctors and pa-
tients should be making medical deci-
sions, not insurance company account-
ts. Too often, managed care is mis-
managed care. For the millions of Americans who rely on health insur-
ance to protect them and their loved ones when faced with illness strikes, the Patients Bill of Rights is truly a mat-
ter of life and death.

The dishonor roll of those victimized by insurance company abuses is long and growing. A baby loses his hands and feet because his parents believe they have to take him to a distant hospital emer-
gency room covered by their HMO, rather than to the hospital closest to their home.

A Senate aide suffers a devastating stroke, which might have been far milder if her HMO had not refused to send her to an emergency room. The HMO now even refuses to pay for her wheelchair.

A woman is forced to undergo a mas-
tectomy as an outpatient, instead of with a hospital stay as her doctor rec-
noms. She is sent home in pain, with tubes still dangling from her body.

A doctor is punished by being denied future referrals under a managed care health plan, because he told a patient about an expensive treatment that could save her life.

The parents of a child suffering from a rare cancer are told that life-saving surgery should be performed by an un-
qualified doctor who happens to be on the plan’s list, rather than by a spe-
cialist at the nearby cancer center equipped to perform the operation.

A patient with a fatal cancer is de-
nied participation in a clinical trial that could save her life.

Our Patients’ Bill of Rights addresses all of these problems. It takes insur-
ance company accountants out of the practice of medicine and returns deci-
sion-making to patients and doctors, where it belongs.

The bottom line is that our program guarantees the rights that every
honorable insurance company already grants—and provides an effective, timely means to enforce these rights. These protections are common-sense components of good health care that every family believes they were promised when they purchased health insurance policies.

Virtually all of the patients' protections in this legislation are already available under Medicare. They have been recommended by the National Association of Insurance Commissioners and the president's Advisory Commission. They have even been proposed as voluntary standards by the managed care industry itself through its trade association.

Our Patients' Bill of Rights is a responsible and effective answer to the widespread problems that patients and their families face every day. It is supported by a broad and diverse coalition of doctors, nurses, patients, and advocates for children, women, and working families. The coalition includes the American Medical Association, the Consortium of Citizens with Disabilities, the American Cancer Society, the American Heart Association, the National Alliance for the Mentally Ill, the National Partnership for Women and Families, the National Association of Children's Hospitals, and the AFL-CIO, to name just a few of the more than 180 groups endorsing our bill.

It is rare for such a broad and diverse coalition to come together in support of legislation. But they have done so to end this flagrant abuses that hurt so many families.

Every family in this country knows that it will some day have to confront the challenge of serious illness for a parent, or a grandparent, or a child. When that day comes, all of us want the best possible medical care for our loved ones. Members of the Senate deserve good medical care for their loved ones—and we generally get it. Every other family similarly deserves access to high quality care—but too often they do not get it because their insurance plan is more interested in profits than patients.

The Patients' Bill of Rights provides simple justice and basic protection for each of the 160 million Americans with private insurance who will benefit from this legislation. We will continue to fight for meaningful patient protections until they are signed into law. We will not give up this struggle until every family can be confident that a child or parent or grandparent who is ill will receive the best care that American medicine can provide.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. TORRICELLI, Mr. SCHUMER, Mr. DORGAN, Mr. KERRY, Mr. LAUTENBERG, Ms. MUKULSKY, equally divided, Mr. DURBIN and Mr. BINGAMAN):

S. 9. A bill to combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes; to the Committee on the Judiciary.

THE SAFE SCHOOLS, SAFE STREETS, AND SECURE BORDERS ACT OF 1999

Mr. LEAHY. Mr. President, in September 1998, I introduced, with the support of Senator DASCHLE and several other Democratic Senators, a comprehensive, bi-partisan and Administration-endorsed safe schools, safe streets, and secure borders bill. It was released today to join in introducing an updated version of that bill, the Safe Schools, Safe Streets, and Secure Borders Act of 1999. A number of provisions from S. 2484 were enacted last year and it is my hope that this new bill, S. 9, will have similar success.

The Safe Schools, Safe Streets, and Secure Borders Act of 1999, S. 9, is designed to keep our nation's crime rates moving in the right direction—downward. This bill builds on prior Democratic initiatives, including the landmark Violent Crime Control and Law Enforcement Act of 1994, that have reduced violent crime rates by 21 percent over the past five years. Property crime rates have also fallen by 22 percent since 1993. The nation's serious crime rates are now at their lowest level since 1973, the first year the national crime victimization survey was conducted. We are proud of the significant reduction in crime rates, but we must not become complacent. Too many Americans still encounter violence in their neighborhoods, workplaces, and unfortunately, even in their homes. This bill would ensure that the crime rates continue their downward trend next year, the year after, and beyond.

The Safe Schools, Safe Streets, and Secure Borders Act builds on the successful programs we implemented in the 1994 Crime Law while also addressing emerging problems. The bill is comprehensive and realistic. The new program initiatives are also funded without downsizing other Federal programs or touching any projected Federal budget surplus, but instead by extending the Violent Crime Reduction Trust Fund for two more years.

I am optimistic that we can enact this bill, without partisan or ideological controversy. In fact, the bill contains a number of initiatives that the Republican leadership has tried to avoid the easy rhetoric about crime that some have to offer in this crucial area of public policy. Instead, we have created a bill that could actually make a difference.

The Safe Schools, Safe Streets, and Secure Borders Act targets violent crime in our schools, reforms the juvenile justice system, combats gang violence, cracks down on the sale and use of illegal drugs, enhances the rights of crime victims, and provides meaningful assistance for school security. It also authorizes funding to deploy 25,000 additional police officers on the streets in the coming years. The Act represents an important next step in the continuing effort by Senate Democrats to enact tough yet balanced reforms to our criminal justice system.

The bill has nine comprehensive titles that address crime in schools, crime on our streets, and crime on our borders and abroad. I should note that the bill contains no new death penalties and no new or increased mandatory minimum sentences. We can be tough without imposing unnecessary penalties, and we can ensure swift and certain punishment without removing all discretion from the judge at sentencing.

Title I of the bill deals with proposals for combating violence in the schools and punishing juvenile crime. This title provides technical assistance to schools, reforms the Federal juvenile system, assists States in prosecuting and punishing juvenile offenders and reduces juvenile crime, while also protecting children from violence, including violence from the misuse of guns.

Assistance to Schools. Americans were dismayed and grief-stricken at the school shootings across the country last year. While homicides at American schools have remained relatively constant in recent years, the number of students who have experienced a violent crime in school increased 23 percent in 1995 compared to 1989. We need to make sure our children attend school in a safe environment that fosters learning, not fear.

In response to these concerns, this bill contains an inventive proposal developed by Senator BINGAMAN to establish a School Security Technology Center using expertise from the Sandia National Labs, and provides grants from the Safe and Drug Free Schools Program to enable schools to access technical assistance for school security.

Federal Prosecution of Serious and Violent Juvenile Offenders. The bill would also make important reforms to the Federal juvenile system, without federalizing run-of-the-mill juvenile offenses or ignoring the traditional prerogatives of the States to handle the bulk of juvenile crime. One of the significant flaws in the Republican juvenile crime bills last year was that they would have—in the words of Chief Justice Rehnquist—"eviscerate[d] this traditional deference to State prosecutions, thereby increasing substantially the potential workload of the federal judiciary." The Chief Justice has repeatedly raised concerns about "federalizing" more crimes and in his 1998 Year-End Report of the Federal Judiciary noted that "Federal courts were not created to adjudicate local crimes, no matter how sensational or heinous the crimes may be. State courts do, can, and should handle such problems."

The Democratic proposal to reform the Federal juvenile justice system heed this sound advice and respect our Federal system.
Among other reforms, the Safe Schools, Safe Streets, and Secure Borders Act would allow Federal prosecution of juveniles only when the Attorney General certifies that the State cannot or will not exercise jurisdiction, or when the juvenile is alleged to have committed a violent, drug or firearm offense.

Prosecutors would be given sole, non-reviewable authority to prosecute as adults 16- and 17-year-olds who are alleged to have committed the most serious violent and drug offenses. Limited judicial review is provided for prosecutors' decisions to try as adults 13-, 14-, and 15-year-old juveniles, and those 16- and 17-year-olds who are charged with less serious Federal offenses.

Assistance to States for Prosecuting and Punishing Juvenile Offenders, and Reducing Juvenile Crime. The bill authorizes grants to the States for incarcerating violent and chronic juvenile offenders (with each qualifying State getting at least 0.5 percent of available funds), and provides graduated sanctions, reimburses States for the cost of incarcerating juvenile alien offenders, and establishes a pilot program to replicate successful juvenile crime reduction strategies.

Protecting Children from Violence. The bill contains important initiatives to protect children from violence, including violence resulting from the misuse of guns. Americans want concrete proposals to reduce the risk of such incidents recurring. At the same time, we must preserve adults' rights to use guns for legitimate purposes, such as home protection, hunting and for sport.

The bill imposes a prospective gun ban for juveniles convicted or adjudicated delinquent for violent crimes. It also requires revocation of a firearms dealer's license for failing to have secure gun storage or safety devices available with firearms. The bill enhances the penalty for possessing a firearm during the commission of a crime of violence or drug offense and for violation of certain firearm laws involving juveniles. In addition, the bill authorizes competitive grant programs for the establishment of juvenile gun courts and youth violence courts.

Title II of the bill addresses the problem of gang violence which has spread from our cities into rural areas of this country, to the border of our own State of New Mexico. More than 850,000 gang members belong to 31,000 youth gangs in the United States, and the numbers are growing.

This part of the bill cracks down on gangs by making the interstate 'franchising' of street gangs a crime. It will also increase penalties for crimes during which the convicted felon wears protective body armor or uses "laser-sighting" devices to commit the crime.

The bill addresses the criminal penalties for using or threatening physical violence against witnesses and contains other provisions designed to facilitate the use and protection of witnesses to help prosecute gangs and other violent criminals. The Act also provides funding for law enforcement agencies in communities designated by the Attorney General as areas with a high level of interstate gang activity.

Title III contains a number of initiatives in nine subtitles to combat violence in the streets. The Safe Schools, Safe Streets, and Secure Borders Act continues successful initiatives in the 1994 Crime Act by putting a new emphasis on the streets, providing for the construction of more prisons, preventing juvenile felons from buying handguns, and assisting law enforcement and community groups in better protecting women and children from domestic violence. Specifically, the bill would extend COPS funding into 2001 and 2002 (which should lead to at least 25,000 more officers on the streets); establish a state minimum of .75 percent for Truth-In-Sentencing grants and extend this program to any State with an incarceration prison grant program into 2001 and 2002; and extend authorization for the Violence Against Women Act (VAWA) funding and local law enforcement grant programs.

A significant problem that arose last year was the loss of confidentiality that had previously attached to the important work of the U.S. Secret Service. The Departments of Justice and Treasury and even a former Republican President have testified that the confidentiality of future Presidents may be jeopardized by forcing U.S. Secret Service agents to breach the confidentiality they need to do their job by testifying before a grand jury. I trust the Secret Service on this issue; they are the experts with the mission of protecting the lives of the President and other high-level elected official and visiting dignitaries. I also have confidence in the judgment of former President Bush, who has written, "I feel very strongly that [Secret Service agents] should not be made to appear in court to discuss that which they might or might not have seen or heard."

The Safe Schools, Safe Streets, and Secure Borders Act provides a reasonable and limited protective function whereby future Secret Service agents are able to maintain the confidentiality they say they need to protect the lives of the President, Vice President and visiting heads of state. This title also includes a number of provisions to address the following matters:

Domestic violence: In addition to extending authorized funding for the Violence Against Women Act, the bill provides punitive sanctions to commit interstate domestic violence, expand the interstate domestic violence offense to cover intimidation, and punish interstate travel with the intent to kill a spouse.

Protecting Law Enforcement and the Judiciary: The Act recognizes that law enforcement officers put their lives on the line every day. According to the FBI, over 1,000 officers have been killed in the line of duty since 1980. The Safe Schools, Safe Streets, and Secure Borders Act contains provisions to protect the lives of our law enforcement officers by extending the Bulletproof Vest Partnership grant program through 2002. It also establishes new crimes and increases penalties for killing federal officers and persons working with federal officers, including in their work with federal prisoners, and for retaliation against federal officials by threatening, injuring, or injuring law enforcement officers.

Cargo/Property Theft: The bill also contains an important initiative proposed by Senator Lautenberg to deter cargo thefts.

Sentencing Improvements: This title doubles the maximum penalty for manslaughter from 10 to 20 years, consistent with the Sentencing Commission's recommendation. It applies the sentencing guidelines to all pertinent federal statutes (such as criminal prohibitions in statutes outside titles 18 and 21 of the United States Code), and other improvements.

Civil Liberties: The bill includes the "Hate Crimes Prevention Act," which was originally introduced by Senator Kennedy and has the strong bipartisan support of over twenty Members, and other initiatives designed to bolster support for enforcement of civil rights.

National Drunk Driving Standard: The bill includes a provision sponsored by Senator Lautenberg which requires States to establish a .08 alcohol standard for driving while intoxicated by 2002 or risk losing a portion of their federal highway funds. Título IV of the bill outlines a number of prevention programs that are critical to further reducing juvenile crime. The programs would go to youth organizations and "Say No to Drugs" Community Centers, as well as reaffirmation of the Runaway and Homeless Youth Act, Anti-Drug Abuse Programs and Local Delinquency Prevention Programs. Additional sections include a program suggested by Senator Bingaman to establish a competitive grant program to reduce truancy, with priority given to efforts to replicate successful programs.

Would also reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDPA) in a similar fashion to H.R. 1818, a bill passed by the House with strong bipartisan support in the last Congress. This section creates a new juvenile justice block grant program and retains the focus on core protections for youth in the juvenile justice system, while adopting greater flexibility for rural areas.

Last year, the Senate Republicans tried to gut these core protections in their juvenile crime bill, S. 10. This Democratic crime bill puts ideology aside, and follows the advice of numerous child advocacy experts—including...
the Children's Defense Fund, National Collaboration for Youth, Youth Law Center and National Network for Youth—who believe these key protections must be preserved in order to protect juveniles who have been arrested or detained. These protections are necessary to ensure that juveniles are not housed with adults, do not have verbal or physical contact with adult inmates, and any disproportionate confinement of minority youth is addressed by the States. If these protections are abolished, minority youth may be more likely to committing suicide or being released with serious physical or emotional scars.

Title V of the bill contains five subtitles on combating illegal drug use. Illegal drugs are too often at the heart of crime. This Act would protect our children by increasing penalties for selling drugs to kids and drug trafficking in or near schools, and cracking down on “club drugs.” It goes a step further and encourages pharmacotherapy research to develop medications for the treatment of drug addiction, a proposal Senator Biden has urged. It also funds drug courts, which subject eligible drug offenders to programs of intensive supervision.

Title VI of the bill is intended to increase the rights of victims within the criminal justice system. The criminal system is only half of the equation. This bill guarantees the rights of crime victims. All States have victim's rights in some form, but they often lack the training and resources to make those rights a reality. This bill provides a model Bill of Rights for crime victims in the federal system, and makes available to the States grants to fund the hiring of State and Federal victim-witness advocates, training, and the technology necessary for model notification systems. This bill would help make victims' rights a reality.

Specifically, this title reforms Federal law and evidence to enhance victims' participation in all stages of criminal proceedings by giving victims' a right to notice of detention hearings, plea agreements, sentencing, probation revocations, escapes or releases from prison, and to allocation at hearings, as well as grants for obtaining state-of-the-art systems for providing notice. In addition, this title would provide grant programs to study the effectiveness of the restorative justice approach for victims.

Title VII of the bill of details provisions for combating money laundering. Crime increasingly has an international face, from drug kingpins to millions of terrorists, like Usama bin Laden. Money laundering provisions of this bill hit these international criminals where it hurts most—in the pocketbook.

These provisions would provide important tools to combat international terrorism but drug trafficking as well. We must have interdiction, we must have treatment programs; we must tell kids to say “No” to drugs. But we have to do more, and taking the profit away from international drug lords is an effective weapon. This Democratic crime bill would strengthen these laws.

FBI Director Freeh testified last year before the Senate Judiciary Committee that enhanced money laundering provisions would be an important tool against the likes of international terrorists, such as bin Laden. Director Freeh praised the following provisions set forth in this title of the bill.

FBI and State task forces to stop drug kingpins, terrorists and other international fugitives from using our courts to fight to keep the proceeds of the very crimes for which they are wanted. Criminals should not be able to use our courts to their benefit at the same time they are evading our laws.

Immediate seizure of U.S. assets of foreign criminals, so terrorists and drug lords will not be able to keep their money one step ahead of the law enforcement.

Limits on Foreign Bank Secrecy to stop criminals from hiding behind foreign bank secrecy laws while they use U.S. courts.

These and other money laundering provisions in the bill should find bipartisan support for quick passage before the end of this Congress.

Title VIII sets forth important proposals for combating international crime. In particular, the bill would punish violent crimes or murder against American citizens abroad, deny safe havens to international criminals by strengthening extradition, promote cooperation with foreign governments on sharing witnesses and evidence, and streamline the prosecution of international crimes in U.S. courts.

Provisions include:

- Giving the FBI authority to investigate and prosecute the murder or extortion of U.S. citizens and state and local officials involved in federally-sponsored programs abroad;
- Providing for extradition under certain circumstances for offenses not covered in a treaty or absent a treaty;
- Giving the Attorney General authority to transfer and share witnesses with foreign governments, and obtain and use foreign evidence in criminal cases;
- Prohibiting fugitives from benefiting from time served abroad fighting extradition proceedings;
- Adding serious computer crimes as predicate offenses for which wiretaps may be authorized; and
- Providing court order procedures for law enforcement access to stored information on computer networks.

Finally, Title IX contains provisions to strengthen the air, land and sea borders of this country. The bill would punish violence at the borders, increase authority of maritime law enforcement officials, and impose stiffer penalties for smuggling contraband and other products, strengthen immigration laws to exclude fleeing felons, and persons involved in racketeering and arms trafficking. Specific sections include:

- Punishing “port-running,” which is driving or crashing through Customs entry points;
- Sanctions for not cooperating with many illegal law enforcement officers by obstructing lawful boarding requests and commands to “heave to”; and
- Denying admission into the U.S. of persons whom consular officials have reason to believe are involved in RICO crimes, trafficking, smuggling for profit, or are fleeing foreign prosecution.

The Safe Schools, Safe Streets, and Secure Borders Act is a comprehensive and realistic set of proposals for keeping our schools safe, our streets safe, our citizens safe when they go abroad, and our borders secure. I look forward to working on a bipartisan basis for passage of as much of this bill as possible during the 106th Congress.

By Mr. DASCHLE (for himself, Ms. MIKULSKI, Mr. CLELAND, Mr. HARKIN, Mr. SARBANES, Mr. KENNEDY, Mrs. BOXER, Mr. DURBIN, Mr. R. W. ELLER, Mr. DODD, and Mr. BRYAN):

S. 10. A bill to provide health protection and needed assistance for older Americans, including access to health insurance for 55- to 65-year-olds, assistance for individuals with long-term care needs, and social services for older Americans; to the Committee on Finance.

THE DEMOCRATIC AGENDA FOR SENIOR CITIZENS

Mr. KENNEDY. Mr. President, I commend Senator Daschle for his leadership in making these vital health programs that mean so much to older Americans a central part of the Democratic agenda. Our proposal for Early Access to Medicare is a key part of these initiatives. It provides a lifeline for millions of Americans who are within a few years of the eligibility for Medicare and who have lost their health insurance coverage or fear that they will lose it. Our proposal also includes President Clinton’s program to assist disabled senior citizens and their families—assistance that can mean the difference between institutionalization in a nursing home and the ability to remain in their own home. In addition, our proposal extends and strengthens the Older Americans Act, which provides valuable services for senior citizens, from “Meals on Wheels” to employment opportunities.

Providing early access to Medicare will offer help and hope to more than three million Americans aged 55 to 64 who have no health insurance today. They are too young for Medicare, and unable to obtain private coverage they can afford. Often, they are victims of corporate downsizing, or of a company’s decision to cancel their health insur-

In the past year, the number of the uninsured in this age group increased at a faster rate than other age groups. These Americans have been left out
and left behind through no fault of their own—often after decades of hard work and reliable insurance coverage. It is time for Congress to provide a helping hand.

Many of these citizens have serious health problems that threaten to destroy the savings of a lifetime and that prevent them from finding or keeping a job. Even those without current health problems know that a single serious illness could wipe out their savings.

Some Americans tend to be in poorer health than other members of their age group. Their health continues to deteriorate, the longer they remain uninsured. This unnecessary burden of illness is a preventable human tragedy. It adds to Medicare’s long-term costs, because when these individuals turn 65, they join Medicare with greater and more costly needs for health care.

Even those with good coverage today can’t be certain that it will be there tomorrow. Losing their retirement savings might be confidence that the health insurance they have today will protect them until they qualify for Medicare at 65.

Our proposal offers several types of assistance. Any uninsured American who is 62 or older can buy into Medicare. Over time, the participants will pay the full cost of the coverage, but to help keep premiums affordable, they can defer payment of part of the premiums until they turn 65 and Medicare starts to pay most of their health care costs. Once they turn 65, the deferred portion of the premium will be paid back at a modest monthly rate estimated at about $10 per month for each year of participation in the buy-in program.

In addition, individuals age 55-61 who lose their health insurance because they are laid off or because their company closes will also be able to buy into Medicare, but they will not qualify for the deferred premium. Also, people who have retired before age 65 with the expectation of employer-paid health insurance would be allowed to buy into the company’s program for active workers if the company drops its retirement coverage before they are eligible for Medicare.

Our proposal is a lifeline for all these Americans. It is also a constructive step toward the day when every American will be guaranteed the fundamental right to health care. In the past, opponents have waged a campaign of disinformation that this sensible plan is somehow a threat to Medicare. They are wrong—and the American people understand that they are wrong. Under our proposal, the participants themselves will ultimately pay the full cost of this new coverage. The modest short-term budget impact can be financed through savings obtained by reducing fraud and abuse in Medicare.

Every American should have the security and peace of mind knowing that their final years in the workforce will not be haunted by the fear of dev-
Mr. President, today, I along with Senators Bob Graham, Connie Mack, Paul Coverdell, Spencer Abraham, and Thad Cochran are introducing the "The Collegiate Learning and Student Savings (CLASS) Act", a common sense proposal which could help more than 30 million students afford a college education.

The CLASS Act will make the interest earned on all education pre-paid plans completely tax-free. Currently, the interest earned by families saving for college is taxed twice. Families are taxed on the income when they earn it, and then again on the interest that accrues from the savings.

On the other hand, the federal government subsidizes student loans by deferring interest payments until after graduation. It is no wonder that families are going heavily into debt and at the same time are struggling to save for college. We strongly believe that this trend must continue.

In order to provide families a new alternative, The CLASS Act will provide tax-free treatment to all pre-paid savings plans. This bipartisan piece of legislation is sound education and tax policy that provides incentives for savings rather than bureaucratic solutions. For a small cost, the CLASS Act will provide billions in potential savings to help families afford a college education.

Mr. President, many individuals have questioned whether these plans will benefit all types of students. Let me say this, it is wrong to assume that tuition savings and prepaid plans benefit mainly the wealthy. In fact, the track record of existing state pre-paid plans indicates that working, middle-income families, not the rich, benefit the most from pre-paid plans.

For example, families with an annual income of less than $35,000 purchased 62 percent of the tuition contracts sold by the State of Pennsylvania in 1996. And the average monthly contribution to a family's college savings account during 1995 in Kentucky was $43.

Tax free treatment for prepaid tuition plans must become law. The federal government can no longer subsidize student debt with interest rate breaks and penalize educational savings by taxing the interest earned on those savings.

In recent years, however, many families have tackled rising tuition costs by taking advantage of pre-paid college tuition and savings plans. These plans allow families to purchase tuition credits years in advance.

Mr. President, 39 states, like my home state of Alabama, along with a nationwide consortium of more than 100 private schools, have established these tuition savings and prepaid tuition plans. These plans are extremely popular with parents, students, and alumni. They make it easier for families to save for college, while at the same time taking the uncertainty out of the future cost of college.

Congress has supported participating families by expanding the scope of the pre-paid tuition plans and by deferring the taxes on the interest earned until the student goes off to college.

The idea of tax-free treatment for prepaid tuition plans has also been endorsed by the Washington Post, Time Magazine, and the Birmingham News.

Mr. President, in particular, I would like to call my colleagues attention to a September 25, 1998 Heritage Foundation report, authored by Rea herpeson, a Research Analyst in the Domestic Policy Department at Heritage. This shows that over 30 million children stand to benefit from expanded education savings accounts and tuition prepayment plans. I'd encourage my colleagues to review the Heritage report, which breaks down these numbers by both State and Congressional district.

Mr. President, I would also like to ask that a copy of this report be printed in the RECORD at the conclusion of my remarks.

I would also like to acknowledge the efforts of my good friend Congressman Joe Scarborough, who has introduced the House companion to the CLASS Act, H.R. 254.

Mr. President, the time to act is now. I encourage my colleagues to push for this common sense piece of legislation. This Congress should call on the leadership of both Houses, to make this legislation, which could help more than 30 million students afford a college education, a part of any tax bill we consider this year.

Mr. President, I ask unanimous consent that a report and letters of support be printed in the RECORD.

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

S. 13. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education; to the Committee on Finance.

Mr. SESSIONS. Mr. President, I rise today to discuss the concept of prepaid tuition plans and why they are critically important to America's families.

As a parent who has put two children through college and who has another currently enrolled in college, I know first-hand that America's families are struggling to meet the rising costs of higher education. In fact, American families have already accrued more college debt in the 1990's than during the previous three decades combined.

The reason is twofold: the federal government subsidizes student debt with interest rate breaks and penalizes educational savings by taxing the interest earned on those savings.

In recent years, however, many families have tackled rising tuition costs by taking advantage of pre-paid college tuition and savings plans. These plans allow families to purchase tuition credits years in advance.

Mr. President, 39 states, like my home state of Alabama, along with a nationwide consortium of more than 100 private schools, have established these tuition savings and prepaid tuition plans. These plans are extremely popular with parents, students, and alumni. They make it easier for families to save for college, while at the same time taking the uncertainty out of the future cost of college.

Congress has supported participating families by expanding the scope of the pre-paid tuition plans and by deferring the taxes on the interest earned until the student goes off to college.

Sincerely,

David L. Warren,
President.
Mr. SESSIONS. I have reviewed S. 2425 with a great deal of enthusiasm. I believe that it is a much needed piece of legislation to encourage passage of the language. Clearly demonstrates both your leadership and commitment to American higher education. If I can be of further assistance as you move forward, please do not hesitate to contact me.

Very sincerely yours,

THOMAS E. CORTS, Ph.D.

BIRMINGHAM-SOUTHERN COLLEGE
BIRMINGHAM, AL

August 5, 1998.

Hon. JEFF SESSIONS,
Russell Senate Office Building, Washington, DC

DEAR SENATOR SESSIONS. I am writing to personally thank you for your continued efforts to bring about legislation to allow private college prepaid tuition plans.

As you know, Birmingham-Southern College, along with many other colleges, is participating in the Enterprise State Junior College, Enterprise, AL.

The best college-savings program you can offer is one that is easy to administer and offers the highest possible return on your investment. The trend is clear: prepaid tuition plans offer tax advantages, and some are portable, but many still apply only to public colleges within the taxpayer's state. What if you get accepted to Harvard? You can get your contributions back. But some states refund only principal, beating the state flat rate. They can cut out of your state and the rest of the country.

In our continuing efforts to make a college education more accessible and affordable for families, we very much appreciate your sponsorship of S. 2425, the Collegiate Learning and Student Saving Act of 1998.

As you may know, Samford University has joined with nearly sixty independent institutions of higher education to form a consortium which is working hard to establish the first nationwide prepaid tuition program geared to American families who want to enroll their children at independent institutions. We are convinced this plan will offer families a convenient and affordable method to save for college. Moreover, our institutions will be able to offer future tuition at current or discounted rates. In addition, I believe it is important to secure tax treatment for prepaid tuition plans for private institutions, similar to that currently offered to state-sponsored tuition plans. Such tax treatment is essential to the success of our efforts by making these programs more economically attractive.

If I can be of further assistance as you move forward, please do not hesitate to contact me.

Sincerely,

DIANA F. CANTOR,
Executive Director.

ENTERPRISE STATE JUNIOR COLLEGE,
Enterprise, AL

October 1, 1998.

Hon. JEFF SESSIONS,
U.S. Senate, Washington, DC

DEAR SENATOR SESSIONS.

I am writing to personally thank you for your continued interest in and support of S. 2425 with a great deal of enthusiasm. I believe that it is a much needed piece of legislation to encourage passage of the language. Clearly demonstrates both your leadership and commitment to American higher education. If I can be of further assistance as you move forward, please do not hesitate to contact me.

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October 1, 1998.
Tuition Plan Inc., a new prepaid program designed to work like the state-run tuition plans:

Parents invest in the plan when their children are young enough for trust or pre-tax contributions (the decision is up to a grandparent); educational accounts are only allowed for children under age 14. The child becomes the beneficiary and is, in effect, a co-owner of an investment account. This is a factor in New Hampshire’s decision to start a prepayment plan.

The states are crafting the programs in response to constituent complaints about the high costs of higher education. They argue that it is time for Congress now want to expand these opportunities. Advocates of expansion claim that these plans will make it easier for families to save for their children’s college education.

In 1996, Congress added Section 529 to the Taxpayer Relief Act of 1997, increasing the $500,000 contribution limit to $1 million for families. The states have sought through a variety of ways to privatize the government’s role in education funding. The states would allow families to contribute as much as $10,000 per year to a prepayment plan to save for their child’s college education. The tax benefits of the Section 529 plans have been available since 1997.

Although sponsored by the states, the programs are typically operated by a large investment management company. The state treasurer, for example, might invest the funds in a variety of securities and pay the management fees. Other fees might include record-keeping, marketing, and administrative costs. The details of how programs work depend on the state, but most programs include:

- A college savings account
- A menu of investment options
- Automatic or semi-automatic investments
- Access to the money at any time, subject to penalties
- No interest on the account
- State income tax deductions
- Federal income tax deductions
- Federal gift tax exclusion
- The flexibility to change beneficiaries

The state plans are designed to allow families to save for their child’s college education. The states argue that it is time for Congress to expand these opportunities and end the tax disparity that currently exists between public and private colleges.

Indeed, the House Ways and Means Committee recently adopted, as part of its $80 billion tax-cut package, a modest expansion of the College Savings Act of 1996. The new savings plans, variously known as educational IRA’s or individual retirement accounts, are designed to give families the ability to save for their child’s college education, while also providing tax advantages.

The new savings plans differ from prepaid tuition plans in several ways:

- They offer a wider range of investment options
- They do not guarantee a fixed tuition rate
- They may be more flexible in terms of when the money is used

The states have been successful in establishing these programs, and they have attracted hundreds of millions of dollars in contributions. However, the states have also faced criticism over the high fees charged by the investment management companies.

Fidelity’s Mitchell said the programs fill a gap in government efforts to assist families in saving for college tuition. "This was a factor in New Hampshire’s decision to start a prepayment plan," he said. "We think for most people who are able to save at all, $500 a year just isn’t enough to get people to take the opportunity." Mitchell said that tuition savings trusts are a "good idea," but they are not a "silver bullet.

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for Data Analysis study shows that about 30 million children could benefit, as demonstrated in the attached table by state and congressional district.

It should be noted that this study does not calculate the financial benefits that might flow to families from expanding tuition savings and prepaid plans, though the numbers doubtless are significant. American families accumulated more college debt during the first five years of the 1990s than in the previous three decades combined. Recognizing that the trend cannot continue, several states have established tuition savings and prepaid plans. A common criticism of educational savings accounts is that they are a tax break solely for the rich and upper class, so not many children will benefit from them. However, the experience of the existing state plans indicates that working, middle-income families represent a significant portion of participants. For example, families with annual incomes of less than $35,000 purchased 62 percent of the prepaid tuition contracts sold by Pennsylvania in 1996. The average monthly contribution to a family’s college savings account during 1995 in Kentucky was $44.3.

The attached table shows the number of children who stand to benefit from expanded educational savings accounts and tuition prepaid plans.

**METHODOLOGY**

The data in the attached table came from the 1997 March Current Population Survey produced by the Bureau of the Census, and other data tabulated by the Census Bureau for The College Board.

Children were considered eligible if they were members of families that had an annual monetary income of at least 125 percent of the poverty threshold. The analysis was conducted at the state level, which gave the aggregate number of children eligible. The children were distributed based on each district’s percentage of children above the 125 percent of poverty level.

Finally, the number of children in each district was multiplied by the percentage of eligible high school graduates in 1994 who went on to attend college in that state.

**FOOTNOTES**

1 John S. Barry, “Why Congress Must Fix the Tax Bill’s Educational Savings Plans,” Heritage Foundation Executive Memorandum No. 491, September 3, 1997. Legislation has been introduced by Representative Bill Archer (R-TX), Kay Granger (R-TX), Philip English (R-PA), and Gerald Weller (R-IL), and Senators Jeff Sessions (R-AL), William Roth (R-DE), Bob Graham (D-FL), Mitch McConnell (R-KY), Paul Coverdell (R-GA), Thad Cochran (R-MS), Rod Gramps (R-MN), and Spencer Abraham (R-MI).


5 Data available upon request from the author.

6 At 125 percent of the poverty level, there is a notable increase in the number of tax filers who could realize tax savings from these plans.

7 "Quality Counts,” Education Week, Vol. XII, No. 17 (January 8, 1998), p. 79.
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<th>State and congressional district</th>
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Mr. GRAHAM. Mr. President, I am proud to join Senator Sessions and other colleagues in launching an initiative to increase Americans’ access to college education. Today, we are introducing the Collegiate Learning and Student Savings Act. This bill would extend tax-free treatment to all state-sponsored prepaid tuition plans and state savings plans in the year 2000. This legislation would also give prepaid tuition plans established by private colleges and universities tax-deferred treatment in 2000, and tax-exempt status by 2004.

Prepaid college tuition and savings programs have flourished at the state level in the face of spiraling college costs. According to the College Board, tuition at public colleges increased by 107 percent, while the median income increased just 12 percent. The cause of this dramatic increase in tuition is the subject of significant debate. But whether these increases are attributable to increased costs to the universities, reductions in state funding for public universities, or the increased value of a college degree, the fact remains that financing a college education has become increasingly difficult.

Although the federal government has increased its aid to college students over the years, it is the states who have engineered innovative ways to help its families afford college. Michigan implemented the first prepaid tuition plan in 1986. Florida followed in 1988. Today, 43 states have either implemented or are in the process of implementing prepaid tuition plans or state savings plans.

Mr. President, prepaid college tuition plans allow parents to pay prospectively for their children’s higher education at participating universities. States pool these funds and invest them so that when the child enrolls or exceeds the pace of educational inflation. This “locks in” current tuition and guarantees financial access to a future college education. Congress has already acted to ensure that tax on disbursements from state-sponsored programs tax-deferred.

Senator Sessions and I believe the 106th Congress must move to make state programs 100 percent tax free. Senator Stenholm’s able to dwell in college without fear of having to pay taxes on the money accrued. The legislation would extend the same treatment to private college prepaid plans in 2004.

We believe that these programs should be tax free for numerous reasons. First, for most families, they have in essence purchased a service to be provided in the future. The accounts are not liquid. The funds are transferred from the state directly to the college or university. Under current policy, the student is required to find other means of generating the funds to pay the tax. Second, Congress should make these programs tax exempt in order to encourage savings and college attendance.

Perhaps most importantly, prepaid tuition and savings programs help middle-income families afford a college education. A recent study shows that it is not higher income families who take most advantage of these plans. It is middle-income families who want the discipline of monthly payments. They know that they would have a difficult time coming up with funds necessary to pay for college if they waited until their child enrolled. In Florida, more than 70 percent of participants in the state tuition program have family incomes of less than $45,000.

I am pleased to have this opportunity to join my colleagues in support of good tax policies which enhance our higher education goals. Prepaid tuition plans ensure that the discipline of saving is there from the state directly to the college or university. Under current policy, the student is required to find other means of generating the funds to pay the tax. Second, Congress should make these programs tax exempt in order to encourage savings and college attendance.

By Mr. COVERDELL (for himself and Mr. TORRICElli):

S. 14. A bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EDUCATION SAVINGS ACCOUNT ACT OF 1999

Mr. COVERDELL. Mr. President, I rise today to introduce the Education Savings Account Act of 1999.

Under this bill, parents will have more control over their children’s education through IRA-style savings accounts that allow parents to save money tax-free for elementary and secondary education expenses. This legislation allows parents, grandparents, or scholarship sponsors to contribute up to $2,000 (post-tax dollars) a year per child for educational expenses while at public, private, religious or home schools—from kindergarten through high school. The accumulated interest in the savings accounts is tax-free if used for the child’s education.

J just consider the benefits of these innovative education savings accounts: if a parent placed $2,000 each year in an education savings account beginning in the year of a child’s birth, then assuming a 7.5 percent interest rate, $14,488 would be available by the first grade, $36,847 by the time the child starts junior high school, and $46,732 when the child starts high school.

For a child attending public school, this money could be used for after-school tutoring, car pooling or other transportation costs, school uniforms, or for a home computer. The Joint Committee on Taxation estimates that 75 percent of all families using these accounts—10.8 million families—will use them to support children in public schools.

These savings accounts give parents the power to obtain the necessary tools to overcome current obstacles to obtaining a quality education for their children.

This legislation is modeled on the Education Savings Accounts that were established for college as part of the bipartisan Taxpayer Relief Act of 1997. Last year, a similar version of this bill passed both the House and the Senate but was vetoed by President Clinton.

I am confident that because this is an idea that benefits millions of American families, Senator Clinton will put aside his differences and join us in our effort this Congress.

By Mr. DODD (for himself, Mr. DASchLE, Mr. KENNEDY, Mr. HARKIN, Mr. AKAKA, Mrs. MURRy, Mr. KOHL, Mr. KERRY, Mr. KERREy, Mr. BINGAMAN, Mr. BRYAN, Mr. SARBANES, Mr. BIDEN, Mrs. BOXER, Mr. BREauX, Mr. DURBIn, Mr. JOnsson, Ms. LANDRIEU, Ms. MIKULski, Mr. ROCKEFELLER, Mr. REED, Mr. SCHUMER, Mr. TORRICElli, Mr. WellSTOnE, Mr. LAUTENBERG, and Mrs. FEINSTEIN):

S. 17. A bill to increase the availability, affordability, and quality of child care; to the Committee on Health, Education, Labor, and Pensions.

CHILD CARE A.C.C.E.S.S. ACT (AFFORDABLE CHILD CARE FOR EARLY SUCCESS AND SECURITY)
affordability and accessibility of child care in America.

Any member who spent time in his or her state over the past two months enters the 106th Congress knowing with certainty that no issue weighs more heavily on the minds of parents in this country than how their children are cared for.

Parents worry that they can't afford to take time away from work to be with their children. When they must work, they worry that the child care they need will be unavailable, unaffordable or unsafe. It's a constant, daily struggle.

The challenge before us is straightforward: to do a better job of supporting families in the choices they make about the care of their children.

Providing support for families’ choices does not require inventing a slew of new programs. We have programs already in existence that work and that enjoy bipartisan support. Our goal should be to build on the foundation we've already laid with programs like the Child Care and Development Block Grant, 21st Century Community Learning Centers, and with targeted tax credits that help working families defray the costs of raising children.

But, providing real support does require making sure that adequate resources are there when families need them. And that's where we're falling short.

Mr. President, this is the reality in communities across the country:

Because of a lack of funding, the Child Care and Development Block Grant serve only 1 out of 10 eligible children. In two-thirds of our states, families earning $25,000 will too much be eligible for any assistance through the block grant. Ironically, these same families earn too little and have too little tax liability to take full advantage of the non-refundable Dependent Care Tax Credit. What kind of choices do those families have when more than half of schools are at an increased risk cost child care? What kind of choices do those families have when half of after school programs are at an increased risk cost child care? What kind of choices do those families have when more than half of schools are at an increased risk cost child care?
The Congress makes the following findings:

1. Each day an estimated 33,000,000 children spend some part of their day in child care.

2. Fifty-four percent of mothers with children between the ages of 0-3 are in the workforce. Labor force participation rises to 63 percent for mothers with children under the age of 6 and to 78 percent for mothers with children ages 6-17.

3. The availability of child care that is reliable, convenient, and affordable helps parents to reach and maintain self-sufficiency and is essential to making the transition from welfare to work.

4. Only 1 in 7 child care centers provides care that promotes healthy development. Child care at 1 in 8 centers actually threatens children's health and safety.

5. In many instances, high quality child care services cost little more than mediocre services. An investment of only an additional 10 percent has been found to have a significant impact on quality.

6. Ten percent of child care centers do not provide child care that promotes health development. Child care at 26 centers actually threatens children's health and safety.

7. Fifty-five percent of child care centers do not provide child care providers.

8. Improving the education, training, and salary of a child care provider makes the difference between poor and quality child care.

9. The average salary of a child care provider in a center is only $12,058 a year, which is approximately equal to the poverty level for a family of 3.

10. Home-based providers earn $9,000 a year on average.

11. The average salary of a child care provider in a center is only $12,058 a year, which is approximately equal to the poverty level for a family of 3.

12. Poor compensation and limited opportunities for professional training and education contribute to high turnover among child care providers. Disrupts the creation of strong provider-child relationships that are critical to children's healthy development.

13. Children placed in poor quality child care settings have been found to have delayed language and reading skills, as well as increased aggressive behavior toward other children and adults.

14. Fifty-five percent of child care centers do not provide child care providers.

15. Approximately 5,000,000 children are home alone after school each week.

16. Although it is thought that juvenile crime occurs mostly on evenings and weekends, juvenile crime actually peaks between 3 and 6 p.m.

17. Eighth-graders who live alone after school report greater use of cigarettes, alcohol, and marijuana than those in adult-supervised settings.

18. Eighty percent of children in child care centers are ±6, 78 percent for mothers with children between the ages of 0±3 are in the workforce. Labor force participation rises to 63 percent for mothers with children under the age of 6 and to 78 percent for mothers with children ages 6-17.

19. In many instances, high quality child care services cost little more than mediocre services. An investment of only an additional 10 percent has been found to have a significant impact on quality.

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Subtitle B—Young Child Assistance Activities

SEC. 211. DEFINITIONS.

In this subtitle:

(1) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 1402 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201).

(2) POVERTY LINE.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 672(a) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(4) STATE BOARD.—The term "State board" means a State Early Learning Coordinating Board established under section 212(c).

(5) YOUNG CHILD.—The term "young child" means an individual from birth through age 5.

(6) YOUNG CHILD ASSISTANCE ACTIVITIES.—The term "young child assistance activities" means the activities described in paragraphs (1) and (2)(A) of section 213(b).

SEC. 212. ALLOTMENTS TO STATES.

(a) IN GENERAL.—The Secretary shall make allotments to States to pay for the Federal share of the cost of enabling the States to make grants to local collaboratives under section 213 for young child assistance activities.

(b) ALLOTMENT.—

(1) IN GENERAL.—From the funds appropriated under section 215 for each fiscal year and not reserved under subsection (b) to eligible States to pay for the Federal share of the cost of enabling the States to make grants to local collaboratives under section 213 for young child assistance activities, the Secretary shall allot to each eligible State an amount that bears the same relationship to such funds as the total number of young children in poverty in the State bears to the total number of young children in poverty in all eligible States.

(2) YOUNG CHILD IN POVERTY.—In this subsection, the term "young child in poverty" means an individual who—

(A) is a young child; and

(B) is a member of a family with an income below the poverty line.

(c) STATE BOARDS.—

(1) IN GENERAL.—In order for a State to be eligible to receive an allotment under this subtitle, the Governor of the State shall establish, or designate an entity to serve as the State Early Learning Coordinating Board, which shall receive the allotment and make the grants described in section 213.

(2) ESTABLISHED BOARD.—A State board established under paragraph (1) shall consist of the Governor and members appointed by the Governor, including—

(A) representatives of all State agencies primarily providing services to young children and their families;

(B) representatives of business in the State;

(C) chief executive officers of political subdivisions in the State;

(D) parents of young children in the State;

(E) officers of community organizations serving low-income individuals, as defined by the Secretary, in the State;

(F) representatives of State nonprofit organizations that represent the interests of young children in poverty, as defined in subsection (b); and

(G) representatives of organizations providing services to young children and the parents of young children, such as organizations serving the homeless, carrying out programs under the Head Start Act (42 U.S.C. 9831 et seq.), providing services through a family resource center, providing home visits, or providing health care services, in the State; and

(H) representatives of local educational agencies.

(3) DESIGNATED BOARD.—The Governor may designate an entity to serve as the State board under paragraph (1) if the entity includes the Governor and the members described in subparagraphs (A) through (G) of paragraph (2).

(b) USE OF FUNDS.—A local collaborative that receives an allotment under this subtitle, shall use the reserved funds to—

(1) provide technical assistance to the State to improve the ability of the State to comply with the requirements in this section; or

(2) reduce, by not less than 5 percent, an allotment made to the State under this section, for the second determination of non-compliance.

(c) ASSURANCE.—(A) To be eligible to receive an allotment under this subtitle, a State board shall annually submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the application shall contain—

(i) sufficient information about the entity established or designated under subsection (c) to serve as the State board to enable the Secretary to determine whether the entity complies with the requirements of such subsection;

(ii) a comprehensive State plan for carrying out young child assistance activities; and

(iii) an assurance that the State board will provide technical assistance, to local collaboratives that receive grants under section 213, relating to the functions of the local collaboratives under this subtitle.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be—

(A) 85 percent, in the case of a State for which the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))) is not less than 50 percent, but is less than 60 percent;

(B) 75 percent, in the case of a State for which such percentage is not less than 60 percent, but is less than 70 percent; and

(C) 90 percent, in the case of any State not described in subparagraph (A) or (B).

(2) STATE SHARE.—

(A) IN GENERAL.—The State shall contribute the remaining share (referred to in this paragraph as the "State share") of the cost described in subsection (a) as follows:

(i) 85 percent, in the case of a State for which the Federal medical assistance percentage is not less than 50 percent, but is less than 60 percent;

(ii) 75 percent, in the case of a State for which such percentage is not less than 60 percent, but is less than 70 percent; and

(iii) 90 percent, in the case of any State not described in subparagraph (A) or (B).

(b) USE OF FUNDS.—A local collaborative that receives a grant made under subsection (a)—

(1) shall use funds made available through the grant to provide, in a community, activities that consist of—

(i) home visits for parents of young children;

(ii) services provided through community-based family resource centers for such parents; and

(iii) collaborative pre-school efforts that link parenting education for such parents to early childhood learning services for young children;

(2) may use funds made available through the grant to—

(A) provide, in the community, activities that consist of—

(i) activities designed to strengthen the quality of child care for young children and expand the supply of high quality child care services for young children;

(ii) health care services for young children, including increasing the level of immunization for young children in the community, providing preventive health care screening and education, and expanding health care services in schools, child care facilities, clinics in public housing (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))), and mobile dental and vision clinics;

(iii) services for children with disabilities who are young children; and

(iv) activities designed to assist schools in providing educational and other support services to young children, and parents of young children, in the community, to be carried out during extended hours when appropriate; and

(b) enforcement.—If the Secretary determines that a State has received an allotment under this subtitle that is not complying with a requirement of this subtitle, the Secretary—

(1) provide technical assistance to the State to improve the ability of the State to comply with the requirement;

(2) reduce, by not less than 5 percent, an allotment made to the State under this section, for the second determination of non-compliance;

(3) revoke the eligibility of the State to receive allotments under this section, for the fourth or subsequent determination of non-compliance; or

(4) submit a report to the Congress for each fiscal year describing the State's actions to ensure compliance with the requirements of this subtitle.
(B) to pay for the salary and expenses of the administrator described in subsection (e)(4), in accordance with such regulations as the Secretary shall prescribe.

(c) COMPLIANCE—In making grants under this section, a State board may make grants for grant periods of more than 1 year only if the entity receiving the grant demonstrates success in carrying out young child assistance activities.

(d) LOCAL COLLABORATIVES.—To be eligible to receive a grant under this section, for a community, a local collaborative shall demonstrate that the collaborative—

(1) is able to provide, through a coordinated network of child assistance activities to young children, and parents of young children, in the community; and

(2) includes—

(A) all public agencies primarily providing services to young children in the community;

(B) businesses in the community;

(C) representatives of the local government for the county or other political subdivision in which the community is located;

(D) parents of young children in the community;

(E) officers of community organizations serving low-income individuals, as defined by the Secretary;

(F) community-based organizations providing services to young children and the parents of young children, such as organizations providing after-school programs, or providing pre-kindergarten education, mental health, or family support services; and

(G) nonprofit organizations that serve the community and that are described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.

(e) APPLICATION.—To be eligible to receive a grant under this section, a local collaborative shall submit an application to the State board at such time, in such manner, and containing such information as the State board may require. At a minimum, the application shall contain—

(I) sufficient information about the entity described in subsection (d)(2) to enable the State board to determine whether the entity complies with the requirements of such subsection; and

(2) a comprehensive plan for carrying out young child assistance activities in the community, including the programs under the Child Care and Development Block Grant Act (20 U.S.C. 9301 et seq.), the Head Start Program Act (42 U.S.C. 9301 et seq.), the Early Childhood Education Act (20 U.S.C. 9301 et seq.), the Child Care and Development Block Grant Act (42 U.S.C. 9301 et seq.), the Child Care and Development Block Grant Act (42 U.S.C. 9301 et seq.), and the Early Head Start Program Act (42 U.S.C. 9301 et seq.).

(f) DISTRIBUTION.—In making grants under this section, the Secretary shall ensure that at least 60 percent of the funds made available through grants are used to provide the young child assistance activities to young children and (parents of young children) who reside in school districts in which half or more of the students receive free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.).

(g) LOCAL SHARE.—

(1) IN GENERAL.—The local collaborative shall contribute a percentage (referred to in this subsection as the "local share", or the "cost of carrying out the young child assistance activities") to the cost of carrying out the young child assistance activities.

(2) PERCENTAGE.—The Secretary shall by regulation specify the percentage referred to in paragraph (1).

(h) FORM.—The local share of the cost shall be in cash.

(i) SOURCE.—The local collaborative shall provide for the local share of the cost through donations from private entities.

(j) WAIVER.—The State board shall waive the requirements of paragraph (1) for poor rural and urban areas, as defined by the Secretary.

(k) MONITORING.—The State board shall monitor the activities of local collaboratives that receive grants under this subsection to ensure compliance with the requirements of this subsection.

SEC. 214. SUPPLEMENT NOT SUPPLANT.

Funds appropriated under this subsection shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for young children.

SEC. 215. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section $250,000,000 for fiscal year 2001, $500,000,000 for fiscal year 2002, $1,000,000,000 for fiscal year 2003, $1,500,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year.

Subtitle C—Loan Cancellation for Child Care Providers

SEC. 221. LOAN CANCELLATION.

Section 466(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2), by striking subparagraphs (G), (H), and (I) and inserting subparagraphs (H), (I), and (J), respectively; and

(B) by inserting after subparagraph (F), the following:

"(G) as a full-time child care provider or educator—

(i) who is employed at a child care facility operated by an entity that meets the applicable State or local government licensing, certification, approval, or registration requirements, if any; and

(ii) who has in elementary education coursework or

(2) in paragraph (3)(A), in clause (i), by striking "(G), (H), or (I)"

(B) in clause (ii), by inserting "(or (G)) after "subsection (B)."

TITLE III—EXPANDING THE AVAILABILITY AND QUALITY OF SCHOOL-AGE CHILD CARE

SEC. 301. APPROPRIATIONS FOR SCHOOL-AGE CHILD CARE.

(a) Grants.—Section 418 of the Social Security Act (42 U.S.C. 618), as amended by section 201, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) GRANTS TO INCREASE THE AVAILABILITY AND QUALITY OF SCHOOL-AGE CHILD CARE.—

"(1) SECRETARIAL AUTHORITY.—The Secretary shall make the amounts appropriated under subsection (b) available to States in accordance with this subsection.

"(2) APPROPRIATION.—For grants under this section, there are appropriated—

(A) $250,000,000 for fiscal year 2000;

(B) $200,000,000 for fiscal year 2001;

(C) $300,000,000 for fiscal year 2002;

(D) $500,000,000 for fiscal year 2003; and

(E) $1,000,000,000 for fiscal year 2004 and each subsequent fiscal year.

"(3) ALLOTMENTS TO STATES.—The amounts appropriated under paragraph (2) for payment to States under this paragraph shall be allocated among the States in the same manner as amounts (including the redistribution of unused amounts) are allotted or redistributed, as the case may be, under subsection (a)(2), except that the matching requirement of subsection (a)(2)(C) shall not apply to a grant made under this subsection.

"(4) USE OF FUNDS.—Funds received by a State through a grant made under this subsection shall be used for the provision of child care services before and after regular school hours and during months in which schools are not in session.

(b) DEFINITION OF ELIGIBLE CHILD.—Section 650G(4)(A) of the Child and Development Block Grant Act (42 U.S.C. 9308h(4)(A)) is amended by striking "13" and inserting "16".

SEC. 302. AMENDMENTS TO THE 21ST CENTURY COMMUNITY LEARNING CENTERS ACT.

(a) PROGRAM AUTHORIZATION.—Section 1005(a) of the 21st Century Community Learning Centers Act (20 U.S.C. 4243) is amended—

(1) by inserting after subsection (a) the following:

"(b) RULES OF ELIGIBILITY.—In awarding grants under this subsection, the Secretary shall give priority to rural, urban, and low-income communities.

(b) APPLICATION REQUIREMENTS.—Section 1004(a) of the 21st Century Community Learning Centers Act (20 U.S.C. 4244) is amended—

(1) by inserting after subsection (a) the following:

"(b) RULES OF ELIGIBILITY.—In awarding grants under this subsection, the Secretary shall give priority to rural, urban, and low-income communities.

"(c) RULES OF ELIGIBILITY.—In awarding grants under this subsection, the Secretary shall give priority to rural, urban, and low-income communities."
and Development Block Grant Act of 1990, "after "coordinated"; and
(2) in subsection (b), by striking "a broad selection" and all that follows and inserting "child care services before or after regular school hours that include mentoring programs, academic assistance, recreational activities, or technology training, and that may include alcohol, drug, and, job skills preparation, or health and nutrition counseling."
(c) USES OF FUNDS.—Section 10005 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended—
(1) in the matter preceding paragraph (1), by striking "not less than four" and inserting "any"; and
(2) by striking paragraph (3) and inserting the following:
"(3) Child care services."
(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10007 of the 21st Century Community Learning Centers Act (20 U.S.C. 8247) is amended by striking "$500,000,000 for fiscal year 1995" and inserting "$600,000,000 for fiscal year 1999.
TITLE IV—SUPPORTING FAMILY CHOICES IN THE CARE OF YOUNG CHILDREN
SEC. 401. EXPANDING THE 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 DETERMINED.—For purposes of paragraph (1), the term 'applicable percentage' means—
"(A) except as provided in subparagraph (B), 70 percent reduced but not below 30 percent by 1 percentage point for each $1,000, or fraction thereof, by which the taxpayer's adjusted gross income for the taxable year exceeds $30,000;
"(B) in the case of employment-related expenses described in subsection (e)(11), 50 percent reduced (but not below zero) by 1 percentage point for each $2,000, or fraction thereof, by which the taxpayer's adjusted gross income for the taxable year exceeds $20,000;
"(C) 25 percent.
(b) INFLATION ADJUSTMENT FOR ALLOWABLE EXPENSES.—Section 21(c) of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by striking "$30,000,000 for fiscal year 1995" and inserting "$50,000,000 for fiscal year 1999.
TITLE IV—ENCOURAGING PRIVATE SECTOR INVOLVEMENT
SEC. 405. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE.
(a) IN GENERAL.—Subpart D of part IV of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following:
"(11) MINIMUM CREDIT ALLOWED FOR AT-HOME PARENTS.—Notwithstanding subsection (d), in the case of any taxpayer with one or more such individuals described in subsection (b)(1)(A) under the age of 1 at any time during the taxable year, such tax-

s shall be deemed to have employment-
related expenses incurred with respect to such quali-

fying individuals in an amount equal to the sum of—
"(A) $90 for each month in such taxable year during which at least one of such qualifying individuals is under the age of 1, and
"(B) the amount of employment-related expenses incurred with respect to such qualifying individuals for the taxable year (deter-
mined under this section without regard to this paragraph).
"(b) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 1999.
SEC. 405A. CREDIT MADE REFUNDABLE.
(a) IN GENERAL.—In General.—For purposes of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended—
"(1) by redesigning section 35 as section 36, and
"(2) by redesigning section 21 as section 23.
(b) ADVANCE PAYMENT OF CREDIT.—Chapter 25 of such Code (relating to general provisions relating to employment taxes) is amended by inserting after section 3507 the following:
"SEC. 3507A. ADVANCE PAYMENT OF DEPENDENT CARE CREDIT.
"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer paying remuneration with respect to whom a dependent care eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's dependent care advance amount.
"(b) DEPENDENT CARE ELIGIBILITY CERTIFICATE.—In general.—For purposes of this title, a dependent care eligibility certificate includes a statement furnished by an employee to the employer which—
"(1) certifies that the employee will be eligible to receive the credit provided by section 35 for the taxable year,
"(2) certifies that the employee reasonably expects to be an applicable taxpayer for the taxable year,
"(3) certifies that the employee does not have a dependent care eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,
"(4) states whether or not the employee's spouse has a dependent care eligibility certificate in effect,
"(5) states the number of qualifying indi-

viduals in the household maintained by the employee, and
"(6) estimates the amount of employment-related expenses for the calendar year.
"(c) DEPENDENT CARE ADVANCE AMOUNT.—In general.—For purposes of this title, the term 'dependent care advance amount' means, with respect to any payroll period, the amount determined—
"(A) on the basis of the employee's wages from the employer for such period,
"(B) on the basis of the employee's estimated employment-related expenses included in the dependent care eligibility certificate, and
"(C) in accordance with tables provided by the Secretary.
"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(C) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).
"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply.
"(e) DEFINITIONS.—For purposes of this section, rules similar to the rules of section 3507 shall have the respective meanings given such terms by section 35.
"(f) Conforming Amendments.—
"(1) Section 35(a)(1) of such Code, as redesign-

nated by paragraph (1), is amended by strik-

ing "chapter" and inserting "subtitle".
"(2) Section 35(b)(1) of such Code, as redesign-

nated and amended by subsection (c), is amended by adding at the end the following:

"(12) COORDINATION WITH ADVANCE PAY-

MENT OF MINIMUM TAX.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply for purposes of this section.
"(2) Sections 23(f)(1) and 129(a)(2)(C) of such Code are each amended by striking "section 21(e)" and inserting "section 35(e)
"(3) Section 129(b)(2) of such Code is amended by striking "section 21(d)(2)" and inserting "section 35(c)(2)
"(4) Section 129(e)(1) of such Code is amended by striking "section 21(b)(2)" and inserting "section 35(b)(2)
"(5) Section 129(c)(1) of such Code is amended by striking "section 21(c)" and inserting "section 35(c)
"(6) Section 129(d)(1) of such Code is amended by striking "section 21(d)" and inserting "section 35(d)
"(7) Section 19601(b)(2)(C) of such Code is amended by striking "and 34" and inserting "34, and 35"

"(8) Section 6211(b)(4)(A) of such Code is amended by striking "and 34" and inserting "34, and 35"
"(9) Section 6213(g)(2)(H) of such Code is amended by striking "section 21" and inserting "section 35"
"(10) Section 6213(g)(2)(L) of such Code is amended by striking "section 21, 24, or 32" and inserting "section 24, 32, or 35"
"(11) The table of sections for part I of subpart C of part IV of chapter 1 of such Code is amended by striking the item relating to section 35 and inserting the following:
"Sec. 35. Dependent care services.
Sec. 36. Overpayments of tax.
"(12) The table of sections for subpart A of part IV of such part is amended by striking the item relating to section 21.
"(13) The table of sections for chapter 25 of such Code is amended by adding the item relating to section 3507 the following:
"Sec. 3507A. Advance payment of dependent care credit.
"(14) Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period ", or enacted by the Child Care ACCESS (Affordable Child Care for Early Success and Security) Act", after "and the Effective Date", the amendments made by this section apply to taxable years beginning after December 31, 1999.

TITLE V—ENCOURAGING PRIVATE SECTOR INVOLVEMENT
SEC. 501. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE.
(a) IN GENERAL.—Subpart D of part IV 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 25 percent of the qualified child care expend-

itures of the taxpayer for such taxable year.
"(b) BASIS FOR DETERMINATION.—For purposes of section 38, the credit allowable under subsection (a) for any taxable year shall not exceed $150,000.
"(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 by the caregiver or by the taxpayer for the following:

"(i) to acquire, construct, rehabilitate, or expand property—
\( \text{The applicable recapture percentage is:} \)

\[
\begin{array}{c|c}
\text{The recapture event occurs in:} & \text{The applicable recapture percentage is:} \\
\hline
\text{Years 1-3} & 100 \\
\text{Year 4} & 85 \\
\text{Year 5} & 65 \\
\text{Year 6} & 55 \\
\text{Year 7} & 40 \\
\text{Year 8} & 30 \\
\text{Year 9 and thereafter} & 0 \\
\end{array}
\]
carry out this section $100,000,000 for each of fiscal years 2000 through 2004.

TITLE VI—ENSURING THE QUALITY OF FEDERAL CHILD CARE CENTERS

SEC. 603. QUALITY CHILD CARE FOR FEDERAL EMPLOYEES.

(a) DEFINITIONS.—In this section:

(1) A child care center means a Federal agency that operates, or an entity that enters into a contract or licensing agreement with a Federal agency to operate, a child care center.

(2) Certification means a Federal agency that certifies an entity sponsoring child care centers, and entities sponsoring child care centers, in executive facilities.

(3) Certification standards means the requirements, the Administrator shall by regulation establishes standards relating to the provision of child care.

(4) Eligible entity means an entity that complies with the appropriate State and local licensing requirements related to the provision of child care.

(5) Federally funded means an entity that receives Federal funds, or an entity that receives Federal funds for the purpose of providing child care services to Federal employees or their dependents.

(6) Federal facility means a facility that is owned or operated by an Executive agency.

(b) PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.

The Administrator shall by regulation establish standards relating to the provision of child care.

(c) COMPLIANCE.

The Administrator shall by regulation establish standards relating to the provision of child care.

(d) ACCREDITATION.

The Administrator shall by regulation establish standards relating to the provision of child care.

(e) ENFORCEMENT.

The regulations shall require that, not later than 5 years 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 standards; and

(ii) any contract or licensing agreement used by an Executive agency for the operation of such a child care center shall include a condition that the child care be provided by an entity that complies with the standards.

(iii) CONTENTS.—The standards shall base accreditation on—

(1) an accreditation instrument described in subsection (a)(2)(B); and

(ii) an outside monitoring described in subsection (a)(2)(B), by—

(aa) the Administrator; or

(bb) a child care credentialing or accreditation entity, or other entity, with which the Administrator enters into a contract to provide such monitoring; and

(iii) the criteria described in subsection (a)(2)(B).

(2) EXECUTIVE BRANCH STANDARDS AND REQUIREMENTS.

(A) STATE AND LOCAL LICENSING REQUIREMENTS.

(I) IN GENERAL.—Any entity sponsoring a child care center in an executive facility shall—

(i) obtain the appropriate State and local licenses for the center; and

(ii) in a location where the State or locality does not license executive facilities, comply with the appropriate State and local licensing requirements related to the provision of child care.

(B) HEALTH, SAFETY, AND FACILITY STANDARDS.

The Administrator shall by regulation establish standards relating to health, safety, facilities, facility design, and other aspects of child care that the Administrator determines to be appropriate for child care centers in executive facilities, and require child care centers, and entities sponsoring child care centers, in executive facilities to comply with the standards.

(C) ACCREDITATION STANDARDS.

(I) IN GENERAL.—The Administrator shall issue regulations requiring, to the maximum extent possible, any entity sponsoring an eligible child care center (as defined by the Administrator) in an executive facility to comply with a nationally recognized accreditation standards issued by a nationally recognized accreditation organization approved by the Administrator.

(ii) ACCREDITATION.—The regulations shall require that, not later than 5 years 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 standards; and

(ii) any contract or licensing agreement used by an Executive agency for the operation of such a child care center shall include a condition that the child care be provided by an entity that complies with the standards.
sec. 601. Short title. This title may be cited as the “Quality Child Care for Federal Employees Act”.


(1) Definition. In this section:

(A) Administrator. The term “Administrator” means the Administrator of General Services.

(B) Child care accreditation entity. The term “child care accreditation entity” means a nonprofit private organization or public agency that—

(i) is recognized by a State agency or by a national organization that serves as a peer review panel on the standards and procedures of public and private child care or school accrediting bodies; and

(ii) accredits a facility to provide child care services on the basis of—

(I) an accreditation or credentialing instrument based on peer-validated research;

(ii) compliance with applicable State, local, or Federal licensing requirements, as appropriate, for the facility;

(iii) outside monitoring of the facility; and

(iv) criteria that provide assurances of—

(II) use of developmentally appropriate health and safety standards at the facility;

(III) use of developmentally appropriate educational activities as an integral part of the child care program carried out at the facility; and

(IV) use of ongoing staff development or training activities for the facility, including related skills-based testing.

(2) Council. The Administrator shall establish an interagency council, comprised of representatives of the following agencies:

(A) The Architect of the Capitol and the Director of the Administrative Office of the United States Courts, to facilitate cooperation and sharing of best practices, and to develop and coordinate policy, regarding the provision of child care in the Federal Government.

(B) The Federal agency that—

(i) operates, or has entered into a contract to operate, a child care facility primarily for the use of Federal employees;

(ii) develops and provides guidance to Federal agencies regarding the operation of child care facilities;

(iii) develops and provides guidance to Federal agencies regarding the operation of child care facilities;

(iv) provides the results of studies and reviews, for Federal agencies that operate child care facilities, on the basis of—

(I) use of developmentally appropriate health and safety standards at the facility;

(II) use of developmentally appropriate educational activities as an integral part of the child care program carried out at the facility; and

(III) use of ongoing staff development or training activities for the facility, including related skills-based testing.

(C) The Administrative Office of the United States Courts.

(D) The Department of Education.

(E) The Department of Defense.

(F) The Department of Homeland Security.

(G) The Department of Justice.

(H) The Department of Labor.

(I) The Department of the Treasury.

(J) The Department of Veterans Affairs.

(K) The General Services Administration.

(L) The Office of Personnel Management.

(M) The Office of the Attorney General.

(N) The Office of Management and Budget.

(O) The Office of Science and Technology Policy.


(R) The Office of the Inspector General of the Department of Justice.


(U) The Office of the Inspector General of the Department of Veterans Affairs.

(V) The Office of Management and Budget.

(W) The Office of Science and Technology Policy.


(aa) require the contractor or licensee within 2 business days after the date of receipt of the notification, to correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm:

(bb) require the contractor or licensee to develop and provide to the head of the agency that the center is located in, within 2 business days after the date of receipt of the notification, close the center or portion of the center where the deficiency was identified until such time as the deficiency is corrected and notified to the Administrator of such closure. In the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, the Administrator may authorize the closure of such centers and entities sponsoring such centers and entities operating child care centers in legislative facilities.

(bb) require the contractor or licensee to provide the parents of the children receiving child care to develop and provide to the head of the agency that the center is located in, within 2 business days after the date of receipt of the notification, close the center or portion of the center where the deficiency was identified until such time as the deficiency is corrected and notified to the Administrator of such closure. In the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, the Administrator may authorize the closure of such centers and entities sponsoring such centers and entities operating child care centers in legislative facilities.

(bb) require the contractor or licensee to provide the parents of the children receiving child care to develop and provide to the head of the agency that the center is located in, within 2 business days after the date of receipt of the notification, close the center or portion of the center where the deficiency was identified until such time as the deficiency is corrected and notified to the Administrator of such closure. In the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, the Administrator may authorize the closure of such centers and entities sponsoring such centers and entities operating child care centers in legislative facilities.

(bb) require the contractor or licensee to provide the parents of the children receiving child care to develop and provide to the head of the agency that the center is located in, within 2 business days after the date of receipt of the notification, close the center or portion of the center where the deficiency was identified until such time as the deficiency is corrected and notified to the Administrator of such closure. In the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, the Administrator may authorize the closure of such centers and entities sponsoring such centers and entities operating child care centers in legislative facilities.
leased by a judicial office (other than a facility that is also a facility described in paragraph (4)(B)).

(b) JUDICIAL OFFICE.—The term "judicial office" means an office of the judicial branch of the Federal Government.

(c) LEGISLATIVE FACILITY.—The term "legislative facility" means a facility that is owned or leased by a legislative office.

(d) LEGISLATIVE OFFICE.—The term "legislative office" means an entity of the legislative branch of the Federal Government.

(e) COST REMUNERATION.—The term "cost remuneration" has the meaning given the term in section 658P of the Child Care and Development Block Grant Act (42 U.S.C. 9858).

(4) EXECUTIVE BRANCH STANDARDS AND COMPLIANCE.—

(A) IN GENERAL.—Any entity sponsoring a child care facility in an executive facility shall:

(i) comply with child care standards described in paragraph (2) that, at a minimum, include all applicable State or local licensing requirements, as appropriate, related to the provision of child care in the State or locality involved; and

(ii) obtain the applicable State or local licenses for the facility.

(B) COMPLIANCE.—Not later than 6 months after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress toward complying, with subparagraph (A); and

(ii) any contract or licensing agreement entered into by an Executive agency for the provision of child care services in such child care facility shall include a condition that the child care be provided by an entity that complies with the standards described in subparagraph (A)(i) and obtains the licenses described in subparagraph (A)(ii).

(2) HEALTH, SAFETY, AND ACCREDITATION STANDARDS.—The Administrator shall by regulation establish standards relating to health, safety, facilities, facility design, and other aspects of child care that the Administrator determines to be appropriate for child care in executive facilities, and require child care facilities, and entities sponsoring child care facilities, to comply with such standards.

(A) IN GENERAL.—The Administrator shall issue regulations requiring, to the maximum extent possible, any entity sponsoring an executive facility to comply with child care health and safety standards; and

(B) STRINGENCY.—The regulations described in subparagraph (A) shall be no less stringent in content and effect than the requirements of subsection (b)(1) and the regulations issued by the Administrator under paragraphs (2) and (3) of subsection (b), except to the extent that appropriate administrative officials, with the approval of the appropriate House or Senate committees with oversight responsibility for the centers, may jointly or independently determine, for good cause shown, that the regulations are appropriate, and having regard to the implementation of the requirements and standards described in paragraphs (1), (2), and (3) of subsection (b) for child care facilities, and any applicable priorities for child care facilities, in the corresponding legislative facilities.
(A) ADMINISTRATION.—Subject to paragraph (3), the Chief Administrative Officer of the House of Representatives, the head of the designated Senate entity, and the Librarian of Congress shall have the same authorities and duties—

(i) with respect to the evaluation of, compliance of, and cost reimbursement for child care facilities and entities sponsoring child care facilities, in the corresponding legislative facilities as the Administrator has under subsection (b)(1) with respect to the compliance of, and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities; and

(ii) with respect to issuing regulations requiring the entities sponsoring child care facilities in the corresponding legislative facilities to provide notifications of deficiencies and descriptions of corrective actions as the Administrator has under subsection (b)(5) with respect to issuing regulations requiring the entities sponsoring child care facilities in executive facilities to provide notifications of deficiencies and descriptions of corrective actions.

(B) HEAD OF A JUDICIAL OFFICE.—The head of a judicial office shall have the same authorities and duties with respect to the compliance of, and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities; and

(C) HEAD OF A FEDERAL AGENCY.—Subject to paragraph (3), with respect to an Executive agency that provides or proposes to provide child care services, the chief administrative officer of such agency shall have the same authorities and duties with respect to the compliance of, and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities; and

(D) HEAD OF A LOCAL GOVERNMENT.—Subject to paragraph (3), the head of a local government or other entity that provides or proposes to provide child care services in the case of an intergovernmental entity established by federal or state law shall have the same authorities and duties with respect to the compliance of, and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities; and

(E) HEAD OF A JUDICIAL OFFICE.—The head of a judicial office shall have the same authorities and duties with respect to the compliance of, and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities; and

(F) HEAD OF A LOCAL GOVERNMENT.—Subject to paragraph (3), the head of a local government or other entity that provides or proposes to provide child care services in the case of an intergovernmental entity established by federal or state law shall have the same authorities and duties with respect to the compliance of, and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities; and

(G) HEAD OF A FEDERAL AGENCY.—Subject to paragraph (3), with respect to an Executive agency that provides or proposes to provide child care services, the chief administrative officer of such agency shall have the same authorities and duties with respect to the compliance of, and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities; and

(H) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $900,000 for fiscal year 2000 and such sums as may be necessary for each subsequent fiscal year.

SEC. 603. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—In addition to services authorized to be provided by an agency of the United States pursuant to section 616 of Public Law 100–202 (40 U.S.C. 490b(b)(3)), the Administrator may enter into public-private partnerships or contracts with non-governmental entities to increase the capacity, quality, affordability, or range of child care services available to Federal employees, on a demonstration basis, waiver subsection (c) and paragraph (1) of this subsection.

(b) PAYMENT OF COSTS OF TRAINING PROVIDED TO CHILDCARE PROVIDERS.—The Administrator, on a reimbursable basis, may make grants to Federal agencies to pay the costs of training child care providers to provide childcare services for Federal employees. Such grants shall be made in order to provide child care services for Federal employees, on a reimbursable basis, in a reasonable timeframe. Such grants may be made for up to 3 years.

(c) QUALIFICATION.—Subject to paragraph (2), the Chief Administrative Officer of the House of Representatives, the Librarian of Congress, and the head of an Executive agency shall jointly issue regulations necessary to carry out this section.

(d) LABEL.—These regulations shall be labeled "General Services Child Care Program" and shall indicate that child care services provided through such program are intended to serve Federal employees and that the Federal Government is not responsible for any losses or damages that may arise from such program.

(e) RECORD KEEPING.—The Administrator shall maintain complete and accurate records of all transactions and payments made under this section.

(f) TECHNICAL ASSISTANCE, STUDIES, AND REVIEWS.—The Administrator shall provide technical assistance, conduct and promote studies and reviews, for the corresponding legislative offices and judicial offices, and entities operating child care facilities in the corresponding legislative facilities and judicial facilities, in order to assist the entities in complying with this section.

(g) COUNCIL.—The Administrator shall establish an interagency council, comprised of representatives of all Executive agencies that provide or propose to provide child care services, and the Librarian of Congress, for the purpose of assisting the Administrator in carrying out this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $900,000 for fiscal year 2000 and such sums as may be necessary for each subsequent fiscal year.

SEC. 604. MISCELLANEOUS PROVISIONS RELATING TO CHILD CARE PROVIDED BY FEDERAL AGENCIES.

(a) AVAILABILITY OF FEDERAL CHILD CARE FOR ON-SITE CONTRACTORS.—The Administrator may enter into public-private partnerships or contracts with non-governmental entities to increase the capacity, quality, affordability, or range of child care services available to Federal employees, on a demonstration basis, waiver subsection (c) and paragraph (1) of this subsection.

(b) PAYMENT OF COSTS OF TRAINING PROVIDED TO CHILDCARE PROVIDERS.—The Administrator, on a reimbursable basis, may make grants to Federal agencies to pay the costs of training child care providers to provide childcare services for Federal employees. Such grants shall be made in order to provide child care services for Federal employees, on a reimbursable basis, in a reasonable timeframe. Such grants may be made for up to 3 years.

(c) QUALIFICATION.—Subject to paragraph (2), the Chief Administrative Officer of the House of Representatives, the Librarian of Congress, and the head of an Executive agency shall jointly issue regulations necessary to carry out this section.

(d) LABEL.—These regulations shall be labeled "General Services Child Care Program" and shall indicate that child care services provided through such program are intended to serve Federal employees and that the Federal Government is not responsible for any losses or damages that may arise from such program.

(e) RECORD KEEPING.—The Administrator shall maintain complete and accurate records of all transactions and payments made under this section.

(f) TECHNICAL ASSISTANCE, STUDIES, AND REVIEWS.—The Administrator shall provide technical assistance, conduct and promote studies and reviews, for the corresponding legislative offices and judicial offices, and entities operating child care facilities in the corresponding legislative facilities and judicial facilities, in order to assist the entities in complying with this section.
Administration may pay accreditation fees, including renewal fees, for that center to be accredited. Any agency, department, or instrumentality of the United States that provides programs to provide child care services for children referred to in subsection (a)(2), may reimburse any Federal employee or any person employed to provide such services for reasonable travel expenses, incidentals, and living expenses incurred in connection with those activities. Any costs made under subsection (a) shall not exceed the rate specified in regulations prescribed under section 5707 of title 5, United States Code.

(c) PROVISION OF CHILD CARE BY PRIVATE ENTITIES.—Section 616(d) of such Public Law (40 U.S.C. 490b(d)) is amended to read as follows:

(1) If a Federal agency has a child care facility in its space, or is sponsoring an agency for a child care facility in other Federal or leased space, the agency, the child care center board of directors, or the General Services Administration may enter into an agreement with 1 or more private entities under which such private entities would assist in defraying the general operating expenses of the child care providers including salary and tuition assistance programs at the facility.

(2) Notwithstanding any other provision of law, if a Federal agency does not have a child care facility, if the Administrator of General Services has identified a need for child care for Federal employees at an agency providing child care services that do not meet the requirements of subsection (a), the agency or the Administrator may enter into an agreement with a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a non-Federal, licensed, and accredited child care facility, or a...

(3) This subsection does not apply to residential child care programs.

(d) PILOT PROJECTS.—Section 616 of such Public Law (40 U.S.C. 490b) is further amended by adding at the end the following:

(f)(1) Upon approval of the agency head, an agency may conduct a pilot project not otherwise authorized by law for no more than 2 years to test innovative approaches to providing quality child care assistance for Federal employees. An agency head may extend a pilot project for an additional 2-year period. Before any pilot project is funded, a determination shall be made by the agency head that initiating the pilot project would be more cost-effective than establishing a new child care facility. Any pilot project shall be borne solely by the agency conducting the pilot project.

The Administrator of General Services shall serve as an information clearinghouse for pilot projects initiated by other agencies to disseminate information concerning the pilot projects.

SEC. 605. REQUIREMENT TO PROVIDE LACTATION SUPPORT IN NEW FEDERAL CHILD CARE FACILITIES.

(a) DEFINITIONS.—In this section, the terms ‘‘Federal agency’’, ‘‘executive facility’’, ‘‘judicial facility’’, and ‘‘legislative facility’’ have the meanings given in the terms.

(b) LACTATION SUPPORT.—The head of each Federal agency shall require that each child care facility in an executive facility or a legislative facility operated after the date of enactment of this Act by the Federal agency, and under a contract or licensing agreement with an executive facility, provide reasonable accommodations for the needs of breast-fed infants and their mothers, including providing a lactation area or a room for nursing mothers as part of the operating plan for the facility.

SEC. 606. FEDERAL CHILD CARE EVALUATION.

(a) DEFINITIONS.—In this section, the terms ‘‘executive facility’’, ‘‘judicial facility’’, and ‘‘legislative facility’’ have the meanings given in the terms.

(b) EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Administrator of General Services shall submit to Congress a report that contains—

(1) information on the number of children utilizing child care in an executive facility, legislative facility, or judicial facility, including such children who are age 6 through 12, analyzed by age;

(2) information on the number of families not utilizing child care described in paragraph (1) because of high costs;

(3) recommendations for improving the quality and cost effectiveness of child care described in paragraph (1), including options for creating an optimal organizational structure and best practices for the delivery of such child care;

STATEMENT BY THE PRESIDENT

Tonight, in my State of the Union address, I will outline my agenda to help parents struggling to meet their responsibilities at work and at home. This agenda includes an ambitious initiative to make child care safer, better, and more affordable for America’s working families. Today, Senator Christopher J. Dodd (D-CT) and many of his Democratic colleagues in the Senate have taken an important step toward reaching that goal by introducing the Affordable Child Care Access and Safety Act (A.C.C.E.S.S.).

This proposal, like mine, significantly increases child care subsidies for poor children, provides greater tax relief to help low- and middle-income families pay for child care and to support parents who chose to stay at home to care for their young children. This plan dramatically increases after-school opportunities, encourages businesses to provide child care for their employees, promotes early learning and school readiness, and improves child care quality.

The Child Care A.C.C.E.S.S. Act builds on the longstanding commitment of Senator Dodd and the Administration to improving child care for our Nation’s children. I look forward to working with Members of Congress in both parties to enact child care legislation that will help Americans fulfill their responsibilities as workers, and, even more importantly, as parents.

DEAR SENATOR DODD: The Children’s Defense Fund welcomes the introduction of the ACCESS Act. If enacted, it would not only provide significant help to families with young and school-age children, but would also provide communities with important new resources to improve the quality of child care. It would represent a major step by the Congress to recognize the importance of child care in helping to ensure that children begin school ready to succeed and that parents can work and be in the workforce.

Thank you for your continued leadership on behalf of children. We look forward to working with you towards the passage of this landmark bill.

Sincerely yours,

MARIAN WRIGHT EDELMAN.

DEAR SENATOR DODD: We are writing to express our enthusiastic support for your comprehensive child care legislation, the Affordable Child Care for Early Success and Security (‘‘ACCESS’’). As an organization that has been working for over 25 years to improve economic security for women, we know the profound interest that women and their families have in long-term, effective child care policies. At a time when seven out of ten American women with children work in the paid labor force, it is more critical than ever that families have access to affordable, high-quality child care that will help their children learn and grow.

The child care package you are proposing represents a much-needed investment in affordable, high-quality child care for America’s families. The new funding your bill would add to the Child Care and Development Block Grant will help expand the supply of quality care, especially for infants and toddlers, as well as increase the range of options for the care of school-age children. Your bill’s expansion of the Child and Dependent Care Tax Credit, particularly by making the credit refundable, would be of significant assistance in making child care more affordable for millions of families.

We believe that this Congress presents an extraordinary opportunity to move forward on child care, and we hope that members of both parties in both Houses of Congress will come together to make it happen. Your legislation is a major step toward that goal, and we look forward to working with you in the days to come.

Sincerely,

NANCY DUFF CAMPBELL, Co-President
JUDITH C. APPLEBAUM, Vice President and Director of Employment Opportunities
CRISTINA FIRVIDA, Counsel.

By Mr. HARKIN (for himself, Mr. DASCHLE, Mr. JOHNSON, Ms. MIKULSKI, Mr. KENNEDY, Mr.,
Mr. HARKIN. Mr. President, I am pleased to introduce S. 18 as part of the Democratic package, the SAFER Meat and Poultry Act, a bill that will make meat and poultry products safer for our families and our children. The bill provisions are simple, obvious authorities the USDA needs to assure that meat and poultry products are as safe as possible.

In 1998, we had a record 13 recalls for deadly E. coli 0157:H7, involving more than 2 million pounds of meat products. Tragically, just over the recent holidays, a nationwide outbreak of Listeria was recognized, leading to the mass recall of hotdogs and cold cuts. At least a dozen people lost their lives during that outbreak just over the recent holiday season.

Just last Friday, another recall for Listeria was announced. So despite the progress we have made in controlling some foodborne pathogens through improved meat inspection laws, problems with other pathogens may be getting worse.

Mr. President, the bill really is targeted at kids, because it is our kids who are the most vulnerable. And this chart shows that. These are the numbers of cases just for the State of Iowa. And as you see by age, here is the number of cases. Here are the ages: 0 to 5, 6 to 10, up to 60 years of age. You can see, the bulk of the illnesses from foodborne pathogens happens when you are less than 6 years of age—our kids who have not built up the immunity that older people have, that's why that ticked from these foodborne pathogens. This is for Salmonella, E. coli, and Campylobacter. It is really necessary to protect our children from these pathogens.

S. 18 strengthens our laws in a number of ways. One is to give the Secretary of Agriculture the authority to mandate a recall. Most people assume that the Secretary has this authority, but he does not. Some argue that a packer or distributor will recall the tainted meat voluntarily, but recalls don't always go smoothly.

In 1997, a company challenged the USDA on a Federal test for E. coli. This initial test showed E. coli was there. The company said no, it was not. They contested it. And, therefore, valuable time was lost in recalling that meat product.

Consumers were shocked in 1997 by the largest recall in history, when a Hudson plant recalled 25 million pounds of ground beef linked to illnesses.

When the Secretary of Agriculture is given recall authority, he can mandate what tasks must be done and whose responsibility these tasks will be. Communication is the most essential element of a timely recall.

Another provision of the bill gives the Secretary the authority to levy civil fines for violations of meat and poultry laws. Right now, all the Secretary can do is close a plant down. That may not be the wisest course of action. You have people working there, and you would put a lot of work. The problem may not be their fault at all.

Last year, the USDA referred dozens of cases for criminal prosecution for violation of meat and poultry laws. So clearly the current authorities are not an adequate incentive to protect consumer safety.

I have here a chart, Mr. President, that shows what civil penalty authority the Secretary has. For example, if there is an introduction of an animal disease anywhere in the United States, the Secretary of Agriculture can levy a fine. If you mistreat an animal, you can be fined by the Secretary of Agriculture. If you have a deceptive practice, you can be fined by the Pecan Promotion Act established by the Secretary of Agriculture. But if you violate the food safety laws, you cannot be fined.

Civil fines are consistent with the new HACCP regulation for meat and poultry products, providing a "just right" option for the Secretary to assure compliance with food safety laws. What the Secretary has is an atom bomb. He can drop the atom bomb and close the plant down, which may not be the best course of action, but he cannot levy a civil fine, which may be the best action for certain violations.

Finally, the bill requires, Mr. President, that someone who knows about a contaminated food product, other than a consumer, must notify the Secretary of Agriculture. These are common sense authorities.

Last year we saw a 50% increase in outbreaks, and a record number of recalls for the deadly E. coli 0157:H7 in ground beef. More and more testing is done by grocery stores, and by purveyors for school lunch programs and restaurant chains. This bill would require that these parties notify the Secretary of Agriculture when there is a food safety issue. And it would allow public health authorities to oversee a recall that is timely and complete, and truly protects people from devastating illness.

These are common sense authorities that most consumers assume the Secretary already has. I hope my colleagues will join me in supporting this important piece of food safety legislation.

I also wish to indicate my strong support for the Food Safety Initiative today that will help restore and enhance farm income protection. Our farm sector, including livestock and crop production, is experiencing one of the worst downturns in over a decade. Pork producers have just experienced the worst hog prices in history. There's a critical need for Congress to respond to this financial crisis that is threatening the livelihoods and life savings of America's farm families and eroding the economies of rural communities.

I hope my colleagues will join me in supporting this good, important piece of food safety legislation.
S. 20. A bill to assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs, and for other purposes; to the Committee on Environment and Public Works.

THE BROWNFIELDS AND ENVIRONMENTAL CLEANUP ACT OF 1999

Mr. LAUTENBERG. Mr. President, today, along with Senators Daschle, Baucus, Reid, Boxer, Wyden, Breaux, Bayh, Levin, Murray, Schumer, Torricelli, Mikulski, Durbin, Leahy, Rockefeller, Sarbanes, Kennedy, and Lieberman, I am introducing the Brownfields and Environmental Cleanup Act of 1999. This legislation is designed to foster the cleanup of potentially thousands of toxic waste sites across the country. Just as importantly, this bill is about jobs, revenue and economic opportunity, because it will help turn abandoned industrial sites into engines of economic development.

Mr. President, I have been interested for a long time now in the issue of these abandoned, underutilized and contaminated industrial sites, commonly known as brownfields. Our Nation’s traditional industrial tradition was the lifeblood of our Nation’s economy. But this industrial tradition also entailed tremendous environmental costs. Sites were contaminated, and then when the manufacturers, the companies that were involved in these sites went out of business, the property was transferred to other parties. Today, decaying industrial plants define the skyline and contaminate the land in many of our urban areas. Their rusting frames, like aging skyscrapers, are a silent reminder of those manufacturers that left, taking inner-city jobs and often inner-city hope with them.

However, “brownfields” as we have come to know them, can be found anywhere—in the inner cities, the suburbs and in rural areas. Any time that an industrial area or a business goes out of business we face the specter of the unknown—they contaminate not only the aesthetics of the area but also the opportunity for jobs and for business investment. This bill provides the means to help investigate and facilitate funding for the cleanup of these areas, wherever they are found.

I continue to feel as I did when I introduced similar legislation in 1993, 1996, and again in 1997, that a brownfield cleanup program can spur significant economic development and create jobs. The nation’s Mayors have estimated that they lose between $200 and $500 million a year in tax revenues from brownfields sitting idle, and that returning these sites to productive use could create some 250,000 new jobs. Each day that Congress fails to act on brownfields liability, it deprives our cities of unique redevelopment opportunities. This type of cleanup initiative makes good environmental sense and good economic sense.

A pilot project in Cleveland resulted in $3.2 million in private investment, a $1 million increase on the local tax base, and more than 170 new jobs. In Elizabeth, NJ, a former municipal landfill is being turned into a major mall with 5,000 employees.

Mr. President, the potential for job creation across the country is enormous, and the revitalized brownfields may represent for someone a field of dreams, especially to an unemployed urban worker.

But this bill is not about jobs alone. Brownfield cleanup also means that dangerous contaminants are removed from our environment, and future generations are not left with unknown problems and unused properties.

On the other hand, the risks posed by many of these sites may be relatively low and others even nonexistent, because brownfields are often abandoned or underutilized industrial or commercial sites where expansion or redevelopment is complicated by just the perception of environmental contamination. But their full economic use is being stymied because there is no ready mechanism for getting them evaluated or, if necessary, cleaned up, even when the owner of the property is ready, willing and eager to do so.

In addition, prospective purchasers and developers are reluctant to get involved in transactions with these properties because of their concern, however minimal, they might potentially create environmental liability.

The challenge is to turn these abandoned properties into thriving businesses that can generate needed jobs and act as a catalyst for economic development.

My legislation would provide financial assistance in the form of grants to local and State governments to inventory and evaluate brownfields sites. This would enable interested parties to know what would be required to clean up the site and what reuse would best suit the area.

My bill would also provide grants to State and local governments to establish and capitalize low-interest loan programs. These funds would be loaned to prospective purchasers, municipalities and others to facilitate voluntary cleanup actions where traditional lending mechanisms may not be available.

The minimum seed money involved in the program would leverage substantial economic payoffs, as well as turning lands which may be of negative value into potentially valuable assets for the future.

The bill would also limit the potential liability of innocent buyers of these properties, and it would set a standard to gauge when parties couldn’t have reasonably known that the property was contaminated. It would also provide Superfund liability relief to persons who own property next door to a brownfields property, so long as the person did not cause or contribute to the release, and exercised appropriate care with respect to hazardous substances.

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

S. 21. A bill to reduce social security payroll taxes, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY SOLVENCY ACT OF 1999

Mr. MOYNIHAN. Mr. President, I am my distinguished colleague, Senator Tom H. Johnson, of Nebraska, in reintroducing legislation that would preserve Social Security and make it solvent permanently, while providing a
payroll tax cut of about $800 billion over the next ten years.

Last March, Senator KERRY and I introduced a nearly identical bill—S. 1792, The Social Security Solvency Act of 1998. And in July of 1998 Senators GREGG and BREAUX introduced a similar bill. The 21st Century Retirement Security Plan, with a companion bill introduced in the House by Congressmen KOBLE and STENHOLM. All of these bills attempt to steer a mid-course between those who seek to maintain the current system, and those who advocate radical modifications of payroll tax rates and benefits) and those who seek to replace Social Security with private accounts. The Moynihan/Kerrey and Gregg/Breaux/Koble/Stenholm bills are quite similar. In September of last year, along with Senators GREGG, BREAUX, KERREY, COATS, ROBB, THOMAS, and THOMPSON formed a Bipartisan Social Security Coalition. In a “Dear Colleague” we argued that a number of principles need to be in our efforts to build a consensus on the future of Social Security including:

A payroll tax cut for all working Americans, with an opportunity for all workers to invest in personal savings accounts; Use tax rebates set so that annual revenues closely match annual outlays throughout the actuarial valuation period; A progressive benefit formula; Accurate cost-of-living adjustments; Repeat of the earnings test so that workers are free to work while collecting benefits; and Permanent solvency for the Social Security program with a reduction in the Federal Government’s unfunded liabilities.

For those who care, as we do, about preserving this vital program, I would simply suggest that without these changes, Social Security as we know it will not survive. For some 20 years now, opinion polls have shown that a majority of non-retired adults do not believe they will get their Social Security benefits. Ask anyone in their thirties on the street; ask anyone in their sixties or seventies. They are convinced that Social Security will not be there for them. In one sense, they have good reason to think so: the Social Security Trustees state in their most recent annual report released in April, 1998, which pointedly noted that:

** in 2034, tax income of OASI (Social Security) is estimated to be sufficient to pay about 75% of program costs; that ratio is projected to decline to about 7% by the end of the projection period.

Lack of confidence is partially the result of neglect by a Social Security Administration that has made little effort to stay in touch with Americans before retirement. But there is also a more powerful influence at work: a serious ideological movement opposed to government social insurance as a threat to individual initiative and, indeed, to a powerful set of distinguished political leaders and academicians who would turn the 60-year-old system of Social Security retirement, disability, and survivors benefits over to a system that depends solely on personal savings invested in the market.

This is a legitimate idea, with respectable intellectual support. One thinks of the energetic work of Martin Feldstein, who 20 years ago argued that “Social Security significantly depresses private wealth accumulation.” It is an idea that has gained world-wide recognition. Since 1988, workers in the United Kingdom had been permitted to opt out of their national insurance system, if they sign up for some personal retirement savings plans similar to our IRAs or 401(k) arrangements. In Sweden, the model welfare state, a pension reform plan that includes a mandate private pension component equal to 2.5 percent of earnings went into effect this year, after being enacted by a coalition government composed of Social Democrats and other left of center parties. The Moynihan/Kerrey and Gregg/Breaux/Koble/Stenholm bills are quite similar.

As the 1990s arrived, and with it the long stock market boom, the call for privatization of Social Security has all but drowned out the more traditional views. For the first time, something akin to a threat to Social Security became a possibility. Don’t think it couldn’t happen. In 1996, we enacted legislation which abolished Title IV±A of the Social Security Act, Aid to Families with Dependent Children. Taking into account the progressive era, incorporated in the 1935 legislation, vanished with scarcely a word of protest.

Will the Old Age pensions and survivors benefits disappear as well? What might once have seemed inconceivable is now somewhere between possible and probable. I, for one, hope that this will not happen. A minimum retirement guarantee, along with disability and survivor benefits, is surely something we ought to keep, even as we augment the basic guarantee—as both the U.K and Sweden have done—with some form of private accounts.

Here is what Senator BOB KERREY and I proposed last year. We are reintroducing today.

Our bill makes changes that preserve Social Security and make it solvent indefinitely. Under our plan, private accounts would complement Social Security, not replace it. Markets go up, but they also, as we made painfully clear last summer, frequently go down. But even with fluctuations in markets there are ways to safeguard private savings instruments that meet the needs of workers planning for their retirement, and that are reasonably secure, with diminimus administrative costs.

We believe that the best approach to retirement savings in the 21st century is a three-tiered system founded on that basic Social Security annuity. To which is added one’s private pension—which about half of Americans now enjoy—and one’s private savings.

Our plan would return Social Security to a pay-as-you-go system. This makes possible an immediate payroll tax cut of approximately $800 billion over the next 10 years, as payroll tax rates would be cut from 12.4 to 10.4 percent.

The bill would permit voluntary personal savings accounts, which workers could finance with the proceeds of the two percentage point cut in the payroll tax. Under this proposal, legislation—together with a total of $3,500 deposited in an individual’s account at birth and at ages 1-5 under the Kidsave provision of the bill—all workers will be able to accumulate an estate which they can pass on to their children and grandchildren.

Our plan includes a one percentage point correction in cost of living adjustments for all indexed programs except Supplemental Security Income. All workers would reflect projected increases in life expectancy, similar to what has just been adopted in Sweden.

It is well deserving here to note that under current law the so-called normal retirement age (NRA) is scheduled to gradually increase from 65 to 67. In practice, the NRA, is important as a benchmark for determining the monthly benefit amount, but it does not reflect the actual age at which workers receive retirement benefits. More than 70 percent of workers begin collecting Social Security retirement benefits before they reach age 65, and more than 50 percent do so at age 62. Under our plan, workers can continue to receive benefits at age 62 and the provision in the 1983 Social Security amendments that increased the NRA to age 67 is repealed. Instead, under this legislation, if life expectancy increases the level of benefits payable at age 62 or at the age at which the worker actually retires) decreases. (Sweden has adopted a similar provision allowing workers to continue to retire at age 61, even as monthly benefits are reduced to reflect the projected gradual increase in life expectancy.)

We also propose to eliminate the so-called earnings test, which reduces Social Security benefits for retirees who have wages significantly above $30,000 per year, and is a burden and annoyance to persons who wish to work after age 62.

Finally, Social Security benefits would be taxed to the same extent private pensions are taxed. Retirement savings in the Security industry we believe that it is possible to provide private savings instruments that meet the needs of workers planning for their retirement, and that are reasonably secure, with diminimus administrative costs.

We believe that the best approach to retirement savings in the 21st century is a three-tiered system founded on that basic Social Security annuity. To which is added one’s private pension—which about half of Americans now enjoy—and one’s private savings.
Can this be done? From an actuarial perspective, it's easy. We know—or at least the actuaries can tell us—within a couple of million persons how many workers will be supporting how many retirees in 2030. Contrast this with Medicare, where gene therapy will lead in three years, let alone 30 years. The 17 members of the National Bipartisan Commission on the Future of Medicare, ably chaired by Senator Breaux, can, I am sure, attest to the analytic complexity of the issues they are discussing as part of that important Commission's work.

Politically, however, it won't be easy to fix Social Security. In a manner that the late economist Mancur Olson would recognize, over time Social Security has acquired a goodly number of veto groups which prevent changes, however necessary. In so doing they also undermine confidence in Social Security by supporting a promising level of benefits which the Trustees, as noted above, readily admit cannot be delivered.

The veto groups assert that the Moynihan-Kerrey bill will reduce benefits by 30 percent. Not surprisingly, our bill does just that. With pay-as-you-go, and adjustments in benefits related to an accurate cost of living index and the increase in life expectancy, the Moynihan-Kerrey bill delivers higher benefits than Social Security can actually provide with projected tax revenues under current law. For example, in 2040 the Social Security actuaries estimate that the current program can only deliver 73 percent of promised benefits. We do slightly better even without the private accounts—and more than 25 percent better with the private accounts.

As I say, this won't be easy. Which is why this is a time for courage as well as policy analysis. Social Security, one of the great achievements of our government in this century, is ours to maintain. Our bill does just that. Again we do slightly better even without the private accounts—and more than a modest 3 percent. For 2070, the actuaries estimate that current financing will only support benefits financed with voluntary contributions of 2 percent of earnings—and benefits related to an accurate cost of living index and the increase in life expectancy. The Moynihan-Kerrey bill delivers higher benefits than Social Security can actually provide with projected tax revenues under current law. For example, in 2040 the Social Security actuaries estimate that the current program can only deliver 73 percent of promised benefits. We do slightly better even without the private accounts—and more than 25 percent better with the private accounts.

So I ask unanimous consent the summary of the bill and the full text of the summary of the bill be included in the Record.

There being no objection, the items ordered to be printed in the Record, as follows:

S. 21

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 ‘‘Social Security Solvency Act of 1999.’’

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

Sec. 1. Short title; table of contents.
Sec. 2. Modification of FICA rates to provide pay-as-you-go financing of Social Security.
Sec. 3. Volume limitations on payroll tax cut by employees.
Sec. 4. Increase of social security wage base.
Sec. 5. Elimination of earnings adjustments.
Sec. 6. Tax treatment of social security payments.
Sec. 7. Coverage of newly hired State and local employees.
Sec. 8. Increase in length of computation period from 35 to 38 years.
Sec. 9. Modification of PIA factors to reflect changes in life expectancy.
Sec. 10. Elimination of earnings test for individuals who have attained early retirement age.
Sec. 11. Social security kids accounts.

SECT. 2. Modification of FICA rates to provide pay-as-you-go financing of Social Security.

(a) IN GENERAL—

(1) TAX ON EMPLOYEES.—Section 3101(a) of the Internal Revenue Code of 1986 (relating to tax on employees) is amended to read as follows:

‘‘(a) O. L D-A GE, SURV IVORS, AND DISABIL IT Y INSURANCE.—’’

(b) TABLE OF CONTENTS.—The table of contents of paragraph (1), the applicable percentage shall be the percentage set forth in the following table:

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<tr>
<td>2000 through 2029</td>
<td>5.2</td>
</tr>
<tr>
<td>2030 through 2034</td>
<td>6.2</td>
</tr>
<tr>
<td>2035 through 2049</td>
<td>6.45</td>
</tr>
<tr>
<td>2050 through 2059</td>
<td>6.65</td>
</tr>
<tr>
<td>2060 or thereafter</td>
<td>6.85</td>
</tr>
</tbody>
</table>

(2) TAX ON EMPLOYERS.—Section 3111(a) of such Code (relating to tax on employers) is amended to read as follows:

‘‘(a) O. L D-A GE, SURV IVORS, AND DISABIL IT Y INSURANCE.—’’

(b) IN GENERAL.—In addition to other taxes, there is hereby imposed on the income of every individual a tax equal to the applicable percentage of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b)).

(2) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be the percentage set forth in the following table:

<table>
<thead>
<tr>
<th>In the case wages paid</th>
<th>The applicable percentage during:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000 and 2001</td>
<td>6.2</td>
</tr>
<tr>
<td>2002 through 2029</td>
<td>5.2</td>
</tr>
<tr>
<td>2030 through 2034</td>
<td>6.2</td>
</tr>
<tr>
<td>2035 through 2049</td>
<td>6.45</td>
</tr>
<tr>
<td>2050 through 2059</td>
<td>6.65</td>
</tr>
<tr>
<td>2060 or thereafter</td>
<td>6.85</td>
</tr>
</tbody>
</table>

(3) SELF-EMPLOYMENT TAX.—Section 1401(a) of such Code (relating to tax on self-employment income) is amended to read as follows:

‘‘(a) O. L D-A GE, SURV IVORS, AND DISABIL IT Y INSURANCE—’’

(b) IN GENERAL.—In addition to other taxes, there is hereby imposed on every individual a tax equal to the applicable percentage of the amount of the self-employment income for such taxable year.

(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be the percentage set forth in the following table:

<table>
<thead>
<tr>
<th>In the case wages paid</th>
<th>The applicable percentage during:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000 and 2001</td>
<td>11.4</td>
</tr>
<tr>
<td>2002 through 2029</td>
<td>10.4</td>
</tr>
<tr>
<td>2030 through 2034</td>
<td>12.4</td>
</tr>
<tr>
<td>2035 through 2049</td>
<td>13.4</td>
</tr>
<tr>
<td>2050 through 2059</td>
<td>13.3</td>
</tr>
<tr>
<td>2060 or thereafter</td>
<td>13.1</td>
</tr>
</tbody>
</table>

(4) EFFECTIVE DATES—

(A) EMPLOYEES AND EMPLOYERS.—The amendments made by paragraphs (1) and (2) apply to remuneration paid after December 31, 1999.

(B) SELF-EMPLOYED INDIVIDUALS.—The amendment made by paragraph (3) applies to taxable years beginning after December 31, 1999.

(5) REALLOCATION OF EMPLOYMENT TAXES.—

(a) REALLOCATION OF TAX ON EMPLOYEES AND EMPLOYERS.—Section 201(b)(1) of the Social Security Act (42 U.S.C. 401(b)(1)) is amended by striking ‘‘(Q) 1.70 per centum of the wages (as so defined) paid after December 31, 1996, and before January 1, 2000, and so reported, and (R) 1.80 per centum of the wages (as so defined) paid after December 31, 1999, and so reported’’ and inserting ‘‘(Q) 1.70 per centum of the wages (as so defined) paid after December 31, 1996, and before January 1, 2000, and so reported, (R) 1.80 per centum of the wages (as so defined) paid after December 31, 1999, and so reported’ and ‘‘(Q) 1.70 per centum of the wages (as so defined) paid after December 31, 1996, and before January 1, 2000, and so reported, and (R) 1.80 per centum of the wages (as so defined) paid after December 31, 1999, and so reported’’.

(b) REALLOCATION OF TAX ON SELF-EMPLOYED INCOME.—Section 201(b)(2) of such Act (42 U.S.C. 401(b)(2)) is amended by striking ‘‘(Q) 1.70 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1996, and before January 1, 2000, and (R) 1.80 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999, and before January 1, 2000’’ and inserting ‘‘(Q) 1.70 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1996, and before January 1, 2000, and (R) 1.80 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999, and before January 1, 2000’’.

(5) FUTURE RATES AND ALLOCATION BETWEEN TRUST FUND CONTRIBUTIONS.—

(a) FUTURE RATES AND ALLOCATION BETWEEN TRUST FUNDS.—

(b) IN GENERAL.—Section 201(c) of the Social Security Act (42 U.S.C. 401(c)) is amended by striking ‘‘(5) ‘‘(as defined by the Board of Trustees)’ and inserting ‘‘(5) ‘‘as defined by the Board of Trustees’’.

‘‘(b) FUTURE RATES AND ALLOCATION BETWEEN TRUST FUNDS PROPOSED BY BOARD OF TRUSTEES FOR LEGISLATIVE ACTION.—

(1) IN GENERAL.—Section 201(c) of the Social Security Act (42 U.S.C. 401(c)) is amended by striking ‘‘(as defined by the Board of Trustees)’ and inserting ‘‘as defined by the Board of Trustees’’.
and inserting "7".

and inserting "6.9"; and

in section 8422(a)(3) of title 5, United

SEC. 3. VOLUNTARY INVESTMENT OF PAYROLL

PROTECT PAYROLL TAX CUT.ÐThe table con-

ommendation submitted under subsection (c).''.

which the recommendation is submitted

deemed to be a reference to the date on

Senate shall be deemed to be a reference to

to the Committee on Armed Services of the

with regard to the same provisions and in the same

way, subject to paragraph (2), as a joint reso-

sion by the Board of Trustees specifying a

Closure and Realignment Act of 1990 (10

(2) FAST-TRACK CONSIDERATION OF LEGISLA-

section (n)).''

in the report provided for in sub-

section (c) shall apply.

(A) not later than 3 days after the Board

of Trustees submits such report, be

quired (by request) in the House of Repre-

atives by the Majority Leader of the House

and (by request) in the Senate by the

Majority Leader of the Senate; and

be given expedited consideration

under the same provisions and in the same

way, subject to paragraph (2), as a joint reso-

lution under section 2908 of the Defense Base

Closure and Realignment Act of 1990 (10


(2) OF PURPOSES OF APPLYING PARAGRAPH (1)

with respect to such provisions, the follow-

ing rules shall apply:

(A) Section 2908(a) of the Defense Base

Closure and Realignment Act of 1990 (10

U.S.C. 2678 note) shall not apply.

(B) Any reference to the resolution de-

scribed in subsection (a) shall be deemed to

be a reference to the legislative recom-

mendation submitted under subsection (c)

of this Act.

(C) Any reference to the Committee on

National Security of the House of Repre-

sentatives shall be deemed to be a reference to

the Committee on Ways and Means of the

House of Representatives and any reference

to the Armed Services Committee of the

Senate shall be deemed to be a reference to the

Committee on Finance of the Senate.

Any reference to the date on which the

Plan and Realignment report shall be

deemed to be a reference to the date on

which the recommendation is submitted

under subsection (c).

CONFORMING AMENDMENTS TO FERS TO

PROTECT PAYROLL TAX CUT.—The table con-

tained in section 8422(a)(3) of title 5, United

States Code, is amended—

(1) by striking "7" the second place it

appears and inserting "6";

(2) by striking "7.4" and inserting "6.4";

(3) by striking "7.5, the first, third, fifth,

and seventh places it appears and inserting

"6.5";

(4) by striking "7.9" each place it appears

and inserting "6.9";

(5) by striking "8" each place it appears

and inserting "7".

SEC. 3. VOLUNTARY INVESTMENT OF PAYROLL

TAX CUT BY EMPLOYEES.

(a) VOLUNTARY INVESTMENT OF PAYROLL

TAX.CUT.—

(1) IN GENERAL.—Title II of the Social

Security Act (42 U.S.C. 401 et seq.) is

amended—

(A) by inserting before section 201 the fol-

lowing:

"PART A—INSURANCE BENEFITS":

and

(8) by adding at the end the following:

"PART B—VOLUNTARY INVESTMENT ACCOUNTS"

EMPLOYEE ELECTION AND DESIGNATION OF

VOLUNTARY INVESTMENT ACCOUNT UNDER

PAYROLL DEDUCTION PLAN.

SEC. 25L. (a) IN GENERAL.—An individual

who is an employee of a covered employer

may elect to participate in the employer's voluntary investment account payroll deduction plan or

(1) not later than 10 business days after the individual becomes an employee of the employer,

(2) during any open enrollment period.

The Commissioner shall by regulation pro-

vide for at least 1 open enrollment period an-

ually.

(b) PERIOD OF ELECTION.—

(1) TIME ELECTION TAKES EFFECT.—An election under subsection (a) shall take ef-

fect with respect to the first pay period be-

ginning more than 14 days after the date of

the election.

(2) TERMINATION.—An election under sub-

section (a) shall—

(A) upon the termination of employment

of the employee of the covered employer, or

(B) be given expedited consideration

under the same provisions and in the same

way, subject to paragraph (2), as a joint reso-

lution under section 2908 of the Defense Base

Closure and Realignment Act of 1990 (10


(c) DESIGNATION OF VOLUNTARY INVEST-

MENT ACCOUNT.—An employer shall, at

the time an election is made under sub-

section (a), designate the voluntary invest-

ment account to which voluntary invest-

ment account payroll deduction plan of the

employee are to be deposited.

(d) CHANGES.—The Commissioner shall by

regulation provide the time and manner by

which an employer or a person described in

section 254(d) on behalf of such employee may—

(1) designate another voluntary investment

account to which contributions are to be

deposited, and

(2) transfer amounts from one such ac-

count to another.

FORM OF ELECTIONS.—Elections under

this section shall be made—

(1) on W-4 forms (or any successor forms),

or

(2) in such other manner as the Commiss-

ioner may prescribe in order to ensure ease

of administration and reductions in burdens

on employers.

VOLUNTARY INVESTMENT ACCOUNT PAYROLL

DEDUCTION PLANS.—

SEC. 25L. (a) IN GENERAL.—Each person

who is a covered employer for a calendar

year shall have in effect a voluntary invest-

ment account payroll deduction plan for

such calendar year for such person’s electing

employees.

(b) VOLUNTARY INVESTMENT ACCOUNT Pay-

ROLL DEDUCTION PLANS.—For purposes of

this part, the term ‘voluntary investment

account payroll deduction plan’ means a

written plan of an employer—

(1) which applies only with respect to

wages of any employee who elects to become

an electing employee in accordance with sec-

tion 251,

(2) under which the voluntary investment

account contributions under section 3101(a)

of the Internal Revenue Code of 1986 will be

deducted from the electing employee’s wages

and, together with such contributions under

section 3111(a) of such Code on behalf of such

employee, will be paid to the Social Security

Administration for deposit in 1 or more vol-

untary investment accounts designated by

such employee in accordance with section

251,
"(B) any voluntary investment account described in paragraph (2) of subsection (a) shall be treated in the same manner as an individual retirement plan (as so defined), and

"(C) any voluntary investment account described in paragraph (3) of subsection (a) shall be treated in the same manner as the designated KidSave Account would have been treated under subsection 262(b).

"(2) EXCEPTIONS.—

"(A) CONTRIBUTION LIMIT.—The aggregate amount of contributions made for any taxable year to all voluntary investment accounts of an electing employee shall not exceed the aggregate amount of contributions made pursuant to sections 3101(a)(3), 311(1)(a)(3), and 1401(a) of the Internal Revenue Code of 1986 and paid pursuant to section 252 or 253 on behalf of such employee.

"(B) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 of the Internal Revenue Code of 1986 for a contribution to a voluntary investment account.

"(C) ROLLOVER CONTRIBUTIONS.—No rollover contribution may be made to a voluntary investment account unless it is from another voluntary investment account or a KidSave Account (as described in paragraph (1) of this subsection). A rollover described in the preceding sentence shall not be taken into account for purposes of sub-paragraph (A).

"(D) DISTRIBUTIONS ALLOWED TO SOCIAL SECURITY BENEFICIARIES.—Notwithstanding any provision of law, distributions may only be made from a voluntary investment account of an elected employee on or after the earlier of—

"(i) the date on which the employee begins receiving benefits under this title, or
"(ii) the date of the employee's death.

"(E) OTHER DEFINITIONS.—For purposes of this part—

"(i) COVERED EMPLOYER.—The term 'covered employer' means, for any calendar year, any person on whom an excise tax is imposed under section 3111 of the Internal Revenue Code of 1986 with respect to an individual in the person's employ to whom wages are paid by such person during such calendar year.

"(ii) ELECTING EMPLOYEE.—The term 'electing employee' means an individual with respect to whom an election under section 251 is in effect.

"(iii) ELECTING SELF-EMPLOYED INDIVIDUAL.—The term 'electing self-employed individual' means an individual with respect to whom an election under section 253 is in effect.

"(d) TREATMENT OF INCOMPETENT INDIVIDUALS.—Any designation under section 251(c)(2) to be made by an individual mentally incompetent or under other legal disability may be made by the person who is constituted guardian or other fiduciary by the law of the State of residence of the individual or is otherwise legally vested with the care of the individual or his estate. Payment under this part due an individual mentally incompetent or under other legal disability may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the individual or is otherwise legally vested with the care of the claimant or his estate. Payment under this part due an individual mentally incompetent or under other legal disability may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the individual or is otherwise legally vested with the care of the claimant or his estate. In any case in which a guardian or other fiduciary of the individual under legal disability has not been appointed under the law of the State of residence of the individual, if any other person, in the judgment of the Commissioner, is responsible for such individual under legal disability has not been appointed under the law of the State of residence of the individual, if any other person, in the judgment of the Commissioner, is responsible for such individual, any designation under section 251(c)(2) which may otherwise be made by such individual may be made by such person, any payment under this part due such individual under legal disability may otherwise be made to such person, and the payment of an annuity payment under this part to such person bars recovery by any other person.

VOLUNTARY INVESTMENT FUND

"SEC. 255. (a) ESTABLISHMENT.—There is established and maintained in the Treasury of the United States a Voluntary Investment Fund in the same manner as the Thrift Savings Fund under sections 8437, 8438, and 8439 of title 5, United States Code.

"(b) VOLUNTARY INVESTMENT FUND BOARD.—

"(1) IN GENERAL.—There is established and operated in the Social Security Administration an advisory board in the same manner as the Federal Retirement Thrift Investment Board under subchapter VII of chapter 84 of title 5, United States Code.

"(2) SPECIFIC INVESTMENT DUTIES.—The Voluntary Investment Fund shall be managed by the Voluntary Investment Fund Board in the same manner as the Thrift Savings Fund is managed under subchapter VIII of chapter 84 of title 5, United States Code.

EXEMPTION FROM EMPLOYER REQUIREMENTS—Section 4(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1003(b)) is amended—

"(A) in paragraph (4), by striking "or";

"(B) in paragraph (5), by striking the period and inserting "; or"; and

"(C) by inserting after paragraph (5) the following:

"(6) such plan is a voluntary investment account payroll deduction plan established under part B of title II of the Social Security Act.

Effective date and notice requirements—

"(A) EFFECTIVE DATE.—The amendments made by this subsection apply to remuneration paid after December 31, 2001.

"(B) NOTICE REQUIREMENTS.—Not later than October 1, 2001, the Commissioner of Social Security shall—

"(i) send to the last known address of each eligible individual a description of the program established by the amendments made by this subsection, which shall be written in the form of a pamphlet in language which may be readily understood by the average worker.

"(ii) provide for toll-free access by telephone from all localities in the United States and Canada to the Internet through the Social Security Administration through which individuals may obtain information and answers to questions regarding such program, and

"(iii) provide information to the media in all localities of the United States about such program and such toll-free access by telephone and access to the Internet.

"(C) ELIGIBLE INDIVIDUAL.—For purposes of this subparagraph, the term "eligible individual" means an individual who, as of the date of the participant to whom clause (i) is indicated within the records of the Social Security Administration as being credited with 1 or more quarters of coverage under section 213 of the Social Security Act (42 U.S.C. 413).

"(D) MATTERS TO BE INCLUDED.—The Commissioner shall include with the pamphlets sent pursuant to each eligible individual pursuant to clause (i)—

"(I) a statement of the number of quarters of coverage indicated in the records of the Social Security Administration as of the date of the description as credited to such individual under section 213 of such Act and the date as of which such records may be considered accurate, and

"(II) the number for toll-free access by telephone established by the Commissioner pursuant to clause (i).

"(E) CONFORMING AMENDMENTS TO PAYROLL TAX PROVISIONS.—

"(1) EMPLOYEES VOLUNTARY INVESTMENT CONTRIBUTIONS.—Section 311(a) of the Internal Revenue Code of 1986 relating to tax on employers, as amended by section 2(a)(1), is amended by adding at the end the following:

"(2) VOLUNTARY INVESTMENT ACCOUNT CONTRIBUTIONS.—In the case of an elective employee (as defined in section 254(c)(2) of the Social Security Act), in addition to other taxes, there is hereby imposed on the income of such elective employee a voluntary investment account contribution equal to 1 percent of the wages (as so defined) received by him with respect to employment (as so defined).

"(3) EMPLOYERS MATCHING CONTRIBUTIONS.—Section 311(a) of such Code (relating to tax on employers), as amended by section 2(a)(2), is amended by adding at the end the following:

"(3) MATCHING CONTRIBUTION TO EMPLOYEE VOLUNTARY INVESTMENT ACCOUNT CONTRIBUTIONS.—In the case of an employer having in his employ an elective employee (as defined in section 254(c)(2) of the Social Security Act), in addition to other taxes, there is hereby imposed on the income of such elective employee a voluntary investment account contribution equal to 2 percent of the amount of the self-employment income of such individual, a voluntary investment account contribution equal to 2 percent of the amount of the self-employment income for each taxable year.

Effective dates—

"(A) EMPLOYEES AND EMPLOYERS.—The amendments made by paragraphs (1) and (2) apply to remuneration paid after December 31, 2001.

"(B) SELF-EMPLOYED INDIVIDUALS.—The amendments made by paragraph (3) apply to taxable years beginning after December 31, 2001.

"SEC. 4. INCREASE OF SOCIAL SECURITY WAGE BASE.

"(a) IN GENERAL.—Section 203(b) of the Social Security Act (42 U.S.C. 403) is amended—

"(1) in subsection (b)—

"(A) by striking "$50,600" and inserting "$99,900"; and

"(B) in paragraph (2), by striking "1992" and inserting "2002"; and

"(2) in subsection (c)—

"(A) by striking "(1)" and all that follows through "$59,700," and inserting "the contribution and benefit base with respect to remuneration paid (and taxable years beginning)—

"(1) in 2002 shall be $78,000,

"(2) in 2003 shall be $87,000, and

"(3) in 2004 shall be $99,900,"; and

"(B) by striking "specified in clause (2) of the preceding sentence" and inserting "specified in the preceding sentence".
SEC. 5. COST-OF-LIVING ADJUSTMENTS.

(a) COST-OF-LIVING BOARD.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"SEC. 1181. (a) MODIFICATION OF COST-OF-LIVING ADJUSTMENT.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Cost-of-Living Adjustment described in subsection (b) shall be reduced by the applicable percentage point.

"(2) APPLICABLE PERCENTAGE POINT.—In this section, the term `applicable percentage point' means—

"(A) except as provided in subparagraph (B), 1 percentage point; or

"(B) the applicable percentage point adopted by the Cost-of-Living Board under subsection (b) for the calendar year.

(b) COST-OF-LIVING BOARD DETERMINATION.—

"(1) IN GENERAL.—The Cost-of-Living Board established under section 1181 shall for each calendar year after 1999 determine if a new applicable percentage point is necessary to replace the applicable percentage point described in subsection (a)(2)(A) to ensure an accurate cost-of-living adjustment which shall apply to any cost-of-living adjustment taking effect during such year.

"(2) ADOPTION OR REJECTION OF NEW APPLICABLE PERCENTAGE POINT.—

"(A) ADOPTION.—

"(i) IN GENERAL.—If the Cost-of-Living Board adopts by majority vote a new applicable percentage point under paragraph (1), then, for purposes of subsection (a)(1), the new applicable percentage point shall remain in effect during the following calendar year.

"(ii) ADJUSTMENTS.—The Cost-of-Living Board shall make appropriate adjustments to the applicable percentage point applied to any cost-of-living adjustments for the period during which the change in the cost-of-living is measured for such adjustment is different than the period used by the Cost-of-Living Board; or

"(ii) the adjustment is based on a component of an index rather than the entire index.

"(B) REJECTION.—If the Cost-of-Living Board fails by majority vote to adopt a new applicable percentage point under paragraph (1) for any calendar year, then the applicable percentage point for such calendar year shall be the applicable percentage point described in subsection (a)(2)(A).

(c) REPORT.—Not later than November 1 of each year, the Cost-of-Living Board shall submit a report to the President and Congress containing a detailed statement with respect to the new applicable percentage point (if any) agreed to by the Board under subsection (b).

(d) JUDICIAL REVIEW.—Any determination by the Cost-of-Living Board under subsection (b) shall be subject to judicial review.

(e) COST-OF-LIVING ADJUSTMENT—

"(1) DEFINITION.—A cost-of-living adjustment described in this subsection is any cost-of-living adjustment for a calendar year after 1999 determined by reference to a percentage change in a consumer price index or any component thereof (as published by the Bureau of Labor Statistics of the Department of Labor and determined without regard to this section) and used in any of the following:


"(II) Titles II, XVIII, and XIX of this Act.

"(III) Any other Federal program (not including programs under title XVI of this Act).

"(2) IN GENERAL.—Notwithstanding section 552b of title 5, United States Code, or section 10 of the Federal Advisory Committee Act (5 U.S.C. App.), the Board may, by majority vote, select a Chairperson and meet in open session.

"(3) STAFF.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out the provisions of this part, including the published and unpublished data and reports of the Bureau of Labor Statistics. Upon request of the Chairperson of the Board, the head of such department or agency shall furnish such information to the Board.

"(4) POSTAL SERVICES.—The Board may use the United States mails in the same manner and for the same purposes as other Federal departments and agencies of the Federal Government.

"(5) GIFT S.——The Board may accept, use, and dispose of gifts or donations of services or property.

"(6) BOARD PERSONNEL MATTERS.—

"(A) COMPENSATION OF MEMBERS.—Each member of the Board who is not otherwise an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5313 of title 5, United States Code, for each day (including any partial day) during which the member is engaged in the performance of the duties of the Board. All members of the Board who otherwise are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(B) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

"(C) T A B L E OF V A C AN C I E S.—

"(A) IN GENERAL.—The Chairperson of the Board may, without regard to the civil service laws and regulations, appoint and termi- nate an executive director and such other additional personnel as may be necessary to enable the Board to perform its duties. The employment of an executive director shall be subject to confirmation by the Board.

"(B) COMPENSATION.—The Chairperson of the Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 53 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the compensation of the executive director and other personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5316 of such title.

"(D) increasing number of meetings and open sessions. Any Federal Government employee may be detailed to the Board without additional reimbursement (other than the employee's regular compensation) or without interruption or loss of civil service status or privilege.
"(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title, to the extent that such sums as are necessary to carry out the purposes of this part.''.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such sums as are necessary to carry out the purposes of this part.

(5) TERMINATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(b) TRAVEL.—The amendments made by this section apply to taxable years ending after December 31, 1999.

SEC. 7. COVERAGE OF NEWLY HIRED STATE AND LOCAL EMPLOYEES.

(a) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) IN GENERAL.—Paragraph (7) of section 210(a) of the Social Security Act (42 U.S.C. 410(a)(7)) is amended to read as follows:

"(7) Excluded State or local government employment (as defined in subsection (s));"

(2) EXCLUDED STATE OR LOCAL GOVERNMENT EMPLOYMENT.—

(A) IN GENERAL.—Section 210 of such Act (42 U.S.C. 410) is amended by adding at the end the following new subsection:

"(i) Excluded State or Local Government Employment.

(B) IN GENERAL.—The term 'excluded State or local government employment' means any service performed in the employ of a State, of any political subdivision thereof, or of any instrumentality of any one or more of the foregoing which is wholly owned thereby, if—

"(A) such service would be excluded from the term 'employment' for purposes of this title if the preceding provisions of this section as in effect on December 31, 2001, had remained in effect, and (ii) the requirements of paragraph (2) are met with respect to such service, or

"(B) the requirements of paragraph (3) are met with respect to such service.

"(2) EXCEPTION FOR CURRENT EMPLOYMENT WHICH CONTINUES.Ð

(A) IN GENERAL.—The requirements of paragraph (3) are met with respect to any employer if—

"(i) such service is performed by an individual—

"(I) who was performing substantial and regular service for the State or local government for that employer before January 1, 2002, and

"(II) whose employment relationship with that employer was not entered into for purposes of meeting the requirements of this subparagraph, and

"(iii) the employer's employment relationship with that employer has not been terminated after December 31, 2001.

(B) TREATMENT OF MULTIPLE AGENCIES AND INSTRUMENTALITIES.—For purposes of this subparagraph, or for purposes of such paragraph (A), under regulations (consistent with regulations established under section 3121(t)(2)(B) of the Internal Revenue Code of 1986)—

"(I) all agencies and instrumentalities of a State (as defined in section 218(b)) or of the District of Columbia shall be treated as a single employer, and

"(II) such service shall not be treated as described in section 215(a)(1)(B)(ii)(II), and

"(iii) any employer if the remuneration paid in a calendar year for such service is less than $1,000 with respect to service performed during such year, except to the extent that service by such election official or election worker is included in employment under an agreement under section 218, or

"(C) ADJUSTMENTS TO DOLAR AMOUNT FOR ELECTION OFFICIALS AND ELECTION WORKERS.—For each year after 2002, the Secretary shall adjust the amount referred to in subparagraph (B)(iv) in the same manner as is provided under section 215(a)(1)(B)(ii) with respect to the amounts referred to in section 215(a)(1)(B)(ii), except that—

"(i) for purposes of this subparagraph, 1999 shall be substituted for the calendar year referred to in section 215(a)(1)(B)(ii)), and

"(ii) such amount as so adjusted, if not a multiple of $50, shall be rounded to the nearest multiple of $50.

The Commissioner of Social Security shall determine and publish in the Federal Register each adjusted amount determined under this subparagraph not later than November 1 preceding the year for which the adjustment is made.

(B) CONFORMING AMENDMENTS.—

(1) subsection (k) of section 210 of such Act (42 U.S.C. 410(k)) (relating to covered transportation service) is repealed.

(2) Section 210(p) of such Act (42 U.S.C. 410(p)) is amended—

"(i) by striking subparagraph (C); and

"(ii) by redesignating subparagraphs (D) and (E) as sub paragraphs (C) and (D), respectively; and

"(iii) by striking subparagraph (F) and inserting the following:

"(E) service which is included as employment under section 210(a)."

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (7) of section 3121(b) of the Internal Revenue Code of 1986 (relating to employment) is amended to read as follows:

"(7) excluded State or local government employment (as defined in subsection (s));"

(2) EXCLUDED STATE OR LOCAL GOVERNMENT EMPLOYMENT.—Section 3121 of such Code is amended by inserting in the first sentence of subsection (e) the following new subsection:

"(i) Excluded State or Local Government Employment.

(B) IN GENERAL.—For purposes of this subsection the term 'excluded State or local government employment' means any service performed in the employ of a State, of any hospitals of the District of Columbia Government, other than as a medical or dental intern or a medical or dental resident in training, or

"(iv) by an election official or election worker if the remuneration paid in a calendar year for such service is less than $1,000 with respect to service performed during such year, except to the extent that service by such election official or election worker is included in employment under an agreement under section 218, or

"(v) by an employee in a position compensable solely on a fee-for-service basis, which is treated pursuant to section 212(c)(2)(E) as a trade or business for purposes of inclusion of such fees in net earnings from self-employment.

"(B) DEFINITIONS.—As used in this paragraph, the terms 'State' and 'political subdivision' have the meanings given those terms in section 218(b)."
political subdivision thereof, or of any instrumentality of any one or more of the foregoing which is wholly owned thereby, if—

(A) the service would be excluded from the term ‘service performed for purposes of this chapter if the provisions of subsection (b)(7) as in effect on December 31, 2001, had remained in effect, and (ii) the requirements of paragraph (2) are met with respect to such service, or

(B) the requirements of paragraph (3) are met with respect to such service.

EXCEPTION FOR CURRENT EMPLOYMENT WHICH CONTINUES

(A) IN GENERAL.—The requirements of this paragraph are met with respect to serv- ice for any employer if—

(i) such service is performed by an individual—

(I) who was performing substantial and regular service for remuneration for that employer before January 1, 2002, and

(II) whose employment relationship with that employer was not entered into for purposes of meeting the requirements of this subparagraph, and

(ii) the employment relationship with that employer was not terminated after December 31, 2001.

(B) TREATMENT OF MULTIPLE AGENCIES AND INSTRUMENTALITIES OF A POLITICAL SUBDIVISION OR OF A STATE

(i) all agencies and instrumentalities of a State (as defined in section 212(b) of the Social Security Act) or of the District of Co- lumbia shall be treated as a single employer, and

(ii) all agencies and instrumentalities of a political subdivision of a State (as so defined) shall be treated as a single employer and shall not be treated as described in clause (i).

EXCEPTION FOR CERTAIN SERVICES.

(A) IN GENERAL.—The requirements of this paragraph are met with respect to serv- ice if such service is performed—

(i) by an individual who is employed by a State or political subdivision thereof to re- lieve such individual from unemployment, and

(ii) in a hospital, home, or other institu- tion determined under Federal law to be a hospital, home, or other institution by the Commissioner deems appropriate for the Commissioner to determine is engaged in the provision of health care services, or

(iii) an individual who is employed by a State or political subdivision thereof or of the District of Columbia, and

(iv) any individual as an employee included under section 5352(i) of title 5, United States Code (relating to certain interns, student nursing employees, and student employees of hospitals of the District of Columbia Government, other than as a medical or dental inter- n or a medical or dental resident in training.

(v) by an election official or election worker if the remuneration paid in a calendar year for such service is less than $1,000 with respect to service performed during 2002, and the adjusted amount determined under section 2103(c)(3) of the Social Security Act for any subsequent year with re- spect to service performed during such sub- sequent year, except to the extent that service by such election official or election worker is included in employment under an agreement under section 238 of the Social Security Act, or

(vi) by an employee in a position compensated solely on a fee basis which is treated pursuant to section 1402(c)(2)(E) as a trade or business for purposes of inclusion of such fees in net earnings from self-employment.

(B) DEFINITIONS.—As used in this par- graph, the terms ‘State’ and ‘political sub- division’ have the meanings given to those terms in section 212(b) of the Social Security Act.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (j) of section 3121 of such Code (relating to transportation services) is amended—

(i) by striking “professional” and inserting “professional services,” and

(ii) by striking “services” and inserting “service,” and

(B) Paragraph (2) of section 3212(u) of such Code (relating to application of hospital in- surance tax to Federal, State, and local em- ployment) is amended—

(i) in subparagraph (B), by striking “service” and inserting “service is de- scribed in subsection (t)(3)(A);”; and

(ii) in subparagraph (C)(i), by inserting “under subsection (b)(7) as in effect on De- cember 31, 2001” after “chapter”.

(C) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this subsection shall be effective with respect to service performed after December 31, 2001.

SEC. 8. INCREASE IN LENGTH OF COMPUTATION PERIOD FROM 35 TO 38 YEARS.

Section 215(b)(2)(B) of the Social Security Act (42 U.S.C. 415(b)(2)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) in clause (iii)—

(A) by striking “age 62” and inserting “the applicable age”;

(B) by striking the period at the end and inserting “; and”; and

(3) by adding at the end following:

(iv) the term ‘applicable age’ means with respect to individuals who attain age 62—

(I) before 2002, age 62;

(II) in 2002, age 63;

(III) in 2003, age 64; and

(IV) after 2003.

SEC. 9. MODIFICATION OF PIA FACTORS TO REFLECT CHANGES IN LIFE EXPECTANCY.

(a) MODIFICATION OF PIA FACTORS.—Section 215(a)(1) of the Social Security Act (42 U.S.C. 415(a)(1)(B)) is amended by redesignating subsection (B) as subsection (D) and by inserting after subparagraph (C) the following:

(D) For individuals who initially become eligible for old-age insurance benefits in any calendar year after 1999, each of the per- centages under clauses (i) and (ii) shall be multiplied by the applicable number of times by .988 (.997, for any calendar year after 2002) and the applicable number of times by .988 (.997, for any calendar year after 2002) and the lesser of 66 or the number of years begin- ning with 2000 and ending with the year of initial eligibility.

(b) RETIREMENT AGE.

EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this subsection shall be effective with respect to service performed after December 31, 2001.

(a) IN GENERAL.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking “the age of seventy” and inserting “early retirement age as defined in section 216(l)”;

(2) in paragraphs (1)(A) and (2) of sub- section (d), by striking “the age of seventy” each place it appears and inserting “early retirement age (as defined in section 216(l))”;

(3) in subsection (f)(1)(B), by striking “was age seventy or over” and inserting “was at or above early retirement age (as defined in section 216(l))”;

(4) in subsection (f)(3)—

(A) by striking “33% percent” and all that follows through “any other individual,” and inserting “50 percent of such individual’s earnings for such year in excess of the product of the exempt amount as determined under paragraph (B);”;

(B) by striking “‘early retirement age’” and inserting “early retirement age (as defined in section 216(l))”;

(5) in subsection (h)(1)(A), by striking “age 70” each place it appears and inserting “early retirement age (as defined in section 216(l))”;

(6) in subsection (j)—

(A) in the heading, by striking “Age Sev- enty” and inserting “Early Retirement Age”;

and...
(B) by striking "seventy years of age" and inserting "having attained early retirement age (as defined in section 216(l))".

(2) CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED AGE 62.—

(1) UNIFORM EXEMPT AMOUNT.—Section 203(f)(18)(A) of the Social Security Act (42 U.S.C. 403(f)(18)(A)) is amended—

(A) in the matter preceding clause (i), by striking "Except" and all that follows through "inserting" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever:");

(B) in clauses (i) and (ii), by striking "corresponding" each place it appears; and

(C) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(2) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 203(f)(18)(D) of the Social Security Act (42 U.S.C. (f)(18)(D)) is repealed.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(1) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(A) in subsection (c), in the last sentence, by striking "nor shall any deduction" and all that follows through "inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever:");

(B) in subsection (f)(1), by striking clause (D) and inserting the following: (D) for individuals described in subparagraph (D) which are to be applied for individuals receiving disability insurance benefits, which such individual is entitled to widow's or widower's insurance benefits if the widow, surviving divorced wife, widower, or surviving divorced husband involved in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(2) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(iii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(iii)) is amended—

(A) in subsection (a), by striking "The KidSave Account shall be identified to the account holder by means of the account holder's Social Security account number.",

(B) in subsection (b), by striking "the KidSave Account in the Voluntary Investment Fund (established under subsection 259(a)), and

"(C) Designations Regarding KidSave Accounts.—

(1) INITIAL DESIGNATIONS OF INVESTMENT VEHICLE.—A person described in subsection (a) shall, on behalf of the individual described in subsection (a), designate the individual retirement plan to which contributions on behalf of such individual are to be deposited. Such designation shall be made on the application for such individual's Social Security account number.

"(2) CHANGES IN INVESTMENT VEHICLES OR TYPES OF KIDSAVE ACCOUNTS.—The Commissioner shall by regulation provide the time and manner by which—

(A) an individual or a person described in subsection (d) on behalf of such individual may change 1 or more investment vehicles for KidSave Account described in paragraph (1) of section 262(a), and

(B) an individual or a person described in subsection (d) on behalf of such individual may designate a KidSave Account under paragraph (2) of section 262(a) or a voluntary investment account described in paragraph (1) of section 262(a) to be transferred.

"(D) TREATMENT OF MINORS AND INCOMPETENT INDIVIDUALS.—Any designation under subsection (c) to be made by a minor, or an individual mentally incompetent or under other legal disability, may be made by the person who is constituted guardian or other fiduciary by the law of the State of residence of the individual or is legally vested with the care of the individual or his estate. Payment under this part due a minor, or an individual mentally incompetent or under other legal disability, may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the individual or is legally vested with the care of the claimant or his estate. In any case in which a guardian or other fiduciary of the individual under legal disability has not been appointed under the applicable law, or which contributions on behalf of such individual, any designation under subsection (c) which may otherwise be made by such individual may be made by such person.

"DEFINITIONS AND SPECIAL RULES

"SEC. 262. (a) KIDSAVE ACCOUNTS.—For purposes of this part—

"(1) KidSave Account described in this paragraph is a KidSave Account in the Voluntary Investment Fund (established under subsection 259(a)), and

"(2) KidSave Account described in this paragraph is any individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986), other than a Roth IRA (as defined in section 408A(b) of such Code), which is designated by an individual as a KidSave Account (in such manner as the Secretary of the Treasury may prescribe) and which is administered or operated by a bank or other person referred to in section 408(a)(2) of such Code.

"(B) TREATMENT OF ACCOUNTS.—

"(A) KidSave Account described in subsection (a) shall be treated in the same manner as an account in the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, and

"(B) any KidSave Account described in subsection (a) shall be treated in the same manner as an individual retirement plan (as so defined).
"II. REDUCE PAYROLL TAXES AND RETURN TO PAY-AS-YOU-GO SYSTEM WITH VOLUNTARY PERSONAL SAVINGS ACCOUNTS

A. Reduce payroll taxes and return to pay-as-you-go system. The bill would return Social Security to a pay-as-you-go system. That is, payroll tax rates would be adjusted so that annual revenues from taxes closely match annual outlays. Under current law, the taxable maximum is projected to increase to $84,900 in 2004, with automatic changes also continuing thereafter.

B. Adjustments in monthly benefits related to changes in life expectancy. Under current law, the so-called normal retirement age (NRA) is scheduled to gradually increase from age 65 to 67. In practice, the NRA is important as a benchmark for determining the monthly benefit amount, but it does not reflect the actual age at which workers receive retirement benefits. More recently, workers begin collecting Social Security retirement benefits before they reach age 65, and more than 50 percent do so at age 62. Under the bill, workers can continue to receive benefits at age 62 and the provision in the 1983 Social Security amendments that increased the NRA to 67 is repealed. Instead, under this legislation, if life expectancy increases the level of monthly benefits payable at age 65 (or at the age at which the worker actually retires) decreases. These changes in monthly benefits are a form of indexation that mirrors the projected gradual increase in life expectancy over a period of more than 100 years. For example, if life expectancy rose by four years, monthly benefits payable at age 65 would be reduced by 5 percent.

SUMMARY OF BUDGET EFFECTS

The legislation would increase the length of the computation period for thirty years. Consistent with the increase in life expectancy and the increase in the retirement age we expect workers to have more years with earnings. Computation of their benefits should be based on this additional three years of earnings.

Note: The Social Security payroll tax rate is fixed by statute at 12.4 percent on the first $72,600 of earnings and 2.9 percent on all additional earnings. The current-law benefit program results in negative-budgetary surpluses from 2015 through 2017, followed by budget deficits thereafter. To meet this surfeit of benefits over taxes, the Trust Funds are expected to completely spend the accumulated surpluses in the 2015-2017 period. Thus, the surfeit in the 2015-2017 period represents the Social Security contributions that workers would need to make in the absence of any legislation. The surfeit is the difference between the amount of benefits that would be paid under current law and the amount that would be paid under the bill.

Note: The Social Security payroll tax rate is fixed by statute at 12.4 percent on the first $90,990 of earnings and 2.9 percent on all additional earnings. The current-law benefit program results in negative-budgetary surpluses from 2015 through 2017, followed by budget deficits thereafter. To meet this surfeit of benefits over taxes, the Trust Funds are expected to completely spend the accumulated surpluses in the 2015-2017 period. Thus, the surfeit in the 2015-2017 period represents the Social Security contributions that workers would need to make in the absence of any legislation. The surfeit is the difference between the amount of benefits that would be paid under current law and the amount that would be paid under the bill.
By Mr. MOYNIHAN (for himself, Mr. HELMS, Mr. LOTT, Mr. DASCHEL, Mr. THOMPSON, Ms. COLLINS, and Mr. SCHUMER):

S. 22. A bill to provide for a system to classify information in the interests of national security and a system to declassify information, and for other purposes; to the Committee on Governmental Affairs.

THE GOVERNMENT SECRECY REFORM ACT

Mr. MOYNIHAN. Mr. President, I rise to introduce the Government Secrecy Reform Act. I would like to begin by thanking my co-sponsors, Senators HELMS, LOTT, DASCHEL, THOMPSON, COLLINS, and SCHUMER. The legislation that we introduce today is intended to implement the core recommendation of the Commission on Protecting and Reducing Government Secrecy: a statute establishing the principles to govern the classification and declassification of information.

The Federal government has a legitimate interest in maintaining secrets in order to fulfill its Constitutional charge to “provide for the common defense.” At the same time, this interest must be balanced by the public’s right to be informed of government activities.

The Commission on Protecting and Reducing Government Secrecy, which I chaired, found a secrecy system out of balance: one which has lost the confidence of many inside and outside the Government. Consequently, information needing protection does not always receive it, while innocuous information is classified and remains classified. The Commission found in its 1997 report that “[t]he best way to ensure that secrecy is respected, and that the most important secrets remain secret, is for secrecy to be returned to its limited but necessary role. Secrets can be protected more effectively if secrecy is reduced overall.

Begin with the concept that secrecy should be understood as a form of government regulation. This was an insight of the Commission, building on the work of the great German sociologist Max Weber. The instinct of the bureaucracy, Weber wrote, was to “increase the superiority of the professionally informed by keeping their knowledge and intentions secret.” The concept of the “official secret” “is the specific invention of bureaucracy, and nothing so fanatically defended by the bureaucracy as this attitude.”

We traditionally think of regulation as a means to govern how citizens are to behave. Whereas public regulation involves what citizens may do, secrecy concerns what citizens know. And the citizen does not even know what may not be known. As our Commission stated: “Americans are familiar with the tendency to overregulate in other areas. What is different with secrecy is that the public cannot know the extent or the content of the regulation.”

Thus, secrecy is the ultimate mode of regulation; the citizen does not even know that he or she is being regulated! It is a parallel regulatory regime with a far greater potential for damage if its malfunctions. In our democracy, where the free exchange of ideas is so essential, it can be suffocating.

To reform this system, the Commission recommended legislation be adopted. Senators LEE HAMMOND, HELMS and Lee Hamilton (all Commissioners), introduced the Government Secrecy Act on May 7, 1997. Our core objective is to ensure that secrecy proceed according to law. Since the Truman Administration, classification and declassification have been governed by a series of executive orders but not one has created a stable and reliable system to ensure we protect what truly needs protecting and nothing more. The system lacks the discipline of a legal framework to define and enforce the proper uses of secrecy. The proposed statute can help ensure that the present regulatory regime will not simply continue to flourish without any restraint and without meaningful oversight and accountability.

The Senate Governmental Affairs Committee, chaired by Senator THOMPSON of Tennessee, considered the bill is the 106th Congress and reported it unanimously. In its report to accompany the bill, the Committee had this important insight:

Our liberties depend on the balanced structure created by James Madison and the other framers of the Constitution. The national security information system has not had a clear legislative foundation, but... has been developed through a series of executive orders. It is time to bring this executive monoply over the issue to an end, and to begin to engage in the same sort of dialogue between Congress and the executive that characterizes the development of government policy in all other means.

As the Cold War gathered, this “executive monopoly” as the Governmental Affairs Committee has termed it, was spawned to what United States had to organize itself to deal with aggression from the Soviet Union. American society in peacetime began to experience wartime regulation. The awful dilemma was that in order to preserve an open society, the U.S. government took measures that in effect closed it down. The culture of secrecy that evolved was intended as a defense against two antagonists: the enemy abroad and the enemy within.

Edward Shils chronicled the peril of this growing secrecy system in his 1956 work, The Torment of Secrecy. He said of this era:

The American visage began to cloud over. Secrets were to become our chief reliance just when it was becoming more and more evident that the Soviet Union had long maintained an active apparatus for espionage in the United States. For a country which had never previously thought of itself as an object of systematic espionage by foreign powers, it was unsettling.

The larger society, Shils continued, was “facing an unprecedented threat to its continuance.” In such circumstances, “the phantasies of apocalyptic visionaries now claimed the respectability of being a reasonable interpretation of the real situation.”

Shils was writing, as he explained in his Foreword, “after nearly a decade of degrading agitation and numerous unnecessary and unworthy actions.”

Today, by contrast, the public and its representatives have few of the concerns of ideological “infiltration” that dominated our attention and our domestic politics during the decade preceding Shils’ book.

Indeed, if there is such a thing as a “typical” case of espionage, it involves an employee well into mid-career who sells national security secrets out of greed, not because of any ideologically-based motivation.

Moreover, today it is the United States government that increasingly finds itself the object of what Shils four decades ago termed the “phantasies of apocalyptic visionaries.”

Conspiracy theories have been with us since the birth of the Republic. The best-known and most notorious is, of course, the unwillingness on the part of the vast majority of the American public to accept that President Kennedy was assassinated in 1963 by Lee Harvey Oswald. A poll taken in 1966, two years after release of the Warren Commission report concluding that Oswald had acted alone, found that 36 percent of respondents accepted this finding, while 50 percent believed otherwise. But most of those who believed there had been involvement had not been convinced of conspiracy to kill the President. By 1978 only 18 percent responded that they believed the assassination had been the act of one man; fully 75 percent believed...
there had been a broader plot. The numbers have remained relatively steady since a 1993 poll also found that three-quarters of those surveyed believed (consistent with the film JFK, released that year) that there had been a conspiracy.

It is at times terribly necessary to lend it the attention it deserves. The Warren Commission report and the other subsequence investigations, with their nearly universal reliance on secrecy, did not dispel any such fantasies.

The official record on the assassination of President Kennedy remained shrouded in secrecy and mystery.

The suspicions created by government secrecy eroded confidence in the truthfulness of federal agencies in general and damaged their credibility. Credibility eroded needlessly, as most of the information which the Warren Commission reviewed were declassified. In conducting this document-by-document review of classified information, the Board reports that “the federal government needlessly and wastefully classified and then withheld from public access countless important records that did not require such treatment.”

With the Government Secrecy Reform Act, we are not proposing putting an end to government secrecy. Far from it. It is at times terribly necessary and used for the most legitimate reasons—ranging from military operations to diplomatic endeavors. Indeed, much of our Commission’s report is devoted to explaining the varied circumstances in which secrecy is most essential. Yet, the bureaucratic attachment to secrecy has become so warped that, in the words of Kermit Hall, a member of the Commission, “it is easy to see how secrecy became the norm.”

Secrecy need not remain the only norm—particularly when one considers that the current badly overextended system frequently fails to protect its most important secrets adequately. We must develop what might be termed a competing “culture of openness”—fully consistent with our interests in protecting national security. A culture in which power and authority are no longer derived primarily from one’s ability to withhold information from others in government and the public at large.

This is our purpose in introducing the Government Secrecy Reform Act. I thank those who have agreed to co-sponsor the bill and ask my colleagues to lend it the attention it deserves.

I ask unanimous consent that the bill be printed in the Record.

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

S. 22

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the “Government Secrecy Reform Act of 1999”.

SEC. 1. SHORT TITLE. This Act may be cited as the “Government Secrecy Reform Act of 1999”.

SEC. 2. CLASSIFICATION AND DECLASSIFICATION OF INFORMATION.

(a) IN GENERAL.—The President shall, in accordance with the provisions of this Act, protect from unauthorized disclosure any information owned by or for, or under the control of the executive branch when there is a demonstrable need to do so in order to protect the national security of the United States.

(b) ESTABLISHMENT OF STANDARDS AND PROCEDURES FOR CLASSIFICATION AND DECLASSIFICATION. (1) GOVERNMENTWIDE PROCEDURES.—(A) CLASSIFICATION.—The President shall, to the extent necessary, establish categories of information that may be classified and procedures for classifying information under subsection (a).

(B) DECLASSIFICATION.—At the same time the President establishes categories and procedures under subparagraph (A), the President shall establish procedures for declassifying information that was previously classified.

(2) NOTICE AND COMMENT.—(A) NOTICE.—The President shall publish in the Federal Register notice regarding the categories and procedures proposed to be established under paragraph (1).

(B) COMMENT.—The President shall provide an opportunity for interested persons to submit comments on the categories and procedures covered by subparagraph (A).

(C) DEADLINE.—The President shall complete the establishment of categories and procedures under subparagraph (A) not later than 60 days after publishing notice in the Federal Register under subparagraph (A). Upon completion of the establishment of such categories and procedures, the President shall publish in the Federal Register notice regarding such categories and procedures.

(D) MODIFICATION.—In the event the President determines to modify any categories or procedures established under paragraph (1), subparagraphs (A) and (B) of paragraph (2) shall apply to such modifications.

(3) FACTORS IN DECISIONS. (A) IN GENERAL.—The President shall prescribe the factors to be utilized in deciding whether information should be released.

(B) GUIDANCE.—In prescribing factors under subparagraph (A), the President shall also prescribe guidance to be utilized in applying such factors. The guidance shall specify with reasonable detail the weight to be assigned each factor and the manner of balancing among opposing factors of similar or different weight.

(C) PROCESS.—The President shall prescribe factors and guidance under this paragraph that are the same for all categories and procedures established categories and procedures under subsection (b)(1) and subject to the notice and
comment procedures set forth under subsection (b)(2).
(d) Written Justification for Classification.—
(1) Original Classification.—Each agency official who makes a decision to classify information not previously classified shall, at the time of such decision—
(A) identify himself or herself;
(B) provide in writing a detailed justification of that decision; and
(C) indicate the basis for the classification of the information with reference to the written guidance produced under subsection (b)(4)(B).
(2) Derivative Classification.—In any case in which an agency official or contractor employee classifies a document on the basis of information previously classified that is included or referenced in the document, the official or employee, as the case may be, shall—
(A) identify himself or herself in that document;
(B) provide a concise explanation of that decision;
(c) Declassification of Information Classified Under Act.—
(1) In General.—Except as provided in paragraphs (2), (3), and (4), information classified under this Act may not remain classified under this Act after the date that is 10 years after the date of the original classification of the information.
(2) Postponement.—When classifying information under this Act, an agency official may provide for the declassification of the information as of a date or event that is earlier than the date otherwise provided for under paragraph (1).
(3) Later Declassification.—(A) In General.—When classifying information under this Act, an agency official with original classification authority over the information may provide for the declassification of the information on a date that is up to 25 years after the date of original classification in accordance with the guidance approved under subsection (b)(4)(B)(ii).
(B) Postponement.—The actual date of the declassification of information referred to in subparagraph (A) may be postponed under paragraph (4)(D).
(4) Establishment of Declassification.—(A) In General.—The declassification of any information or category of information that would otherwise be declassified under paragraph (1) may be postponed under this subsection if the official of the agency with original classification authority over the information or category of information, as the case may be, determines that the information or category of information, as the case may be, should remain classified.
(B) Procedure.—An official may not implement a determination under subparagraph (A) unless the official obtains the concurrence of the Director of the Office of National Classification and Declassification Oversight in the determination.
(C) General Duration of Postponement.—Except as provided in subparagraph (D), information the declassification of which is postponed under this paragraph may remain classified not longer than 15 years after the date of the postponement.
(D) Extended Duration of Postponement.—
(i) In General.—Subject to clauses (ii) and (iii), the declassification of any information that would otherwise be declassified under subparagraph (C) or paragraph (3) may be postponed under this subsection; and
(ii) the basis for the classification of the information with reference to the written guidance produced under subsection (b)(4)(B).
(3) Automatic Declassification.—(A) In General.—When classifying information under this Act, an agency official may provide for the declassification of the information as of a date or event that is earlier than the date otherwise provided for under paragraph (1).
(B) Postponement.—When classifying information under this Act, an agency official may provide for the declassification of the information as of a date or event that is earlier than the date otherwise provided for under paragraph (1).
(4) Specification of Declassification Date or Event.—Each agency official making a decision to classify information under this subsection shall specify upon such information the date or event of its declassification.
(f) Declassification of Current Classified Information.—(1) In General.—The President shall establish procedures for declassifying information that was classified before the effective date of this Act. Such procedures shall, to the maximum extent practicable, be consistent with the provisions of this section.
(2) Automatic Declassification.—The procedures established under paragraph (1) shall include procedures for the automatic declassification of information referred to in that paragraph that has remained classified for more than 25 years as of the effective date referred to in that paragraph.
(3) Notice.—(A) Notice.—The President shall publish notice in the Federal Register of the procedures proposed to be established under this subsection.
(B) Comment.—The President shall provide an opportunity for interested persons to submit comments on the procedures covered by subparagraph (A).
(2) Purpose.—The purpose of the Oversight Office is to standardize the policies and procedures governing the development of technologies to improve the efficiency of classification and declassification processes. The Oversight Office shall make recommendations to Congress, the Executive Branch, and other agencies on the development of such technologies. The Oversight Office shall also oversee the implementation of such technologies.
(3) Supervision.—The Director shall report directly to the Archivist of the United States.
(4) Executive Schedule.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:
"Director, Office of National Classification and Declassification Oversight.",
(c) Personnel and Resources.—(1) Transfer.—All personnel, funds, and other resources of the Information Security Oversight Office are hereby transferred to the Oversight Office and shall constitute the personnel, funds, and other resources of the Oversight Office.
(2) Interim Director.—The Director of the Information Security Oversight Office shall serve as acting Director of the Oversight Office until a Director of the Oversight Office is appointed under subsection (b)(1).
(3) Duties.—The Oversight Office shall—
(1) coordinate and oversee the classification and declassification policies and practices of agencies in order to ensure the consistency of such policies and practices with the provisions of this Act;
(2) develop and issue directives, instructions, and educational aids and forms to assist in the implementation of the provisions of this Act;
(3) develop a program of research and development of technologies to improve the efficiency of classification and declassification processes under this Act;
(4) determine whether or not information is classified in violation of this Act and order the information determined to be classified in violation of this Act declassified by the agency that originated the classification;
(5) determine whether an agency determination to postpone the declassification of information under section 5(2) is consistent with the provisions of this Act;
(6) review the proposed budgets of agencies for classification and declassification programs and make recommendations to the Office of Management and Budget as to means of ensuring that budget proposals provide sufficient funds to permit agencies to comply with the requirements of this Act;
(7) oversee special access programs consistent with the requirements of this section;
(8) conduct audits and on-site reviews of agency classification and declassification programs;
(9) establish and maintain a Government-wide database on the declassification activities of the Government, including an unclassified version of the database available to the public;
(e) AGENCY COOPERATION.—
(1) IN GENERAL.—Subject to the control and supervision of the President, each agency shall provide the Oversight Office with such information and other cooperation as the Director of the Oversight Office considers appropriate to permit the Oversight Office to carry out its duties.
(2) SPECIAL ACCESS PROGRAMS.—The head of an agency with jurisdiction over special access programs may—
(A) limit access to such programs to not more than the Director and one other employee of the Oversight Office;
(B) upon the concurrence of the President, deny access to the Oversight Office to any such program if the head of such agency determines that such access would pose an exceptional threat to national security.
(f) APPEALS FROM CERTAIN DECISIONS.—
(1) IN GENERAL.—An agency may appeal to the Classification and Declassification Review Board any classification order or determination under paragraph (4) or (5) of subsection (d).
(2) DEADLINE.—An agency may appeal an order or determination under paragraph (1) only if the agency submits the appeal to the Board not later than 60 days after the date of the order or determination, as the case may be.
(g) PROTECTION OF INFORMATION.—The Director of the Oversight Office shall take appropriate actions to prevent disclosure to the public of classified information that is provided to the Oversight Office. Such actions shall include a requirement that the staff of the Oversight Office possess security clearances appropriate for the information considered and reviewed by the Oversight Office.
(h) ANNUAL REPORT.—
(1) REQUIREMENT.—Not later than March 31 each year, the Director of the Oversight Office shall submit to Congress a report on the compliance of agencies with the requirements of this Act.
(2) ELEMENTS.—Each report under paragraph (1) shall—
(A) include a summary of the extent of the compliance of agencies Government-wide with the requirements of this Act as of the date of the report; and
(B) set forth an assessment of the compliance of each agency with such requirements as of that date.
(i) FORM.—Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.
(j) AVAILABILITY.—The Oversight Office shall make available to the public the unclassified form of each report under paragraph (1) on an Internet Web site maintained by the Oversight Office.

SEC. 4. CLASSIFICATION AND DECLASSIFICATION REVIEW BOARD.
(a) ESTABLISHMENT.—There is established within the Executive Office of the President a Board as the Classification and Declassification Review Board (in this section referred to as the "Board").
(b) MEMBERSHIP AND PROCEDURAL MATTERS.—
(1) IN GENERAL.—The Board shall consist of five members appointed by the President, by and with the advice and consent of the Senate, of whom—
(A) four shall be private citizens;
(B) two shall be officers or employees of the Federal Government; and
(2) QUALIFICATION.—
(A) PRIVATE CITIZENS.—The members of the Board who are private citizens shall be appointed from among individuals who are distinguished for their skills and experience in the fields of law, the military, government management, national security, history, archives, and other social scientists or who otherwise have demonstrated expertise in matters relating to the national security of the United States, records management, or government information policy.
(B) GOVERNMENT EMPLOYEES.—The members of the Board who are officers or employees of the Federal Government shall be appointed from among such officers and employees who have demonstrated expertise in matters related to the protection of classified information.
(c) NOMINATIONS.—
(1) CONSULTATION.—In nominating individuals for appointment to the Board, the President shall consult with the Secretary of Defense, the Secretary of State, the Attorney General, the Director of National Intelligence, the Archivist of the United States, and the Director of the Office of Management and Budget.
(2) LIMITATION.—The President may not nominate for appointment to the Board any individual who has previously served as a member of the Board.
(d) INITIAL NOMINATIONS.—The President shall make the first nominations of individuals for appointment to the Board not later than 120 days after the effective date of this Act.
(e) Bipartisan Representation.—Of the members of the Board appointed under paragraph (1), not more than two shall be of the same political party.
(f) Presiding Officer.—The President shall designate a member of the Board appointed under paragraph (1)(A) to serve as the Presiding Officer of the Board.
(g) Term.—The Board shall be appointed for a term of 4 years, except that of the members first nominated for appointment to the Board under paragraph (3)(C)—
(1) two members shall serve for a 4-year term (including the member who shall be the Presiding Officer of the Board);
(2) two shall be nominated for a 3-year term; and
(3) shall be nominated for a 2-year term.
(h) Vacancies.—An individual appointed to fill a vacancy發生 for the unexpired term of the member replaced.
(i) PROCEDURAL MATTERS.—
(A) Quorum.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.
(B) RULES AND PROCEDURES.—(i) REQUIREMENT.—The Board shall establish, and may from time to time modify, such rules and procedures as the Board considers appropriate to carry out its duties. Such rules and procedures may include procedures for the declassification of classified information under this Act.
(ii) PUBLICATION.—The Board shall publish its rules and procedures in the Federal Register.
(j) Initial Rules and Procedures.—The Board shall establish its initial rules and procedures not later than 90 days after the date of initial meeting of the Board.
(k) Powers and Duties.—The Board shall—
(1) decide on appeals by agencies which challenge a declassification order of the Office of National Classification and Declassification Oversight under section 3(4); and
(2) decide on appeals by agencies which challenge a determination of that Office not to concur in the postponement of the declassification of information under section 3(5); and
(l) may confer with or recommend to any agency, or with any other appropriate body, personnel, or entity, such action as may be necessary to assure that the classification of information will be consistent with the purposes of this Act.
(m) Protection of Information.—The Board shall take appropriate actions to prevent the disclosure to the public of classified information that is provided to the Board. Such actions shall include a requirement that the members and staff of the Board possess security clearances appropriate for the information considered and reviewed by the Board.
(n) Personnel Matters.—
(1) Compensation.—Each member of the Board who is a private citizen shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the General Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.
(o) Travel Expenses.—The members of the Board shall be allowed travel expenses, per diem in lieu of subsistence, and other necessary expenses at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.
(p) Staff.—The Presiding Officer of the Board may, with the concurrence of the Board, appoint such staff, including an executive secretary, as the Board requires to carry out its duties.
(q) Government Employees.—Any Federal Government employee may be detailed to the Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privileges.

SEC. 5. APPEAL OF DETERMINATIONS OF CLASSIFICATION AND DECLASSIFICATION REVIEW BOARD.
(a) Appeal.—Subject to subsection (c), any agency may appeal to the President a decision or other action of the Classification and Declassification Review Board under section 4(c).
(b) Deadlines.—An agency may appeal a decision or other action under subsection (a) only if the agency submits the appeal to the President not later than 60 days after the date of the decision or other action concerned.
(c) Finality.—A decision of the President on an appeal under subsection (a) shall be final.

SEC. 6. PROHIBITIONS.
(a) Withholding Information from Congress.—Nothing in this Act shall be construed to authorize the withholding of information from Congress.
(b) Judicial Review.—Except in the case of the amendment to section 552 of title 5, United States Code, made by section 2(g), no person may seek or obtain judicial review of any provision of this Act or any action taken under a provision of this Act.
Secrecy all too often then becomes a political tool used by Executive Branch agencies to shield information which may be politically sensitive or policies which may be unpopular with the American people. Worse yet, information may be hidden from public view illegal or unethical activity. On numerous occasions, I, and other Members of Congress, have found the Executive Branch to be reluctant to share certain information, the nature of which is not a "nation secret," but which would potentially politically embarrassing to officials in the Executive Branch or which would make known an illegal or indefensible policy.

I have also found that one of the largest impediments to openness is the pervasive incentives of the government bureaucracy itself in favor of classification, and the lack of accountability for those who do the actual classification. I strongly endorse the Commission's recommendation of individual accountability to the process by requiring a detailed justification of the decision to classify.

On the other hand, declassification decisions are needed. Limited resources for declassification are used to declassify information for political purposes. Only recently, in the case of documents relating to U.S. activities in Central and South America the Administration was able to declassify documents at the request of certain interest groups. As a result the resources for routine declassification are being redirected to serve political ends. This bill would serve to eliminate politicized declassification decisions by requiring routine declassification and oversight by an independent board.

I would add a note of caution regarding declassification, however. In the course of the two years of its work, the Commission became very interested in the production of existing documents and materials. In a perfect world, if information remains relevant to true U.S. national interests it should remain classified indefinitely. Information that does not compromise U.S. interests and sources should be made public. We all realize, however, that this is a tremendously costly venture. In fact, the Commission was unable to come up with solid data on the true cost of declassification.

In this era when Congress has finally begun to grasp the essential need to reduce government spending and balance the budget, the issue of balancing costs and benefits is an essential one. The financial costs to the American taxpayer must be balanced against the benefits. In this era when Congress has finally begun to grasp the essential need to reduce government spending and balance the budget, the issue of balancing costs and benefits is an essential one. The financial costs to the American taxpayer must be balanced against the benefits.
Urban areas remain integral to America's greatness as centers of commerce, industry, education, health care, and culture. Yet urban areas, particularly the inner cities which tend to have a disproportionate share of our nation's problems, have special problems which must be recognized. We must develop ways of aiding our cities that do not require either new taxes or more government bureaucracy.

As a Philadelphia resident, I have firsthand knowledge of the growing problems that plague our cities. The most recent U.S. Census data collected showed that Philadelphia has over 300,000 individuals in poverty and when federal welfare reform took effect in October 1996, 113,000 adults were receiving some form of cash assistance. Reflecting on my experience as a Philadelphian, I have long supported a variety of programs to assist our cities, such as increased funding for Community Development Block Grants and legislation to establish enterprise and empowerment zones. To encourage similar efforts, in April, 1994, I hosted my Senate Republican colleagues on a visit to explore urban problems in my hometown. We talked with people who wanted to work, but had few opportunities. We saw a crumbling infrastructure and its impact on residents and businesses. We were reminded of the devastating effect that the loss of inner city businesses and jobs has on our neighborhoods and American's cities. My Republican colleagues saw then in Philadelphia is the urban rule across our country and not the exception.

There are many who do not know of city life, who are far removed from the cities and would not be expected to have any keen interest in what goes on in the big cities of America. I cite my own boyhood experience illustratively: Born in Wichita, Kansas, raised in Russe1ville, Ind., 5,000 people on the plains of Kansas, where there is not much detailed knowledge of what goes on in Philadelphia, Pennsylvania, or other big cities like Los Angeles, San Francisco, New York, Miami, Pittsburgh, Chicago, or Detroit.

These big cities are alien to people in much of America. But there is a growing understanding that the problems of big cities contribute significantly to the general problems affecting our nation and our neighborhoods in the very least, on our small towns. For rural America to prosper, we need to make sure that urban America prospers and vice-versa. For example, if cities had more economic growth, taxes could be reduced on all Americans at the federal and state level because revenues would increase and social welfare spending would be reduced.

There is indeed a domino effect from our cities to rural communities of the country, and so have been witnessing this in the violent behavior of adolescents. School violence and juvenile crime are no longer endemic to urban living. Take the Bloods and the Crips gangs from Los Angeles, California, and similar gangs; that are all over America. They are in Lancaster, Pennsylvania; Des Moines, Iowa; Portland, Oregon; Jackson, Mississippi; Racine, Wisconsin; and Martinsburg, West Virginia. These are real problems, big city and small city alike.

In the U.S. Department of Housing and Urban Development's 1998 report on the "State of the Cities," findings show that large urban schools still deal with high "concentrations of violence, and the data only represents crimes which were serious enough to report to the police. The School District of Philadelphia's most recent report on school violence shows that in 1994-1995 academic year, students, teachers and administrators were the victims of 2,147 reported criminal incidents, up by almost 100% from the previous year. These included assault, robbery, rape, and students being stabbed or even shot. The school district also reported "abysmal attendance rates. On any given day, more than one in every four students are absent.

Unbelievably so, city residents are afraid to leave their neighborhoods urban lifestyles. Each day, a small business, owners question whether they should remain in the city because they fear for the safety of their children, their employees, and ultimately, their businesses. I have personally met and spoken with home owners in the City section of Philadelphia who tell me that they look desperately for reasons to stay, but it gets harder and harder.

Joblessness and a less skilled work force are additional problems. To facilitate economic development and job creation in the United States, I supported the Balanced Budget Act of 1995, which contained such provisions as the Job Training Partnership Act and the Targeted Jobs Act. As Congress put the final touches on that legislation, I circulated a joint letter from several Senators to then-Majority Leader Dole and Speaker Gingrich recommending spurring job creation and economic growth in our cities through several urban initiatives such as: a targeted capital gains exclusion, commercial revitalization tax credit, historic rehabilitation tax credit, and child care credit. Last year, I introduced the Workforce Development Act of 1995, which was included in the recently enacted Workforce Development Act of 1998. My legislation authorized funding for States to enroll long-term welfare dependents into a training program which would provide the necessary skills to locate and maintain gainful and unsubsidized employment.

The last census taken in 1990, reported that New York City led the way, with 3 million individuals in poverty. My home of Philadelphia had 313,374 individuals in poverty at that time. And in HUD's 1998 "State of the Cities" report, by 1996, one in every five urban families lived in poverty, compared with fewer than one in ten suburban families. These facts emphasize the need for more efforts to be focused on strengthening our inner city businesses which, in turn, will boost local economies and serve to provide more jobs, reduce poverty and, hopefully, reduce crime.

I have long supported efforts to encourage the growth of small business. During the 103rd Congress, I once again introduced legislation to provide targeted tax incentives for investing in small minority- or women-owned businesses. Small businesses provide the bulk of the jobs in this country. Many minority entrepreneurs, for instance, have told me that they are dedicated to staying in the cities to employ people there, but continue to confront capital access issues. My legislation, the "Minority and Women Capital Formation Act" would help to remove the capital access barriers, thereby enabling these minority entrepreneurs to grow their businesses and payrolls.

Municipal leaders are stressing many of the same concerns that business people are voicing. In a July, 1994 National League of Cities report dealing with urban revitalization, municipal leaders ranked inadequate skills and education of workers as one of the top three reasons, in addition to shortage of jobs and below-poverty wages for poverty and joblessness in inner cities. In a July, 1994 National League of Cities entitled "City Fiscal Survey," that more jobs must be created through local economic development initiatives.

This "skills deficit" is highlighted in an urban revitalization plan prepared in 1991 by the National Urban League called "Playing to Win: A Marshall Plan for America's Cities." The report cites a statistic by the Commission on Achieving Necessary Skills which showed that 60 percent of all 21-25 year olds lack the basic writing skills needed for the modern workplace, and only 10 percent of those in that age group have enough mathematical competence for today's jobs. The economic problems our cities are facing are not easy to deal with or answer. In a report by the National League of Cities entitled "City Fiscal Conditions in 1996," municipal officials from 381 cities answered questions on the economic state of their cities. In the report, 21.7 percent of responding cities reduced municipal employment and 18.5 percent had frozen municipal employment. Nearly six out of ten cities raised or imposed new taxes or user fees during the past two years. These economic problems, according to the survey, that more jobs must be created through local economic development initiatives.

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One issue, in particular, that is hurting many cities is the erosion of their tax bases, evidenced particularly by middle-class flight to the suburbs. Mr. Ronald Walters, professor of Political Science at Howard University, in testimony before the Senate Banking Committee in April 1993, stated that in 1950, 23 percent of the American population lived outside central cities; by 1988, that number was up to 46 percent. The District of Columbia’s population loss is among the worst in the nation, with a quarter of its population relocating since the 1970s. This trend of shrinking urban populations gives no sign of ceasing. Middle-class families continue to leave for the suburbs where there are typically better public services.

These losses are devastating, not only to the financial stability of the city, but to the social fabric as well. On the financial side, statistics show that those people fleeing cities were earning an average of $30,000 to $75,000 a year. On the social side, roughly half of these are African-American Middle-class families. By losing this critical demographic, the city loses what makes it strong. As America’s cities struggle with the exodus of residents, businesses and industry, city residents who remain are faced with problems ranging from increased tax burdens and lesser services to dwindling economic opportunities, leading to welfare dependence and unemployment assistance. In the face of all this, what do we do?

The federal government has attempted to revitalize our ailing urban infrastructure by providing federal funding for transit and sewer systems, roads and bridges. I have supported this. For example, as a member of the Transportation Appropriations Subcommittee and as co-chair of an informal Senate Transit Coalition, I have been a strong supporter of public transit which provides critically needed transportation services in urban areas. Transit systems meet pollution standards, reduce traffic congestion, and allows disadvantaged persons access to jobs. Federal assistance for urban areas, however, has become increasingly scarce as we grapple with the nation’s deficit and debt. Therefore, we must find alternatives to reinvigorate our nation’s cities so they can once again become economically productive areas providing promising opportunities for residents and neighboring areas. We need attractive and accessible transportation systems in our nation’s cities and to provide access to jobs for city residents, I introduced reverse commute and jobs access legislation, which was successfully included in last year’s transportation reauthorization bill. The bill authorizes $400 million over the next five years in access-to-jobs transit grants targeted at low-income individuals. Up to $10 million per year can be used for reverse commuting projects to move individuals from cities to suburban job centers.

In addition to support for infrastructure, I believe there are ways Congress can assist the cities. In 1994, Mayor Rendell came up with a legislative package which contains many good ideas. I have taken many of these suggestions and have since added and revised provisions to take into account new developments at the federal, state and local levels to create the “New Urban Agenda Act of 1999.”

First, recognizing that the federal government is the nation’s largest purchaser of goods and services, this legislation would require that no less than 15 percent of federal government purchases are made from businesses and industries within designated Urban Empowerment Zones and Enterprise Communities. Similarly, my bill would require that not less than 15 percent of foreign aid funds be redeemed through purchases of products manufactured in urban Empowerment Zones and Enterprise Communities. The General Services Administration will be required to submit to Congress its assessment of the extent to which federal agencies are committed to this policy and in general, economic revitalization in distressed urban areas.

The second major provision of this bill would authorize the federal government to play an active role in restoring the economic health of our cities by encouraging the location, or relocation, of federal facilities in urban areas. To accomplish this, all federal agencies would be required to prepare and submit to the President an Urban Impact Statement detailing the impact that relocation or downsizing decisions would have on the affected city. Presidential approval would be required to place a federal facility outside an urban area, or to downsize a city-based agency.

The third critical component of this bill would revive and expand federal tax incentives that were eliminated or restricted in the Tax Reform Act of 1986. I will be advocating for legislation on the flat tax, which would provide benefits superior to all targeted tax breaks, I believe America’s cities should have the advantages of such tax benefits. These provisions offer meaningful incentives to business to invest in our cities. I am calling for the restoration of the Historic Rehabilitation Tax Credit which supports inner city revitalization projects. According to information provided by Mayor Rendell, there were 550 construction jobs involved in 356 projects in Philadelphia from 1978 to 1985 stimulated by the Historic Rehabilitation Tax Credit. In Chicago, 302 projects prior to 1985 generated $524 million in investment and created 20,655 jobs. In St. Louis, 949 projects generated $653 million in investment and created 27,735 jobs.

Nationally, according to National Park Service estimates for the 15 years before the 1986 Act, the Historic Rehabilitation Tax Credit generated $16 billion in private investment for the rehabilitation of 24,656 buildings and the creation of 125,306 homes which included 23,377 low and moderate income housing units. The 1986 Tax Act dramatically reduced the pool of private investment capital available for rehabilitation projects. In Philadelphia, projects dropped from 356 to 11 by 1988 from 1985 levels. During the same period, investments dropped 46 percent in Illinois and 92 percent in St. Louis.

Another tool is to expand the authorization of commercial industrial development bonds. Under the Tax Reform Act of 1986, authorizing commercial industrial bonds was permitted to expire. Consequently, private investment in cities declined. For instance, according to Mayor Rendell, from 1986—the last year commercial development bonds were permitted—to 1987, the total number of city-supported projects in Philadelphia was reduced by more than half.

Industrials development or private activity bonds encourage private investment in cities, particularly the construction of sports, convention and trade show facilities; free standing parking facilities owned and operated separate from commercial enterprises; air pollution facilities owned and operated by the private sector; and, industrial parks.

The bill I am introducing would allow this. It would also increase the small issue exemption provisions which means a way to help finance private activity in the building of manufacturing facilities from $10 million to $50 million to allow increased private investment in our cities.

A minor change in the federal tax code related to arbitrage rebates on municipal bond interest earnings could also free additional capital for infrastructure and economic development activity. Currently, cities are required to reate to the federal government any arbitrage—a financial term meaning interest earned in excess of interest paid on the debt—earned from the issuance of tax-free municipal bonds. I am informed that compliance, or the cost for consultants to perform the complicated rebate calculations, is actually costing municipalities more than the actual rebate owed to the government. This bill would allow cities to use this exemption to pay for projects so that they can use it to fund city projects and for other necessary purposes.

My legislation also provides important incentives for businesses to invest and locate in our nation’s cities. Specifically, the bill includes a provision which I have advocated to provide a 50 percent exclusion for capital gains tax purposes for any gain resulting from targeted investments in small businesses located in urban empowerment zones and similar enterprise zones. I also want to note that the exclusion would extend to any venture funds that invest in those small business.
businesses, which is critical because venture funds are often the lifeblood of a small business. This is one of the incentives I recommended to Senator Dole in December 1995 for inclusion in the Balanced Budget Act of 1995 which was the President's CTEA. A targeted capital gains exclusion will serve as a catalyst for job creation and economic growth in our cities by encouraging additional private investment in our urban areas.

A fourth provision of this legislation provides needed reforms to regulations and the financial challenges to obtaining affordable housing. This legislation provides language to study streamlining federal housing program assistance to urban areas into a block grant form so that municipal agencies can better serve local residents. Safe, clean, and affordable housing is not widely available to most low income families. According to the National Housing Law Project, in 1996 only one in fourteen families eligible was able to receive HUD assistance, with waits of up to five years. In HUD's most recent annual report, just as many families are still struggling with the lack of affordable housing as they were in 1981. Low-income renters were paying more than 50 percent of their income for rent between 1995 and 1995. This provision of the bill steers the Secretary of Housing and Urban Development to take a hard look at these conditions and determine what works and what does not work in federally-subsidized housing and to consider alternatives that will provide suitable homes for America's families.

I believe that we as a nation should work toward providing individuals and their families with more opportunities for homeownership which stabilizes a community and would especially restore our cities. Urban homeownership including middle-income homeownership is vital to our suburbs. According to the Harvard University Joint Center for Housing Studies, city residents of all income levels are less likely to own a home than suburban residents with similar incomes. I hear time and time again from families starting out that they move out to the suburbs for better schools, because central cities lack the property tax base to provide for quality schools. Homeownership is key to saving our cities, both socially and economically. A 1998 Fannie Mae national housing industry indicated that even though homeownership rates continue to increase in the late 1990s, six in every ten renters said that buying a home is a very important priority, if not their number-one priority in life. Yet far too many families financial barriers make that dream unattainable. That is why my bill includes a tax credit to restore the American dream of homeownership. A tax credit could be used by eligible homeowners and families to purchase homes. Clinton-angered with the 1997 Taxpayer Re- lief Act, Congress approved such a tax credit for homebuyers in the District of Columbia. While single family home sales can be attributed to a multitude of factors, such as historically low interest rates and a strong economy, let me just share with you some amazing statistics related to homeownership since enactment of the tax credit in the District of Columbia. The Homeownership Purchase Assistance Program through the District of Columbia's Office of Housing and Community Development helped 410 families purchase homes. Further, a group called the "Washington Residential Financial Corporation," a collaboration of realtors, banks, community and faith-based organizations, set a goal last year to create 1,000 new homeowners in the District of Columbia for each of the next three years. Remarkably, the Washington Residential Financial Corporation has already reached that goal before the end of the first year. I believe that this country will reap extraordinary benefits if we expand such a credit on a national basis, as I propose in the "New Urban Agenda Act of 1999."

I believe that the revitalization of cities will require social and economic facets, but it is also imperative that our cities are safe and clean. This last component of my bill helps urban areas to address their unique environmental challenges and reforms Superfund law. First, the legislation authorizes a federal brownfields program to help clean up idle or underused industrial and commercial facilities with federal liability for persons who fully comply with a state cleanup plan to clean sites in urban areas pursuant to state law, provided that the site is not listed or proposed to be listed on the National Priorities List. The Environmental Protection Agency currently operates this pilot program under general authority provided by the Superfund law.

My legislation would make this a permanent program and substantially increase the funding levels to $50 million authorized level for Fiscal Year 2000. The EPA could expend funds to identify and examine potential sites and to provide grants to States and local governments of up to $200,000 per site to put them back to productive use. One such grant has been used to great success by Pittsburgh Mayor Tom Murphy, and I hope this sort of initiative will generate additional success stories of redeveloping urban brownfields. The Brownfields Program allows sites with minor levels of toxic waste to be competitively awarded to local voluntary groups, state, and local governments with federal and other funding sources. Companies and individuals who are interested in developing land into industrial, commercial, recreational, or residential use are often reluctant to purchase property with any level of toxic waste because of a fear of being saddled with cleanup liability under the Superfund law. Through expanded Brownfields grants, cleanup at such sites will be expedited and will encourage redevelopment of otherwise unusable urban property.

My bill would also waive federal liability for persons who fully comply with a state cleanup plan to clean sites in urban areas pursuant to state law, providing that the site is not listed or proposed to be listed on the National Priorities List. Many states, including Pennsylvania, have developed their state cleanup programs and have done good work to clean up many of these sites. Pennsylvania Governor Tom Ridge has developed an extensive plan, where contaminated sites are made safe based on sound science by reusing the site to productive use through the development of uniform cleanup standards, by creating a set of standardized review procedures, by releasing owners and developers from liability who fully comply with the state cleanup standards and procedures, and by providing financial assistance. However, the efforts of states like Pennsylvania are often stifled because the federal government has not been willing to work with the States to release owners and developers from liability, even when they fully comply with the state plans.

This section of my bill only applies to sites that are not on the National Priorities List. These are sites that the state has identified for which the state has created a comprehensive cleanup plan. If the federal government has concerns with the cleanup procedure or the safety of the site, then the government has full authority to place that site on the National Priority List. The plans, like that developed by Governor Ridge, deal with sites not controlled by the Superfund law. By not allowing the liability waiver to be granted to sites that are not on the National Priority List, the federal government impedes the efforts of the states to work to clean up their own sites. This provision takes a significant step toward encouraging states to take the responsibility for their toxic waste sites and to encourage the effective cleanup of these sites in our nation's urban areas.

The final environmental provision calls for the reauthorization of an existing federal program, which has served cities across the nation very well, but has not been authorized since 1995 and has also been unable to meet the demand for an "urban greening effort." The Urban and Community Forestry Assistance Program through the U.S. Department of Agriculture provides financial assistance to urban areas to help establish and maintain community parkland and forests in our nation's 45,000 towns and cities. The number of requests for federal assistance and grants exceeds the funding capacity of the Community Forestry program by eight times. The number of communities assisted through the Urban and Community Forestry Assistance Program grew from 7,548 in Fiscal Year 1992 to 11,675 in Fiscal Year 1997, a 56 percent increase in five years. An enhanced Urban and Community Forestry Program will enable cities to put vacant
areas and abandoned structures back into use. There are more than 15,000 vacant lots in Pennsylvania, which as we know, pose serious health and safety risks, detract commercial investments, reduce property values, and cost municipalities hundreds of millions of dollars in the diminished and lost revenue. The Urban and Community Forestry Program has been very successful due to its flexible design and emphasis on local creativity. In fact, the program has allowed for benefits that go beyond revenue, reaching economic gains. Many of the formerly broken down concrete lots are now green and welcoming to the community have provided children and their parents with a safe haven for recreation outside the home. Some city public schools have even begun to use these areas as their "science parks" for after-school and weekend educational activities.

Mr. President, I realize that this is an initial step to reinvesting in our cities. Now it is time to have a comprehensive approach to reversing urban decay, which is what I believe my bill can accomplish. It may well be that America has given up on its cities. That is a stark statement, but it is one which I believe must be made. America has given up on its cities. But this Senator has not done so. And I believe there are others in this body on both sides of the aisle who have not done so and I invite the input and assistance of my colleagues in order to fashion a strong plan of action to help cities to face their pressing problems.

As one of a handful of United States Senators who lives in a big city, I understand both the problems and the promise of urban America. This legislation for our cities is good public policy. The plight of our cities must be of extreme concern to America. We can ill-afford for them to wither and die. I am committed to a new urban agenda that relies on market forces, and not a welfare state, for revitalization. I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

NEW URBAN AGENDA ACT OF 1999—SUMMARY

TITLE I—PROMOTE URBAN ECONOMIC DEVELOPMENT

Requires a portion of federal and foreign aid purchases (not less than 15 percent) to be from businesses operating in urban zones, and commits the government to purchase recycled products from businesses operating in urban zones.

Requires an urban impact statement, with Presidential approval, that details the impact on cities of agency downsizing or relocation. Under the bill, a "distressed urban area" follows HUD's definition, namely any city having a population of more than 100,000.

TITLE II—TAX INCENTIVES TO STIMULATE URBAN ECONOMIC DEVELOPMENT

Expands the Historic Rehabilitation Tax Credit which was reduced in 1996. It would restore the issuance of tax-free industrial development bonds and would allow cities to keep the arbitrage earned from the issuance of tax-free municipal bonds. Currently, local governments are required to rebate to the federal government arbitrage earned from the issuance of tax-free municipal bonds, and often spend more on compliance than on the actual rebate.

To encourage businesses to invest and locate in our nation's cities, provides a 50 percent exclusion for capital gains tax purposes for any gain resulting from targeted investments in small businesses located in urban empowerment zones, enterprise zones, or distressed urban areas. The exclusion also extends to any venture that invest in those small businesses.

Mr. SPECKER: S. 24. A bill to provide improved access to health care, enhance informed individual choice regarding health care services, lower health care costs through the use of appropriate providers, improve the quality of health care, improve access to long-term care, and for other purposes; to the Committee on Finance.

THE HEALTH CARE ASSURANCE ACT OF 1999

Mr. SPECKER. Mr. President, as the 106th Congress commences, those of us in the Senate and the House have a new opportunity to make a real difference in the lives of the American people. It is a chance for us to learn from the past, determine how best to respond to the challenges that are before us, and forge major new alliances which will enable us to pass legislation that is important to this nation. I believe it is clear that one of our first priorities must be additional incremental reforms of our health care system.

Mr. President, there is no time to waste. Many of our nation's health care problems are getting worse, not better. In its December 1998 report, the Employee Benefit Research Institute (EBRI) analyzed the March 1998 Current Population Survey, a document generated by the U.S. Census Bureau. EBRI's analysis tells us that in 1997, about 193 million working-age Americans derived their health insurance coverage as follows: approximately 64.2 percent from employer plans; 13.0 percent from Medicare and Medicaid within a total of 14.8 percent from public sources of coverage; and 6.7 percent from other private insurance. This survey also details another troubling statistic: 43.1 million Americans, or 13.3 percent of Americans aged 18-64, were uninsured. This reflects an increase of 7 percent, or 2.8 million uninsured working-age people, since 1995. Among the elderly, the outlook is a bit brighter, with only 4 percent uninsured, and 96.4 percent deriving coverage from public sources.

As I have said many times, we can fix the problems felt by this growing number of uninsured Americans without resorting to big government and without completely overhauling our current system, one that works well for most Americans—serving 81.7 percent of our non-elderly citizens. We must enact reforms that improve upon our current market-based health care system, as it is clearly the best health care system in the world.

Accordingly, today I am introducing the Health Care Assurance Act of 1999, which, if enacted, will take us further than the incremental reforms started by the Health Insurance Portability and Accountability Act of 1996 (Kassebaum-Kennedy) and various health care provisions enacted during the 104th Congress. I would not that the final version of the Kennedy contained many elements which were in S. 18, the incremental health care reform bill I introduced when the 104th Congress began on January 4, 1995.

I would note that the bill I am introducing today is distinct from my recent efforts regarding managed care reform. During the 105th Congress, I joined a bipartisan group of Senators to introduce the Promoting Responsible Managed Care Act of 1997, a balanced proposal which would ensure that patients receive the benefits and services to which they are entitled, without compromising the savings and coordination of care that can be achieved through managed care. I look forward to working again with my colleagues to enact responsible managed care legislation.

The Health Care Assurance Act of 1999 is intended to initiate and stimulate market-based health care reform that may move the health care reform debate forward. I welcome any suggestions my colleagues may have concerning how this bill can be improved, as long as such suggestions are consistent with the incremental approach to reform that has proven to be the only way to achieve successful health care reform.

Given the importance of enacting this type of legislation, it is worth reviewing recent history which has taught us that bipartisanship is crucial in achieving these goals for the American people. In particular, the debate over President Clinton's Health Security Act during the 103rd Congress...
is replete with lessons concerning the pitfalls and obstacles that inevitably lead to legislative failure. Several times during the 103rd Congress, I spoke on the Senate floor to address what seemed to be the wisest course—to pass incremental legislation with which we could all agree. Unfortunately, what seemed obvious to me, based on comments and suggestions by a majority of Senators who favored a moderate approach, was not obvious at the time to the Senate’s Democratic leadership.

This failure to understand the merits of an incremental approach was demonstrated during April 1993 during my attempts to offer a health care reform amendment based on the text of S. 631, an incremental reform bill I had introduced earlier in the session. This bill incorporated moderate, consensus principles in a reasonable reform package. First, I attempted to offer the bill as an amendment to legislation dealing with debt ceilings. Subsequently, I was informed that the consideration of this bill would be structured in a way that precluded my offering an amendment. Therefore, I prepared to offer my health care bill as an amendment to the fiscal year 1993 Emergency Supplemental Appropriations bill. To my dismay, Senator Mitchell, then Majority Leader, and Senator Byrd, then Chairman of the Appropriations Committee, worked together to ensure that I could not offer my amendment by keeping the Senate in a quorum call, a parliamentary tactic used to delay and obstruct. I was unable to obtain unanimous consent to end the quorum call, and thus could not proceed with my amendment.

Three years later, well after the behemoth Clinton health care reform bill was derailed, the Senate once again endured a lengthy political battle concerning the Kassebaum-Kennedy bill, which I opposed as a cosponsor. We achieved a breakthrough in August 1996, when enough Senators sensed the growing frustration of the American people to finally pass Kassebaum-Kennedy and its vital health insurance market reforms, such as increased portability of health insurance coverage. There is no question that Kassebaum-Kennedy made significant steps forward in addressing troubling issues in health care, although I recognize that it also had some elements that I opposed. The bill’s incremental approach to health care reform is what allowed it to generate bipartisan, consensus support in the Senate. We knew that it did not address every single problem in the health care delivery system, but it would make life better for millions of American men, women, and children.

In retrospect, I urge my colleagues to note a most important fact—the Kassebaum-Kennedy bill was enacted only after Democrats abandoned their hopes for a nationalized, big government health care scheme, and Republicans abandoned their position that access to health care is not really a major problem in the United States which demands Federal action. Perhaps the greatest recent example of the power of bipartisanship took place during the 105th Congress, with the passage of the Balanced Budget Act of 1997. In this historic bipartisan agreement between Congress and the White House to balance the budget by 2002 extended the life of the vital Medicare hospital trust fund by ten years, while expanding needed benefits for seniors. The Kennedy and its vital health insurance market reforms to make health coverage more affordable for small businesses. When I was pleased to cosponsor. We worked together to ensure that I could offer my amendment to legislation then pending on the Senate floor. I offered a health care reform amendment if he would set a date certain to take up health care, just as product liability legislation had been placed on the calendar for September 8, 1992. The Majority Leader rejected that suggestion and the Senate did not consider comprehensive health care legislation during the balance of the 102nd Congress. My July 29, 1992 amendment was defeated on a procedural motion by a vote of 35 to 60, along party lines, as the substance of the Senate’s Democratic leadership.

On August 12, 1992, I introduced legislation entitled the Health Care Affordability and Quality Act of 1992, S. 3176, that would have enhanced informal individual choice regarding health care services by providing certain information to health care recipients, would have lowered the cost of health care through the provision of appropriate provider, and would have improved the quality of health care. On January 21, 1993, the first day of the 104th Congress, I introduced the Comprehensive Health Care Act of 1993, which included provisions from legislation introduced by Senators Bentsen and Durenberger and which I cosponsored. This amendment, which included essentially the same self-employed tax deductibility and small group reforms that I had proposed on July 29th of that year, passed the Senate by voice vote. Unfortunately, systemic change to lower the escalating cost of care in this country. S. 18 is the principal basis of the legislation I introduced in the 104th (S. 18) and 105th Congresses (S. 24), and the Health Care Assurance Act of 1999, which I am introducing today.

On March 23, 1993, I introduced the Comprehensive Access and Affordability Health Care Act of 1993, S. 631, which was a composite of health care legislation introduced by Senators Cohen, Kassebaum, Bond, and McCain, and included pieces of my bill, S. 18. I introduced this legislation in an attempt to move ahead on the consideration of health care legislation and to start the debate. As I noted earlier, I was precluded by Majority LeaderMitchell from obtaining Senate consideration of my legislation as a floor amendment on several occasions. Finally, on April 28, 1993, I offered the text of an amendment to the pending Department of Environment Act (S. 171) in an attempt to urge the Senate to act on health care reform. My amendment was defeated 65 to 33 on a procedural motion, but the Senate had finally been forced to contemplate action on health care reform. On the first day of the 104th Congress, January 4, 1995, I introduced a
slightly modified version of S. 18, the Health Care Assurance Act of 1995 (also S. 18), which contained provisions similar to those ultimately enacted in the Kassebaum-Kennedy legislation, including insurance market reforms, an extension of deductibility for health insurance for the self employed, and deductibility of long term care insurance for employers.

I continued these efforts in the 105th Congress, with the introduction of the Senate Pilot Act of 1997 (S. 24), which included market reforms similar to my previous proposals with the addition of a new Title I, an innovative program to provide vouchers to States to cover children who lack health insurance coverage. I also introduced Title I of this legislation as a stand-alone bill, the Healthy Children's Pilot Program of 1997 (S. 435) on March 13, 1997. This proposal targeted the approximately 4.2 million children of the working poor who lacked health insurance. These children earn too much to be eligible for Medicaid, but do not earn enough to afford private health care coverage for their families. This legislation would have established a $10 billion/5 year discretion - ary pilot program to cover these uninsured children by providing grants to States. Modeled after Pennsylvania's extraordinarily successful Caring for Children's Health Insurance Programs, funded in part by a slight increase in the cigarette tax. The bill I am introducing is long pre-dated my own personal experience: on March 31, 1995, I entered the hospital in the morning of October 11, 1996, and left the same afternoon, ready to resume my regular schedule. Like the MRI, this invention, coming into widespread use in the past decade.

In my last year in the Senate, as I have long been convinced that our health care system began many years ago and has been intensified by my service on the Appropriations Subcommittee on Labor, Health and Human Services, and Education, which I now chair.

My own experience as a patient has given me deeper insights into the American health care system beyond my perspective from the U.S. Senate. I have learned: (1) our health care system, financed through insurance, is worth every cent we pay for it; (2) patients sometimes have to press their own cases beyond the doctors' standard advice; (3) greater flexibility must be provided on testing and treatment; (4) our system has the resources to treat the 43.1 million Americans currently uninsured, but we must find the way to pay for it; and (5) all Americans deserve the access to health care from which I and others with coverage have benefited.

My concern about health care has long pre-dated my own personal benefits from the MRI and other diagnostic and curative procedures. As I have previously mentioned, health care began many years ago and has been intensified by my service on the Appropriations Subcommittee on Labor, Health and Human Services, and Education, which I now chair.

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I share the American people's frustration with government and their desire to have their problems addressed. Over the past six years, I believe we have learned a great deal about our health care system and what the American people are willing to accept from the demise of the Clinton health care plan. And, as recently as the November 1996 election, my chart was used by Senator Bob Dole in his presidential campaign to illustrate the need for incremental health care reform as opposed to a big government solution.

With the history of the health care reform debate in mind, I have drafted an incremental bill which would provide quality health care without adversely affecting the many positive aspects of the American health care system which work for 81.7 percent of working-age Americans. It is more prudent to implement targeted reforms and then act later to improve upon what we have
Children, or a combination of both. Medicaid coverage for those uninsured can be used to cover the remaining uninsured and underinsured Americans. The legislation I am introducing today is comprised of initiatives that our health care system can readily adopt in order to meet these objectives, and it does not create an enormous new bureaucracy to meet them. This bill includes provisions to encourage the formation of small group purchasing arrangements, to expand access to health insurance for children, to improve health coverage for individuals with disabilities, to strengthen preventive health services under the Medicare program, to increase access to prenatal care and outreach for the prevention of low birth weight babies, to facilitate the implementation of patients’ rights regarding medical care at the end of life, to improve health information, to place greater emphasis on prevention of low birth weight babies, and to expand access to primary and preventive health services, to utilize non-physician providers, to reform the COBRA law to extend the time period for employers to comply, to either leave their jobs or maintain their health benefits until alternative coverage becomes available, to increase the availability and use of consumer information and outcomes research, and to establish a national fund for health research within the Department of Treasury.

Taken together, I believe the reforms proposed in the Health Care Assurance Act of 1999 will both improve the quality of health care delivery and will bring Americans a break in escalating costs of health care in this country. These initiatives represent a blueprint which can be modified, improved and expanded. In total, I believe this bill can significantly reduce the number of uninsured Americans, improve the affordability of care, ensure the portability and security of coverage between jobs, and yield cost savings of billions of dollars to the Federal Government, which can be used to cover the remaining uninsured and underinsured Americans.

As I mentioned previously, Title I of the bill builds on the State Child Health Insurance Program (SCHIP), the new program established in the Balanced Budget Act of 1997, which allocated $24 billion over 5 years to increase health insurance coverage for children. The SCHIP program gives States the option to use federally funded grants to provide vouchers to eligible families to purchase health insurance in the private market, to expand Medicaid coverage for those uninsured children, or a combination of both. This title would increase the income eligibility to families with incomes at or below 235 percent of the Federal poverty level ($38,668 annually for a family of four), and would strengthen the States’ ability to conduct Medicaid outreach to eligible children. The SCHIP program anticipates enrolling 2.3 million children by the end of 2000. This provision would allow eligibility for approximately another 876,000 uninsured children, representing a 38 percent increase over current law.

Title II

Title II assists another of our Nation’s most vulnerable populations, persons with disabilities. This title would expand health services for disabled individuals in two ways. Currently, disabled individuals, or recipients of Social Security Disability Income (SSDI), may receive health insurance coverage under the Medicare program for a short time after returning to work. One provision of my bill would extend to 24 months the period during which the individual may continue to receive Medicare after returning to work, and allow the individual to purchase Medicare coverage at a reduced rate, subject to yearly review.

In an effort to improve the delivery of care and the comfort of those with long-term disabilities, this provision would allow for reimbursement for community-based attendant care services, instead of institutionalization, to eligible individuals who require such services based on functional need, without regard to the individual’s age or the nature of the disability. The most recent data available tell us that 5.9 million individuals receive care for disabilities under the Medicaid program. The number of disabled who are not currently enrolled in the program who would apply for this improved benefit is not easily counted, but would likely be substantial given the preference of home and community-based care over institutional care.

The next title contains provisions to make it easier for small businesses to buy health insurance for their workers by establishing voluntary purchasing groups. It also obligates employers to offer, but not pay for, at least two health insurance plans that protect individual freedom of choice and that meet a standard minimum benefits package. It extends COBRA benefits and coverage options to provide portability and security of affordable coverage between jobs.

Specifically, Title III extends the COBRA benefit option from 18 months to 24 months. COBRA refers to a measure which was enacted in 1985 as part of the Consolidated Omnibus Budget Reconciliation Act (COBRA ’85) to allow employees who leave their job, either through a lay-off or by choice, to continue receiving their health care benefits by paying the full cost of such coverage. By extending this option, such unemployed workers will have enhanced coverage options.

In addition, options under COBRA are expanded to include plans with lower premiums and higher deductibles of either $1,000 or $3,000. This provision is incorporated from legislation introduced in the 103rd Congress by Senator PHIL GRAMM and will provide an extra cushion of coverage options for people switching to a $1,000 deductible and as much as 52 percent when switching to a $3,000 deductible.

This year I have also included a provision which would extend to 36 months the time period for COBRA coverage for a child who is no longer a dependent under a parent’s health insurance policy. Again, EBRI statistics indicate that young adults between the ages of 18 and 24 are more likely than any other age to be uninsured; 30.1% were without coverage in 1997. This provision would allow those who are no longer dependents on their parents’ policies to have a more secure safety net.

With respect to the uninsured and underinsured, my bill would permit individuals and families to purchase guaranteed, comprehensive health coverage through small groups. Health insurance plans offered through the purchasing groups would be required to meet basic, comprehensive standards with respect to benefits. Such benefits must include a variation of benefits permitted under actuarial standards with respect to benefits. The standard plan would consist of the following services when medically necessary or appropriate: (1) medical and surgical devices; (2) medical equipment; (3) preventive services; and (4) emergency transportation in frontier areas.

My bill would also create individual high-risk insurance purchasing groups for individuals wishing to purchase health insurance on their own. In today’s market, such individuals often face a market where coverage options are not affordable. Purchasing groups will allow small businesses and individuals to buy coverage by pooling together within purchasing groups, and choose from among insurance plans that provide comprehensive benefits, with guaranteed enrollment and renewability, and equal pricing through community rating adjusted by age and family size. Community rating means that no one small business or individual will be singularly priced out of being able to buy comprehensive health coverage because of health status. With community rating, a small group of individuals and businesses can join together, spread the risk, and have the same purchasing power that larger companies have today.

For example, Pennsylvania has the ninth lowest rate of uninsured in the nation, with $38,668 annually in Pennsylvanians enrolled in some form of health coverage. Lewin and Associates found that one of the factors enabling Pennsylvania to achieve this low rate
Title III of my bill also includes an important provision to give the self-employed 100 percent deductibility of their health insurance premiums. The Kassebaum-Kennedy bill extended the deductibility of health insurance for the self-employed to 80 percent by 2006. The Balanced Budget Act of 1997 and the Omnibus Appropriations Act for Fiscal Year 1999 both contained new phase-in scales for health insurance deductions of self-employed individuals. Currently, self-employed persons may deduct 60 percent of their health insurance costs through 2002, to be fully deductible in 2003. My bill would speed up the phase-in to allow self-employed individuals and their families to deduct 100 percent of health insurance costs beginning in 2001, thereby giving the currently 2.9 million self-employed Americans who are uninsured a better incentive to purchase coverage.

The savings contained in this portion of my bill are vital, as EBRI statistics tell us that 48 percent of all uninsured workers in 1997 were either self-employed or were working in private-sector firms with fewer than 25 employees. The disparity is further demonstrated by this telling statistic: 35 percent of workers in private-sector firms with fewer than 10 employees were uninsured, compared with only 12.3 percent of workers in private-sector firms with 1000 or more employees. It is anticipated that the increased costs to employers electing to cover their employees as provided under Title III in my bill would be offset by the administrative savings generated by development of the small employer purchasing groups. Such savings have been estimated at levels as high as $9 billion annually. In addition, by addressing some of the areas within the health care system that have exacerbated costs, significant savings can be achieved and thereby redirected toward direct health care services.

Title IV

Although our existing health care system suffers from very serious structural problems, common sense steps can be taken to head off the remaining problems before they reach crisis proportions. Title IV of my bill includes initiatives which will enhance primary and preventive care services aimed at preventing disease and ill-health.

Each year, 7 percent of babies born in the United States are born with a low birth weight, multiplying their risk of death and disability. Most of the deaths which do occur are preventable. Although the infant mortality rate in the United States fell to an all-time low in 1989, an increasing percentage of babies continue to be born of low birth weight. The Executive Director of the National Commission To Prevent Infant Mortality said this week, "More babies are being born at risk and all we are doing is saving them with expensive technology."

It is a human tragedy for a child to be born with attendant problems which last a lifetime. I first saw one pound babies in 1984 when I was astounded to learn that Pittsburgh, PA had the highest infant mortality rate of African-American babies of any city in the United States. I wondered how that could be true of Pittsburgh, which has such enormous medical resources. It was an amazing thing for me to see a one pound baby, about as big as my hand. However, I am pleased to report that as a result of successful prevention initiatives, Pittsburgh's infant mortality has decreased 20% (currently 14.9 deaths per 1000 births, according to the 1997 statistics).

My legislation focuses attention on women at-risk for delivering low birth weight babies. The Department of Health and Human Services has estimated that between $1.1 billion and $2.5 billion per year could be saved if the number of low birth weight children were reduced by 62,000 births. We know that in most instances, prenatal care is effective in preventing low birth weight babies. Numerous studies have demonstrated that low birth weight children that are low at birth are most often associated with inadequate prenatal care or the lack of prenatal care. The short and long-term costs of saving and caring for infants of low birth weight is staggering. In the most recent available study on the costs of saving and caring for infants of low birth weight, the Office of Technology Assessment in 1988 concluded that $8 billion was expended in 1987 for the care of 262,000 low birth weight infants in excess of what it would have cost had the equivalent number of babies born of normal birth weight, averted by earlier or more frequent prenatal care. If adequate prenatal care had been provided, especially to women at-risk for delivering low birth weight babies, the U.S. health care system could have saved between $14,000 and $30,000 per child in the first year in addition to the projected savings over the lifetime of each child.

To improve pregnancy outcomes for women at risk of delivering babies of low birth weight, my legislation would strengthen the Healthy Start program to reduce infant mortality and the incidence of low birth weight births, as well as to improve the health and well-being of mothers and their families, pregnant women and infants. Funds are awarded under this program with the goal of developing and coordinating effective health care and support services for women and their babies.

I initiated action that led to the creation of the Healthy Start program in 1991, working with the Bush Administration and Senator Harkin. As Chairman of the Appropriations Subcommittee with jurisdiction over the Department of Health and Human Services, I have worked with my colleagues to ensure this program continues in its important role. In 1991, we allocated $25 million for the development of 15 demonstration projects. This number grew to 22 in 1994, to 75 projects in 1998, and the Health Resources and Services Administration estimates that this number will continue to increase. For fiscal year 1999, we secured $105 million for this vital program.

Title IV also provides increased support to local educational agencies to develop and strengthen comprehensive health education programs, and to Head Start resource centers to support health education training programs for teachers and other day care workers. Many studies indicate that poor health and social habits are carried into adulthood and often passed on to the next generation. To interrupt this tragic cycle, our nation must invest in preventive health education programs.

Title IV further expands the authorization of a variety of public health programs, such as breast and cervical cancer prevention, childhood immunizations, family planning, and community health centers. These existing programs are designed to improve the public health and prevent disease through primary and secondary prevention initiatives. It is essential that we invest more in programs in these areas now if we are to make any substantial progress in reducing the costs of acute care in this country.

As Chairman of the Appropriations Subcommittee with jurisdiction over the Department of Health and Human Services, I have greatly encouraged the development of prevention programs which are essential to keeping people healthy and lowering the cost of health care. One aspect of health care policy is more important. Accordingly, my prevention efforts have been widespread. Specifically, I joined my colleagues in efforts to ensure that funding for the Centers for Disease Control and Prevention (CDC) increased $1.6 billion or 160 percent since 1989; fiscal year 1999 funding for the CDC totals $2.6 billion. We have also worked to elevate funding for CDC's breast and cervical cancer early detection programs which in fiscal year 1999, a 123 percent increase since 1993. In addition, I have supported providing funding to CDC to improve the detection and treatment of emerging infectious diseases.

Although CDC programs at CDC which help children. CDC's childhood immunization program seeks to eliminate preventable diseases through immunization and to ensure that at least 90 percent of all children are vaccinated. The CDC also continues to educate parents and caregivers on the importance of immunization for children under two years. Along with my
colleagues on the Appropriations Committee, I have helped to ensure that funding for this important program totaled $421.5 million for fiscal year 1999. The CDC's lead poisoning prevention program annually identifies about 50,000 children with elevated lead levels and places those children under medical management. The program prevents the amount of lead in children's blood from reaching dangerous levels and is currently funded at about $30 million.

In recent years, we have also strengthened funding for Community Health Centers, which provide immunizations, health advice, and health professions training. These Centers, administered by the Health Resources and Services Administration, provide a critical primary care safety net to rural and medically underserved communities, as well as uninsured individuals, migrant workers, the homeless, residents of public housing, and Medicaid recipients.

As Chairman of the Select Committee on Intelligence and Chairman of the Appropriations Subcommittee with jurisdiction over the Department of Health and Human Services, I have worked to transfer CIA imaging technology to the fight against breast cancer. Through the Office of Women's Health within the Department of Health and Human Services, I secured a $2 million contract in fiscal year 1996 for the University of Pennsylvania and a consortium to perform the first clinical trials testing the use of intelligence community technology for breast cancer detection. My Appropriations Subcommittee has continued to provide funds to continue the clinical trials.

I have also been a strong supporter of funding for AIDS research, education, and prevention programs. Funding for Ryan White AIDS programs has increased from $751.4 million in 1996 to $1.41 billion for fiscal year 1999. Within the fiscal year 1999 funding, $46 million was included for pediatric AIDS programs and $461 million for the AIDS Drug Assistance Program (ADAP). AIDS research at the NIH totaled $742.4 million in 1999, and has increased to $1.85 billion in fiscal year 1999. AIDS funding across the Department of Health and Human Services has steadily increased to over $3.9 billion for fiscal year 1999.

The health care community continues to recognize the importance of prevention in improving health status and reducing health care costs. In this bill, I have also included provisions which refine and strengthen preventive benefits within health care programs, including coverage of yearly pap smears, pelvic exams, and mammography screening for women, with no copayment or Part B deductible; and coverage of insulin pumps for certain Type I Diabetics.

The proposed expansions in preventive health services included in Title IV of my bill are conservatively projected to save approximately $2.5 billion per year or $32.5 billion over five years. However, I believe the savings will be higher. It is clearly difficult to quantify today the savings that will surely be achieved tomorrow from future generations of children that are truly educated in a range of health-related subjects including hygiene, nutrition, physical and emotional health, drug and alcohol abuse, and accident prevention and safety.

Title V of my bill would establish a federal standard and create uniform national forms concerning a patient's right to decline medical treatment. Nothing in my bill mandates the use of uniform forms. Rather, the purpose of this provision is to make it easier for patients to make their own choices and determination regarding their treatment during this vulnerable and highly personal time. Studies have also indicated that advance directives do not increase health care costs. Data indicate that 10 percent of total health expenditures and 28 percent of total Medicare expenditures. Loose projections indicate that a 10 percent savings made in the final year of life would result in approximately $10 billion of savings in medical costs per year, and about $4.7 billion in savings for Medicare alone. However, economic considerations are not and should not be the primary reasons for using advance directives. They provide a means for patients to exercise their autonomy over end-of-life decisions. A study done at the Thomas Jefferson University Medical College in Philadelphia cited the following: If 20 percent of the American population expressed interest in discussing advance directives, it is estimated that about 25 to 30 percent of medical care is inappropriate or unnecessary. Dr. Marcia Angell, former editor-in-chief of the New England Journal of Medicine, also stated that 20 to 25 percent of health care procedures are either inappropriate, ineffective or unnecessary. In 1997, health care expenditures totaled $1 trillion annually.

A well-funded program for outcomes research is therefore essential, and is supported by Dr. C. Everett Koop, former Surgeon General of the United States. Title VII of my bill would establish such a program by imposing a one-tenth of one cent surcharge on all health insurance premiums. Based on the Health Care Financing Administration's 1995 health spending review, private health insurance premiums totaled $325.4 billion. As provided in my bill, a surcharge would generate $325.4 million for an outcomes research fund. Title VII also authorizes the Secretary of Health and Human Services to award grants to States to establish or improve a health care data information system. Currently, 38 States have adopted these systems, and 22 States are in various stages of implementation. In my own State, the Pennsylvania Health Care Cost Containment Council has received national savings
recognize for the work it has done to help control health care costs through the promotion of competition in the collection, analysis and distribution of uniform cost and quality data for all hospitals and physicians in the Commonwealth.

Consumers, labor, insurance companies, and health maintenance organizations, and hospitals have utilized this important information. Specifically, hospitals have used this information to become more competitive in the marketplace; businesses and labor have used this data to lower their health care expenditures; health plans have used this information when contracting with providers; and consumers have used this information to compare costs and outcomes of health care providers and procedures.

**Title VIII**

Nursing home care is another significant issue which must be addressed. The cost of this care is exorbitant, averaging in excess of $40,000 annually.

Public expenditures on nursing home care, largely through the Medicaid program, were over $33 billion in 1995. Despite these large public expenditures, the elderly face significant uncovered liability for long term care. Title VIII of my bill therefore would provide a tax credit for premiums paid to purchase private long-term care insurance. It also proposes home and community-based care benefits as less costly alternative to institutional care. Other tax incentives and reforms provided in my bill to make long term care insurance more affordable include: (1) allowing employees to select long-term care insurance as part of a cafeteria plan and allowing employers to deduct this expense; (2) excluding from income tax the life insurance savings used to pay for long term care; and (3) setting standards for long term care insurance that reduce the bias that currently favors institutional care over community- and home-based alternatives.

**Title IX**

The final title of my bill would create a national fund for health research within the Department of the Treasury, to supplement the monies appropriated for the National Institutes of Health. To capitalize this fund, health insurance companies would be required to contribute 1 percent of all health insurance premiums received. This creative proposal was first developed by my colleagues, Senator Mark Hatfield and Tom Harkin. Their idea is a sound one and ought to be adopted. To this end, Senator Harkin and I introduced the National Fund for Health Research Act of 1997 (S. 441) on March 13, 1997. I look forward to continuing to work together with Senator Harkin to enact a biomedical research fund this Congress.

While precision is again impossible, it is reasonable to project that my proposal could achieve substantial annual savings of between $90 and $100 billion. I arrive at this sum by totaling the projected savings of $90 to $100 billion annually—$9 billion in small employer market reforms coupled with employer purchasing groups; $2.5 billion for preventive health services; $22 to $33 billion for reducing inappropriate care through outcomes research; $10 billion from advanced directives; $55 billion from increasing primary care providers; and $5 billion from reducing administrative costs and netting this against the $2.8 billion for long term care. Although these estimates are not exact, I propose this bill as a starting point to address the remaining problems with our health care system. Experience will require modification of these projections, and I am prepared to work with my colleagues to develop implementing legislation and to press for further action in the important area of health care reform.

The provisions which I have outlined today contain the framework for providing affordable health care for all Americans. I am opposed to rationing health care. I do not want rationing for my children, or for America. In my judgment, we should not scrap, but rather we should build on our current health delivery system. We do not need the overwhelming bureaucracy that President Clinton and other Democratic leaders proposed in 1993 to accomplish this. I believe we can provide care for the 43.1 million Americans who are now not covered and reduce health care costs for those who are covered within the currently growing $1.1 trillion in health care spending.

This bill will be the next step forward in obtaining the objective of reforming our health care system, although that reform will not be achieved immediately or easily. Mr. President, the time has come for concereted action in this area.

I urge the Congressional leadership, including the appropriate committee chairmen, to move this legislation and other health care bills forward promptly.

I ask unanimous consent that a summary of the bill and a list of the 26 health care bills I have sponsored since 1983 be printed in the RECORD.

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

**26 Health Care Bills Introduced by Senator Arlen Specter**

98th Congress 1/383 until 1/28:

4. S.1783: The Community Based Disease Prevention and Health Promotion Projects Act of 1985 (11/22)
5. S.281: The Aid to Families and Employment Transition Act (1/6/78)
9. S.1607: Authorization of the Office of Minority Health (9/12/89)
10. S.1222: The Long-Term Care Incentives Act of 1991 (5/22/91)
11. S.1214: The Change in Designation of Long Term Care Costs, for Purposes of Medicare Services (4/9/91)
12. S.1864: The Children's Hospital of Philadelphia Medical Research Facility Act (11/29/89)
15. S.2092: Self-Funding of Veteran's Administrative Health Care Act (11/23/91)
17. S.3176: The Health Care Affordability and Quality Improvement Act of 1992 (8/12/90)
18. S.3553: The Deferred Acquisition Cost Act (11/9/90)
23. S.1409: The Community Based Disease Prevention and Health Promotion Projects Act of 1997 (7/1/96)
27. S.999: Authorizing the Department of Veteran's Affairs to Specify the Frequency of Screening Mammograms (7/19/97)

**Health Care Assurance Act of 1999—Summary**

**Title I:** Expanded State Child Health Insurance Program—This title will expand upon the State Child Health Insurance Program (SCHIP), the new program established in the Balanced Budget Act of 1997 which allocates $24 billion/five years to increase health insurance coverage for children. The SCHIP program gives States the option to use federally funded grants to allow eligible families to purchase health insurance for their children, or to expand Medicaid coverage for those uninsured children, in a combination of both. These grants are distributed to participating States based on the number of uninsured children residing there. This title would increase the income eligibility to families with incomes at or below 235 percent of the Federal poverty level ($38,658 annually for a family of four), and would strengthen the States' ability to conduct Medicaid outreach to eligible children.

**Title II:** Expanded Health Services for Disabled Individuals—Extension of Medicare Eligibility for Disabled Individuals Who Return to Work: Currently, disabled individuals, or recipients of Social Security Disability Income (SSDI), may receive health insurance coverage under the Medicare program for a short time after returning to work. This provision would extend to 24 months the period during which the individual may receive benefits after returning to work, and allow the individual to "buy-into" Medicare at a reduced rate, subject to yearly review.

**Title III:** Expansion of Community-Based Attendant Care Services—Medicaid currently covers the costs associated with institutional care.
for disabled individuals. In an effort to improve the delivery of care and the comfort of those with long-term disabilities, this section would allow for reimbursement for community and institutional care services, instead of institutionalization, for eligible individuals who require such services based on functional need, without regard to the individual's financial resources.

**TITLEx: General Health Insurance Coverage Provisions—Tax Equity for the Self-Employed:** Under current law, self-employed persons who contribute a percent of their health insurance costs through 2002, and those costs would be fully deductible in 2003. However, self-employed persons may already deduct 100 percent of such costs. Title Ix corrects this inequity for the self-employed, 2.9 million of whom are currently uninsured, by speeding up the phase-in to allow self-employed individuals and their families to deduct 100 percent of their health insurance costs beginning in 2001.

**Small Employer and Individual Purchasing Groups:** Establishes voluntary small employer and individual purchasing groups designed to provide affordable, comprehensive health coverage for such employers, and their employees, and other uninsured and underinsured individuals and families. Health plans offering coverage through such groups would not be required to have a standard, medically equivalent health benefits package; (2) adjust community rated premiums by age and family size in order to spread risk and provide for equitable rates; and (3) maintain other guidelines involving marketing practices.

**Standard Benefits Package:** The standard package of benefits would include a variation of benefits permitted among actuarially equivalent plans developed through the National Association of Insurance Commissioners (NAIC). The standard package will consist of the following services when medically necessary or appropriate: (1) medical and surgical services; (2) medical equipment; (3) preventive services; and (4) emergency transportation in frontier areas.

**COBRA Portability Reform:** For those persons who are uninsured between jobs and for insured persons who fear losing coverage should they lose their jobs, Title Ix reforms the existing COBRA law by: (1) extending to 24 months the period of time during which COBRA may cover individuals through their former employers’ plan, and extending to 36 months the time period in which a child who is no longer a dependent under a parent’s health insurance policy may receive COBRA coverage; (2) expanding coverage options to include plans with a lower premium and a $1,000 deductible—saving a typical family of four 20 percent in monthly premiums—and plans with a lower premium and a $3,000 deductible—saving a family of five 22 percent in monthly premiums.

**TITLEx: Primary and Preventive Care Services:** New Medicare Preventive Care Services: The health care community continues to recognize the importance of prevention in improving health status and reducing health care costs. This section institutes new preventive benefits within the Medicare program, and refines and strengthens existing ones. Under this provision, Medicare would cover yearly mammograms, pelvic exams, and mammography screening for women, with no copayment or Part B deductible; and cover insulin pumps for certain Type I Diabetics.

**Primary Education and Assistance Programs:** The Department of Health and Human Service administers many programs designed to increase access to primary and preventive health care, including programs to decrease authorization for several existing preventive health programs such as breast and cervical cancer prevention. Healthy Start project grants aimed at reducing infant mortality and low weight births and to improve the health and well-being of mothers and infants and their families. Title Ix also authorizes a new grant program for local education agencies and pre-school programs through the Department of Health and Education, and reauthorizes the Adolescent Family Life (AFL) program (Title Xx) for the first time since 1984. The AFL program provides funding for initiatives focusing directly on abstinence education.

**TITLEx: Patient’s Right to Decline Medical Treatment:** Improves the effectiveness of patient decision making by strengthening the federal law regarding patient self-determination and establishing uniform federal forms with regard to self-determination

**TITLEx: Primary and Preventive Care Providers:** Encourages use of non-physician providers such as nurse practitioners, physician assistants, and clinical nurse specialists by increasing direct reimbursement under Medicare and Medicaid without regard to the setting where services are provided. Title Ix also seeks to encourage students early on in their medical training to pursue a career in primary care and it provides assistance to medical training programs to recruit such students.

**TITLEx: Cost Containment Outcomes Research:** Expands funding for outcomes research necessary for the development of medical practice guidelines and increasing consumers’ access to information in order to reduce the delivery of unnecessary and overpriced care.

**New Drug Clinical Trials Program:** Authorizes a program at the National Institutes of Health to accelerate clinical trials on promising new drugs and disease treatments with priority given to the most costly and deadly diseases impacting the greatest number of people.

**Health Care Cost Containment and Quality Information Project:** Authorizes the Secretary of Health and Human Services to award grants to States to establish a health care cost and quality information system or to improve an existing system. Currently, 38 States have State mandates to establish an information system; 22 States of which have information systems in various stages of operation. Information such as hospital charge data and patient procedure and outcome data, is used by the Secretary or council collects is used by businesses, labor, health maintenance organizations, hospitals, researchers, consumers, States, etc. Such data has enabled hospitals to become more competitive, businesses to save health care dollars, and consumers to make informed choices regarding their care.

**TITLEx: Provisions for Purchase of Qualified Long-Term Care Insurance:** Increases access to long-term care by: (1) establishing tax credits for long-term care services of family members; (2) excluding life insurance savings used to pay for long-term care from income tax; (3) allowing employees to select long-term care insurance as part of a cafeteria plan and allowing employers to deduct this expense; (4) setting standards that require long-term care insurance to eliminate the moratorium bias that favors institutional care over community and home-based alternatives.

**TITLEx: National Fund for Health Research:** Establishes the National Fund for Health Research to supplement biomedical research through the contributions of 1% of premiums collected by health plans that have been distributed to the National Institutes of Health’s member institutes and centers in the same proportion as the amount of appropriations they receive for the fiscal year.

**CONGRESSIONAL RECORD—SENATE S413 January 19, 1999**

**By Ms. LANDRIEU (for herself, Mr. MURKOWSKI, Mr. BREAUX, Mr. SESSIONS, Mr. JOHNSON, Mr. LOTT, Mr. GREGG, Ms. MIKULSKI, and Mr. COCHRAN):**

S. 25. A bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Energy and Natural Resources.

**CONSERVATION AND REINVESTMENT ACT OF 1999**

Ms. LANDRIEU. Mr. President, I rise today with great enthusiasm and pride to introduce a very important piece of legislation. I worked with my colleagues on the Senate Energy and Natural Resources Committee, as well as with other members for over a year before introducing this legislation during the 106th Congress. Now, on this first date of introductions in the 109th Congress, I am reintroducing that legislation with a broad array of cosponsors. The work has been long awaited and anticipated point to introduce a bipartisan piece of legislation that may well be the most significant environmental effort of the century. I am pleased to be joined by my colleagues, Senators Murkowski, Lott, Breaux, Sessions, Cleland, Johnson, Gregg, Cochran and Mikulski.

The Conservation and Reinvestment Act of 1999 will go farther than any legislation to date to make good on promises that were made to the people of this country decades ago. In addition, it will begin to address the severely overexploited by oil and gas producing states for over 50 years, particularly for the states along the Gulf of Mexico, and my state of Louisiana.

The Conservation and Reinvestment Act first provides a guaranteed source of federal funding equal to twenty-seven percent of all Outer Continental Shelf revenues for Coastal Impact Assistance to states to offset the impacts of offshore oil and gas activity, as well as to non-producing states for environmental purposes. This funding goes directly to States and local governments for improvements in air and water quality, fish and wildlife habitat, wetlands, or other coastal resources, including shoreline protection and coastal restoration. These revenues to coastal states will help offset a range of costs used to maintain coastal zones for specific enumerated uses. The formula is based on population, coastline and proximity to production.
Second, the bill provides a permanent stream of revenue for the State and Federal sides of the Land and Water Conservation Fund, as well as for the Urban Parks and Recreation Recovery Program. Under the bill, funding to the LWCF will be calculated at seven percent of annual revenues. Receiving just under half this amount, the state side of LWCF will provide funds to state and local governments for land acquisition, urban conservation and recreation projects, and all under the direction of state and local authorities. Since its enactment in 1965, the LWCF state grant program has funded more than 37,000 park and recreation projects throughout the nation, including in Louisiana the Joe Brown Park Development in New Orleans, the Baton Rouge Animal Exhibit, the Veterans Memorial Park in Point Barre and the Northwestern State University Recreation Complex in Natchitoches. The Urban Parks program would enable local governments to fund park and recreation needs of its populations within its more densely inhabited areas with fewer greenspaces, playgrounds and soccer fields for our youth. Stable funding, not subject to appropriations, would allow LWCF to improve its viability and sustainability to state and local planning authorities. A stable baseline will be established for Federal land acquisition through the LWCF at a level higher than the historic average over the past decade. Federal LWCF will receive just under half of the amount in this title of the bill. And, nothing in this bill will preclude additional Federal LWCF funds to be sought through the annual appropriations process. Some very worthy national projects that have received funding in the past include the Atchafalaya National Wildlife Refuge in Louisiana, the Mississippi Sandhill Crane Wildlife Refuge, the Cape Cod National Seashore, Voyagers National Park, and the St. Marys River Forest in New Jersey. Federal LWCF dollars will be used for land acquisition in areas which have been and will be authorized by Congress. Property will be acquired on a willing seller basis. The bill will restore Congressional intent with respect to the LWCF, the goal of which is to share a significant portion of revenues from offshore development with the states to provide for protection and public use of the natural environment.

Finally, the wildlife conservation and restoration provision include guaranteed funding of seven percent of annual OCS revenues for wildlife habitat protection, conservation education and listing of endangered species. Moreover, this funding may be used by states for habitat preservation and land acquisition of wintering habitat for important species, therefore preventing listings under the Endangered Species Act.

There is an incredible groundswell of support for this legislation that is growing. Just a few days ago, in recognition of the efforts undertaken here in Congress in both the House and the Senate, our Nation’s President unveiled the Lands Legacy Initiative, which mirrors a number of provisions in the bills introduced here in Congress. I want to acknowledge this praiseworthy effort by the President. Such a development is further evidence to emphasize the importance of this bipartisan, bicameral initiative—it is the will of the people. During last November’s elections, many states enacted bond initiatives totaling almost $700 million to demonstrate the value that the public places on green space and recreational opportunities. It is our duty to support those efforts for the benefit of future generations by reinvesting in our renewable resources. It is the right thing to do.

While I am proud of the accomplishments represented by the introduction of this bill, I feel compelled to mention other interests that are not included in this legislation, but on which we maintain a strong level of support and commitment. The National Historic Preservation Act is an important authorization for Outer Continental Shelf revenues. In fact, I introduced legislation last Congress to reauthorize the fund for its continued viability and vitality. In addition, I would like to work with proponents of historic preservation over the course of the 106th Congress to see their needs addressed in the future. This would include similar consideration for historic Battlefield Preservation.

I see the Conservation and Reinvestment Act as a starting point for debate and consideration of additional issues. My cosponsors and I have made some changes to the legislation to reflect the concerns and desires of interested groups. As we move forward on this measure, in the hearing and committee consideration process, I also wish to work with other Members and groups. Indeed, I think that should hold true. I enjoy broad support, and I want to continue to work toward that end.

All three portions of the Conservation and Reinvestment Act of 1999 will effectively free up State resources which in turn may then be used for other pressing local needs. The Conservation and Reinvestment Act is a perfect opportunity to reinvest in our nation’s renewable resources for our children’s future and our grandchild’s future. It is an idea whose time has come. I urge my colleagues to carefully consider this proposal.

Mr. President, I ask unanimous consent that the text of the bill appear in the Record.

There being no objection, the materials were ordered to be printed in the Record, as follows:

S. 25

Be it enacted by the Senate and House of Representatives of the United States of America in Congress as follows:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Conservation and Reinvestment Act of 1999.”
the Submerged Lands Act (43 U.S.C. §1301(a)), and of which the suboil and seabed appertain to the United States and are subject to its jurisdiction and control.

(13) The term ‘Secretary’ means the Secretary of the Interior or the Secretary’s designee.

SEC. 703. IMPACT ASSISTANCE FORMULA AND GRANT PROGRAM.

(a) Establishment of Fund.—(1) There is established in the Treasury of the United States a fund which shall be known as the `Outer Continental Shelf Impact Assistance Fund’ (referred to in this Act as the ‘Fund’). The Secretary shall deposit in the Fund 27 percent of the revenues from each leased tract or portion of a leased tract lying seaward of the line described by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. §1397(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline or any coastal State. (2) The Secretary of the Treasury shall invest moneys in the Fund that are excess to expenditures at the written request of the Secretary, in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market conditions and maturing obligations of the United States of comparable maturity.

(b) Payment of States.—Notwithstanding section 9(c) of the Outer Continental Shelf Lands Act (43 U.S.C. §1338), the Secretary shall, without further appropriation, make payments in each fiscal year to coastal States and eligible political subdivisions equal to the amount deposited in the Fund for the prior fiscal year, together with the interest earned from investments of the funds which corresponds to that amount (reduced by any refunds paid under section 705(c)). Such payments shall be allocated among the coastal States and eligible political subdivisions as provided in this section.

(c) Determination of States’ Allocable Shares.—

(1) Allocable Share for Each State.—For each coastal State, the Secretary shall determine the State’s allocable share of the total amount deposited in the Fund for each fiscal year using the following weighted formula:

25 percent to the States’ allocable share shall be based on the ratio of such State’s shoreline miles to the shoreline miles of all coastal States.

25 percent to the States’ allocable share shall be based on the total amount of the revenues deposited in the Fund for each fiscal year.

50 percent of the State’s allocable share shall be computed based upon Outer Continental Shelf production. If any portion of a coastal State lies within a distance of 200 miles from the geographic center of any leased tract, such State shall receive 50 percent of its allocable share based on the Outer Continental Shelf oil and gas production offshore of such State. Such part of its allocable share shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of the leased tract or portion of the leased tract (to the nearest whole mile), as determined by the Secretary.

(2) Minimum State Share.—(a) Any State’s allocable share of revenues determined by the Secretary under this subsection for each coastal State with an approved coastal management program (as defined in the Coastal Zone Management Act (16 U.S.C. §1451) or which is making section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. §1397(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline or any coastal State. (2) The Secretary of the Treasury shall invest moneys in the Fund that are excess to expenditures at the written request of the Secretary, in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market conditions and maturing obligations of the United States of comparable maturity.

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(2) Minimum State Share.—(a) Any State’s allocable share of revenues determined by the Secretary under this subsection for each coastal State with an approved coastal management program (as defined in the Coastal Zone Management Act (16 U.S.C. §1451) or which is making section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. §1397(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline or any coastal State. (2) The Secretary of the Treasury shall invest moneys in the Fund that are excess to expenditures at the written request of the Secretary, in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market conditions and maturing obligations of the United States of comparable maturity.

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(2) Minimum State Share.—(a) Any State’s allocable share of revenues determined by the Secretary under this subsection for each coastal State with an approved coastal management program (as defined in the Coastal Zone Management Act (16 U.S.C. §1451) or which is making section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. §1397(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline or any coastal State. (2) The Secretary of the Treasury shall invest moneys in the Fund that are excess to expenditures at the written request of the Secretary, in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market conditions and maturing obligations of the United States of comparable maturity.

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25 percent to the States’ allocable share shall be based on the total amount of the revenues deposited in the Fund for each fiscal year.

50 percent of the State’s allocable share shall be computed based upon Outer Continental Shelf production. If any portion of a coastal State lies within a distance of 200 miles from the geographic center of any leased tract, such State shall receive 50 percent of its allocable share based on the Outer Continental Shelf oil and gas production offshore of such State. Such part of its allocable share shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of the leased tract or portion of the leased tract (to the nearest whole mile), as determined by the Secretary.
ratios that are inversely proportional to the distance between the nearest point on the seaward boundary of each such eligible political subdivision and the geographic center of each portion of such extract (to the nearest whole mile), as determined by the Secretary.

(3) A percent of each State's allocable share, as determined under subsection (c), shall be allocated to political subdivisions in the coastal State that do not qualify as eligible political subdivisions but which are determined by the Governor or the Secretary to have impacts from Outer Continental Shelf related activities and which have an approved plan under this subsection.

(4) PROJECT SUBMISSION.—Prior to the receipt of funds pursuant to this subsection for any fiscal year, a political subdivision must submit to the Governor of the State in which it is located a plan setting forth the projects and activities for which the political subdivision proposes to expend such funds. Such plan shall state the amounts proposed to be expended for each project or activity during the upcoming fiscal year.

(5) PROJECT APPROVAL.—(A) Prior to the payment of funds pursuant to this subsection to any political subdivision for any fiscal year, the Governor must approve the plan submitted by the political subdivision pursuant to this subsection and notify the Secretary of such approval. State approval of any such plan shall be consistent with all applicable State laws. The Governor shall amend the plan, as necessary, with public participation, and in accordance with all applicable state laws. The Governor shall amend the plan to the Secretary that the plan was developed with public participation and in accordance with all applicable state laws. The Governor shall amend the plan to the Secretary that the plan was developed with public participation and in accordance with all applicable state laws.

(B) CERTIFICATION.—Not later than 60 days after the end of the fiscal year, any political subdivision receiving moneys from the Fund must certify to the Secretary that:

(1) the amount of such funds expended by the political subdivision during the previous fiscal year;

(2) the amounts expended on each project or activity;

(3) a general description of how the funds were expended; and

(4) the dates on which the plan for the use of such funds by every political subdivision of the State eligible to receive moneys from the Fund was submitted by the political subdivision receiving moneys from the Fund to the Secretary. The plan shall be developed with public participation and shall include the plan for the use of such funds by every political subdivision of the State eligible to receive moneys from the Fund. The Governor shall certify to the Secretary that the plan has been developed with public participation and in accordance with all applicable state laws. The Governor shall amend the plan, as necessary, with public participation, and in accordance with all applicable state laws. The Governor shall amend the plan to the Secretary that the plan was developed with public participation and in accordance with all applicable state laws. The Governor shall amend the plan to the Secretary that the plan was developed with public participation and in accordance with all applicable state laws. The Governor shall amend the plan to the Secretary that the plan was developed with public participation and in accordance with all applicable state laws. The Governor shall amend the plan to the Secretary that the plan was developed with public participation and in accordance with all applicable state laws.

(c) REPORT.—On June 15 of each year, the Governor of each State receiving moneys from the Fund shall account for all moneys so received for the previous fiscal year in a written report to the Secretary and the Congress. This report shall include a description of all projects and activities receiving funds under this Act, including all information required under paragraphs (a) and (b).

(d) REFUNDS.—In those instances where through judicial decision, administrative review, arbitration, or other means the royalty revenue to entities generating revenues under this Act, 27 percent of such refunds shall be paid from amounts available in the Fund.

TITLE II—LAND AND WATER CONSERVATION FUND PROGRAM

SECTION 202. FINDINGS AND PURPOSE.

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

(1) The Land and Water Conservation Fund Act of 1965 embodied a visionary concept—that a portion of the proceeds from Outer Continental Shelf mineral leading revenue resulting from the sale of renewable natural resource should result in a legacy of public places accessible for public recreation and benefit from resources belonging to all people. In recognition of the importance of maintaining the most precious and most renewable natural resource of any nation, healthy and active citizens.

(2) The States and local governments were to occupy a pivotal role in accomplishing the purposes of the Land and Water Conservation Fund Act of 1965 and the Act originally provided an equitable portion of funds to the States, and through them, to local governments.

(3) However, because of competition for limited Federal moneys and the need for an annual appropriation, this original intention has been abandoned and, in recent years, the Congress has not received an equitable portion of funds.

(4) Nonetheless, with population growth and urban sprawl, the demand for recreation and conservation areas, at the State and local level, including urban localities, remains a high priority for our citizens.

(b) PURPOSE.—The purpose of this title is to provide a secure, reliable and available source of funds available for Federal purposes authorized by the Land and Water Conservation Fund Act of 1965 and to establish and implement a system of regulations under the Land and Water Conservation Fund Act of 1965 and the Urban Park and Recreation Recovery Act of 1978 by providing grants for State, local and urban recreation and conservation needs.

SEC. 203. LAND AND WATER CONSERVATION FUND AMENDMENTS.

(a) REVENUES.—Section 2(c)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. §460l-5(c)(1)) is amended as follows:

(1) By inserting “$900,000,000” after “$800,000,000”;

(2) By striking “there are authorized” and all that follows and inserting “from 16 percent of the revenues, as that term is defined in the Land and Water Conservation Fund Act of 1999, shall be deposited in the Land and Water Conservation Fund in the Treasury and shall be available, without further appropriation, to carry out this Act for each fiscal year thereafter through September 30, 2015.”

(3) By adding at the end the following new subparagraph:

“(B) In those instances where through judicial decision, administrative review, arbitration, or other means there are royalty revenues available for purposes of this Act, 16 percent of such refunds shall be paid from amounts available under this subsection.”

(b) AUTHORIZATION.—Section 2(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. §460l-5(c)(2)) is amended by striking “equivalent amounts provided in clause (1)” and inserting “$900,000,000” after “$800,000,000”.

(c) APPROPRIATION.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. §460l-7) is amended by striking “Mon-16” and inserting “$900,000,000” after “$800,000,000”.

(d) ALLOCATION OF FUNDS.—Section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. §460l-8) is amended by striking “Mon-16” and inserting “$900,000,000” after “$800,000,000.”

(e) USES INCURRED.—Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. §460l-9) is amended by striking “subject to the limitations” and inserting “subject to the limitations.”

(f) USES RELATED.—Section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. §460l-10) is amended by striking “subject to the limitations” and inserting “subject to the limitations.”

(g) USES RELATED TO.—Section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. §460l-11) is amended by striking “subject to the limitations” and inserting “subject to the limitations.”

(h) USES RELATED TO.—Section 9 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. §460l-12) is amended by striking “subject to the limitations” and inserting “subject to the limitations.”

(i) USES RELATED TO.—Section 10 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. §460l-13) is amended by striking “subject to the limitations” and inserting “subject to the limitations.”
fiscal year. Within 60 days after the close of
authorized to be made available therefor
ducted for that purpose, and such amount is
necessary for expenses in the administration
§§2501±2514) of the Department of the Inte-
(as defined by Metropolitan Statistical
basis of the urban population in each State
according to the following allocation formula;
``(3) 10 percent shall be available to local
facility rehabilitation.''
``(B) 20 percent of such moneys
shall be available to the Secretary, each State (other than
an area treated as a State under paragraph
(5)) shall make available as grants to local
governments, or an equivalent
amount made available from other sources.''
``(h) Match.—Subsection 6(c) of the Land
and Water Conservation Fund Act of 1965 (16
U.S.C. § 460l-8c) is amended to read as fol-
lows:
``(1) The agenda must be strategic, origi-
nated in broad-based and long-term needs,
but focused on actions that can be funded
over the next several years.
``(2) The agenda is to be developed by
each State, in partnership
with its local governments and Federal agen-
cies, and in consultation with its citizens,
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and (h) respectively, and by inserting the following after subsection (c):

"(d) `development grants' means matching capital grants to local units of government to cover direct and incidental costs of purchasing new parkland to be permanently dedicated and made accessible for public recreation use.

(b) ELIGIBILITY.—Subsection 1005(a) of the Urban Park and Recreation Recovery Act (16 U.S.C. §2506) is amended to read as follows:

"(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, the list of eligible government shall include the following:

(1) All central cities of Metropolitan, Primary or Consolidated Statistical Areas as currently defined in the census.

(2) All political subdivisions included in Metropolitan, Primary or Consolidated Statistical Areas as currently defined by the census.

(3) Any other city or town within a Metropolitan Area with a total population of 50,000 or more in the census of 1980.

(c) MATCHING GRANTS.—Subsection 1006(a) of the Urban Park and Recreation Recovery Act (16 U.S.C. §2506) is amended by striking all through paragraph 3 and inserting the following:

"SEC. 1006. (a) The Secretary is authorized to provide 50 percent matching grants for re-habilitation, innovation, development or acquisition purposes to eligible general purpose local governments upon his approval of applications therefor by the chief executives of such governments.

(1) At the discretion of such applicants, and if consistent with an approved application, rehabilitation, innovation, development or acquisition projects have been approved by the Secretary. Such payments may be made from time to time in keeping with the progress toward completion of a project, on a reimbursable basis.

(d) COORDINATION.—Section 1008 of the Urban Park and Recreation Recovery Act (16 U.S.C. §2508) is amended by striking the last sentence and inserting the following: "The Secretary and general purpose local governments are encouraged to coordinate preparation of recreation action programs required by this title with State Action Agendas for Community Recreation and Conservation required by section 6 of the Land and Water Conservation Act of 1965, including allowance of flexibility in local preparation of recreation action programs so that they may be used to meet State or local qualifications of State and Federal Land and Water Conservation Fund grants or State grants for similar purposes or for other recreation or conservation purposes. The Secretary shall encourage States to consider the findings, priorities, strategies and schedules included in the recreation action programs of the States in developing and updating the State Action Agendas for Community Recreation and Conservation, in accordance with the public coordination and consensus building required by subsection (d) of the Land and Water Conservation Fund Act of 1956."

(e) CONVERSION.—Section 2 of the Urban Park and Recreation Recovery Act (16 U.S.C. §2509) is amended by striking the first sentence and inserting the following: "No property acquired or improved or developed under this Act shall be transferred to the Secretary by any State, unless approved by the Secretary, to be converted to other than public recreation uses. The Secretary shall approve such conversion only if the grantee demonstrates that the property is an alternative exists (with the exception of those properties that are no longer a viable recreation facility due to changes in demographic);

(f) REPEAL.—Section 125 of the Urban Park and Recreation Recovery Act (16 U.S.C. §2513) is repealed.

TITLe III—WILDLIFE CONSERVATION AND RESTORATION

SEC. 301. SHORT TITLE. This title may be cited as the "Wildlife Conservation and Restoration Act of 1998".

SEC. 302. FINDINGS.

The Congress finds and declares that—

(1) a diverse array of species of fish and wildlife is significant for the Nation for many reasons: aesthetic, ecological, educational, cultural, recreational, economic, and scientific;

(2) it should be the objective of the United States to retain for present and future generations the opportunity to observe, understand, and appreciate a wide variety of wildlife;

(3) millions of citizens participate in outdoor recreation through hunting, fishing, and wildlife observation, all of which have a significant impact on the citizens who engage in these activities;

(4) providing sufficient and properly maintained wildlife associated recreational opportunities is important to enhancing public appreciation of a diversity of wildlife and the habitats upon which they depend;

(5) lands and waters which contain species classified neither as game nor identified as endangered or threatened also provide opportunities for wildlife associated recreation management, and fishing permitted by applicable State or Federal law;

(6) hunters and anglers have for more than 60 years willingly paid user fees in the form of Federal excise taxes on hunting and fishing equipment to support wildlife diversity and abundance, through enactment of the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) and the Federal Aid in Sport Fish Restoration (commonly referred to as the Dingell-Johnson Act);

(7) State programs, adequately funded to conserve a broader array of wildlife in an individual State and conducted in coordination with Federal and private landowners and interested organizations, would continue to serve as a vital link in a nationwide effort to restore wildlife and conserve the essential elements of such programs should include conservation measures which manage for a diverse variety of populations of wildlife species;

(8) it is proper for Congress to bolster and extend this highly successful program to aid game and nongame wildlife in supporting the outdoor recreation and conservation interests of the public, as well as providing funds for conservation education.

SEC. 303. PURPOSES.

The purposes of this title are—

(1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitat which have been diminished or destroyed or stifled, to fulfill unmet needs of wildlife within the States while recognizing the mandate of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision and implementation of wildlife associated recreation and wildlife associated education and wildlife conservation law enforcement;

(3) to encourage State fish and wildlife agencies to create partnerships between the Federal Government, other State agencies, wildlife conservation organizations, and the public; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

SEC. 304. DEFINITIONS.

(a) REFERENCE TO LAW.—In this title, the term "Federal Aid in Wildlife Restoration Act" means the Act of September 2, 1937 (16 U.S.C. 669 et seq.), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(b) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting after "shall be construed" in the first place it appears the following: "to include the wildlife conservation and restoration program and".

(c) STATE AGENCIES.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting "or State fish and wildlife department" after "State fish and game department".

(d) CONSERVATION.—Section 2 is amended by striking the period at the end thereof, substituting a semicolon, and adding the following: "the term 'conservation' shall be construed to mean the terms and procedures necessary or desirable to sustain healthy populations of wildlife including all activities associated with scientific resource management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife protection and propagation, and total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; the term 'wildlife conservation and restoration program' shall be construed to mean a program developed by a State fish and wildlife department that the Secretary determines is consistent with the provisions of this section, including the requirement that such projects shall be consistent with identified needs of the States to conserve all wildlife, and which may be implemented by the States in coordination with Federal, tribal, or local agencies wildlife conservation organizations and outdoor recreation and conservation education entities from funds appropriated to the States from such projects; the term 'wildlife' shall be construed to mean any species of free-
ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied habitat. The term ‘wildlife associated recreation’ shall be construed to mean projects intended to meet the demand for outdoor activities associated with wildlife including: (a) hunting and fishing, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water access, wildlife trails, and access for such projects; and the term ‘wildlife conservation education’ shall be construed to mean projects, including public education/outreach, fostering responsible natural resource stewardship.’’

(e) 7 PERCENT.  Subsection 3(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 666a(a)) is amended in the first sentence by inserting "the beginning of fiscal year 1975)''; and (2) per cent of the revenues, as that term is defined in the Conservation and Reinvestment Act of 1993."

SEC. 305. SUBACCOUNTS AND REFUNDS. Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 666a) is amended by adding at the end the following new subsections:

(2) An appropriation under subsection (a) of this Act, with respect to the wildlife conservation and restoration account, shall be apportioned to all States during the succeeding fiscal year. Any amount apportioned to any State during any fiscal year shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1/6 of 1 percent of the amount available for apportionment under this paragraph for the preceding fiscal year.

(3) The Secretary of the Interior, after making the deduction under paragraph (1), shall apportion the remaining amount in the wildlife conservation and restoration account for each year among the States in the following manner:

(A) 1/5 of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and

(B) 1/5 of which is based on the ratio to which the population of such State bears to the total population of all such States.

The amount apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than 1/5 of 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 1/5 of 1 percent of such amount."

SEC. 306. ALLOCATION OF SUBACCOUNT RECEIPTS.  Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 666c) is amended by adding the following new subsection:

(1) Notwithstanding subsection (a), an amount, not to exceed 2 percent, of the revenue from the sale of hunting and fishing licenses and apportioned to the wildlife conservation and restoration account in each fiscal year as the Secretary of the Interior may estimate to be necessary for expenses in the administration and execution of programs carried out under the wildlife conservation and restoration account shall be deducted for that purpose, and such amount is authorized for expenditure under the direction of the Secretary. The Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program for the project progresses but such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program. For purposes of this subsection, the term "State" shall include 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."

SEC. 307. LAW ENFORCEMENT AND PUBLIC RELATIONS. The third sentence of subsection (a) of section 8 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 666a) is amended by inserting before the period at the end thereof: ‘’, except that funds available from this subaccount for a State wildlife conservation and restoration program may be used for law enforcement and public relations’. "

SEC. 308. PROHIBITION AGAINST DIVERSION. No designated State agency shall be eligible to receive matching funds under this Act if sources of revenue available to it on January 1, 1998, for conservation of wildlife are diverted for any purpose by the administration of the designated State agency, it being the intention of Congress that funds available to States under this Act be added to revenues from energy development and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the foregoing."

Mr. MURKOWSKI. Mr. President, I rise today, along with a bipartisan group of Senators, to introduce the Conservation and Reinvestment Act of 1999. This important piece of legislation remedies a tremendous inequity in the distribution of revenues generated by offshore oil and gas production by directing a portion of those monies be allocated to coastal States and communities who shoulder the responsibility for energy development activity off their coastlines. It also provides a secure funding source for state recreation and wildlife conservation programs.

By reinvesting revenues from offshore oil and gas production into a variety of important conservation, recreation, and environmental programs,
this bill will rededicate the Federal government to a partnership with state and local governments to meet the demands of all Americans for outdoor experiences. In addition, it reaffirms the original premise of the Land and Water Conservation Fund Act that a portion of the revenues generated by the Federal government from the development of our natural resources should be reinvested into the outdoor recreation and natural resource estate of the Nation.

This bill is a bipartisan bill. And, like any bipartisan bill reflects choices and compromises. It contains provisions which need to be examined in detail as the legislative process moves forward. I also anticipate a series of amendments from both sides of the aisle to the bill. I know there are amendments I intend to offer to make this bill a better bill for my constituents. That is what the legislative process is all about. As Chairman of the Senate Committee on Energy and Natural Resources, I propose to devote the time necessary to flesh these issues out and to give all parties which have interest in this bill an opportunity to be heard. This bill warrants nothing less.

Let us Title 1, which provides for coastal impact assistance, is similar to legislation I have introduced in prior Congresses and is an issue I have worked on for my entire Senate career. Title 1 is based on a Minerals Management Service Advisory Committee report. It directs that 27 percent of the revenues generated from oil and natural gas production on the Outer Continental Shelf— or OCS—be returned to coastal States and communities that share the burdens of exploration and production off their coastlines. Offshore oil and gas production generates $3 to $4 billion in revenues annually for the U.S. Treasury. Yet, unlike mineral receipts from onshore Federal lands, OCS oil and gas revenues are not directly returned to the States and communities in which production occurs.

This legislation remedies this disparity. States and communities that bear the responsibilities for offshore oil and gas production will finally share in its benefits. This legislation would, for the first time, share revenues generated by OCS oil and gas activities with counties, parishes and boroughs—the local governmental entities most directly affected by OCS programs.

The bill also acknowledges that all coastal States, including those States bordering the Great Lakes, have unique needs and directs that a portion of OCS revenues be shared with these States, even if no OCS production occurs off their coast. Coastal States and communities can use OCS Impact Assistance funds on everything from environmental programs, to coastal and marine conservation efforts, to new infrastructure requirements.

In Alaska, I fought to secure OCS funds to participate in the environmental planning process required by Federal laws before OCS development occurs. Other rural coastal communities in Alaska could use the money for sanitation improvements. While still others, like Unalakleet, may use the money to construct seawalls and breakwaters or beach rehabilitation—efforts which will combat the impacts of the changing climate.

As Chairman of the Energy and Natural Resources Committee, I know all too well that offshore oil and gas production is a lightning rod of environmental groups who will go to great lengths to disparage an activity that is vital to the long-term energy and economic future of our country. These groups will likely say that this bill creates incentives for offshore oil and gas production because a factor in the distribution formula is a State’s proximity to OCS production.

Let us Title 2, which provides for an impact assistance bill— revenue sharing, if you will. States only will have impacts if they have production. The States with production, obviously, have greater needs and are most deserving of a large share of OCS revenues. Mr. President, let me also remind everyone, that OCS production only occurs off the coasts of 6 States—yet the bill shares OCS revenues with 24 States. There are 28 coastal States that will get a share of OCS revenues which have no OCS production. In fact, in all areas except the Gulf of Mexico and Alaska there is a moratorium prohibiting any new OCS production.

It is the long-term best interest of this country to support responsible and sustainable development of nonrenewable resources. We now import more than 50 percent of our domestic petroleum requirements and the Department of Energy’s Information Administration predicts, in ten years, America will be at least 64 percent dependent on foreign oil. OCS development will play an important role in offsetting even greater dependence on foreign energy.

The OCS accounts for 24 percent of this Nation’s oil production and 14 percent of its oil production. We need to ensure that the OCS continues to meet our future domestic energy needs.

I firmly believe that the Federal government needs to do all it can to pursue and encourage further technological advances in OCS exploration and production. These technological achievements have and will continue to result in new OCS production having an unparalleled record of excellence on environmental issues. Additional technological advances with appropriate incentives will further improve new resource recovery and therefore increase revenues to the Treasury for the benefit of all Americans who enjoy programs funded by OCS money.

I will do all I can to ensure a healthy OCS program, including new OCS developments in the Arctic. A number of challenges face new developments in this area—I am confident that we can work through them all. History has shown us that in the Arctic, and in other OCS areas, development and the environmental protection are compatible.

This bill also takes a portion of the revenues received by the Federal government from OCS development and invests it in conservation and wildlife programs. Thus, Titles 2 and 3 of the bill share OCS revenues with all States for these purposes.

Title 2 of this bill provides a secure source of funding for the Land and Water Conservation Fund. The LWCF was established by Congress to provide Federal money for State and Federal land acquisition and help meet Americans recreation needs.

Over thirty years ago, Congress had the insight to recognize the growing need of the American public for parks and recreation facilities with the passage of the Land and Water Conservation Fund Act. That landmark piece of legislation was promised on the belief that an investment from the depletion of a nonrenewable resource need to be reinvested in a renewable resource for the benefit of future generations. This rationale is as valid today as it was in the mid-1960s. To accomplish this, the Land and Water Conservation Fund Act directs that revenues earned from offshore oil and gas production should be spent on the acquisition of Federal recreation lands by the land management agencies. Thus, Title 2 establishes a state-side matching grant program.

The state-side matching grant program provides 50-50 matching grants to States and local communities for the acquisition and development of state-side park and recreation facilities. The state-side program has a truly unique legacy in the history of American conservation by providing the States with a leadership role in the provision of recreation opportunities. Through the 1995 Fiscal Year, over $3.2 billion in Federal dollars have been leveraged to fund over 37 thousand State and local park and recreation projects.

Yet, despite these successes, the President had not requested any money for the state-side program for the last four years. This is a program supported by this Nation’s mayors, Governors, and the recreation community. The state-side matching grant should not be cut. Instead, let us work through them all. History has shown that in the Arctic, and in other OCS areas, development and the environmental protection are compatible.

The same can be said of the Urban Park and Recreation Recovery program established by Congress in 1978. UPAR provides Federal funds to distressed urban areas to rehabilitate and construct recreation facilities.

Together, these programs strive to create a national system of parks that
would, day-in and day-out, meet the recreation and open-space demands of the American public. Title 2 recognizes the value of the state-side LWCF matching grant program and the UPAR program by providing them with the stable source of funding they have been lacking.

I also want to mention the money this bill provides for Federal land acquisition. To many westerners, including myself, the Federal government already has too much land. In my state of Alaska, the four Federal land management agencies alone manage more than 60 percent of all the acreage in the State.

Nonetheless, the demand for Federal land acquisition dollars is significant. The four Federal land management agencies have identified more than 45 million acres of privately owned lands lying within the boundaries of Federal land management units, including national parks, national forests, and national wildlife refuges. Many of these inholders, who want to sell, have been waiting for decades to receive compensation from the Federal government for their property. In many instances, landowners must suffer with restrictions on access to and use of their lands while they wait endlessly for the funds to compensate them for their land.

In recognition of these competing priorities regarding Federal ownership, the bill tries to reach a balance. It provides money for Federal land acquisition. However, limitations are placed on its expenditure. First, Federal land acquisition money available under this bill only could be used to purchase lands within the boundaries of conservation areas established by an Act of Congress. Second, such lands only could be purchased from willing sellers. That is, the Federal land acquisition money available under this bill could not be used to condemn any property. The use of eminent domain is explicitly foreclosed. Third, three-quarters of the money must be spent on land acquisition east of the 100th meridian (east of Texas). These provisions are more restrictive than the current law regarding the use of LWCF moneys for Federal land acquisitions.

I know that there are many who are not happy with this compromise. I cannot say I am happy totally with it. I do not think we have adequately considered any potential solutions for the roles and responsibilities of the authorizing and appropriations committees. I can pledge that this will be an issue subject to discussions on the Energy and Natural Resources Committee. Under our Constitutional system of government, Congress has the plenary authority over Federal lands and appropriations. I believe that the historic role of Congress is setting the priorities for land acquisition should be preserved. Certainly, the President should set forth his preferences, as he does now, but in the final analysis the Congress should approve any expenditure.

Title 3 of this bill provides funding for State fish and wildlife conservation programs. In Alaska, with its unparalleled natural beauty, fishing and hunting are two of the most popular forms of outdoor recreation. The bill directs that a portion of OCS revenues should go to the State for this purpose. The money would be distributed through the Pittman-Robertson program administered by the United States Fish and Wildlife Service. This money could be used for both game and nongame species, with the inclusion of OCS revenues, the amount of money available for state fish and wildlife programs would nearly double.

This is a no-tax alternative to the "Teaming with Wildlife" proposal. States will be able to use these moneys to increase fish and wildlife populations and improve fish and wildlife habitat. States also could use the money for wildlife education programs.

The bill creates a new account under Pittman-Robertson, called the Wildlife Conservation and Restoration account. The money in this account, from OCS revenues, would provide the funding needed to move the conservation community beyond the debate over using OCS money to fund programs. States will have the flexibility on deciding how to spend these funds to meet the conservation demands of all their residents.

I am glad of this proposal which will be a win-win for the oil and gas industry, the States, environmental and conservation groups, and all Americans.

I know it will be a win-win for Alaskans. Alaska is projected to receive more than $130 million annually from this proposal. In Fiscal Year 2000, Alaska would receive approximately $110 million in OCS Impact Assistance. Of this total, the State would receive $44 million as would coastal communities. In addition, Alaska receives the use of OCS revenues from inclusion of the North Slope Borough, Barrow, and Kaktovik. Other coastal communities, not near an OCS lease, like Valdez and Homer, would receive $22 million. These funds could be used for projects, including soil conservation, improving road systems, and recreational projects. These funds are sorely needed to meet the needs of the communities in Alaska and the skyrocketing public demand for wildlife and outdoor recreation programs. These programs have been used by the state to fund popular wildlife conservation programs and the state's "Forever Wild" program. These programs have received nearly $100 million from OCS revenues to provide dedicated funding for the State's Fish and Wildlife Service. This money would be used in perpetuity for their residents, not a tax on recreation.

This bill will allow coastal states to create trust funds, the revenues of which can be used in perpetuity for such purposes as environmental protection, conservation, water quality, and public land purchases. Recognizing the boom and bust nature of oil and gas production, Alabama long ago created a protected trust fund from the oil and gas royalties it receives from development off its coast. The revenues derived from this trust fund have been used by the state to fund popular wildlife conservation programs and the state's "Forever Wild" program. These programs have allowed the state to make land purchases to create and expand Alabama's park system and to help create additional outdoor recreation opportunities for its citizens. It is my hope that this bill will create the conduit for other states and the federal government to follow and to ensure a protected trust fund for the citizens of America.

Mr. President, this bill will go a long way towards protecting the environment and increasing conservation in coastal states and the entire nation by creating a dedicated funding mechanism to fulfill these goals. We, along with future generations, will benefit greatly from this legislation. I look forward to working with my colleagues...
to craft a bill which can continue to enjoy bi-partisan support and be passed into law.

Mr. LOTT. Mr. President, it is with great pleasure that I join my colleagues, Senators Landrieu, Murkowski, and Senators in introducing the bipartisan Reinvestment and Environmental Restoration Act.

Mr. President, since the inception of the oil and gas program on the Outer Continental Shelf (OCS), States and coastal communities have sought a greater share of the benefits from development. And why shouldn’t they? These communities provide the infrastructure, public services, manpower and support industries necessary to sustain this development.

Currently, the majority of OCS revenues are funneled into the Federal Treasury where they are used to pay for various Federal programs and to reduce the deficit. While funding programs and reducing the deficit is certainly necessary, I believe that some percentage of the revenues should be reinvested in the affected region.

Our bill does just that. The Reinvestment and Environmental Restoration Act redirects a portion of the OCS revenues from the Federal Treasury to coastal States and communities for a multitude of programs: air and water quality monitoring, wetlands protection, coastal restoration and shoreline protection, land acquisition for infrastructure, public service needs, State park and recreation programs and wildlife conservation.

This bill allows States and communities to use these funds. These States will effectively use the funds for local needs. In Pascagoula, for example, authorities might choose to restore and secure the shoreline where years of sea traffic have taken their toll. Further north in Vancleave, they may choose instead to refurbish the roads and bridges that the heavy machinery coming and going from the coast. This bill provides a framework within which these localities can make the right decisions for their citizens and their environment.

Mr. President, I have been working on this issue for many, many years. As a “coast dweller myself,” I know the impact that the oil and gas industry can have on communities and the importance of reinvestment in these areas. It is not to say that the industry mistreats the States; on the contrary, they work very hard to comply with stringent environmental regulations and to take care of the community as best they can. The OCS Policy Committee said in 1993 that, despite the oil industry’s best efforts, “OCS development can affect community infrastructure, social services and the environment in ways that cause concern among residents of the coastal States and communities.”

I know there is no way to totally eliminate this impact on coastal communities. I also know that, while the benefits of a healthy OCS program are felt nationally, the infrastructure, environmental and social costs are felt locally. Our bill would put money back into the communities that need it most.

It would also put money back into the environmental resources of the area. Exploration for non-renewable resources are not mutually exclusive, but must be carefully balanced for both to be sustained. It is important that wetlands, fisheries and water resources are taken into account. Affordable adequate protection is possible.

In addition to supporting up the States and coastal communities, our bill also provides funding for the Land and Water Conservation Fund (LWCF). More than 30 years ago, Congress set up this fund to address the American public’s desire for more parks and recreational facilities. This bill makes the program self-sufficient, providing a secure funding source from the OCS revenues. With the inclusion of these funds in our future—our land, our natural resources and our recreational enjoyment.

Mr. President, our bill makes yet another investment with these OCS revenues—an investment in fish and wildlife programs. With the inclusion of these revenues, the amount of money available for State programs would nearly double. This is money that can be used to increase fish and wildlife populations and habitats. It could even be used for wildlife education programs.

Mr. President, this bill was carefully crafted to strike a balance between the needs and interests of the oil and gas industry, the States, and the environmental and conservation groups. It’s a good package that will benefit all Americans, not just those who live and work in coastal areas. It will benefit hunters and anglers. It will benefit bird watchers and campers. It will benefit all Americans, and it is in the fact that the oil industry is taking care of the communities that support it.

I appreciate the hard work of my colleagues and look forward to advancing this important legislation in the 106th Congress.

By Mr. McCAIN (for himself, Mr. Feingold, Mr. Thompson, Mr. Levin, Ms. Collins, Mr. Lieberman, Ms. Snowe, Mr. Wellstone, Mr. Jeffords, Mr. Durbin, Mr. Schumer, Mr. Reid, Mr. Bryan, Mr. Sarbanes, Mr. Robb, Mr. Dorgan, Mr. Moinihan, Mr. Kerry, Mr. Kerrey, Mr. Cleland, Mr. Leahy, Mr. Bayh, Mrs. Fein-stein, Mrs. Boxer, Mr. Hollings, Mr. Graham, Mr. Johnson, and Mr. Chafee):

S. 26. A bill entitled the “Bipartisan Campaign Reform Act of 1999”; to the Committee on Rules and Administration.

BIPARTISAN CAMPAIGN REFORM ACT OF 1999

Mr. FEINGOLD. Mr. President, the American campaign finance system is manifestly corrupt. So we are back. And here we will return until America’s citizens regain dominion over their government. It is my great pleasure to join Sen. John McCain to once again introduce a bipartisan campaign finance reform bill in this Senate. This is the third Congress in which we have taken up this fight together. I want to thank my friend and colleague Senator McCain for his tireless devotion to this issue and his commitment and very willingness to let the leadership of his party to press it. It will take great effort to achieve consensus and pass this legislation. But I truly believe that we can make a breakthrough this year, and the re-introduction of the McCain-Feingold bill is the first step toward making that happen.

Mr. President, our democracy is sick. The corrupting influence of big money is taking a daily toll on our work here in the Congress and on the confidence of the American people in our ability to do that work fairly and in their interests. The future of our country is truly at stake in this fight for reform, and that is why, despite the setbacks we have suffered in the last two Congresses despite our inability to get the last two Congresses to overcome the filibusters by a minority of this body, we are back on the floor today. On the first day that bills can be introduced in the United States Senate, I am here to say that that bill right here is at the top of the list of things that we need to do in this Congress. And I commit to the American people, and to my constituents in Wisconsin who reelected me to do precisely this job, that I will fight for reform throughout this year and the next year, if need be, until we win.

Let me take a moment, Mr. President, to review what the McCain-Feingold bill tries to accomplish. First and foremost, we ban soft money—the unlimited contributions that corporate, labor, and very wealthy individual donors can now give to the political parties. We must bring back some sanity to the campaign finance system by making the parties and donors live once again within the rules that the Congress passed back in the 1970’s after the Watergate era. Perhaps some of those rules need to be updated, but throwing the rules out is not an option. The potential for corruption of our legislative process is too great. I will re-tell the issue of prohibiting soft money in a moment, because it is central to the goals of our bill.

Mr. President, this bill also includes the amendment dealing with abuses of the “issue advocacy” proposed by Senator Snowe of Maine and Senator J. Amychor of Vermont and adopted by the Senate last year during debate on our bill. The Snowe-J effords amendment is a balanced approach to the “phony issue ad” problem that prohibits corporations, unions and their subsidiaries from purchasing television and radio airtime within the last two months of a campaign if those ads refer to a clearly identifiable candidate. It is designed to prevent
corporate and union treasury money, which has been banned from federal elections since early in this century, from making its way back into the elections in the form of advertisements that pretend to be about issues, but instead are about electoral actions.

Advocacy groups, on the other hand, are permitted to purchase what the bill calls “electioneering communications,” as long as they disclose their expenditures and the major donors to the electioneering communications. The use of corporate and union treasury money for the ads. Mr. President, we worked long and hard to perfect this law last year, to make sure that it is constitutional, and that it will be effective in combating what has become a very serious subterfuge engaged in by entities that plainly want to influence elections but don’t want to abide by the election laws. It is a crucial piece of the campaign finance reform puzzle, and we are proud to have worked long and hard to perfect this proposal in our bill.

The McCain-Feingold bill also takes a further step in addressing the spending of unions in elections by codifying the so-called Beck decision. Under that decision, non-union members who are required to pay agency fees to unions under their state laws will be able to demand an accounting of the use of those fees, and to prevent those fees from being spent for electoral purposes. This provision does not go as far as some of our colleagues might like, but it is a fair and balanced provision that recognizes the need to tread lightly on some of our colleagues might like, but it is a fair and balanced provision that recognizes the need to tread lightly on this issue to maintain bipartisanship support for the bill.

The bill also contains important provisions designed to improve enforcement and disclosure under our campaign finance laws. It requires electronic filing and posting of campaign finance reports on the Internet to make sure that the public can quickly and easily determine who the major contributors are to candidates and parties. It doubles the penalties for “knowing and willful violations of Federal election laws. It provides for more timely disclosure of independent expenditures. It requires campaigns to collect all required contributor information before depositing checks. And it permits the FEC to conduct random audits at the end of a campaign to ensure compliance with the Federal election laws.

Our bill also requires political advertisements to carry a disclaimer identifying who is responsible for the content of the campaign ad, and it bars Members of Congress from sending out taxpayer-financed franked mass mailings during the calendar year of their election.

It also addresses two important areas where we have seen in the past few years that the law is simply not clear enough or strong enough. Our bill makes it clear that it is unlawful to raise or solicit campaign contributions on Federal property, including the White House and the congressional office buildings. And it makes it clear that contributions from foreign governments and foreign nationals are prohibited in Federal, State and local elections, including donations of soft money.

Mr. President, this bill is for the soul and the survival of our American democracy. This democracy cannot survive without the confidence of the electorate and the electoral process. The majority of money in our system of elections and our legislature will in the end cause them to crumble. If we don’t take steps to clean up this system it ultimately will consume us along with our finest American ideals.

We are now engaged in an historic impeachment trial, in which we are asked to determine as jurors whether the President has committed “high crimes and misdemeanors” and should be removed from office. The American people are divided on this question.

But the American people do think it’s a crime that tobacco companies can use money to block a bill to curtail rising health care costs. They think it’s a crime that insurance companies can use money to block desperately needed health care reform. They do think it’s a crime that telecommunications companies use money to force a bill through Congress in order to increase competition and decrease prices, but leads to cable rates that keep on rising and rising. And they do think it’s a crime that corporations and unions are able to give unlimited soft money contributions to the political parties to advance their narrow special interests.

They think it’s a crime. But here in Washington it is business as usual—until we manage to pass meaningful campaign finance reform.

Let me be clear Mr. President, I’m not suggesting that any individual Member of Congress is corrupt. I don’t know that any Member of this body has ever traded a vote for a contribution. But while Members are not corrupt, the system is riddled with corruption. It is only human to want to help those who have helped you get elected or reelected, to agree to the meeting, to take the phone call, to allow the opportunity to those who have given money. It is true of the parties, and it is true of the Members, even those who seek always to cast their votes on the merits. The result is that people who don’t have money don’t get heard. And in the end, those who get heard get the way.

Mr. President, as you know, I won a very hard fought campaign last year in which soft money and issue ads and campaign spending were much discussed issue ads. I am opposed to this campaign, and my experience has made me even more certain that the system we now live under must be changed and can be changed.

As we once again take up this charge, I can tell you how enjoyable and rewarding it can be to run a campaign where endless fundraising is not part of your daily routine. And how it is possible to run a decent campaign without getting down in this soft money swamp.

Mr. President, we don’t need to point fingers at one another, we just have to rise above politics and do the right thing by the American people. We must clean up our own house, Mr. President. We cannot continue to ignore the corruption in our midst, the cancer that is eating the heart out of the great American compact of trust and faith between the people and their elected representatives.

We know that unlimited soft money contributions make a mockery of our election laws and threaten the fairness of the legislative process. We know that phony issue ads paid for with unlimited corporate and union funds undermine the ability of citizens to understand who is backing the candidates and why. We can find bipartisan solutions to these problems that respect all legitimate First Amendment rights if we are willing to put partisan political advantage aside and sit down and work it out.

Senator McCain and I are ready—we have been ready ever since we introduced our bill—to make changes to our bill that will bring new supporters on board and get us past the 60 vote threshold that the Senate rules have placed in our way, so long as we stay true to the goal of a cleaner, fairer, system in which money will no longer dominate.

We will all be proud of the results if we can do that. Mr. President. And the American people will be proud of us. So I look forward to working with Senator John McCain and all my colleagues who want to give the American people a campaign finance system that will protect and nurture our democracy as we enter the 21st century.

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

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

S. 26

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

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the “Bipartisan Campaign Reform Act of 1999”.
(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:
Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE
Sec. 101. Soft money of political parties.
Sec. 102. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
Sec. 103. Reporting requirements.
Sec. 301. Filing of reports using computers

Sec. 306. Prohibition of false representation

Sec. 305. Use of candidates' names.

Sec. 304. Reporting requirements for con-

Sec. 212. Civil penalty.

Sec. 307. Soft money of persons other than

Sec. 502. Use of contributed amounts for cer-

Sec. 504. Prohibition of fundraising on Fed-

Sec. 501. Codification of Beck decision.

Sec. 401. Voluntary personal funds expendi-

Sec. 323. SOFT MONEY OF POLITICAL PARTIES.

``SEC. 323. SOFT MONEY OF POLITICAL PARTIES. (a) National committees. —  

(1) in subparagraph (b), by striking or' at the end;  

(2) in subparagraph (c) —  

(A) by inserting '; or' after subparagraph (B) of section 323(b);  

(B) by inserting after subparagraph (B) of section 323(b) the following:  

"(2) in subparagraph (C) —  

(i) by inserting '; or' after subparagraph (B) of section 323(b);  

(3) in section 323(b), by striking subparagraph (B) and inserting the following:  

(4) in section 323(b)(1), by inserting the following:  

"(3) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candi-

date or individual holding Federal office shall not solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

"(4) CANDIDATES.—.

"(5) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candi-

date or individual holding Federal office shall not solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

"(6) CANDIDATES.—.

Sec. 203. Prohibition of corporate and labor

Sec. 214. Independent versus coordinated ex-

Sec. 215. Coordination with candidates.

TITLE III—DISCLOSURE

Sec. 301. Filing of reports using computers and facsimile machines; filing by candidates with Commission.

Sec. 302. Prohibition of deposit of contribu-

Sec. 303. Use of candidates' names.

Sec. 306. Prohibition of false representation to solicit contributions.

Sec. 307. Soft money of persons other than political parties.

Sec. 308. Campaign advertising.

TITLE IV—PERSONAL WEALTH OPTION

Sec. 401. Voluntary personal funds expenditure limit.

Sec. 402. Political party committee coordinated expenditures.

TITLE V—MISCELLANEOUS

Sec. 501. Codification of Beck decision.

Sec. 502. Use of contributed amounts for cer-

Sec. 503. Limit on congressional use of the

Sec. 504. Prohibition of fundraising on Fed-

Sec. 505. Penalties for knowing and willful

Sec. 506. Strengthening foreign money ban.

Sec. 507. Prohibition of contributions by mi-

Sec. 508. Expedited procedures.

Sec. 509. Initiation of enforcement proceed-

TITLE VI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULA-

Sec. 601. Severability.

Sec. 602. Review of constitutional issues.

Sec. 603. Effective date.

Sec. 604. Regulations.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

SEC. 101. SOFT MONEY OF POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 323. SOFT MONEY OF POLITICAL PARTIES. "(a) National committees.—

(1) in general.—A national committee of a political party (including a national congress-

ional campaign committee of a political party) and any officers or agents of such party committees, shall not solicit, receive, or direct the use of any contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) applicability.—This subsection shall apply to an entity that is directly or indi-

rectly established, financed, maintained, or controlled by a national committee of a po-

litical party (including a national congressional campaign committee of a political party), or an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee, that is engaged in electioneering communications.

(b) State, district, and local committees.—

(1) IN GENERAL.—An amount is that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by any such State, district, or local committee, or an officer or agent acting on behalf of any such committee or entity) for electioneering communications described in paragraph (a) shall be treated as soft money.

(2) exceptions.—The following are not soft money:

(A) amounts contributed to an electioneering communications organization by a person that is not a national, State, district, or local committee of a political party;

(B) amounts contributed to an electioneering communications organization by a person described in subparagraph (A) that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

(3) effective date.—The amendments made by this subsection shall apply to all elections after January 19, 1999.
and disbursements made for activities described in subparagraphs (A) and (B) of section 323(b)(2).

"(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

"(4) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a)."

(1) REPETITION OF FUND EXCEPTION TO THE ELECTORAL CAMPAIGN COMMITTEE ACCOUNTS ACT—Section 301(b)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(b)(B)) is amended—

"(3)(A), (5), and (6) of subsection (b).

"(1) It is made (or scheduled to be made) within—

"(i) 60 days before a general, special, or runoff election for such Federal office; or

"(ii) 30 days before a primary or preference election, or a convention or caucus of a political party to nominate a candidate, for such Federal office; and

"(iii) is broadcast from a television or radio broadcast station whose audience includes the electorate for such election, convention, or caucus.

"(B) EXCEPTIONS.—Such term shall not include—

"(i) communications appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

"(ii) communications which constitute expenditures or independent expenditures under this subsection.

"(4) DISCLOSURE DATE.—For purposes of this subsection, the term 'disclosure date' means—

"(A) the first date during any calendar year by which a person has made disbursements for electioneering communications aggregating in excess of $10,000; and

"(B) any other date during such calendar year by which a person has made disbursements for electioneering communications aggregating in excess of $10,000 since the most recent disclosure date for such calendar year.

"(5) CONTRACTS TO DISBURSE.—For purposes of this subsection, a person shall be treated as having made a disbursement if the person has contracted to make the disbursement.

"(6) COORDINATION WITH OTHER REQUIREMENTS.—Any requirement to report under this subsection may be in addition to any other reporting requirement under this Act.

"(7) DEFINITIONS AND RULES.—For purposes of paragraph (1), the following rules shall apply:

"(A) An electioneering communication is defined as having been coordinated with an independent expenditure if—

"(i) the entity described in paragraph (1)(A) directly or indirectly disburse any amount for any of the costs of the communication; or

"(ii) any amount is disbursed for the communication by a corporation or organization or a State or local political party or committee thereof that receives anything of value from the entity described in paragraph (1)(A), except that this term does not apply to any communication the costs of which are defrayed entirely out of a segregated account to which only individuals can contribute.

"(B) An organization that derives amounts from business activities or from any entity described in paragraph (1)(A) shall be considered to have paid for any communications out of such amounts unless such organization paid for the communication out of a segregated account to which only individuals can contribute.

"(8) PROHIBITION OF CORPORATE AND BUSINESS EXPENDITURES.—Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of such Code from carrying out any activity which is prohibited under such Code.

Subtitle B—Independent and Coordinated Expenditures

Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—The term 'independent expenditure' means an expenditure by a person—

"(A) expressly advocating the election or defeat of a clearly identified candidate; and

"(B) that is not provided in coordination with a candidate or their campaign committee, a candidate's agent, or a person who is coordinating with a candidate or a candidate's agent.

SEC. 212. CIVIL PENALTY.

If any person violates any provision of this Act, the Commissioner of Internal Revenue may assess and collect a civil penalty not exceeding $5,000 for each violation.

"(1) APPLICABLE ELECTIONEERING COMMUNICATION.—For purposes of this section, the term 'applicable electioneering communication' means an electioneering communication described in the meaning of section 304(d)(3) which is made by—

"(A) any entity to which subsection (a) applies other than a section 501(c)(4) organization;

"(B) a section 501(c)(4) organization from amounts derived from the conduct of a trade or business or from an entity described in subparagraph (A).

"(2) SPECIAL OPERATING RULES.—For purposes of paragraph (1), the following rules shall apply:

"(A) Any electioneering communication committee shall be treated as made by an entity described in paragraph (1)(A) if—

"(i) the entity described in paragraph (1)(A) directly or indirectly disburse any amount for any of the costs of the communication; or

"(ii) any amount is disbursed for the communication by a corporation or organization or a State or local political party or committee thereof that receives anything of value from the entity described in paragraph (1)(A), except that this term does not apply to any communication the costs of which are defrayed entirely out of a segregated account to which only individuals can contribute.

Subtitle C—Prohibition of Corporate and Labor Expenditures

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—The term 'independent expenditure' means an expenditure by a person—

"(A) expressly advocating the election or defeat of a clearly identified candidate; and

"(B) that is not provided in coordination with a candidate or their campaign committee, a candidate's agent, or a person who is coordinating with a candidate or a candidate's agent.

SEC. 213. CIVIL PENALTY.

If any person violates any provision of this Act, the Commissioner of Internal Revenue may assess and collect a civil penalty not exceeding $5,000 for each violation.
SEC. 214. INDEPENDENT VERSUS COORDINATED EXPENDITURES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) as amended by section 201 is amended—

(1) by striking "any expenditure," and inserting "any independent expenditure, that is," in both subsections (a)(6), (b)(6), (c)(6), (d)(6), (e)(6), in both clauses (i)(D) and (ii)(D), and in both subsections (d)(9)(D), (e)(9)(D), and (f)(9)(D), in paragraph (9)(C)(xi); and

(2) by inserting at the end the following:

"(G) For purposes of subparagraph (F), any person making a payment to a candidate or a candidate authorized committee shall be considered to be a single political committee.

SEC. 215. COORDINATION WITH CANDIDATES.

SEC. 232. VOTER EDUCATION.

Section 315(a)(7) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(7)) is amended by striking sub-

SEC. 233. PLACE OF FILING; CONTENTS.

"(A) IN GENERAL.—A report shall be considered filed on or after the date on which it is submitted for filing by the person making the payment to a candidate or a candidate authorized committee, the political party of the candidate, or a marketing intermediary, a media consultant, vendor, advisor, or staff member acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign activities relating to that candidate's campaign.

"(B) In addition to the following activities relating to that candidate's campaign:

"(i) A payment made by a person who has communicated with an agent of the candidate (including a communication through a political committee of the candidate's political party) after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member acting on behalf of the candidate), about advertising message, allocation of resources, fundraising, or other campaign activities relating to that candidate's campaign.

"(C) A payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, the political party of the candidate, or an agent acting on behalf of a candidate or candidate authorized committee, or the political party of the candidate.

"(D) For purposes of paragraph (1), the term 'political party' includes any national, State, or local political party, or any organization that is organized to influence the outcome of an election.

"(E) For purposes of paragraph (2), the term 'political party' includes any national, State, or local political party, or any organization that is organized to influence the outcome of an election.
SEC. 302. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES; FILING VIOLATIONS; CANDIDATES WITH COMMISSION.

(a) USE OF COMPUTER AND FACSIMILE MACHINES.—Section 302(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (1) and inserting the following:

"(1) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

(i) required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, a separate contribute or total aggregate contributions in excess of a threshold amount determined by the Commission; and

(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form, including the use of a facsimile machine, if not required to do so under the regulation promulgated under clause (i).

(b) SENATE CANDIDATES FILE WITH COMMISSION.—Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act. The selection of any candidate for a random audit or investigation shall be based on criteria adopted by a vote of at least 4 members of the Commission.

"(B) The Commission shall make a designation, statement, report, or notification is received under this Act—

(i) in the manner following paragraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.

SEC. 303. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.

Section 303(b)(3)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)(A)) is amended by striking paragraph (3)(A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

"(A) the aggregate amount of disbursements made; and

"(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200.

"(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.

(b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—Section 302(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(20) GENERIC CAMPAIGN ACTIVITY. The term `generic campaign activity' means an activity that promotes a political party and does not promote a candidate or non-Federal campaign activity that promotes a political party and does not promote a candidate or non-Federal political committee of a political party; or

"(2) by striking the semicolon and inserting a semicolon.

SEC. 305. FILING WITH THE COMMISSION.—A statement under this Act—

"(A) the aggregate amount of disbursements made; and

"(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.

"(A) in the matter following paragraph (1) to designate in a manner that the identification needed to be made within 20 days of an election, within 24 hours after the disbursements are made.

"(2) ACTIVITY.—An activity is described in this paragraph if it is—

"(A) Federal election activity;

"(B) an activity described in section 302(b)(2)(A) that expresses support for or opposition to a candidate for Federal office or a political party; or

"(C) an activity described in subparagraph (B) or (C) of section 316(b)(2).

"(A) a candidate or a candidate's authorized committees; or

"(B) an independent expenditure.

"(4) CONTENTS.—A statement under this section shall include such information about the disbursements made during the reporting period as the Commission shall prescribe, including—

"(A) the aggregate amount of disbursement made; and

"(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200.

"(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.

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"(A) the aggregate amount of disbursement made; and

"(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200.

"(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.

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"(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.

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"(A) the aggregate amount of disbursement made; and

"(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200.

"(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.

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"(A) the aggregate amount of disbursement made; and

"(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200.

"(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.

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"(B) an activity described in section 302(b)(2)(A) that expresses support for or opposition to a candidate for Federal office or a political party; or

"(C) an activity described in subparagraph (B) or (C) of section 316(b)(2).

"(A) a candidate or a candidate's authorized committees; or

"(B) an independent expenditure.

"(4) CONTENTS.—A statement under this section shall include such information about the disbursements made during the reporting period as the Commission shall prescribe, including—

"(A) the aggregate amount of disbursement made; and

"(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200.

"(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.
“(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio segment described under paragraph (1), a written statement that—

(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

(B) is accompanied by a clearly identifiable graphic or similar image of the candidate.

“(e) Any broadcast or cablecast communication described in paragraph (3) of subsection (b) of section (a) shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement:

‘‘(i) the candidate and the candidate’s authorized committees are not responsible for the content of this advertisement;’’ (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.’’

TITLE IV—PERSONAL WEALTH OPTION

SEC. 401. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 101) is amended by adding at the end the following:

SEC. 324. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

“(a) ELIGIBLE SENATE CANDIDATE.—

“(1) PRIMARY ELECTION.—

“(A) DECLARATION.—A candidate for the office of Senator is an eligible Senate candidate with respect to a primary election if the candidate files with the Commission a declaration that the candidate and the candidate’s authorized committees will not exceed the personal funds expenditure limit in connection with the primary election.

“(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

“(2) GENERAL ELECTION.—

“(A) DECLARATION.—A candidate for the office of Senator is an eligible Senate candidate with respect to a general election if the candidate files with the Commission—

“(i) a declaration under penalty of perjury, with supporting documentation as required by the Commission, that the candidate and the candidate’s authorized committees did not exceed the personal funds expenditure limit in connection with the general election; and

“(ii) a declaration that the candidate and the candidate’s authorized committees will not exceed the personal funds expenditure limit in connection with the general election.

“(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than 7 days after the earlier of—

“(i) the date on which the candidate qualifies for the general election ballot under State law; or

“(ii) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

“(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

“(1) IN GENERAL.—The aggregate amount of expenditures that may be made in connection with an election by an eligible Senate candidate or the candidate’s authorized committees from the sources described in paragraph (2) shall not exceed $50,000.

“(2) SOURCES.—A source is described in this paragraph if—

“(A) personal funds of the candidate and members of the candidate’s immediate family; or

“(B) proceeds of indebtedness incurred by the candidate or a member of the candidate’s immediate family.

“(c) CERTIFICATION BY THE COMMISSION.—

“(1) IN GENERAL.—The Commission shall determine whether a candidate has met the requirements of this section and, based on the determination, issue a certification stating whether the candidate is an eligible Senate candidate.

“(2) TIME FOR CERTIFICATION.—Not later than 7 business days after a candidate files a declaration under paragraph (1) or (2) of this section (a), the Commission shall certify whether the candidate is an eligible Senate candidate.

“(3) REVOKE.—The Commission shall revoke a certification under paragraph (1), based on information submitted in such form and manner as the Commission may require, if the candidate or a member of the candidate’s immediate family has violated section (a).''.

SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED EXPENDITURES.

Section 351(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431a(d)) (as amended by section 10) is amended by adding at the end the following:

“(2) SOURCES.ÐA source is described in this section if—

“(A) dues, fees, and other payments to a health club or recreational facility.’’

TITLE V—MISCELLANEOUS

SEC. 501. CODIFICATION OF BECK DECISION.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

“(b) NONUNION MEMBER PAYMENTS TO LABOR ORGANIZATIONS FOR CERTAIN PURPOSES.

“(1) IN GENERAL.—It shall be an unfair labor practice for any labor organization which receives a payment from an employee for an object or purpose or program that requires employees who are not members of the organization to make payments to such organization in lieu of organization dues or fees not to establish and implement the objection procedure described in paragraph (2).

“(2) OBJECTION PROCEDURE.—The objection procedure required under paragraph (1) shall meet the following requirements:

“(A) The labor organization shall annually provide to employees who are covered by such agreement but are not members of the organization—

“(i) reasonable personal notice of the objection procedure, the employees eligible to invoke the procedure, and the time, place, and manner for filing an objection; and

“(ii) reasonable opportunity to file an objection to payment for organization expenditures supporting political activities unrelated to collective bargaining, including but not limited to the opportunity to file such objection by mail.

“(B) If an employee who is not a member of the labor organization files an objection under the procedure in subparagraph (A), such organization shall—

“(1) reduce the payments in lieu of organization dues or fees by such employee by an amount which reasonably reflects the ratio that the organization’s expenditures supporting political activities unrelated to collective bargaining bears to such organization’s total expenditures; and

“(2) provide such employee with a reasonable explanation of the organization’s calculation of such reduction, including calculating the amount of organization expenditures supporting political activities unrelated to collective bargaining.

“(3) PROHIBITED USE.—In any dispute under this subsection, the term ‘expenditures supporting political activities unrelated to collective bargaining’ shall refer to expenditures supporting political activities unrelated to collective bargaining.’’

SEC. 502. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

“(a) PERMITTED USES.—A contribution accepted by a candidate, and any other amount received by an individual as support for activities of the individual in connection with a Federal office, may be used by the candidate or individual—

“(1) for expenditures in connection with the campaign for Federal office of the candidate or individual;

“(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

“(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986 or (for transfers to a national, State, or local committee of a political party.

“(b) PROHIBITED USE.—

“(1) IN GENERAL.—A contribution or amount described in subsection (a) or (b) shall not be converted by any person to personal use.

“(2) GENERAL.—For the purposes of paragraphs (1), (2), or (3), a contribution or amount shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate’s election campaign or individual’s duties as a holder of Federal office, including—

“(A) a home mortgage, rent, or utility payment;

“(B) a clothing purchase;

“(C) a noncampaign-related automobile expense;

“(D) a country club membership;

“(E) a vacation or other noncampaign-related trip; and

“(F) a food or entertainment expense, or combination of such items not associated with an election campaign; or

“(G) dues, fees, and other payments to a health club or recreational facility.’’
Section 303(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:  

“(A) A Member of Congress shall not mail any mass mailing as franchised mail during a year in which the Member is a candidate for the seat held by the Member during the period between January 1 of that year and the date of the general election for that Office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that year or for election to any other Federal office.”

SEC. 504. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.

Section 607 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:  

“(a) PROHIBITION.—It shall be unlawful for any person to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election, from a person who is located in a room or building occupied in the discharge of official duties by an employee of the Federal Government, including the President, Vice President, and Members of Congress, while in any room or building occupied in the discharge of official duties by an officer or employee of the United States. An individual who is an officer or employee of the Government, including the President, Vice President, and Members of Congress, shall not solicit a donation of money or other thing of value in connection with a Federal, State, or local election, while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

(2) PENALTY.—A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both; and

SEC. 505. PENALTIES FOR KNOWING AND WILLFUL VIOLATIONS.

SEC. 506. STRENGTHENING FOREIGN MONEY BAN.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by striking the heading and inserting the following: “SEC. 319. FEDERAL ELECTION COMMITTEE REQUIREMENTS”;

(2) by striking subsection (a) and inserting the following: “(a) FEDERAL ELECTION COMMITTEE. The Federal Election Committee established by this Act shall consist of—

(1) a Chairperson, who shall be appointed by the Commission;

(2) the chairperson or designee of the Federal Election Commission of each State;

(3) not more than two members of the House of Representatives, not to exceed six in total; and

(4) not more than two members of the Senate, not to exceed six in total.”

SEC. 602. REVIEW OF CONSTITUTIONAL ISSUES.

A person who receives any contribution or donation in connection with a Federal, State, or local election, to the check of the donor or otherwise, shall be fined not more than $5,000, imprisoned not more than 3 years, or both; and

SEC. 509. INITIATION OF ENFORCEMENT PROCEEDINGS.

Section 303(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by adding by striking “(a)” and inserting “(a)”.  

(1) by striking the heading and inserting the following: “SEC. 309. FEDERAL ELECTION LAW VIOLATIONS”;

(2) by inserting in paragraph (2) a semi-colon after “prosecution”;

(3) by striking paragraphs (3) and (4) and inserting the following: “(3) In any case in which a person is the subject of a complaint submitted to the Commission and in which the Commission has determined that a violation of this Act has occurred, the Commission shall take such action as it deems appropriate to effectuate the purposes of this Act.”

SEC. 507. PROHIBITION OF CONTRIBUTIONS BY MINORS.

An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution that is a donation to a committee or party controlled by a minor.

SEC. 508. EXPEDITED PROCEDURES.

SEC. 510. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 270 days after the effective date of this Act.

By Mr. FEINGOLD (for himself and Mr. HOLLINGS): S. 27. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend and clarify the pay-as-you-go requirements regarding the Social Security trust funds; to the Committee on the Budget and the Committee on Governmental Affairs, jointly.
Mr. FEINGOLD. Mr. President, I am pleased to join my good friend, the Senator from South Carolina (Mr. Hollings), in offering the Social Security Trust Fund Protection Act of 1999, legislation extending our current PAYGO budget rules, and clarifying that Congress may not use so-called budget surpluses to pay for tax cuts or new spending when those surpluses are really Social Security Trust Fund balances.

Mr. President, as I noted last year when I first offered this measure, it gives me particular pleasure to join with Senator Hollings in introducing this bill. Both in this body and in the Budget Committee, he has been a leading voice for fiscal prudence.

While popular in theory, fiscal prudence is often less attractive in practice, but Senator Hollings has taken tough positions, even when those positions may not have been politically attractive.

That is the true measure of commitment to honest and prudent budgeting, and I am proud to join him in this effort today.

Mr. President, the bill we are introducing today ensures that the PAYGO rule will continue to require that any new entitlement spending or tax cuts be fully paid for. Our bill clarifies current PAYGO procedures to remove any doubt that tax cuts or increased spending must continue to be offset.

It extends the PAYGO rule, which currently covers legislation enacted through 2002, until we are no longer using Social Security to mask the deficit.

Under our bill, Congress could not use a so-called surplus until it is real, namely when the budget runs a surplus without using Social Security Trust Fund balances.

Mr. President, we have entered an era of transition with regard to the Federal budget. For decades, Congress and the White House ran up huge deficits, producing a mounting national debt. Over the past few years, we have worked to bring down those deficits. Those efforts have been successful, in large part, and we are now witnessing something Congress has not seen in 30 years—actually achieving balance in the so-called unified budget.

But, Mr. President, while achieving a balanced unified budget is a significant and encouraging accomplishment, it is not a final victory.

We still have a way to go.

Unfortunately, Mr. President, some do want to declare a final victory, and use any projected unified budget surpluses for increased spending or tax cuts. But as many have noted on this floor, projected surpluses based on a so-called unified budget are not real. In fact, far from surpluses, what we really have are continuing on-budget deficits, masked by Social Security revenues.

The distinction is absolutely fundamental.

As I have noted before, the very word "surplus" connotes some extra amount or bonus in addition to the funds we need to meet our expenses and obligations.

One dictionary defines "surplus" as: "something more than or in excess of what is needed or required."

Mr. President, the projected unified budget surplus is not "more than or in excess of what is needed or required."

Those funds are needed.

They were raised to finance Social Security system, specifically in anticipation of commitments to future Social Security beneficiaries.

Mr. President, let me just note that the problem of using Social Security trust fund balances to mask the real budget deficit is not a partisan issue.

Both political parties have used this accounting gimmick—here in Congress and in the White House.

But it must stop, and this legislation can help us do it.

Mr. President, budget rules cannot by themselves reduce the deficit, but they can protect what has been achieved and guard against further abuse.

The PAYGO rule governing entitlements and taxes, along with the discretionary spending caps, have kept Congress disciplined and on track.

Mr. President, earlier I said we are in an era of budget transition.

With some hard work this year, we can leave the years of unified budget deficits behind us.

And with some more work, we can move toward real budget balances without using Social Security revenues.

Mr. President, that must be our highest priority.

If Congress does not begin to rid itself of its addiction to Social Security trust fund balances, we will put the benefits of future retirees at serious risk.

Fortunately, Mr. President, we are within reach of the goal of balancing the budget without using the Social Security trust funds.

If we stay the course, and continue the tough, sometimes unpopular work of reducing the deficit, we can give this Nation an honest budget, one that is truly balanced.

And the time to act is now.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

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

S. 27

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 "Social Security Trust Fund Protection Act of 1999".

SEC. 2. EXTENSION AND MODIFICATION OF PAYAS-YOU-GO REQUIREMENT.

(a) EXTENSION.—
brave heat and discomfort to visit the Four Corners. This legislation will provide basic amenities to these travelers and provide an important economic opportunity for the Indian Nations who share the Four Corners area.

The area is unique for reasons other than the makeup of its political boundaries. This location was home to some of the earliest Americans, the Anasazi people. Little is known about this ancient people, but the Four Corners area contains many of the clues that help us learn about their society. This heritage has created an area of rich historical, archeological, and cultural significance as well as natural beauty.

In more recent history, in 1949, the Governors of Arizona, Colorado, New Mexico, and Utah met at the Four Corners Monument for a historic meeting. Each Governor sat in his state’s corner and ate a picnic lunch together. The governor’s pledge to meet every so often to reaffirm their commitment to working together for the good of the four states and for the Four Corners region. This year marks the 50th anniversary of that historic meeting. I think we should reaffirm their commitment to cooperation by establishing this center that will promote opportunity in this region.

This legislation is important for the Navajo Nation and the Mountain Utes who share control of the existing Four Corners Monument and, we must be clear what we mean by “monument.” In contrast to the 1.7 million acre Grand Staircase Escalante National Monument recently declared by President Clinton, the “monument” that marks the spot at Four Corners is a simple concrete disk containing the four states’ seals.

Native Americans have set up small open air stalls around the monument to exhibit and sell their native crafts. But, there is no electricity, no running water, no permanent restroom facilities, and no phone service in the area.

The interpretive center provided by this legislation would not only assist these Native Americans economically, but it would provide a valuable resource to visitors who would like to learn more about the culture, history, and environment of the Four Corners region.

Mr. President, I wish to emphasize that this bill reflects the initiative of the local tribes and elected officials. This is not a federal imposition, but federal support of sustainable economic development in an area that is in desperate need of it. The Four Corners Heritage Council, which is comprised of tribal leaders, local government and private sectors leaders, has been instrumental in developing this bill.

Not only will the interpretive center benefit local tribes, but it will also create more interest among tourists of other attractions and sites in the entire Four Corners region. Within a 100 mile radius of the monument there are multiple sites and parks for the enjoyment of tourists, such as Zion National Park, Arches National Park, the Grand Canyon, Rainbow Bridge, Hovenweep, Mesa Verde, and much, much more. Because of its central location, the four corners stood in a crossroads and acted as a vital link between the ancient civilizations that flourished in the region.

That this proposal reflects the needs of so many in the area, is reflected by the strong support among all the regions’ tribal and local governments, including the four states. The project merits New Mexico’s strong support. The state of Arizona has already set aside $300,000 for their share of the project. In addition, the Arizona Department of Transportation has produced draft plans for the new center and for the road changes that would be required. The other states have all voiced their support as well as the fact that this is important as they will be required to match the $2 million authorized by this bill for the project.

Mr. President, this bill represents cooperation on the part of state, local, and tribal governments in an effort to reaffirm our ties to our past while building for our future. I urge my colleagues to give this proposal their full support.

Mr. BINGAMAN. Mr. President, I am pleased to speak of this important legislation being introduced today by my friend from Utah, Senator HATCH. The bill authorizes the construction of a much needed interpretive visitor center at the Four Corners Monument. This bill passed the Senate unanimously last September.

As I am sure all Senators know, the Four Corners is the only place in America where the boundaries of four states meet in one spot. The monument is located on the Navajo and Ute Mountain Ute Reservations and currently operated as a Tribal Park.

Nearly a quarter of a million people visit this unique site every year. However, currently, there are no facilities for tourists at the park and nothing that explains the very special features of the Four Corners region. This bill authorizes the Department of the Interior to contribute $2 million toward the construction of an interpretive center and basic facilities for visitors.

Mr. President, the Four Corners Monument is more than a geographic curiosity. It also serves as a focal point for some of the most beautiful land- scape and significant cultural attractions in our country. An interpretive center will help visitors appreciate the many special features of the region. For example, within a short distance of the monument are the cliff dwellings of Mesa Verde, Colorado; the Red Rock and Natural Bridges areas of Utah; and in Arizona, Monument Valley and Canyon de Chelly. The beautiful San Juan River, one of the top trout streams in the nation, as well as Mesa Verde, flows through Colorado, New Mexico, and Utah.

In my state of New Mexico, both the legendary mountain known as Shiprock and the Chaco Canyon Cultural National Historical Park are a short distance from the Four Corners. Mr. President, Shiprock is one of the best known and most beautiful landmarks in New Mexico. The giant volcanic monolith rises straight up from the surrounding plain. Ancient legend tells us the mountain was created when a giant bird settled to earth and turned to stone. In the Navajo language, the mountain is named Tse’ bi t’ ai or the Winged Rock. Early Anglo settlers saw the mountain’s soaring spires and thought they resembled the sails of a huge ship, so they named it Shiprock.

Mr. President, Shiprock is also the site of Chaco Canyon. Chaco was an important Anasazi cultural center from about 900 through 1130 A.D. Pre-Columbian civilization in the Southwest reached its greatest development there. The massive stone ruins, containing hundreds of rooms and 32 kivas, mark Chaco’s cultural importance. As many as 7,000 people may have lived at Chaco at one time. Some of the structures are thought to house ancient astronomical observatories to mark the passage of the seasons. The city was known for its skillful artisans from California and a vast network of roads is evidence of the advanced trading carried on at Chaco. Perhaps, the most spectacular accomplishment at Chaco was in architecture. Pueblo Bonito, the largest structure, contains more than 800 rooms and 32 kivas. Some parts are more than five stories high. The masonry work is truly exquisite. Stone walls were so finely worked and fitted together that no mortar was needed. Remarkably, all this was accomplished without metal tools or the wheel.

Mr. President, 1999 marks the centennial year of the first monument at the Four Corners. An interpretive center is urgently needed today to showcase the history, culture, and scenery of this very special place. By the time this bill is enacted the monument will attract visitors and help stimulate economic development throughout the region.

The legislation the Senate passed last year had widespread support from state, tribal, and local interests.

Mr. President, I hope the Senate will again take prompt action on this bill. I also urge the House to move forward this year to pass this important legislation. I am pleased to co-sponsor this bill with Senator HATCH, and I thank him for his efforts.

Mr. President, I ask unanimous consent that a May 7, 1998, editorial from the Albuquerque Tribune be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Albuquerque Tribune, May 7, 1998]

FOUR CORNERS VISITORS CENTER—AND BEYOND

When scheming to promote tourism, four heads are better than one.

New Mexico, Utah, Arizona and Colorado have a golden opportunity to capitalize on the proposed $4 million Four Corners visitors center. The project merits New Mexico’s strong support.
The Tribunelike the idea of forming a four-state regional alliance for tourism ever since former Interior Secretary Stewart Udall proposed his “America’s Scenic Circle” plan on June 18. He argued that New Mexico, Utah, Arizona, Colorado and the Indian tribes in those states should reach out to the international tourism market by joining forces. The cultural and natural attractions in these states, taken individually, have great appeal, he said—but nothing like they would if touted together in respectful and tastefully designed packages.

The Trib revisited the idea of a regional tourism alliances again in the Insight & Opinion section April 30. There, state and Albuquerque officials explained how such alliances could boost the effect of New Mexico’s tourism-marketing dollars.

The Four Corners visitors center would become a strong footing for a four-state alliance.

It would be built at the Four Corners Monument Tribal Park, where the four states meet. The exact site and design are undetermined, and the Navajo and Ute tribes would have a say in the development. We hope the design physically binds the four states together. There is no visitors center at Four Corners now.

The center was proposed by Utah Sen. Orrin Hatch last week in a bill co-sponsored by Sen. J eff Bingaman. Half of the $4 million cost would be paid with federal tax dollars. The remainder would be split among the four states, giving each a deep stake in the project.

The purpose of the center is to clearly interpret, showcase and promote the special features of the region from Shiprock and Chaco Canyon in New Mexico to Mesa Verde in Colorado to Red Rock in Utah to Monument Valley in Arizona. Every state and tribe would be represented.

The bill does not say so, but the center also would become the focus for continuing, broader relationships among the lines that Udall proposed. It commits the four states to working with one another at least in the Four Corners area; it’s not a quantum leap from that to “America’s Scenic Circle.”

Let’s use our four heads and support this move.

By Mr. INOUYE:

S. 29. A bill to amend section 1086 of title 10, United States Code, to provide for payment under CHAMPUS of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payments under Medicare, and for other purposes; to the Committee on Armed Services.

The CAMPUS AMENDMENT ACT of 1999

Mr. INOUYE. Mr. President, I feel that we have that our nation continue its firm commitment to those individuals and their families who have served in the Armed Forces and made us the great nation we are today. As this population ages, there is a need for a wide range of health services, some of which are simply not available under Medicare. These individuals made a commitment to their nation, trusting that when they needed help the nation would honor that commitment. The bill I am introducing today would ensure the highest possible quality of care for these dedicated citizens and their families by authorizing payment under CHAMPUS of certain health care expenses to the extent such expenses are not payable under Medicare.

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

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

S. 29

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

SECTION 1. EXPANSION OF MEDICARE EXCEPTION TO THE PROHIBITION OF CHAMPUS COVERAGE FOR CARE PROVIDED BY ANOTHER HEALTH CARE PLAN.

(a) AMENDMENT AND REORGANIZATION OF PROVISIONS.—Subsection (d) of section 1086 of title 10, United States Code, is amended to read as follows:

“(d)(1) Section 1079(J) of this title shall apply to a plan contracted for under this section except as follows:

“(A) Subject to paragraph (2), a benefit may be paid under such plan in the case of a person referred to in subsection (c) for items and services as are made under title XVIII of the Social Security Act.

“(B) No person eligible for health benefits under this section may be denied benefits under the plan for treatment for any service-connected disability which is compensable under chapter 1 of title 38 solely on the basis that such person is entitled to care or treatment for such disability in facilities of the Department of Veterans Affairs.

“(2) If a person described in paragraph (1)(A) receives medical or dental care for which payment may be made under both title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and a plan contracted for under this section, the amount payable for such care under the plan may not exceed the difference between—

“(A) the sum of any deductibles, coinsurance, and balance billing charges that would be imposed on the person if payment for that care were made solely under title XVIII; and

“(B) the sum of any deductibles, coinsurance, and balance billing charges that would be imposed on the person if payment for that care were made solely under this plan.

“(3) A plan under this section shall not be considered a group health plan or large group health plan for the purposes of paragraph (2) or (3) of section 1862(b)(2) of the Social Security Act (42 U.S.C. 1395y(b)).

“(4) A person who, by reason of the application of paragraph (1), receives a benefit for items or services under a plan contracted for under this section shall provide the Secretary of Defense with any information relating to amounts charged and paid for the items and services, and shall consult with the other administering Secretaries, the Secretary requires. A certification of such person regarding such amounts may be accepted for the purposes of determining the benefit payable under this section.

(b) REPEAL OF SUPERSEDED PROVISION.—Such section is further amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

SEC. 2. CONFORMING AMENDMENT.

Section 1212 of title 10, United States Code, is amended by striking out “section 1086(d)(1)” of title 10 and—

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect with respect to items or services provided on and after the date of enactment of this Act.

By Mr. THURMOND:

S. 31. A bill to amend title 1, United States Code, to clarify the effect an application of legislation; to the Committee on the Judiciary.

TO CLARIFY THE APPLICATION AND EFFECT OF LEGISLATION

Mr. THURMOND. Mr. President, I rise today to introduce a bill to clarify the application and effect of legislation which the Congress enacts.

My act is simple and straightforward. It provides that unless future legislation expressly states otherwise, new enactments shall be applied prospectively and shall not create private rights of action. This will significantly reduce unnecessary litigation and court costs, and will benefit both the public and our judicial system.

The purpose of this legislation is to tackle a persistent problem that is easy to prevent. When Congress enacts a bill, the legislation often does not indicate whether it is to be applied retroactively or whether it creates private rights of action. The failure of the Congress to address these issues in each piece of legislation results in unnecessary confusion and uncertainty. This uncertainty leads to lawsuits, thereby contributing to the high cost of litigation and the congestion of our courts.

In the absence of clear action by the Congress on its intent regarding these critical threshold questions, the outcome is left up to the courts. Whether a law applies to conduct that occurred before the enactment or whether a private person has been granted the right to sue on their own behalf in civil court under an Act can be critical or even dispositive of a case. Even if the issue is only one aspect of a case and it is raised early in a lawsuit, a decision that the lawsuit can proceed generally cannot be appealed until the end of the case. If the appellate court eventually rules that one of these issues should have prevented the trial, the litigants have been put to substantial burden of unnecessary expenses which could have been avoided.

Currently, courts attempt to determine the intent of the Congress in deciding the effect and application of legislation in this regard. Thus, courts look first and foremost to the statutory language. If a statute expressly provides that it is retroactive or creates a private cause of action, that dictate is followed. Further, courts apply a presumption that legislation is not retroactive. This is an entirely appropriate, longstanding rule because, absent mistake or an emergency, fundamental fairness generally dictates that conduct should be assessed under the rules that existed at the time the conduct took place. There is a similar presumption that the Congress did not intend to create rights beyond those that it expressly includes in its legislation.

If the intent of Congress is not clear from the statute, courts generally look...
It is my belief that this change to the Federal Rules of Evidence provides for retroactivity. That is what I propose. If my law has been in effect, the litigation would have been averted, while the outcome would have been exactly the same as the Supreme Court decided.

Under my bill, newly enacted laws are not to be applied retroactively and do not create a private right of action, unless the legislation expressly provides otherwise. It is important to note that my bill does not in any way restrict the Congress on these important issues. The Congress may override this presumption or create new private rights of action.

One United States District Judge in my State informs me that he spends at least 10 percent of his time on these issues. It is clear that this legislation would save litigants and our judicial system millions of dollars by avoiding a great deal of uncertainty and litigation.

Mr. President, if we are truly concerned about relieving the backlog of cases in our courts and reducing the costs of litigation, we should help our judicial system to focus its limited time and resources on resolving the merits of disputes, rather than deciding these preliminary matters. We hear numerous complaints about overworked judges and crowded dockets. This is in sharp contrast to the first principles that are embedded in our court system, which were the basis for the founding of the United States. The origins of the unanimity rule are the result of the Framers' decision to provide a defendant with absolute certainty. We should not create a private right of action, but does not specify any requirement on conviction. This was a wise decision.

It is clear that “trial by jury in criminal cases is fundamental to the American scheme of justice,” as the Supreme Court has stated. Juries are representative of the community and their solemn duty is to hear the evidence, deliberate, and decide the case after careful review of the facts and the law. The Supreme Court has noted, a jury’s role is to determine the guilt or innocence of someone on trial. Currently, if there is a hung jury, a prosecutor has the power to prevent justice from being served.

One juror should not have the power to allow a criminal to go free in the face of considerable opposition from the other 11 jurors. This is important to note that this new rule could also work to the advantage of someone on trial. Currently, if there is a hung jury, a prosecutor has the power to prevent justice from being served. One juror should not have the power to allow a criminal to go free in the face of considerable opposition from the other 11 jurors. This is important to note that this new rule could also work to the advantage of someone on trial. Currently, if there is a hung jury, a prosecutor has the power to prevent justice from being served.

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power to retry a defendant. This is true even if only one juror believed the defendant was guilty. Under this new rule, if at least ten jurors concluded that the defendant was not guilty, he would be acquitted and could not be forced to stand trial. Yet this rule has the potential to benefit either side as it brings finality to a criminal case.

In other words, there are cases where a requirement of unanimity produced a hung jury where, had there been a non-unanimous allowance, the jury would have reached a verdict or acquit. Yet in others, the defendant is accorded his constitutional right of a judgment by his peers. It is my firm belief that this legislation will not undermine the pillars of justice or result in the conviction of innocent persons.

Moreover, I believe the American people will strongly support this reform to allow a 10-2 decision. This is one way the Congress can help fight crime and promote criminal justice.

Mr. President, I hope the Congress will support this important proposal. I ask unanimous consent that the bill be printed in its entirety in the RECORD.

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

S. 32

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. AMENDMENT OF RULE 31 OF THE FEDERAL RULES OF CRIMINAL PROCEDURES.
(a) IN GENERAL.—Rule 31(a) of the Federal Rules of Criminal Procedure is amended by striking “unanimous” and inserting “by five-sixths of the jury”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to cases pending or commenced on or after the date of enactment of this Act.

By Mr. THURMOND (for himself and Mr. HELMS).

S. 33. A bill to amend title II of the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973 to exclude prisoners from the requirements of that title and section; Mr. THURMOND. Mr. President, I rise today to introduce legislation to address an undue burden that has arisen out of the Americans with Disabilities Act.

The purpose of the ADA was to give disabled Americans the opportunity to fully participate in society and contribute to it. This was a worthy goal. But even legislation with the best of intentions often has unintended consequences. I submit that one of those is the application of the ADA to state and local prisoners throughout America.

Last year, the Supreme Court ruled in Pennsylvania Department of Corrections v. Yeskey, 118 S. Ct. 1841, 1847 (1998), that the ADA applied to every state prison and local jail in this country. To no avail, the Attorneys General of most states, as well as numerous state and local organizations, had joined with Pennsylvania in court filings to oppose the ADA applying to prisoners.

Prior to the Supreme Court ruling, the circuit courts were split on the issue. The Fourth Circuit Court of Appeals, among others, concluded that the ADA, as well as its predecessor and companion law, the Rehabilitation Act, did not apply to state prisoners. The decision focused on federalism concerns and the fact that the Congress did not make clear that it intended to involve itself to this degree in an activity traditionally reserved to the States.

However, the Supreme Court did not agree, holding that the language of the Act is broad enough to clearly cover state prisons. It is not an issue on the Federal level because the Federal Bureau of Prisons voluntarily complies with the Act. The Supreme Court did not say whether applying the ADA to state prisons exceeded the Congress’ power under Article I, Section 8, Clause 1 or the Fourteenth Amendment, but we should not wait on the outcome of this argument to act. Although it was rational for the Supreme Court to read the broad language of the ADA the way it did, it is clear that we in the Congress considered the application of this sweeping new social legislation in the prison environment.

The Seventh Circuit has recognized that the “failure to exclude prisoners may well have been an oversight.” The findings and purpose of the law seem to support this. The introductory language of the ADA states, “The Nation’s proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency” to allow “people with disabilities . . . to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous.” Of course, a prison is not a free society, as the findings and purpose of the Act envisioned. Indeed, it is quite the opposite. In short, as the Ninth Circuit explained, “The Act was not designed to deal specifically with the prison environment; it was intended for general societal application.”

In any event, now that the Supreme Court has spoken, it is time for the Congress to confront this issue. The Congress should act now to exempt state and local prisons from the Act.

That is why I am introducing the State and Local Prison Relief Act, as I did soon after the Supreme Court decided the Yeskey case last year.

The State and Local Prison Relief Act would exempt prisoners from the requirements of the ADA and the Rehabilitation Act for prisoners. More specifically, it exempts any service, accommodation, program, activity or treatment of any kind regarding prisoners that may otherwise be required by the Acts. Through this language, which I have slightly revised since introducing the bill last year, I wish to make entirely clear that the bill is not intended to exempt prisoners from having to accommodate disabled legal counsel, visitors, or others who are not inmates. Also, the fact that the bill applies to Title II of the ADA should make clear that it is not intended to exempt prison hiring practices for non-inmate employees, inmates, inmates’ families, or inmate employees. The bill is intended only to apply to prisoners.

I firmly believe that if we do not act, the ADA will have broad adverse implications for the management of penal institutions. Prisoners will file endless lawsuits, alleging violations of special privileges, which will involve Federal judges in the intricate details of running our state and local prisons.

Mr. President, we should continuously remind ourselves that the Constitution created a Federal government of limited, enumerated powers. Those powers not delegated to the Federal government were reserved to the states or the people. As James Madison wrote in Federalist No. 45, “the powers delegated to the Federal government are few and definite. . . . [The powers] which are to remain are numerous and indefinite.” The Federal government should avoid intrusion into matters traditionally reserved for the states. We must respect this delicate balance of power. Unfortunately, federalism is more often spoken about than respected.

Although the entire ADA raises federalism concerns, the problem is especially acute in the prison context. There are fewer powers more traditionally reserved for the states than crime. The criminal laws have always been the province of the states, and the vast majority of prisoners have always been housed in state prisons. The First Congress enacted a law asking the states to house Federal prisoners in their jails for fifty cents a day. The first Federal prison was not built until over 100 years later, and only three existed before 1925.

Even today, as the size and scope of the Federal government has grown immensely, only about 6% of prisoners are housed in Federal institutions. Managing that other 94% is a core state function. As the Supreme Court has stated, “Maintenance of penal institutions is an essential part of one of government’s primary functions—the preservation of societal order through enforcement of the criminal law. It is difficult to imagine an activity in which a State has a stronger interest, or one that is more intricately bound up with state laws, regulations, and procedures.”

The primary function of prisons is to house criminals. Safety and security are the overriding concerns of prison administration. The rules and regulations, the daily schedules, the living and working arrangements—these all limit the legal protections of prison employees, inmates, inmates’ families, the public. But the goal of the ADA is to take away any barrier to anyone with any disability. Accommodating inmates in the
manner required by the ADA will interfere with the ability of prison administrators to keep safety and security their overriding concern.

For example, a federal court in Pennsylvania ruled that a prisoner who disobeyed instructions not to relieve stress could not be punished because of the ADA. The judge said it was okay for a prisoner to return to his cell after he was told not by a guard, saying the prisoner was justified in refusing to comply because he was doing something relieving stress built up due to his Tourette’s Syndrome.

The practical effect of the ADA will be that prison officials will have to grant special privileges to certain inmates and to excuse others from complying with generally-applicable prison rules. For example, a federal judge ordered an Iowa prison to install cable TV in a disabled inmate’s cell because the man had difficulty going to the common areas to watch TV. After much public protest, the ruling was eventually overturned.

The ADA presents a perfect opportunity for prisoners to try to beat the system, and use the courts to do it. There are over 1.7 million inmates in state prisons and local jails, and the numbers are rising every year. Indeed, the total prison population has grown about 6.5% per year since 1990. Prisons have a substantially greater percentage of persons with disabilities that are covered by the ADA than the general population, including AIDS, mental retardation, psychological disorders, learning disabilities, drug addiction, and alcoholism. Further, administrators control every aspect of prisoners’ lives, such as assigning educational opportunities, recreation, and jobs in prison industries. Combine these facts, and the possibilities for lawsuits are endless.

For example, in most state prison systems, inmates are classified and assigned based in part on their disabilities. This helps administrators meet the disabled inmates’ needs in a cost-effective manner. However, under the ADA, prisoners probably will be able to claim that they must be assigned to a prison without regard to their disabilities. Were it not for their disability, they may have been assigned to the prison closest to their home, and in that case, every prison would have to be able to accommodate every disability. That could mean every prison would have to build systems, services for hearing-impaired inmates, and dialysis treatment. The cost is potentially enormous.

A related expense is attorney’s fees. The ADA has incentives to encourage private litigants to vindicate their rights in court. Any plaintiff, including an inmate, who is only partially successful can get generous attorney’s fees and monetary damages, possibly including back pay and future damages.

The ongoing ADA class action lawsuit in California, the state has paid the prisoners’ attorneys over $2 million, with hourly fees as high as $300. Applying the ADA to prisons is the latest unfunded Federal mandate that we are imposing on the states. Adequate funding is hard for prisons to achieve, especially in state and local communities where all government expenditures are scarcer than ever. As the public gets angrier about how much money must be spent to house prisoners. Even with prison populations rising, the people do not want more of their money spent on prisoners. Often, there is simply not enough money to make the necessary changes in prison systems to accommodate the disabled. If prison administrators do not have the money to change a program, they will probably have to eliminate it. Thus, accommodation could mean the elimination of worthwhile educational, recreational, and rehabilitative programs, making all inmates worse off.

Apart from money, accommodation may mean modifying the program in such a way as to take away its beneficial aspects. For example, the Supreme Court’s Yeskey case itself.

Yeskey was declared medically ineligible to participate in a boot camp program because he had high blood pressure. So, he sued under the ADA. The court said that requiring rigorously physical activity, such as work projects, if the program has to be changed to accommodate his physical abilities, it may not meet its basic goals, and the authorities may eliminate it. Thus, the court was able to eliminate the benefit of an otherwise effective correctional tool.

Another impact of the ADA may be to make an already volatile prison environment even more difficult to control. Many inmates are very sensitive to the privileges and benefits that others get in a world where privileges are relatively few. Some have irrational suspicions and phobias. An inmate who is not disabled may be angry if he believes someone is getting special treatment, without rationally accepting that the law require it, and could take out his anger on others around him, including the disabled prisoner.

We must keep in mind that it is judges who will be making these policy decisions. To apply the Act and determine what phrases like “qualified individual with a disability” mean, judges must involve themselves in intricate, complex, and difficult issues. Essentially, the ADA requires judges to micromanage prisons. Judges are not qualified to second-guess prison administrators and make these complex, difficult decisions. Prisons cannot be run by judicial decree.

In applying Constitutional rights to prisoners, the Supreme Court has tried to get away from micromanagement and has viewed prisoner claims with favor. In favor of the expertise of prisoners, the Court held that we still not “substitute our judgment on difficult and sensitive matters of institutional administration for the determinations of those charged with the formidable task of running a prison. This approach ensures the ability of corrections officials to anticipate security problems and to adopt innovative solutions to the intractable problems of prison administration, and avoids unnecessary intrusion of the judiciary on the problems particularly ill suited to resolution by decree.”

Take for example a case from the Fourth Circuit, my home circuit, from 1995. The Court explained that a moral and an administrative problem presented corrections officials “with a lengthy and ever-increasing list of modifications which they insisted were necessary to accommodate his obese condition. Thus, he demanded a larger cell, a cell closer to support facilities, handrails to assist him in using the toilet, wider entrances to his cell and the showers, non-skid matting in the lobby area, and alternative outdoor recreational activities to accommodate his inability to stand or walk for long periods.” It is easy to see how judges will be tasking with all of these questions.

It is noteworthy that a primary purpose of the Prison Litigation Reform Act was to stop judges from micromanaging prisons and to reduce the burden judicial review places on corrections officials. Chief Justice of the Supreme Court recognized last year, the PLRA is having some success. However, this most recent Supreme Court decision will hammer that progress.

Moreover, the ADA delegated to Federal agencies the authority to create regulations to implement the law. In response, the Federal bureaucracy has created extremely specific and detailed mandates. Regarding facilities, they dictate everything from the number of water fountains to the flash rates of visual alarms. State and local correctional authorities must fall in line behind these regulations. In yet another way, we have the Justice Department attempting to dictate everything over our state and local communities.

Prisons are fundamentally different from other places in society. Prisoners are not entitled to all of the rights and privileges of law-abiding citizens, but they often get them. They have cable television. They have access to better gyms and libraries than most Americans. The list goes on.

The public is tired of special privileges for prisoners. Applying the ADA to prisons is a giant step in the wrong direction. Prisoners will abuse the ADA to get privilege they were previously denied, and the reason will be the overreaching hand of the Federal government. We should not let this happen.

Mr. President, the National Government has gone full circle. We have gone from asking the states to house Federal prisoners to dictating to the states how they must house their own prisoners. This is a giant step in the wrong direction. Prisoners will abuse the ADA to get privilege they were previously denied, and the reason will be the overreaching hand of the Federal government. We should not let this happen.
I ask unanimous consent that a copy 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. 33

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

SECTION 1. EXCLUSION OF PRISONERS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—Section 202(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131(2)) is amended by adding at the end the following:

"The term shall not include a prisoner in a prison as such terms are defined in section 3626(g) of title 18, United States Code, with respect to services, programs, activities, and treatment (including accommodations) relating to the prison."

(b) REHABILITATION ACT OF 1973.—Paragraph (20) of section 7 of the Rehabilitation Act of 1973 (as redesignated in section 402(a)(1) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999) is amended—

(1) by redesignating subparagraph (G) as subparagraph (H); and

(2) by inserting after subparagraph (F) the following:

"(G) PRISON PROGRAMS AND ACTIVITIES; EXCLUSION OF PRISONERS.—For purposes of section 504, the term `individual with a disability' shall not include a prisoner in a prison, as such terms are defined in section 3626(g) of title 18, United States Code, with respect to programs and activities (including accommodations) relating to the prison."

By Mr. THURMOND:

S. 34

A bill to amend title 28, United States Code, to clarify the remedial jurisdiction of inferior Federal courts; to the Committee on the Judiciary.

THE JUDICIAL TAXATION PROHIBITION ACT

Mr. THURMOND. Mr. President, I rise today to introduce legislation to prohibit Federal judges from imposing a tax increase as a judicial remedy.

It has always been my firm belief that Federal judges exceed the boundaries of their limited jurisdiction under the Constitution when they order new taxes or order increases in existing tax rates.

The Founding Fathers clearly understood that taxation was a role for the legislative branch and not the judicial branch. Article I of the Constitution lists the legislative powers, one of which is that "the Congress shall have the power to lay and collect taxes." Article III establishes the judicial powers, and no action that takes place within jurisdiction can be considered a tax increase.

The Federalist Papers are also clear in this regard. In Federalist No. 48, James Madison explained that "the legislative branch alone has access to the power to tax, and the power to tax is nowhere contained in Article III.

The Federalist Papers are also clear in this regard. In Federalist No. 48, James Madison explained that "the legislative branch alone has access to the power to tax, and the power to tax is nowhere contained in Article III.

In 1900, in the case of Missouri v. Jenkins, five members of the Supreme Court stated in dicta that although a Federal judge could not directly raise taxes, he could order the local government to raise taxes. There is no difference between a judge raising taxes and a judge ordering a legislative official to raise taxes. I am hopeful that, if the issue were directly before the Court today, a majority of the current members of the Court would respect that distinction and hold that Federal judges do not have the power to order that taxes be raised. However, in the event the Court does not correct this error, I am introducing the Judicial Taxation Prohibition Act to prohibit Federal judges from raising taxes.

I have introduced it in every Congress since the Supreme Court's misguided decision was issued, and I intend to do so until it is corrected. This legislation is essential to affirm the separation of powers.

There is a simple reason why this distinction between the branches of government is so important and must remain clear. The legislative branch is responsible for setting the rate of tax through the democratic process. However, the judicial branch is comprised of individuals who are not elected and who have lifetime tenure. By design, the members of the judicial branch do not depend on the people for their income. They are not accountable to the people. They simply have no business setting the rate of taxes the people must pay. For a judge to order that taxes be increased amounts to taxation without representation. It is entirely contrary to the understanding of the Founding Fathers.

The phrase "taxation without representation" recalls an important time in American history that is worth repeating in some detail. The Constitution can best be understood by referencing the era in which it was adopted.

Not since Great Britain's ministry of George Grenville in 1765 have the American people faced the assault of taxation without representation as now authorized in the Jenkins decision. As part of his imperial reforms to tighten British control in the colonies, Grenville pushed the Stamp Act through the Parliament in 1765. This Act required excise duties to be paid by the colonists in the form of revenue stamps affixed to a variety of legal documents. This action came at a time when the colonies were in an uproar over the Sugar Act of 1764 which levied duties on the imports such as sugar, indigo, coffee, linens. This ensuing firestorm of debate in America centered on the power of Britain to tax the colonies. James Otis, a young Boston attorney, echoed the opinion of most colonists stating that the Parliament did not have power to tax the colonies because Americans had no representation in that body. Mr. Otis had been attributed in 1761 with the statement that "taxation without representation is tyranny."

In the ensuing firestorm of debate in America centered on the power of Britain to tax the colonies. James Otis, a young Boston attorney, echoed the opinion of most colonists stating that the Parliament did not have power to tax the colonies because Americans had no representation in that body. Mr. Otis had been attributed in 1761 with the statement that "taxation without representation is tyranny."

In October 1765, delegates from nine states were sent to New York as part of the Stamp Act Congress to protest the new law. It was during this time that John Adams wrote in opposition to the Stamp Act, "We have always understood it to be a grand and fundamental principle . . . that no freeman shall be subject to any tax to which he has not given his own consent, in person or by his representatives."

The principles expressed during the earlier crisis against taxation without representation became firmly imbedded in our Federal Constitution of 1787.

I recognize that some say this legislation is unconstitutional. They argue that the Congress does not have the authority under Article III to limit and regulate the jurisdiction of the inferior Federal courts. This argument has no basis in the Constitution or common sense.

Article III, Section 1, of the Constitution provides jurisdiction to the lower Federal courts as the "Congress may from time to time ordain and establish." There is no mandate in the Constitution to confer equity jurisdiction to the inferior Federal courts. Congress has the flexibility under Article III to "ordain and establish" the lower Federal courts as it deems appropriate.

This basic premise has been upheld by the Supreme Court in a number of cases including LaFount v. Phillips, Lauf v. E.G. Skinner and Co., Kline v. Burke Construction Co., and Sheldon v. Sill.

In other words, the Congress was expressly granted the authority to establish lower Federal courts, which it did. What the Congress has been given the power to do, it can certainly decide to stop doing. By passing this bill, the Congress would simply be limiting the jurisdiction of the lower Federal courts in a small area.

It is also important to note that this legislation would not restrict the power of the Federal courts to remedy Constitutional rights. Clearly, the Court has the power to order a remedy for a Constitutional violation that may include expenditures of money by Federal, State, or local governments. This bill simply requires that if the Court orders that money be spent, it is for the legislative body to pay it to comply with that order. The legislative body may choose to raise taxes, but it also may choose to cut spending or sell assets. That choice of how to come up...
with the money should always be for the legislature to decide. I believe it is clear under Article III that the Congress has the authority to restrict the remedial jurisdiction of the Federal Courts in this fashion.

Mr. President, this is one issue presented by the Jenkins decision is whether the American people want, as a matter of national policy, to be exposed to taxation without their consent by an independent and insulated judiciary. I most assuredly believe they do not.

Mr. President, how long will it be before a Federal judge orders tax increases to build new highways or prisons? I do not believe the Founding Fathers had this type of activism in mind when they established the judicial branch of government. Judicial activism is a matter of great concern to me and has been for many years. I have always felt that Federal judges must strictly adhere to the principles of their job, not to intrude into the law and not make the law. This simple principle is fundamental to our system of government.

The American people desire a response to the Jenkins decision. We must provide protection against the imposition of taxes by an unelected, unaccountable judiciary. We must not permit this blatant violation of the separation of powers. We have a duty to right this wrong.

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

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

S. 34

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 "Judicial Taxation and Remedy Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) a variety of effective and appropriate judicial remedies are available for the full redress of Constitutional violations under existing law, and that the imposition or increase of taxes by courts is neither necessary nor appropriate for the full and effective exercise of Federal court jurisdiction;

(2) the imposition or increase of taxes by judicial order constitutes an unauthorized and inappropriate exercise of the judicial power under the Constitution of the United States and is incompatible with traditional principles of law and government of the United States and the basic principle of the United States that taxation without representation is tyranny;

(3) Federal courts exceed the proper boundaries of their limited jurisdiction and authority under the Constitution of the United States, and impermissibly intrude on the legislative function in a democratic system of government, when they issue orders requiring the imposition of new taxes or the increase of existing taxes; and

(4) Congress retains the authority under article III, sections 1 and 2 of the Constitution to limit and regulate the jurisdiction of the inferior Federal courts that Congress has seen fit to establish, and such authority includes the power to limit the remedial authority of inferior Federal courts.

SEC. 3. AMENDMENT TO TITLE 28.

(a) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by inserting after section 1341 the following:

``§ 1341A. Prohibition of judicial imposition or increase of taxes

(a) Notwithstanding any other provision of law, no inferior court established by Congress shall have jurisdiction to issue any remedy, order, injunction, writ, judgment, or other judicial decree requiring the Federal Government or any State or local government to impose any new tax or to increase any existing tax or tax rate.

(b) Nothing in this section shall prohibit inferior Federal courts from ordering duly authorized remedies, otherwise within the jurisdiction of those courts, that may require expenditures by a Federal, State, or local government in any case in which those expenditures are necessary to effectuate those remedies.

(2) For purposes of this section, the term 'tax' includes—

(1) personal income taxes;

(2) real and personal property taxes;

(3) sales and transfer taxes;

(4) estate and gift taxes;

(5) excise taxes;

(6) user taxes;

(7) corporate and business income taxes; and

(8) licensing fees or taxes.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 85 of title 28, United States Code, is amended by inserting the item relating to section 1341 the following:

``1341A. Prohibition of judicial imposition or increase of taxes.''.

SEC. 4. APPLICABILITY.

This Act and the amendments made by this Act shall apply to cases pending or commenced in a Federal court on or after the date of enactment of this Act.

By Mr. Grassley (for himself and Mr. Graham):

S. 35. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the long-term care insurance costs of individuals who are not eligible to participate in employer-subsidized long-term care health plans; to the Committee on Finance.

S. 36. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance may be obtained by Federal employees and annuitants; to the Committee on Governmental Affairs.

THE AMERICAN WORKER LONG-TERM CARE AFFORDABILITY ACT OF 1999

Mr. Grassley. Mr. President, I rise today to introduce two bills that are an important first step in helping Americans prepare for their long-term care needs. The Long Term Care Affordability and Availability Act and the American Worker Long Term Care Affordability Act. I am pleased to have my colleague Senator Graham of Florida join me as a cosponsor of these two bills.

Longer and healthier lives are a blessing and a testament to the progress and advances made by our society. However, all Americans must be alert and prepare for long-term care needs. The role of private long-term care insurance is critical in meeting this challenge.

The financial challenges of health care in retirement are not new. Indeed, too many family caregivers can tell stories about the financial devastation that was brought about by the serious long-term care needs of a family member. Because increasing numbers of Americans are likely to need long term care services, it is especially important to encourage planning today.

Most families are unprepared financially when a loved one needs long-term care. When faced with nursing home costs that can run more than $40,000 a year, families often turn to Medicaid for help. In fact, Medicaid pays for nearly 2 of every 3 nursing home residents at a cost of more than $30 billion each year for nursing home costs. With the impending retirement of the Baby Boomers, it is imperative that Congress takes steps now to encourage all Americans to plan ahead for potential long term care needs.

The Long Term Care and Affordability and Availability Act will allow Americans who do not currently have access to employer subsidized long-term care plans to deduct the amount of such a plan from their taxable income. This bill will encourage planning and personal responsibility while helpful to make long-term care insurance more affordable for middle class taxpayers.

The American Worker Long-Term Care Affordability Act will establish a program under which long-term care insurance may be obtained by current and former employees of the federal government. This legislation will make long-term care insurance affordable to the Federal community by using the purchasing power of the federal government to assure quality, competition and choice.

These measures will encourage Americans to be pro-active and prepare for their own long term care needs by making insurance more widely available and affordable. I urge my colleagues to support these bills.

Mr. President, I ask unanimous consent that the texts of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 35

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 "Long-Term Care Affordability and Availability Act of 1999".

SEC. 2. DEDUCTION FOR LONG-TERM CARE HEALTH INSURANCE COSTS FOR INDIVIDUALS NOT ELIGIBLE TO PARTICIPATE IN EMPLOYER-SUBSIDIZED LONG-TERM CARE HEALTH PLANS.

(a) IN GENERAL.—Part VII of chapter B of chapter 1 of the Internal Revenue Code of

January 19, 1999

CONGRESSIONAL RECORD — SENATE
9001. Definitions

In this chapter:

(1) The term ‘employee’ has the meaning given such term by section 8301, but does not include an individual who is an employee of the government of the District of Columbia.

(2) The term ‘annuitant’—

(IA) means—

(i) a former employee who, based on the service of that individual, receives an annuity by subsection III of chapter 83, chapter 84, or another retirement system for employees of the Government (disregarding title XVIII of the Social Security Act (42 U.S.C. 1365 et seq.) and any retirement system established for employees described in section 2102(c)); and

(ii) any individual who receives an annuity under any retirement system referred to in clause (i) (disregarding those described parenthetically) as the surviving spouse of an employee (including an amount under section 8442(b)(1)(A), whether or not an annuity under section 8442(b)(1)(B) is payable) or of a former employee under clause (i); and

(3) makes available to each individual eligible under paragraph (1), and a summary description of the insurance obtained under this chapter from each.

(c) In addition to the requirements otherwise applicable under section 9001(b), in order to be considered a qualified long-term care insurance contract for purposes of this chapter, in addition to the requirements otherwise applicable under section 9001(b), in order to be considered a qualified long-term care insurance contract for purposes of this chapter, any certificate issued under this chapter shall be considered to require that long-term care insurance coverage be made available in the case of any individual who would be immediately eligible.

§9003. Participating carriers

(a) The Secretary shall, at the request of the Office of Personnel Management—

(1) identify each certificate issued under this chapter, and a summary description of the insurance obtained under this chapter from each.

(2) prepare a list of the carriers identified under paragraph (1), and a summary description of the insurance obtained under this chapter from each.

(b) In order to carry out its responsibilities under subsection (a) for taxable years beginning after December 31, 1998, the Office shall annually specify the timetables (including any application deadlines) and other procedures that shall be followed by carriers seeking to be allowed to offer long-term care insurance under this chapter during the following year.

(c) Before the beginning of each year, the Office shall in a timely manner—

(1) publish in the Federal Register the list (and summary description) prepared under subsection (a) for such year; and

(2) make available to each individual eligible to obtain long-term care insurance under this chapter such information, in a form acceptable to the Office after consultation with the carrier, as may be necessary to enable the individual to exercise an informed choice among the various options available under this chapter.

(d)(1) The Office shall arrange to have the appropriate individual or individuals receive—

(A) a copy of any policy of insurance obtained under this chapter;

(B) in the case of group long-term care insurance, a certificate setting forth the benefits to which an individual is entitled, to whom the benefits are payable, and the procedures for obtaining benefits, and summarizing the provisions of the policy principally affecting the individual or individuals involved.

(2) Any certificate issued under paragraph (1)(B) shall be issued instead of the certificate which the insurance company would otherwise be required to issue.

§9004. Administrative functions

(a) Except as provided in section 9003, the sole functions of the Office of Personnel Management under this chapter shall be as follows:

(1) To provide reasonable opportunity (consisting of not less than one continuous 30-day period each year) for eligible employees and annuitants to obtain long-term care insurance coverage under this chapter.

(2) To provide for a means by which the cost of any long-term care insurance coverage obtained under this chapter may be paid for through withholdings from the pay or annuity of the employee or annuitant involved.

(3) To contract for a qualified long-term care insurance contract (in the case of group

9005. Coordination with State laws.

9006. Commercial items.

§ 9001. Definitions

In this chapter:

(1) The term ‘employee’ has the meaning given such term by section 8301, but does not include an individual who is an employee of the government of the District of Columbia.

(2) The term ‘annuitant’—

(IA) means—

(i) a former employee who, based on the service of that individual, receives an annuity under chapter 83, chapter 84, or another retirement system for employees of the Government (disregarding title XVIII of the Social Security Act (42 U.S.C. 1365 et seq.) and any retirement system established for employees described in section 2102(c)); and

(ii) any individual who receives an annuity under any retirement system referred to in clause (i) (disregarding those described parenthetically) as the surviving spouse of an employee (including an amount under section 8442(b)(1)(A), whether or not an annuity under section 8442(b)(1)(B) is payable) or of a former employee under clause (i); and

(2) DEDUCTION NOT ALLOWED FOR SELF-EMPLOYMENT TAX PURPOSES.—The deduction allowed by reason of this section shall not be taken into account in determining an individual’s net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 162(l)(2) of such Code is amended to read as follows:

(2) The term ‘group long-term care insurance’ means group long-term care insurance purchased by the Office of Personnel Management under this chapter.

(3) The term ‘individual long-term care insurance’ means individual long-term care insurance offered under this chapter which is not group long-term care insurance.

(4) The carrier shall be required to be a ‘qualified carrier’, with respect to a State, if it is licensed to issue group or individual long-term care insurance in the State, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, Guam, American Samoa, and any other territory or possession of the United States.

(5) The Office of Personnel Management shall—

(a) except as provided in section 9003, the sole functions of the Office of Personnel Management under this chapter shall be as follows:

(1) To provide reasonable opportunity (consisting of not less than one continuous 30-day period each year) for eligible employees and annuitants to obtain long-term care insurance coverage under this chapter.

(2) To provide for a means by which the cost of any long-term care insurance coverage obtained under this chapter may be paid for through withholdings from the pay or annuity of the employee or annuitant involved.

(3) To contract for a qualified long-term care insurance contract (in the case of group

9005. Coordination with State laws.

9006. Commercial items.
long-term care insurance) with each qualified
carrier that offers such insurance, if
such carrier submits a timely application
under section 9003(b) and complies with such
other procedural rules as the Office may pre-
scribe.

(b) Nothing in this chapter shall be con-
considered to permit or require the Office to
 prescribe or negotiate over the bene-
fits to be offered under this chapter any individual long-term care insurance
under a qualified contract; or

(2) prescribe or negotiate over the bene-
fits to be offered under this chapter any level of concern was true for all age
groups and income levels among those surveyed.

Their concerns are well-founded. In
1995 the average cost of nursing home
are of all these costs must be covered by
the office and his or her family mem-
ers.

Medicaid will provide nursing home
and some non-skilled care coverage, but
an individual must be extremely low
income, or become incapacitated, to qual-
...age 60 will need nursing home care.
The baby boom generation first face this
issue is long term care insurance.

The Office of Personnel Management shall
take all necessary actions to ensure that
long-term care insurance coverage under
chapter 90 of title 5, United States Code, (as
added by this Act) may be obtained in time
to take effect beginning on the first day of
the first applicable pay period beginning on or after January 1, 2000.

Mr. GRAHAM. Mr. President, I am
pleased to join Senator Grassley in in-
roducing legislation that will allow the
Federal Government to be a role

The issue is long term care insurance.

Several key facts highlights the impor-
tance of long term care insurance.

It is estimated that the majority of
women and one-third of men who reach
the age of 65 will need nursing home care
before the end of life. Many of the
baby boom generation first face this
issue when they deal with their aging
parents’ needs.

Long term care is one of the most
important retirement security issues
facing us today. According to a 1997
survey sponsored by the National
Council on the Aging, more Americans
(69 percent) were worried about how to pay
for long-term care than were wor-
rried about how they would pay for
their retirement (56 percent). This
level of concern was true for all age
groups and income levels among those surveyed.

Their concerns are well-founded. In
1995 the average cost of nursing home
care in the United States was $37,000
per year. In some urban areas of the
country, that cost can reach $70,000 per
year.

Medicare provides short-term care
coverage, but the average nursing home
stay is two and one-half years. In
fact, Medicare pays for only five per-
cent of national nursing home costs.
Not all long term care occurs in nurs-
ing homes—85 percent of nursing home care is non-skilled care. Again, Medi-
care does not cover non-skilled care, so

The transfer policy is particularly
important to the patients in Iowa. In
Iowa, hospitals have been reim-
bursement by the Office of Person-
nel Management and the State of Iowa in
order to reduce the size of the federal
footprint in long-term care insurance.

Medicaid has historically been reim-
bursement that provides needed options
at a very vulnerable time.

Although many companies are con-
sidering offering this insurance to their
employees, only 13.2 percent of long-term care plans were employer-
sponsored.

Today, Senator Grassley and I are
moving the Federal Government into a
leadership role by creating a model
long-term care insurance program that
will be fully paid by federal employees.
We hope that our legislation will inspire
private companies to increase the long term care op-
tions available to their employees.

Under our plan, private companies
will have the opportunity to compete
to provide long term care insurance to
Federal employees. This does not mean
a high cost to taxpayers; premiums
will be fully paid by federal employees.
However, by increasing the number of
employees in the Federal Government,
our plan will encourage reduced group
rates.

Only plans qualified under the Health
Insurance Portability and Accountabil-
ity Act of 1996 may offer this insurance
to Federal workers through our legisla-
tion. Beyond that, we will let the mar-
ketplace determine the cost and serv-
ices of plans available for purchase.

Flexibility is important in this rela-
tively young industry as insurance
companies are still in the process of de-
termining how to most effectively pro-
vide this product. Competition among
the various carriers, group discounts
and volume of sales will keep these
premiums relatively low.

Eleven million Americans, including
Federal employees and retirees, their
spouses, parents, and in-laws would be
eligible for long term care insurance
under our proposal. This bill is just a
first step, but an important one.
I ask for your support as we continue
to improve retirement security for all Americans.
ten DRG's, in which case Medicare wants the physician to keep them in the hospital. Is it any wonder that physicians and hospital administrators are frustrated with Medicare?

In fact, isn’t it physicians, not hospitals, that the law holds hospitals accountable for the actions of patients that are no longer under their care. In some cases, patients are not admitted to post-acute care directly from the hospital, and the hospital may not know that the patient is receiving such care, let alone steer the patient to it. The law thus sets hospitals up for accusations of fraud due to events that are beyond their control.

I understand that there are valid grounds for concern about hospitals moving patients to lower levels of care sooner than is clinically appropriate, simply in order to game the reimbursement system. That is unacceptable conduct, and we do need to attack it. I am open to discussions on possible alternatives to outright repeal of the transfer penalty, if these bad apples are the ones targeted. But we need to make sure we don’t punish all hospitals—especially the most efficient—for the sins of a few.

This transfer penalty is a serious roadblock to the provision of appropriate and efficient care. Its repeal will help ensure that logical coordinated care is being delivered, particularly the most efficient—for the sins of a few.

Estate and gift taxes remain a burden of American families, particularly those who pursue the American dream of owning their own business. This is because family-owned businesses and farms are hit with the highest tax rate when they are handed down to descendants—often immediately following the death of a loved one. These taxes, and the financial burdens and difficulties they create come at the worst possible time. Making matters worse is the fact that the rate of this estate tax is crushing, reaching as high as 55 percent for the highest bracket. That’s higher than even the highest income tax rate bracket of 39 percent. Furthermore, the option is due as soon as the business is turned over to the heir, allowing no time for financial planning or the setting aside of money to pay the tax bills. Estate and gift taxes right now are one of the leading reasons why family-owned businesses and businesses are declining; the burden of this tax is just too much.

This tax sends the troubling message that families should either sell the business while they are still alive, or in order to spare their descendants this huge tax after their passing, or run down the value of the business, so that it won’t make it into their higher tax brackets. Whichever the case may be, it hardly seems to encourage private investment and initiative, which have always been such a strong part of our American heritage.

That is why I again introduce this bill. It will gradually eliminate this tax by phasing it out—reducing the amount of the tax 5% each year, beginning

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. 37

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

SECTION 1. REPEAL OF RESTRICTION ON MEDI-CARE PAYMENT FOR CERTAIN HOS-PITAL DISCHARGES TO POST-ACUTE CARE.

(a) IN GENERAL.—Section 1886(d)(5) of the Social Security Act (42 U.S.C. 1395ww(d)(5)), as amended by section 4407 of the Balanced Budget Act of 1997, is amended—

(1) in subparagraph (J)(i), by striking “not tak-ing in account the effect of subparagraph (J) ii.”, and

(2) by striking subparagraph (J).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

By Mr. CAMPBELL (for himself, Mr. MACK, and Mrs. HUTCHISON)

S. 38. A bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period, to the Committee on Finance, ESTATE AND GIFT TAX RATE REDUCTION ACT OF 1999

Mr. CAMPBELL. Mr. President, today I introduce a bill that I feel is of vital importance to farmers and family business owners, the Estate and Gift Tax Rate Reduction Act of 1999. I am pleased to be joined by my colleagues Senators MACK and HUTCHISON.

This bill is based on legislation I introduced last year. Unfortunately, the 105th Congress adjourned before we could debate and pass this bill. Since then, I have heard from numerous Coloradans and national organizations and am fully aware that the problems the bill would correct still exist.

Estate and gift taxes remain a burden of American families, particularly those who pursue the American dream of owning their own business. This is because family-owned businesses and farms are hit with the highest tax rate when they are handed down to descendants—often immediately following the death of a loved one. These taxes, and the financial burdens and difficulties they create come at the worst possible time. Making matters worse is the fact that the rate of this estate tax is crushing, reaching as high as 55 percent for the highest bracket. That’s higher than even the highest income tax rate bracket of 39 percent. Furthermore, the option is due as soon as the business is turned over to the heir, allowing no time for financial planning or the setting aside of money to pay the tax bills. Estate and gift taxes right now are one of the leading reasons why family-owned businesses and businesses are declining; the burden of this tax is just too much.

This tax sends the troubling message that families should either sell the business while they are still alive, or in order to spare their descendants this huge tax after their passing, or run down the value of the business, so that it won’t make it into their higher tax brackets. Whichever the case may be, it hardly seems to encourage private investment and initiative, which have always been such a strong part of our American heritage.

That is why I again introduce this bill. It will gradually eliminate this tax by phasing it out—reducing the amount of the tax 5% each year, beginning with the highest rate bracket 55%, until the tax rate reaches zero. Several states have already adopted similar plans, and I believe we ought to follow their example. We need to change the message we are sending to farmers and family business owners. Leading organizations agree, and have endorsed this legislation. In fact, over 100 organizations, like the National Federation of Independent Business and the Farm Bureau, have joined together to form the Family Business Estate Tax Coalition, which strongly endorses the bill.

Mr. President, this tax should be eliminated across the board, and I ask my colleagues’ help in working to achieve that goal.

Mr. President, I ask unanimous consent that the text of the bill and letters from the American Farm Bureau Federation and Family Business Estate Tax Coalition be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 38

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 “Estate and Gift Tax Rate Reduction Act of 1999.”

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) estate and gift tax rates, which reach as high as 55 percent of a decedent’s taxable estate, are in most cases substantially in excess of the tax rates imposed on the same amount of regular income and capital gains income, and

(2) reduction in estate and gift tax rates to a level more comparable with the rates of tax imposed on regular income and capital gains income will make the estate and gift tax less confiscatory and mitigate its negative impacts on American families and businesses.

SEC. 3. PHASEOUT OF ESTATE AND GIFT TAXES.

(a) REPEAL OF ESTATE AND GIFT TAXES.—

S. 1957 of the Estate and Gift Tax Act of 1986 (relating to estate and gift taxes) is repealed effective with respect to estates of decedents dying, and gifts made, after December 31, 2009.

(b) PHASEOUT OF TAX.—Subsection (c) of section 2001 of such Code (relating to imposition and rate of tax) is amended by adding at the end the following new paragraph:

“(3) PHASEOUT OF TAX.—In the case of estates of decedents dying, and gifts made, during any calendar year after 1999 and before 2010—

“(A) IN GENERAL.—The tentative tax under this subsection shall be determined by using a table prescribed by the Secretary (in lieu of using the table contained in paragraph (1)) which is the same as such table; except that—

“(i) each of the rates of tax shall be reduced (but not below zero) by the number of percentage points determined under subparagraph (B), and

“(ii) the amounts setting forth the tax shall be adjusted to the extent necessary to reflect the adjustments under clause (i).

(“B) PERCENTAGE POINTS OF REDUCTION.—

The number of percentage points is:

For calendar year: percentage points is:

2000 .................................................. 5
2001 .................................................. 10
2002 .................................................. 15
2003 .................................................. 20
2004 .................................................. 25
2005 .................................................. 30
2006 .................................................. 35
2007 .................................................. 40
2008 .................................................. 45
2009 .................................................. 50

“(B) COORDINATION WITH PARAGRAPH (2).—

Paragraph (2) shall be applied by reducing the 55 percent percentage contained therein by the number of percentage points determined for such calendar year under subparagraph (B).

“(C) COORDINATION WITH CREDIT FOR STATE DEATH TAXES.—Rules similar to the rules of subparagraph (A) apply to the table contained in section 2001 of the Internal Revenue Code of 1986 (relating to estate and gift taxes), in addition to the following:

“(1) the amount of regular income and capital gains taxes paid on the amounts in column (B) of the table contained in subparagraph (A)(i) shall be determined under the following table:

For calendar year: percentage points is:

2000 .................................................. 1½
2001 .................................................. 3

“(D) COORDINATION WITH CREDIT FOR STATE DEATH TAXES.—Rules similar to the rules of subparagraph (A) apply to the table contained in section 2001 of the Internal Revenue Code of 1986 (relating to estate and gift taxes), in addition to the following:

“(1) the amount of regular income and capital gains taxes paid on the amounts in column (B) of the table contained in subparagraph (A)(i) shall be determined under the following table:

For calendar year: percentage points is:

2000 .................................................. 1½
2001 .................................................. 3

Dear Senator Campbell: Family farm businesses are the mainstay of a food and fiber industry that provides more than 21 million people with jobs and allows Americans to spend less than 10 percent of their incomes on food.

Estate taxes threaten family farms and ranches and the contributions they make to rural communities because farm heirs often have to sell business assets to borrow money to pay death taxes that reach as high as 55 percent. This can destroy the financial health of the enterprise and put farmers and ranchers out of business.

Changes in estate tax laws are needed to foster the transfer of farms and ranches from ranchers out of business.

The number of decedents dying, and gifts made, after December 31, 1999.

American Farm Bureau Federation,

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Washington, DC.

DEAR SENATOR CAMPBELL: Family farm businesses are the mainstay of a food and fiber industry that provides more than 21 million people with jobs and allows Americans to spend less than 10 percent of their incomes on food.

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American Farm Bureau Federation,
with extraordinary valor above the call of duty, and for other purposes; to the Committee on the Judiciary.

THE PUBLIC SAFETY MEDAL OF VALOR ACT

Mr. STEVENS. Mr. President, we have all been pleased with the recent decline in crime in many areas of the country. I am introducing a bill to acknowledge the great commitment and sacrifice public safety officers at every level have made to that decline. From responding to traffic accidents, apprehending violent criminals, and fighting terrorism to combating domestic terrorism, assisting people during natural disasters—not to mention performing the functions many of us take for granted—public safety officers are essential to the well-being and stability of the United States.

While public safety accomplishments often go unrecognized, the selfless service of those who work each day to preserve the peace and improve safety in our communities continues. This year, before the tragedy of 9/11, I introduced legislation to elevate the Medal of Valor, a recognition of valor for public safety personnel for acts above and beyond the call of duty.

The Public Safety Medal of Valor Act establishes the highest national recognition of valor for public safety personnel for acts above and beyond the call of duty.

Under this legislation, an 11-member Medal Review Board selected by the Committee on the Judiciary will be established to select public safety officers at every level who have performed acts of extraordinary valor above the call of duty.

Mr. KYL. Mr. President, I rise today to introduce the Voter Turnout Enhancement Study (VoTES) Commission Act, a bill designed to promote fiscal responsibility while helping to motivate more Americans to get to the polls on Election Day.

This Act may be cited as the "Voter Turnout Enhancement Study Commission Act".

S. 442

January 19, 1999

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 "Voter Turnout Enhancement Study Commission Act".

SEC. 2. FINDINGS.

(a) FINDINGS.—The Congress finds that:

(1) The right of citizens of the United States to vote is a fundamental right.

(2) It is the duty of federal, state, and local governments to promote the exercise of that right to vote to the greatest extent possible.

(3) The power to tax does not, in itself, confer on the government the power to force citizens of the United States to pay taxes on behalf of others.

(4) The only regular contacts most Americans have with their government are the filing of their personal income tax returns and

The time Election Day could hardly be farther away from April 15. If the visibility of the tax burden were increased, people might be more inclined to get to the polls. Move the deadline for filing income-tax returns from April to November and we could give people a reason to vote by focusing their attention on the role of government—and how much it actually costs them—on the single most important day of the year. Moving Tax Day to Election Day would probably result in more change in Washington than anything else we could do. Moreover, maximizing voter turnout is the best way to ensure that government officials heed the will of the people and make sound public policy.

The bill I am introducing today would provide for a thoughtful and thorough analysis of a change in the tax-filing deadline from April to November, which would allow people to have the tax burden weighed in their mind as they choose between candidates who support higher taxes and more government control, and candidates who favor lower taxes and more limited government. A change in the tax-filing deadline might have a significant effect on voter turnout.

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their participation in federal, state, and local elections.

(5) About 115 million individual income tax returns were filed in 1998, but only about 70 million American adults voted in that year's congressional elections.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a Commission known as the Voter Turnout Enhancement Study Commission (hereinafter in this Act referred to as the `Commission').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of nine members of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the Majority Leader of the Senate; and

(C) 3 shall be appointed by the Speaker of the House of Representatives.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed no later than 30 days after the date of the enactment of this Act, and serve for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) COMPENSATION.—

(1) FEES OF PLEAS.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

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

(e) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) MEETINGS.—After the initial meeting, the Commission shall meet at the call of the Chairman.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(h) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1)GENERAL.—The Commission shall conduct a thorough study of all matters relating to the propriety of conforming the annual filing date for federal income tax returns with the date for holding biennial federal elections.

(2) MATTERS STUDIED.—The matters studied by the Commission shall include—

(A) the necessity of occupation of a single date on which individuals can fulfill their obligations of citizenship as both electors and taxpayers without increasing participation in federal, state, and local elections; and

(B) a cost benefit analysis of any change in filing deadlines.

(b) REPORT.—No later than 12 months after the date of the enactment of this Act, the Commission shall submit a report to the President and the Congress which shall contain an account of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such information as the Commission considers advisable to carry out the purposes of this Act.

(b) INFORMATION TO BE GATHERED.—The Commission shall obtain information from sources as it deems appropriate, including, but not limited to, taxpayers and their representatives, Governors, state and federal election officials, and the Commissioner of the Internal Revenue Service.

SEC. 6. TERMINATION OF THE COMMISSION.

The Commission shall terminate upon the submission of the report under section 4.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. STEVENS:

S 495. A bill to amend the wetlands program under the Federal Water Pollution Control Act to provide credit for the low wetlands loss rate in Alaska and recognize the significant extent of wetlands conservation in Alaska property owners, and to ease the burden on overly regulated Alaskan cities, boroughs, owners, and to ease the burden on overly regulated Alaskan cities, boroughs, municipalities, and villages; to the Committee on Environment and Public Works.

Mr. STEVENS. Mr. President, according to the United States Fish and Wildlife Service more than 221,000,000 acres of wetlands existed at the time of Colonial America in the area that is now the contiguous United States. Since then, nearly 177,000,000 of those acres, roughly 53 percent, have been filled, drained, or otherwise removed from wetland status.

In the 1972 Federal Water Pollution Control Act, more commonly known as the Clean Water Act, Congress expanded Federal jurisdiction over wetlands by defining the term "navigable waters" as used in the 1899 Rivers and Harbors Act. The 1899 Act established the basis for regulating discharges of dredge spoils in navigable waters. The 1972 Act expanded that basis to encompass all "water of the United States".

In 1975, a United States district court ordered the Army Corps of Engineers to publish revised regulations concerning the Corps' "Section 404" regulatory program. The 1986 Federal Water Pollution Control Act, more commonly known as the Clean Water Act, expanded Federal jurisdiction over wetlands by modifying the definition of "navigable waters" as used in the 1899 Rivers and Harbors Act. The 1999 Act established the basis for regulating discharges of dredge spoils in navigable waters. The 1972 Act expanded that basis to encompass all "water of the United States".

In 1975, a United States district court ordered the Army Corps of Engineers to publish revised regulations concerning the Corps' "Section 404" regulatory program. Since then, the Courts have further expanded the Corps's authority to include isolated wetlands and have issued decisions that effectively constrain agency decision makers to act only to promote conservation, often at the expense of sound economic development. This expansion of Congressional intent has also failed to provide a sound economic basis for such decisions. The expansion of Federal jurisdiction over wetlands has thus resulted in a system of regulatory jurisdiction that is not only overly broad but also overly restrictive.

The erosion of agency discretion threatens to destroy the economic health of many Alaskans. We are being over-regulated to the point of economic strangulation.

According to the United States Fish and Wildlife Service, approximately 170,000,000 acres of wetlands existed in Alaska in the 1780's and approximately 170,000,000 acres of wetlands exist now. That represents a loss of less than one percent through the combined effects of natural processes. Alaska contains more wetlands than all of the other States combined. Fully 75 percent of the non-mountainous areas of Alaska are wetlands. Yet we are regulating the vast wetlands in Alaska to the same strict levels as all the other states, without regard to either special economic hardships or the unnecessary federal expense this causes.

Ninety-eight percent of all Alaskan communities, including 200 of the 226 remote villages in Alaska, which incidentally are dispersed over 1/5th of the land mass of the United States, are located in or adjacent to wetlands. To preserve the economic viability of these remote communities, about 43,000,000 acres of land were granted to Alaska Natives through regional and village corporations.

These Native allotments were intended to be available for use. However between 45 percent and 100 percent of each Native corporation's land is categorized as wetlands. Therefore development of these Native lands and basic community infrastructure is delayed or even prevented by an ever tightening regulatory regime designed to protect an excessively abundant resource in Alaska because it is scarce elsewhere in the Union. Naturally Alaska villages, municipalities, boroughs, city governments, and Native organizations are increasingly frustrated with the constraints of the wetlands regulatory program because it interferes with the location of community water and sanitation systems, roads, schools, industrial areas, and other critical community infrastructure.

The same is true of State-owned lands. 104,000,000 acres of land were granted to the State of Alaska at statehood for purposes of economic development. Nowhere is flexibility more appropriate than on these lands. What minimal identifiable environmental burdens expected from the ever tightened regulation of wetlands are certainly not justified in Alaska.

The Federal Government already has vast wetlands holdings in Alaska under the protection of a variety of Federal regulatory programs. In Alaska we have 62 percent of all federally designated wilderness lands, 70 percent of all Federal park lands, and 90 percent of all Federal refuge lands, thus providing protection against unlimited development for a considerable 60,000,000 acres of wetlands. National policies intended to achieve 'no net loss' of wetlands reflect a response to the 53 percent loss.
of the wetlands base in the 48 contiguous States, but do not take into account the large percentage of conserved wetlands in Alaska.

Only 12 percent of Alaska's wetlands are privately owned, compared to 74 percent in the 48 contiguous States. Wetlands regulation designed to protect a large majority of a dwindling resource are clearly too strict where they would only apply to a small percentage of a vaste resource. Unfortunately, Federal agencies no longer enjoy the discretion to modify their program to address these special circumstances. As a result, individual landowners in Alaska have lost up to 97 percent of their property value and Alaskan communities have lost a significant portion of their tax base due to wetlands regulations.

Expansion of the wetlands regulatory program in this manager is beyond what the Congress intended when it passed the Clean Water Act. In Alaska, it has placed unnecessary economic and administrative burdens on private property owners, small businesses, city governments, State government, farmers, ranchers, and others, while providing negligible environmental benefits. It is time to stop using the wrong regulatory tools. For a State, such as Alaska, with substantial conserved wetlands, my bill provides much needed relief from the excessive burdens of the current cumbersome federal wetlands regulatory program. It relaxes the most stringent aspects of wetlands regulation, without dismantling agency discretion to regulate where necessary. This bill restores common sense and cost effectiveness without loss of high value wetlands.

By Mr. BIDEN (for himself, Mr. SPECTER, Mrs. BOKER, Mrs. MURRAY, Ms. MIKULSKI, Ms. LANDRIEU, Mrs. FEINSTEIN, Mrs. LINCOLN, Ms. SNOWE, Mr. LAUTENBERG, Mr. REID, Mr. REED, Mr. DODD, Mr. INOUYE, Mr. KERRY, Mr. ROBB, Mr. SCHUMER, Mr. WELLSTONE, and Mr. KENNEDY):

S. 51 A bill to reauthorize the Federal programs to prevent violence against women, and for other purposes; to the Committee on the Judiciary.

VIOLENCE AGAINST WOMEN ACT II

Mr. BIDEN. Mr. President, I rise to introduce Violence Against Women Act II. I am pleased to be joined by several of my colleagues on both sides of the aisle who are co-sponsoring this legislation. My colleagues joining me today include Senators SPECTER, BOKER, MURRAY, MIKULSKI, LANDRIEU, FEINSTEIN, LINCOLN, SNOWE, LAUTENBERG, REID, REED, DODD, INOUYE, KERRY, ROBB, KENNEDY, WELLSTONE, and SCHUMER.

Nearly 9 years ago when I first introduced Violence Against Women Act, it was by no means a given that this body would consider it, let alone pass it. Although it may seem hard to believe now, at that time—less than a decade ago—few thought it either appropriate or necessary for national legislation to be enacted to confront the very serious problem of domestic violence and sexual assault.

The road to enactment was a long one. One day in 1993 the Judiciary Committee in the early 1990's, I convened several hearings on the bill and released many reports on the problem of violence against women. Three times I convinced the Judiciary Committee to favorably report the bill to the full Senate. Twice, I had to re-introduce the bill. Nearly 4 years passed from the original Violence Against Women Act's first introduction before the Senate fully considered it. But at last—in September of 1994—the Violence Against Women Act became the law of our land. And, it did so with substantial support from my colleagues on both sides of the aisle, clearing demonstrating what I have always known to be the case—that the fight against domestic violence and sexual assault is not a partisan issue, but a serious problem that affects our constituents in every one of our States and in every one of our home towns across this country.

But even in the years following passage, support to pass the act into law did not resolve the dispute as to whether the problem of violence against women merited a national response. As many of my colleagues will recall, throughout the summer of 1995, the Congress debated whether or not we should actually fund the Violence Against Women Act.

Fortunately, by the fall of that year, the Congress finally reached a consensus that the Federal Government both can and should provide significant resources and leadership in a national effort to end the violence women suffer at the hands of men, many of whom they live with or have children with. That consensus continues to this day.

Let me provide just a few statistics and examples to show how successful the initiative to fight violence against women has been, but how far we still have to go:

On the one hand, the number of women killed by someone with whom they are in an intimate relationship—such as a current or former spouse, a cohabiting partner, or a current or former boyfriend—had decreased markedly—by 60 percent—in 1996 as compared with where it was 20 years earlier.

And, the total number of women victims of domestic violence is decreasing as well. In 1993, the year before the Violence Against Women Act became law, 1.1 million women reported being the victim of domestic violence or sexual assault. By 1996, the last year for which we have complete statistics, the number had fallen by 25 percent to about 840,000. This is still far, far too many—but it represents an encouraging trend nonetheless that I believe we can attribute in part to the successes of this national effort.

However, the news is not all good. One-fourth—25 percent—of women responding to a nationwide survey in late 1995 and early 1996 said that they had been raped or physically assaulted by a current or former spouse, cohabiting partner, or former husband, cohabiting partner, or date. And demonstrating that violence against women is primarily domestic partner violence, 76 percent of women who have been raped or physically assaulted since age 18 were attacked by a current or former husband, cohabiting partner, or date. These are troubling statistics. But the successes of the Violence Against Women Act are combating these trends in a variety of ways, such as:

Putting thousands of trained police officers on the streets to arrest abusers before they can victimize again; supporting police officers as they work to help victims; adding trained prosecutors who put these abusers where they belong—in jail—or enforce protective orders to keep them away from those they have abused; tens of thousands of women and their children have access to resources that help them protect themselves; victims of domestic violence and sexual assault have access to a wide array of support services from counseling to legal assistance; and a national domestic violence hotline handles hundreds of thousands of calls for help.

Our consensus in the Congress reflects a fundamental agreement across our Nation: The time when a woman had to suffer—in silence and alone—because the criminal who is victimizing her happens to be her husband or boyfriend is on its way to becoming ancient history.

Today, we must build on this consensus and deliver on its promise—because for all the strides we have made, there remain far too many women and their children who are still vulnerable. The statistics I reported just now reflect that reality. Just because we have had some success does not mean we can become complacent about the fight against domestic violence now. And so, the legislation I am introducing today—the Violence Against Women Act II—has one simple goal: make more women and their children more safe.

This legislation builds on the tremendous successes of the original Violence Against Women Act in three key ways—it continues what is working; it seeks to improve what could work better; and it expands the initiative to fight into new areas where the need is clear.

There are many other ideas and proposals in addition to those contained in this bill that deserve serious consideration as the full Senate debates this legislation. And I assure our colleagues there are ways to refine and improve this bill. I look forward to working with my colleagues on both sides of the aisle to make this bill the best it can be. There are many of my colleagues in this Senate who are deeply committed to combating violence against women, and many of them have joined me today, for which I am grateful. I encourage all of my colleagues to
review this legislation, offer their insights and lend their names as co-sponsors and leaders in the fight against domestic violence. I believe they will find that it offers comprehensive, sensible, workable, and cost-effective responses to combat against women.

Before I describe some highlights of this legislation, let me first emphasize what I believe to be the key, core element of the violence against women II. That central factor is a simple one—the need to ensure there continues to be dollars for cops, courts, prosecutors, judges, shelters, and all the elements which are working. Keeping the money flowing to where it works requires one simple yet crucial step—extending the violent crime reduction trust fund to 2002. The trust fund is due to expire in 2000. This is perhaps the most significant provision in the act I introduce today, and without it we will fail in the future to replicate our past successes in combating women.

Beyond this fundamental step—and I cannot overemphasize the importance of the trust fund—there are four key policy areas addressed by the Violence Against Women Act II: strengthening law enforcement tools; improving services for the victims of violence; reducing violence against children; and enhancing and supporting training and education efforts to enlist many more professionals in our shared fight.

On the law enforcement front, the bill introduced today starts with needed improvements to promote interstate and inter-jurisdictional enforcement of “stay-away,” or protection, orders. This is also known as giving “full faith and credit” to valid protection orders from any jurisdiction where they were issued. It often happens that the cops in one State may not know that there is a valid protection order issued by another jurisdiction. It is not their job, and often a major problem, to train to recognize valid orders or the means of communicating and sharing information across state lines. This is a mobile society, and victims of domestic violence often find they must flee the place they live and where they previously obtained a protection order so that they can keep themselves and their children safe. For these situations, we propose today a few simple fixes: Permitting state and local cops to use their “pro-arrest” grants for this kind of information sharing; encouraging states to enter into the cooperative agreements necessary to help interstate enforcement; and calling on the Justice Department to help develop new protocols and disseminate the “best practices” of State and local cops.

These are all simple and common sense solutions, but very necessary nevertheless. This bill will help these fixes become reality.

Other initiatives in this bill are to: Enhance and expand the resources available for courts to handle domestic violence and sexual assault cases; target the “date-rape” drug with the maximum federal penalties; continue funding for police, prosecutors, law enforcement efforts in rural communities, and for anti-stalking initiatives; and extend the support of local police “pro-arrest” efforts.

Of course, any comprehensive effort to reduce violence against women and lessen the harm it causes must do more than just arrest, convict and imprison abusers—we must also help the victims. This legislation proposes to assist these crime victims in three fundamental ways: Providing a means for immediate protections from their abusers, such as through access to shelters; easier access to the courts and to legal assistance necessary to keep their abusers away from them; and removing the “catch-22s” that sometimes literally compel women to stay with their abusers—such as discriminatory insurance policies that could force a mother to choose between turning in the man who beat her and losing the health insurance for her children. Another “catch-22” affects immigrant women who are sometimes faced with a similar insidious “choice.” In 1994, we worked out provisions so battered immigrant women, who are often dependent on their husbands—would not have to choose between staying in this country and continuing to be beaten, or leaving their abusers, but in doing so having to leave their children behind also without health care.

Some of these initiatives will improve upon legislation enacted in the 106th Congress. After much persistent work, a new program was enacted in 1994 to make grants to states, territories, and the District of Columbia for services to battered women and their children. This legislation extends this program and makes it workable, and cost-effective responses to combat against woman.

Two other areas of this legislation propose to continue two longstanding programs by providing: Resources to serve runaway and homeless youth who are victims of sexual abuse; and resources for court personnel and the national clearinghouse for child abuse training for court personnel through the victims of child abuse act (originally co-sponsored by Senator Thurmond and myself in 1990.)

The remaining area targeted by the Violence Against Women Act II includes several efforts to help train and educate those already on the front lines of the battle against violence against women.

Over the past few years, I have worked with several corporations who have begun their own workplace initiatives—everything from 24-hour assistance hotlines for their employees, training to help managers better recognize domestic violence, and even corporate-employee hotline numbers.

Helping other companies start or improve—on their own initiative—such anti-violence efforts is why this legislation includes a national workplace clearinghouse on violence against women. The clearinghouse will provide technical assistance and help circulate best practices to companies interested in combating violence against women.

Another problem in the field involves the complex nature of criminal investigations into serious crimes. To assist the cops in the field who conduct these investigations, this legislation calls on the Attorney General to evaluate and recommend standards of training and practice of forensic examiners following sexual assaults.

Finally, this legislation continues the authorization for rape prevention and education programs. These programs provide public awareness and education efforts to teach young women how to protect themselves from rape and assault.

I have just offered the most general outline of the contents of the Violence Against Women Act II. I introduced
this legislation in the last session of Congress. My colleagues and I worked diligently and productively on it last year and made substantial progress. This year, I am determined that we will complete the work we started last year and pass the Violence Against Women Act.

I urge my colleagues to review this legislation carefully. This is not just a bipartisan effort—it is a non-partisan effort in which I hope every one of my colleagues will join me. I am confident they will find this bill a comprehensive and practical response that will help us meet a goal I believe is shared by every member of this Senate—making more women and more children more safe now and in the future.

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. 51

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 "Violence Against Women Act II".

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

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<th>Section</th>
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<tr>
<td>1</td>
<td>Short title, table of contents.</td>
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<td>Definitions.</td>
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TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

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TITLE V—EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND

Sec. 503. Extension.

SECTION 2. DEFINITIONS.

In this Act—

(1) the term "domestic violence" has the meaning given the term in section 201 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2); and

(2) the term "sexual assault" has the meaning given the term in section 201 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

Sec. 501. Extension.

The violent crime reduction trust fund established by section 107(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(a) in subsection (a), by striking ``, judges and other court personnel,''; and

(b) in subsection (c), by striking paragraph (1), by inserting ``, judges and other court personnel,''; and

Sec. 502. Congressional findings.

It is hereby found that—

(1) the trust fund established by section 107(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is needed to support and encourage the development of innovative programs that will be responsive to the needs of victims of violence against women;

(2) increasing the availability of multi-disciplinary community based services and support systems for victims of violence against women is an important element of a comprehensive national strategy to combat violence against women;

(3) increasing the availability of services and support systems for victims of violence against women is needed to meet the needs of specific victimization and subpopulations of victimization, including women of minority groups; and

(4) the Congress intends that the trust fund be available to support these ends.

Sec. 503. Appropriation of funds.

There is hereby appropriated to the trust fund established by section 107(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) the sum of $50,000,000 for each of the fiscal years 1999, 2000, and 2001.
(E) by adding at the end the following: 

"(20) domestic violence and child abuse in custody determinations and stereotypes regarding the fitness of individuals with disabilities as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) to retain custody of children in domestic violence cases; 

(21) establishing in the vertical management of domestic violence offender cases; and 

(22) issues relating to violence against any person with disabilities as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102), including the nature of physical, mental, and communicative disabilities, the special vulnerability to violence of individuals with disabilities, and the types of violence and abuse experienced by individuals with disabilities.

(2) in section 4014, by striking subsection (a) and inserting the following: 

"(a) in general.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 31001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 3796hh) to carry out this chapter $600,000 for each of fiscal years 2000 through 2002.

(c) Federal judicial personnel.—In carrying out sections 31001 and 31002 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

"(1) in section 2002—

(A) by striking paragraphs (3) and (4), respectively, and adding the following:

"2 percent shall be available to grants for State coalitions under section 2002(b), without regard to subsection (c)(3) of this section.

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) in subsection (b)—

(1) in paragraph (2), by striking "policies and plans" and inserting "policies, educational programs, and; and

(2) in each of paragraphs (3) and (4), by inserting "provides assistance to victims through the legal process" after "child in common,"; and

(3) in section 2003—

(A) in paragraph (1), by inserting "by a person with whom the victim has engaged in a social relationship of a romantic or intimate nature" after "child in common,"; 

(B) in paragraph (8)—

(i) by striking "assisting domestic violence or sexual assault victims through the legal process" and inserting "providing assistance for victims seeking legal, social, or health care services"; and

(ii) by inserting before the period at the end of subsections, the term "which does not include any program or activity that is targeted primarily for offenders"; and

(C) in paragraph (9), by striking "physical"; and

(d) reallocation of funds.—Section 2002(e) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1) is amended by adding at the end the following:

"(3) reallocation of funds.—

(A) in general.—If, beginning 1 year after the last day of any fiscal year for which amounts are made available under this subsection, any amount made available under section 2002(e) for fiscal year 2000, any amount made available under sections 2001(a)(18), any amount made available remains unobligated, the unobligated amount may be allocated by a State to fulfill the purposes described in section 2001(b), without regard to subsection (c)(3) of this section.

(B) guidelines.—The Attorney General shall develop and implement guidelines to implement this paragraph.

SEC. 104. CONTROL OF DATE-RAPE DRUG.

Notwithstanding section 201 or subsection (a) of title I of the Controlled Substances Act (21 U.S.C. 811, 812(a), 812(b) respecting the scheduling of controlled substances, the Attorney General shall by order temporarily reclassify such Schedule IV of such Act to schedule I of such Act.

SEC. 105. REAUTHORIZATION OF GRANTS TO ENCOURAGE ARREST POLICIES.

Section 1003(a)(19) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended to read as follows:

"(19) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 31001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 3793g) to carry out part U $66,000,000 for fiscal year 2000, $65,000,000 for fiscal year 2001, and $64,000,000 for fiscal year 2002.

SEC. 106. VIOLENCE AGAINST WOMEN IN THE MILITARY SYSTEM.

(a) Criminal offenses committed outside the United States by persons accompanying the armed forces.—

(1) in general.—Title I, United States Code, is amended by inserting after chapter 211 the following:

"CHAPTER 212—DOMESTIC VIOLENCE AND SEXUAL ASSAULT OFFENSES COMMITTED OUTSIDE THE UNITED STATES

"Sec. 3256. Definitions.

"3256a. Domestic violence and sexual assault offenses committed by persons employed by or accompanying the armed forces.

"3256b. Delivery to authorities of foreign countries.

"3256c. Regulations.

"3256d. In this chapter—

"(1) the term "armed forces" has the same meaning as in section 101(a)(4) of title 10;

"(2) a person is 'accompanied by the armed forces' outside of the United States if the person—

"(A) is an employee of the Department of Defense; 

"(B) is present or residing outside of the United States in connection with such employment; and

"(C) is a national of the United States, as defined in 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(D) is a permanent resident of the United States.

"(2) a person is 'accompanied by the armed forces' outside of the United States if the person—

"(A) is a dependent of a member of the armed forces, as determined under regulations prescribed pursuant to section 3264; 

"(B) is a dependent of an employee of the Department of Defense, as determined under regulations prescribed pursuant to section 3264; 

"(C) is residing with the member or employee outside of the United States; and

"(D) is a national of the United States, as defined in 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"3256a. Domestic violence and sexual assault offenses committed by persons employed by or accompanying the armed forces outside the United States.
in conduct that would constitute a domestic violence or sexual assault offense, if the con-
duct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be subject to prosecu-
tion in a district court of the United States.
"(b) Concurrent Jurisdiction.—Nothing conten-
tained in this chapter deprives courts-
martial, military commissions, provost courts, or other military tribunals of concur-
rent jurisdiction with respect to offenses or
offenses that by statute or by the law of war may be, under color of law, willfully causes bodily
injury to any person, because of the actual or perceived race, religion, or national origin of any
person—
"(i) shall be imprisoned not more than 10
years, or fined in accordance with this title,
or both; and
"(ii) shall be imprisoned for any term of
years or for life, or fined in accordance with
this title, or both, if—
"(i) death results from the acts committed
in violation of this paragraph; or
"(ii) the acts committed in violation of
the paragraph included an attempt to kidnap,
aggravated sexual abuse or an attempt to
commit aggravated sexual abuse, or an attempt to kill.
"(B) In any case in which a foreign person is
involved, the criminal action shall be
conducted in accordance with the
provisions of section 225, title 18, United States Code,
and the application of the provisions
of such to or in a foreign country shall be
conducted in accordance with the
provisions of section 225, title 18, United States Code,
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§ 220. CIVIL LEGAL ASSISTANCE.
(a) In General.—The purpose of this section is to enable the Attorney General to make grants to further the health, safety, and economic well-being of victims of domestic violence, stalking, and sexual assault by providing civil legal assistance to such victims.

(b) CIVIL LEGAL ASSISTANCE GRANTS.—The Attorney General may make grants under this subsection to private nonprofit entities, publicly funded organizations not acting in a governmental capacity, and Indian tribal governments and affiliated organizations, which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence, stalking, and sexual assault advocates, and Indian tribes; and

(2) to implement, expand, and establish efforts and projects to strengthen a broad range of civil legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer direct legal or advocacy services to victims of domestic violence, stalking, and sexual assault.

(c) GRANT TO CREATE DATABASE OF PROGRAMS THAT PROVIDE CIVIL LEGAL ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, STALKING, AND SEXUAL ASSAULT.—

(1) IN GENERAL.—The Attorney General may make a grant to establish, operate, and maintain a national computer database of programs that provide civil legal assistance to victims of domestic violence, stalking, and sexual assault.

§ 2201. REAUTHORIZATION OF RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.
(a) REAUTHORIZATION.—Section 40295(c)(1) of the Violence Against Women Act of 1994 (42 U.S.C. 13973(c)(1)) is amended to read as follows:

(1) I N GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 31001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

(A) $34,000,000 for fiscal year 2000.

(B) $35,000,000 for fiscal year 2001; and

(C) $36,000,000 for fiscal year 2002.

(b) INDIAN TRIBES.—Section 40296(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13973(c)) is amended by adding at the end the following:

(3) ALLOTMENT FOR INDIAN TRIBES.—

(A) IN GENERAL.—Not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.

(B) REALLOCATION OF FUNDS.—If, beginning 12 months after the last day of any fiscal year for which amounts are made available to carry out this paragraph, any amount made available under this paragraph remains unobligated, the unobligated amount may be reallocated among the Indian tribes eligible under section 31001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

(A) $3,500,000 for fiscal year 2000; and

(B) $3,500,000 for fiscal year 2001.

SEC. 109. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION.
(a) REAUTHORIZATION.—Section 40603 of the Violent Against Women Act of 1994 (42 U.S.C. 14032) is amended to read as follows:


(a) Reauthorization.—Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended to read as follows:

(b) TECHNICAL AMENDMENT.—Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031) is amended by inserting “and implement” after “improve”.

SEC. 110. AMENDMENTS TO DOMESTIC VIOLENCE AND STALKING PREVENTION ACT.
(a) INTERSTATE DOMESTIC VIOLENCE.—Section 2261(a) of title 18, United States Code, is amended to read as follows:

$ 2261A. Interstate stalking.

Whoever—

(1) with the intent to injure, harass, or intimidate another person, engages in the special maritime and territorial jurisdiction of the United States in conduct that places that person in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person’s immediate family (as defined in section 115) of that person; or

(2) with the intent to injure, harass, or intimidate another person, travels in interstate or foreign commerce or to or from Indian country, and, in the course of or as a result of such travel, engages in conduct that places that person in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person’s immediate family (as defined in section 115), shall be punished as provided in section 2261 of this title.

SEC. 111. ENFORCEMENT ACT OF 1994 (42 U.S.C. 14211) TO CARRY OUT THIS SECTION—

(1) for fiscal year 2000—

(A) $31,000,000; and

(B) $32,000,000; and

(2) for fiscal year 2001—

(A) $33,000,000; and

(B) $34,000,000.

SEC. 112. REAUTHORIZATION OF RURAL DOMESTIC VIOLENCE GRANTS.
(a) Reauthorization.—Section 40296(b) of the Violence Against Women Act of 1994 (42 U.S.C. 13973(b)) is amended to read as follows:

(b) FUNDING FOR GRANTS.—The Attorney General may make grants to further the health, safety, and economic well-being of victims of domestic violence, stalking, and sexual assault by providing civil legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer direct legal or advocacy services to victims of domestic violence, stalking, and sexual assault.

(c) GRANT TO CREATE DATABASE OF PROGRAMS THAT PROVIDE CIVIL LEGAL ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, STALKING, AND SEXUAL ASSAULT.—

(1) IN GENERAL.—The Attorney General may make a grant to establish, operate, and maintain a national computer database of programs that provide civil legal assistance to victims of domestic violence, stalking, and sexual assault.

§ 2261. Definitions

In this chapter:

§ 2261A. Interstate stalking.

Whoever—

(1) with the intent to injure, harass, or intimidate another person, engages in the special maritime and territorial jurisdiction of the United States in conduct that places that person in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person’s immediate family (as defined in section 115) of that person; or

(2) with the intent to injure, harass, or intimidate another person, travels in interstate or foreign commerce or to or from Indian country, and, in the course of or as a result of such travel, engages in conduct that places that person in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person’s immediate family (as defined in section 115), shall be punished as provided in section 2261 of this title.
(B) operated in coordination with the national domestic violence hotline established under section 316 of the Family Violence Prevention and Services Act.
(d) By inserting the Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault, and on evaluation research.
(e) Authorization of Appropriations.—
(1) Generally.—The terms are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 31001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—
(A) $34,000,000 for fiscal year 2000;
(B) $38,000,000 for fiscal year 2001; and
(C) $36,000,000 for fiscal year 2002.
(2) Allocation of Funds.—Of the amount made available under this subsection for any fiscal year, not less than 5 percent shall be used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.
(3) Nonsupplantation.—Amounts made available under this section shall be used to supplement and not supplant other Federal, State, local, and private funds expended to further the purpose of this section.

SEC. 202. SHELTERS FOR BATTERED WOMEN AND CHILDREN.
(a) State Shelter Grants; Direct Emergency Assistance.—Section 303 of the Family Violence Prevention and Services Act (42 U.S.C. 10402) is amended—
(1) in subsection (a)(2)—
(A) by striking the following:
``(B) $34,000,000 for fiscal year 2000;''
(B) $38,000,000 for fiscal year 2001; and
(C) $36,000,000 for fiscal year 2002.
(2) In subsection (c)—
(A) by redesignating paragraph (2) as paragraph (3);
(B) by inserting after paragraph (1) the following:
``(2) If, at the end of the sixth month of a fiscal year for which sums are appropriated under section 310(a), the remaining portion of such sums that is made available for grants under section 303(b) has not been distributed to Indian tribes and organizations described in section 303(b) in grants because of the failure of 1 or more of the tribes or organizations to meet the requirements for such a grant, the Secretary shall make grants under section 303(b) to Indian tribes and organizations who meet the requirements and
(ii) make in-kind grants in proportion to the original grants made to the tribes and organizations under section 303(b) for such year.''; and
(C) in paragraph (3) (as redesignated in paragraph (A)) by inserting ``individuals'' in place of the terms `organization' and `tribe', and by striking the clause: and:
(3) by striking the following:
``(B) 8 percent of the amount appropriated under section 303(a)'' after ``(303a)'' and
(C) by adding at the end the following:
``(4) In subsection (a)(2), the term `State' does not include any jurisdiction specified in subsection (a)(1).''
(b) State Shelter Grants; Direct Emergency Assistance.—Section 303 of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)) is amended—
(1) by striking ``No funds provided'' and inserting ``(1) Except as provided in paragraph (2);''
(2) by striking of the amounts'' and inserting the following:
``(A) by redesignating paragraph (2) as paragraph (3);''
(B) by inserting after paragraph (1) the following:
``(2) If, at the end of the sixth month of a fiscal year for which sums are appropriated under section 310(a), the remaining portion of such sums that is made available for grants under section 303(b) has not been distributed to Indian tribes and organizations described in section 303(b) in grants because of the failure of 1 or more of the tribes or organizations to meet the requirements for such a grant, the Secretary shall make grants under section 303(b) to Indian tribes and organizations who meet the requirements and
(ii) make in-kind grants in proportion to the original grants made to the tribes and organizations under section 303(b) for such year.''; and
(C) by striking the following:
``(B) 8 percent of the amount appropriated under section 303(a)'' after ``(303a)'' and
(D) by adding at the end the following:
``(4) In subsection (a)(2), the term `State' does not include any jurisdiction specified in subsection (a)(1).''

(c) Secretarial Responsibilities.—Section 303(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—
(1) by redesignating paragraph (2) as paragraph (3);
(2) by striking of the title ''and inserting of the title, including carrying out evaluation and monitoring under this title.''; and
(3) by striking ''individuals' and inserting "individuals'."

d) Resource Centers.—Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10406) is amended—
(1) in subsection (a)(2)—
(A) by striking the following:
``(B) $35,000,000 for fiscal year 2000;''
(B) $38,000,000 for fiscal year 2001; and
(C) $36,000,000 for fiscal year 2002.
(2) by inserting after subsection (d) the following:
``(1) by striking an employee' and inserting "1 or more employees';" and
(2) by striking of this title' and inserting "of the title, including carrying out evaluation and monitoring under this title.''; and
(3) by striking 'individuals' and inserting "individuals'."

d) Resource Centers.—Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10406) is amended—
(1) in subsection (a)(2)—
(A) by striking the following:
``(B) $35,000,000 for fiscal year 2000;''
(B) $38,000,000 for fiscal year 2001; and
(C) $36,000,000 for fiscal year 2002.
(2) by inserting after subsection (d) the following:
``(1) by striking an employee' and inserting "1 or more employees';" and
(2) by striking of this title' and inserting "of the title, including carrying out evaluation and monitoring under this title.''; and
(3) by striking 'individuals' and inserting "individuals'."

e) Resource Centers.—Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10406) is amended—
(1) in subsection (a)(2)—
(A) by striking the following:
``(B) $35,000,000 for fiscal year 2000;''
(B) $38,000,000 for fiscal year 2001; and
(C) $36,000,000 for fiscal year 2002.
(2) by inserting after subsection (d) the following:
``(1) by striking an employee' and inserting "1 or more employees';" and
(2) by striking of this title' and inserting "of the title, including carrying out evaluation and monitoring under this title.''; and
(3) by striking 'individuals' and inserting "individuals'."

(f) Resource Centers.—Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10406) is amended—
(1) in subsection (a)(2)—
(A) by striking the following:
``(B) $35,000,000 for fiscal year 2000;''
(B) $38,000,000 for fiscal year 2001; and
(C) $36,000,000 for fiscal year 2002.
(2) by inserting after subsection (d) the following:
``(1) by striking an employee' and inserting "1 or more employees';" and
(2) by striking of this title' and inserting "of the title, including carrying out evaluation and monitoring under this title.''; and
(3) by striking 'individuals' and inserting "individuals'."

(g) Resource Centers.—Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10406) is amended—
(1) in subsection (a)(2)—
(A) by striking the following:
``(B) $35,000,000 for fiscal year 2000;''
(B) $38,000,000 for fiscal year 2001; and
(C) $36,000,000 for fiscal year 2002.
(2) by inserting after subsection (d) the following:
``(1) by striking an employee' and inserting "1 or more employees';" and
(2) by striking of this title' and inserting "of the title, including carrying out evaluation and monitoring under this title.''; and
(3) by striking 'individuals' and inserting "individuals'."

(h) Resource Centers.—Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10406) is amended—
(1) in subsection (a)(2)—
(A) by striking the following:
``(B) $35,000,000 for fiscal year 2000;''
(B) $38,000,000 for fiscal year 2001; and
(C) $36,000,000 for fiscal year 2002.
(2) by inserting after subsection (d) the following:
``(1) by striking an employee' and inserting "1 or more employees';" and
(2) by striking of this title' and inserting "of the title, including carrying out evaluation and monitoring under this title.''; and
(3) by striking 'individuals' and inserting "individuals'."

(i) Resource Centers.—Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10406) is amended—
(1) in subsection (a)(2)—
(A) by striking the following:
``(B) $35,000,000 for fiscal year 2000;''
(B) $38,000,000 for fiscal year 2001; and
(C) $36,000,000 for fiscal year 2002.
(2) by inserting after subsection (d) the following:
``(1) by striking an employee' and inserting "1 or more employees';" and
(2) by striking of this title' and inserting "of the title, including carrying out evaluation and monitoring under this title.''; and
(3) by striking 'individuals' and inserting "individuals'."

(j) Resource Centers.—Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10406) is amended—
(1) in subsection (a)(2)—
(A) by striking the following:
``(B) $35,000,000 for fiscal year 2000;''
(B) $38,000,000 for fiscal year 2001; and
(C) $36,000,000 for fiscal year 2002.
(2) by inserting after subsection (d) the following:
``(1) by striking an employee' and inserting "1 or more employees';" and
(2) by striking of this title' and inserting "of the title, including carrying out evaluation and monitoring under this title.''; and
(3) by striking 'individuals' and inserting "individuals'."
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model community intervention strategies to address family violence in underserved populations as such term is defined in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1992 (42 U.S.C. 13981(c)).

"(2) LIMITATIONS.--In awarding grants under paragraph (1), the Secretary shall award grants to not more than 10 State domestic violence coalitions and to not more than 10 local entities that carry out domestic violence programs providing shelter or related assistance.

"(3) GRANTS.--Grants awarded under paragraph (1) shall be used for—

(A) assessing the needs of underserved populations in the State involved;

(B) building collaborative relationships between the grant recipients and community-based organizations serving underserved populations;

(C) developing and implementing model community intervention strategies to decrease the incidence of family violence in underserved populations.

"(4) PERIODS.--The Secretary shall award grants under paragraph (1) for periods of not more than 3 years.

"(D) APPROPRIATIONS.--(1) IN GENERAL.--In awarding grants under subsection (a)(1), an applicant shall—

(A) submit to the Secretary an application containing an acceptable plan for addressing the needs of underserved populations to be supported under the subsection for continued funding for not more than 2 additional years through a grant awarded under subsection (a)(1), the Secretary shall give priority to State domestic violence coalitions, and local entities that carry out domestic violence programs providing shelter or related assistance.

(B) building collaborative relationships between the grant recipients and community-based organizations serving underserved populations to be supported under the subsection for continued funding for not more than 2 additional years through a grant awarded under subsection (a)(1), the Secretary shall give priority to State domestic violence coalitions, and local entities that carry out domestic violence programs providing shelter or related assistance.

"(3) CıyPRIOİTY FOR COLLABORATIVE FUNDING.--(1) IN GENERAL.--In awarding grants under subsection (a)(1), a recipient of funds shall, for the model community intervention strategies described in subsection (a)(3)(C), and identifying a specific population for development of such an intervention strategy, in the first year of the grant, and

(B) demonstrate to the Secretary inclusion of representatives from community-based organizations serving underserved communities in planning and designing the needs assessment under subparagraph (A).

"(2) CONTINUED ELIGIBILITY.--To be eligible for continued funding for not more than 2 additional years through a grant awarded under subsection (a)(1), a recipient of funding for the initial year shall submit to the Secretary an application containing—

(A) a plan for implementing the intervention strategy, and specifying the collaborative relationships with community-based organizations to be supporting the identified underserved populations to be supported under the grant; and

(B) a plan for disseminating the intervention strategy throughout the State and, at the option of the recipient, to other States.

"(C) PRIORITY FOR COLLABORATIVE FUNDING.

"(1) IN GENERAL.--In awarding grants under subsection (a)(1), the Secretary shall give priority to State domestic violence coalitions, and local entities that carry out domestic violence programs that carry out domestic violence programs, that submit applications in collaboration with community-based organizations serving underserved populations.

"(2) AMOUNTS.--The Secretary shall award grants under subsection (a)(1) to coalitions and entities described in paragraph (1) in amounts of not less than $10,000 per fiscal year.

"(3) AUTHORIZATION OF APPROPRIATIONS.--Section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10402(b)) is amended by striking "the Virgin Islands, and the Trust Territory of the Pacific Islands" and inserting "the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the combined Freely Associated States".

"(4) Section 311(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10403(c)) is amended by striking the "U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands" and inserting "the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Northern Mariana Islands, and the Freely Associated States".

SEC. 203. VICTIMS OF ABUSE INSURANCE PROTECTION.

"(A) DEFINITIONS.--In this section—

(A) Abuse.--The term "abuse" means the occurrence of one or more of the following acts by a current or former household or family member, intimate partner, or caretaker:

(A) Attempting to cause or causing another person to experience physical harm, substantial emotional distress, psychological trauma, rape, sexual assault, or involuntary sexual intercourse.

(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority and under circumstances that the person had a reasonable fear of bodily injury or physical harm.

(C) Subjecting another person to false imprisonment or kidnapping.

(D) Attempting or causing damage to property so as to intimidate or attempt to control the behavior of another person.

"(B) ADVERSE ACTION.--The term "adverse action" means—

(A) denying, refusing to issue, renew, or reissue, or canceling or otherwise terminating an insurance policy or health benefit plan;

(B) restricting, excluding, or limiting insurance or health benefit plan coverage or denying or limiting payment of a claim incurred by an insured, except as otherwise permitted by State laws relating to life insurance beneficiaries; or

(C) adding a premium differential to any insurance policy or health benefit plan.

"(3) HEALTH BENEFIT PLAN.--The term "health benefit plan" means any public or private entity or program that provides for payment of health care, including—

(A) a group health insurance plan or a plan of health insurance, health benefits, or health service corporation or any other entity providing health care; and

(B) a plan of health insurance, health benefits, or health service corporation or any other entity providing health care.

"(4) BENEFICIARY.--The term "beneficiary" means an individual whose life or health is protected by an insurance policy, certificate, or health benefit plan, as defined in the preceding subsection, or any person who is a beneficiary covered by the policy, certificate, or health benefit plan, as defined in the preceding subsection.

"(5) MAY SIDE EFFECT.--The term "may side effect" means any condition that results from the abuse of another person or any condition caused by the abuse of another person.

"(6) PROHIBITED ACTS.--The term "prohibited acts" means the occurrence of one or more of the following acts by a current or former household or family member, intimate partner, or caretaker:

(A) Subjecting another person to false imprisonment or kidnapping;

(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority and under circumstances that the person had a reasonable fear of bodily injury or physical harm;

(C) Attempting or causing damage to property so as to intimidate or attempt to control the behavior of another person.

"(7) PRIVACY.--The term "privacy" means the occurrence of one or more of the following acts by a current or former household or family member, intimate partner, or caretaker:

(A) Exposing another person to the public or to property so as to intimidate or attempt to control the behavior of another person;

(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority and under circumstances that the person had a reasonable fear of bodily injury or physical harm;

(C) Attempting or causing damage to property so as to intimidate or attempt to control the behavior of another person.

"(8) HEALTH INSURANCE.--The term "health insurance" means any public or private entity or program that provides for payment of health care, including—

(A) a group health insurance plan or a plan of health insurance, health benefits, or health service corporation or any other entity providing health care; and

(B) a plan of health insurance, health benefits, or health service corporation or any other entity providing health care.

"(9) PRIVACY.--The term "privacy" means the occurrence of one or more of the following acts by a current or former household or family member, intimate partner, or caretaker:

(A) Exposing another person to the public or to property so as to intimidate or attempt to control the behavior of another person;

(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority and under circumstances that the person had a reasonable fear of bodily injury or physical harm;

(C) Attempting or causing damage to property so as to intimidate or attempt to control the behavior of another person.

"(10) SUBJECT OF ABUSE.--The term "subject of abuse" means a person—

(A) against whom an act of abuse has been directed;

(B) who has prior or current injuries, illnesses, or disorders that resulted from abuse;

(C) who seeks, may have sought, or had reason to seek medical or psychological treatment for abuse or protection or shelter from abuse; or

(D) who has incurred or may incur a claim as a result of abuse.

"(11) ACTS AGAINST SUBJECTS OF ABUSE.--

(A) DISCRIMINATORY ACTS PROHIBITED.--(1) IN GENERAL.--No insurer, or health benefit plan, as defined in the preceding subsection, or any person acting on behalf of such an insurer or health benefit plan, as defined in the preceding subsection, shall take an adverse action against an applicant or insured on the basis that the applicant or insured, or any person...
employed by the applicant or insured or with whom the applicant or insured is known to have a relationship or association is, has been, or may be the subject of abuse.

(2).exceptions.—An insurer may, directly or indirectly, take any adverse action against an innocent insured.

(2) reasons for adverse actions.—An insurer shall not take an adverse action against an innocent insured if the subject of abuse is known to the insurer, employee, or contractor thereof, shall not knowingly disclose or otherwise make available to any person or entity personal identifying information about a subject of abuse.

(b) exception.—Personal identifying information referred to in subparagraph (a) may be disclosed—

(1) with the informed, written consent of the subject of abuse at the time the disclosure is sought;

(2) if the information is necessary for the provision of or the payment for services provided by the insurer or is incident to the ordinary course of business of the insurer; or

(3) if the following action is undertaken pursuant to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, a grand jury subpoena, or a court order.

(c) rule of construction.—Nothing in subparagraph (b) shall be construed to permit an insurer to disclose personal identifying information about a subject of abuse to a current or former household or family member, intimate partner, or caretaker of the subject of abuse.

(d) enforcement.—

(1) federal trade commission.—

(A) in general.—The Federal Trade Commission shall have the power to examine and investigate any insurer to determine whether an insurer has been, or is, in violation of subsection (b) if the violation involved is not prohibited under other Federal or State law or is not prohibited under State law but is in violation of the Commission is not being enforced by the State.

(B) remedies.—If the Federal Trade Commission determines that an insurer has been, or is, in violation of subsection (b)—

(i) in the case of a violation of Federal or State law, the Commission shall transmit such information to the appropriate enforcement authority; and

(ii) in the case of a violation that is not prohibited under other Federal or State law, the Commission shall transmit such information to the State, the Commission may take action against such insurer as if the insurer were the subject of an investigation under section 5 of the Federal Trade Commission Act by issuing a cease and desist order, which may include any individual relief warranted under the circumstances, including temporary, pre-liminary, and permanent injunctive and compensatory relief.

(2) private cause of action.—

(A) in general.—An applicant or insured who believes that the applicant or insured has been affected by a violation under subsection (b) may bring an action against the insured pursuant to the Federal or State court of original jurisdiction.

(B) remedies.—An action under subparagraph (A), upon proof of conduct of a violation of subparagraph (A) by a preponderance of the evidence, the court may award appropriate relief, including—

(i) temporary, preliminary, and permanent injunctive relief;

(ii) actual damages, in an amount that is not less than liquidated damages in the amount of $500 or $1,000 provided by subsection (b)(1), whichever is greater;

(iii) punitive damages;

(iv) reasonable attorneys’ fees and other litigation costs reasonably incurred, including the court’s costs.

(v) such other preliminary and equitable relief as the court determines to be appropriate.

(2) rule of construction.—Nothing in this section shall be construed to prohibit a life insurer from declining to issue a life insurance policy if the applicant or prospective owner of the policy would be designated as a beneficiary of the policy and if—

(I) the applicant or prospective owner of the policy lacks an insurable interest in the insured;

(2) the applicant or prospective owner of the policy is known, on the basis of police or court records, to have committed an act of abuse that is described in subsection (b); or

(3) the effective date.—This section shall apply with respect to any action taken after December 31, 1998.

SEC. 204. NATIONAL DOMESTIC VIOLENCE HOT-LINE.

(a) reauthorization.—Section 316(f)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)(1)) is amended to read as follows—

(1) in general.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 31003 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

(A) $3,600,000 for fiscal year 2000;

(B) $3,800,000 for fiscal year 2001; and

(C) $4,000,000 for fiscal year 2002.

(b) report by grant recipients.—Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended by adding at the end the following:

(1) in general.—Not later than 90 days after the end of this fiscal year, the Secretary shall publish in the Federal Register a copy of the report submitted by the recipient under this section and:

(A) an evaluation of the effectiveness of the activities carried out by the recipient with amounts received under this section; and

(B) such other information as the Secretary may prescribe.

(2) notice and public comment.—Before renewing any grant under this section for a recipient, the Secretary shall publish in the Federal Register a copy of the report submitted by the recipient under this section and allow not less than 90 days for notice of and opportunity for public comment on the published report.

SEC. 205. FEDERAL VICTIMS’ COUNSELORS.

Section 40114 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1910) is amended by striking "(C) because the employee is addressing domestic violence;" and inserting "(C), (D), (E), or (F)"; and

(b) domestic violence.—Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an eligible employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.

(c) in subsection (d)(2)(B), by striking ", (D), (E), or (F)"; and

(D) in subsection (e)(2), by striking "or (D) and inserting ", (D), (E), or (F)";

(b) certification.—Section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended—

(A) in the heading of the section, by inserting "and in determining" before the basis for the claim of domestic violence, including temporary or permanent relocation;

(B) being unable to attend or perform work due to an incident of domestic violence, including an act of domestic violence, stalking, coercion, or harassment, occurring within the previous 72 hours; and

(F) participating in any other activity necessary to address the effects of domestic violence that must be undertaken during the hours of employment.

(b) domestic violence.—The term ‘domestic violence’ has the meaning given such term in section 203 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 13962).

(c) leave requirement.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(A) in subsection (a)(1), by adding at the end the following:

(1) in general.—Not later than 90 days after the end of this fiscal year, the Secretary shall publish in the Federal Register a copy of the report submitted by the recipient under this section and:

(A) an evaluation of the effectiveness of the activities carried out by the recipient with amounts received under this section; and

(B) such other information as the Secretary may prescribe.

(2) notice and public comment.—Before renewing any grant under this section for a recipient, the Secretary shall publish in the Federal Register a copy of the report submitted by the recipient under this section and allow not less than 90 days for notice of and opportunity for public comment on the published report.

SEC. 206. BATTERED WOMEN’S EMPLOYMENT PROTECTION.

(a) entitlement to leave for non-federal employees.—

(1) in general.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

(14) addressing domestic violence and its effects.—The term ‘addressing domestic violence and its effects’ means—

(a) seeking medical attention for or recovering from injuries caused by domestic violence;

(b) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding, related to domestic violence;

(c) obtaining psychological or other counseling related to experiences of domestic violence;

(d) participating in safety planning and other actions to increase safety from future harm due to domestic violence, including temporary or permanent relocation;

(e) being unable to attend or perform work due to an incident of domestic violence, including an act of domestic violence, stalking, coercion, or harassment, occurring within the previous 72 hours; and

(f) participating in any other activity necessary to address the effects of domestic violence that must be undertaken during the hours of employment.

(b) domestic violence.—In determining if an employee meets the requirements of subparagraph (E) or (F) of section 102(a)(1), the employer of an employee may require the employee to provide—

(1) documentation of the domestic violence involved, such as a police or court record, or documentation of the domestic violence from a shelter worker, attorney, member of the clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects;

(2) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph or torn or bloody clothing;

(g) confidentiality.—All evidence provided to the employer under subsection (f) of 452

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domestic violence experienced by an employee or the son, daughter, or parent of an employee, including a statement of an employee, any corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing, or caring for a son, daughter, or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employing agency, except to the extent that disclosure is consented to by the employee in a case in which disclosure is necessary to protect the safety of the employee or a co-worker of the employee, or requested by the employee to document domestic violence to a court or agency.

(b) Entitlement to Leave for Federal Employees.—

(1) Definitions.—Section 6381 of title 5, United States Code, is amended—

(A) at the end of paragraph (5), by striking "and";

(B) in paragraph (6), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(7) the term 'addressing domestic violence and its effects' means—"

(A) seeking medical attention for or recovering from injuries caused by domestic violence;

(B) seeking legal assistance or remedies, including communicating with the police or an attorney or participating in the legal proceeding, related to domestic violence;

(C) obtaining psychological or other counseling related to experiences of domestic violence;

(D) participating in safety planning and other actions to increase safety from future violence;

(E) being unable to attend or perform work due to an incident of domestic violence, including an act or threat of violence, stalking, coercion, or harassment, occurring within the previous 72 hours;

(F) participating in any other activity necessitated by domestic violence that must be undertaken during the hours of employment involved; and

(8) the term 'domestic violence' has the meaning given the term in section 2003 of the

(2) Leave Requirement.—Section 6382 of title 5, United States Code, is amended—

(A) in subsection (a)(1), by adding at the end the following:

"(E) in order to care for the son, daughter, or parent of the employee, if such son, daughter, or parent is addressing domestic violence and its effects.

(F) Because the employee is addressing domestic violence and its effects, which make the employee unable to perform the functions of the position of such employee;"

(B) in subsection (b), by adding at the end the following:

"(3) Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.

(C) in subsection (d), by striking "(C), or"

(D) and inserting "(C), (D), (E), or (F)"); and

(D) in subsection (e)(2), by striking "or (D)" and inserting "(D), (E), or (F)"); and

(3) Certification.—Section 6383 of title 5, United States Code, is amended—

(A) in the heading of the section, by adding at the end the following: "; confidentiality"; and

(B) by adding at the end the following:

"(1) In determining if an employee meets the requirements of subparagraph (E) or (F) of section 6382(a)(1), the employing agency of an employee may require the employee to provide—

(1) documentation of the domestic violence involved, such as a police or court record, or documentation of the domestic violence from a shelter worker, attorney, member of the clergy, or medical or other professional from whom the employee has sought assistance to address domestic violence and its effects; or

(2) other corroborating evidence, such as a statement from any other individual with knowledge of circumstances directly resulting from the individual's experience of domestic violence if the separation resulted from—"

(A) the employee's need to relocate to another geographic area in order to avoid future domestic violence against the employee or the employee's family;

(B) the employee's wish to relocate to another geographic area in order to avoid future domestic violence against the employee or the employee's family;

(2) the employer's denial of the employee's request for leave due to circumstances directly resulting from the employee's experience of domestic violence;

(3) the employee's need to temporarily relocate from employment to address domestic violence and its effects authorized by subparagraphs (E) and (F) of section 102(a)(1) of the Family and Medical Leave Act of 1993; or

(4) any other circumstance in which domestic violence causes the employee to reasonably believe that termination of employment is necessary for the future safety of the employee or the employee's family.

(2) Reasonable Efforts to Retain Employment.—For purposes of subsection (a)(19), if State law requires the employee to temporarily unable to actively search for employment as a condition for receiving unemployment compensation, such requirement shall be met if the employee—

(A) is unable to attend or perform work due to an incident of domestic violence, including calling the police or seeking legal, social work, medical, clergy, or other assistance;

(B) is participating in any other activity related to a court or agency to assist the employee in ending domestic violence;

(C) reasonably believed that options such as taking a leave of absence, transferring jobs, or receiving an alternative work schedule would not be sufficient to guarantee the employee or the employee's family's safety.

(3) Active Search for Employment.—For purposes of subsection (a)(19), if State law requires the employee to actively search for employment after employment as a condition for receiving unemployment compensation, such requirement shall be treated as met where the employee is temporarily unable to actively search for employment because the employee is engaged in seeking safety or relief for the employee or the employee's family from domestic violence, including—

(A) going to hiding or relocating or attempting to do so, including activities associated with such hiding or relocation, such as obtaining a new job, new housing, means to support oneself, child care, or religious counseling or support activities to assist the employee in ending domestic violence;

(B) active pursuit of personal safety or relief, including meeting with the police, going to court to make inquiries or file papers, meeting with attorneys, or attending court proceedings;

(C) participating in psychological, social, or religious counseling or support activities to assist the employee in ending domestic violence;

(4) Provision of Information to Meet Certain Requirements.—In determining if an employee meets the requirements of paragraphs (1), (2), and (3), the unemployment compensation agency of the State in which an employee is requesting unemployment compensation by reason of subsection (a)(19) may require the employee to provide—

(A) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker or an employee of a domestic violence program, a clergy member, or a medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

(B) other corroborating evidence, such as a statement from any other individual with
knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes.

All evidence of domestic violence experienced by an employee, including an employee's statement, any corroborating evidence, and the fact that an employee has applied for or is receiving unemployment compensation, shall be retained in the strictest confidence by the employee where disclosure is necessary to protect the employee's safety.

(5) **Effect of Claims.**—Claims filed for unemployment compensation notwithstanding the provision of subsection (a)(19) shall be disregarded in determining an employer's State unemployment taxes based on unemployment experience.

(b) **Social Security Personnel Training.**—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended by redesignating paragraphs (5) through (11), respectively, and by inserting after paragraph (11) the following:

"(4) Such methods of administration as will enable social security personnel adequately trained in the nature and dynamics of claims for unemployment compensation based on domestic violence to ensure that requests for unemployment compensation are handled expeditiously and without being delayed by the complexity of the claim."

(c) **Definitions.**—Section 3306 of the Internal Revenue Code of 1986 and in methods of ascertaining and keeping confidential information about possible experiences of domestic violence to ensure that requests for unemployment compensation based on domestic violence are reliably screened, identified, and adjudicated, and to ensure that complete confidentiality is provided for the employee's claim and submitted evidence.".

(d) **Effective Date.**—Except as provided in paragraph (2), the amendments made by this section shall apply in the case of compensation paid for weeks beginning 180 days after the date of enactment of this Act.

(2) **Meeting of State Legislature.**—If the Governor of a State, after receiving the report required by section 204(a)(20) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg±2), shall be retained in the strictest confidence by such State unemployment agency, except to the extent conscientiously determined by the employee who, where disclosure is necessary to protect the employee's safety.

(5) **Effect of Claims.**—Claims filed for unemployment compensation notwithstanding the provision of subsection (a)(19) shall be disregarded in determining an employer's State unemployment taxes based on unemployment experience.

(b) **Social Security Personnel Training.**—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended by redesignating paragraphs (5) through (11), respectively, and by inserting after paragraph (11) the following:

"(4) Such methods of administration as will enable social security personnel adequately trained in the nature and dynamics of claims for unemployment compensation based on domestic violence to ensure that requests for unemployment compensation are handled expeditiously and without being delayed by the complexity of the claim.".

(c) **Definitions.**—Section 3306 of the Internal Revenue Code of 1986 and in methods of ascertaining and keeping confidential information about possible experiences of domestic violence to ensure that requests for unemployment compensation based on domestic violence are reliably screened, identified, and adjudicated, and to ensure that complete confidentiality is provided for the employee's claim and submitted evidence.".

(d) **Effective Date.**—Except as provided in paragraph (2), the amendments made by this section shall apply in the case of compensation paid for weeks beginning 180 days after the date of enactment of this Act.

(2) **Meeting of State Legislature.**—If the Governor of a State, after receiving the report required by section 204(a)(20) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg±2), shall be retained in the strictest confidence by such State unemployment agency, except to the extent conscientiously determined by the employee who, where disclosure is necessary to protect the employee's safety.

(5) **Effect of Claims.**—Claims filed for unemployment compensation notwithstanding the provision of subsection (a)(19) shall be disregarded in determining an employer's State unemployment taxes based on unemployment experience.

(b) **Social Security Personnel Training.**—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended by redesignating paragraphs (5) through (11), respectively, and by inserting after paragraph (11) the following:

"(4) Such methods of administration as will enable social security personnel adequately trained in the nature and dynamics of claims for unemployment compensation based on domestic violence to ensure that requests for unemployment compensation are handled expeditiously and without being delayed by the complexity of the claim.".

(c) **Definitions.**—Section 3306 of the Internal Revenue Code of 1986 and in methods of ascertaining and keeping confidential information about possible experiences of domestic violence to ensure that requests for unemployment compensation based on domestic violence are reliably screened, identified, and adjudicated, and to ensure that complete confidentiality is provided for the employee's claim and submitted evidence.".

(d) **Effective Date.**—Except as provided in paragraph (2), the amendments made by this section shall apply in the case of compensation paid for weeks beginning 180 days after the date of enactment of this Act.
(III) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien’s spouse or intended spouse.

(B) Definition.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

“(k) Definition.—An alien described in subsection (a)(2)(B)(i) is an alien—

(1) who is a spouse or intended spouse of a lawful permanent resident of the United States; or

(2) who is a parent of a lawful permanent resident of the United States;

(B) in subsection (c)(2) and (c)(4) by inserting “or an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(iii), (B)(iv), (B)(v), (B)(vii), or (B)(viii) of section 204(a)(1),” after “the alien’s permanent resident parent in the United States”;

(II) by inserting “(III) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien’s spouse or intended spouse.”;

(II) by inserting “(IV) has been battered or has been the subject of extreme cruelty perpetrated by the alien’s spouse or intended spouse at the asylum office or by the Immigration and Naturalization Service;”;

and

(II) by inserting “(V) has been battered or has been the subject of extreme cruelty perpetrated by the alien’s spouse or intended spouse at the asylum office or by the Immigration and Naturalization Service.”

(C) The amendments made by subparagraph (A) shall apply to motions filed by aliens who—

(i) are, or were, in deportation proceedings under the Immigration and Nationality Act (8 U.S.C. 1252) or were released from any period of continuous physical presence in the United States that the alien intended to make the alien ineligible for cancellation of removal under section 240A(d) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by adding at the end the following new clause:

“(k) Definition.—An alien described in subsection (a)(2)(B)(i) is an alien—

(1) who is a spouse or intended spouse of a lawful permanent resident of the United States; or

(2) who is a parent of a lawful permanent resident of the United States;

(B) in subsection (c)(2) and (c)(4) by inserting “or an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(iii), (B)(iv), (B)(v), (B)(vii), or (B)(viii) of section 204(a)(1),” after “the alien’s permanent resident parent in the United States’’;

and

(II) by inserting “(III) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien’s spouse or intended spouse.”

(D) Filing of Petitions.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended by adding at the end of the section the following new clause:

“(k) Special Rule for Battered Spouses and Children.—There is no time limit on the filing of a motion to reopen and the deadline specified in subsection (b)(5)(C) does not apply if, in addition to the circumstances described in subparagraph (A), the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien’s spouse or intended spouse.

(E) Effective Date.—The amendments made by section 303(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1229b(i)(3)) are amended by adding at the end the following new subsection:

“(C) Aliens in Removal Proceedings Who Applied for Cancellation of Removal Under Section 240A(d).—

(A) in general.—Notwithstanding any limitation imposed by law on motions to reopen deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)); and

(ii) by inserting “(C) the amendments made by subparagraph (A) and (B) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note);”.

(B) Special Rule for Battered Spouse or Child.—For purposes of subparagraph (b)(2), the service of a notice to appear referred to in subparagraph (A) shall not be deemed to end any period of continuous physical presence in the United States.

(B) Special Rule for Battered Spouse or Child.—For purposes of subparagraph (b)(2), the service of a notice to appear referred to in subparagraph (A) shall not be deemed to end any period of continuous physical presence in the United States.

(C) Aliens in Removal Proceedings Who Applied for Cancellation of Removal Under Section 240A(d).—

(A) in general.—Notwithstanding any limitation imposed by law on motions to reopen deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)); and

(ii) by inserting “(C) the amendments made by subparagraph (A) and (B) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note);”.

(B) Special Rule for Battered Spouse or Child.—For purposes of subparagraph (b)(2), the service of a notice to appear referred to in subparagraph (A) shall not be deemed to end any period of continuous physical presence in the United States.
(B) The amendments made by subpara-
graph (A) shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Respon-

(3) Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(1)) is amended—

(A) in paragraph (3), by striking "and" at the end;

(B) by striking the period at the end and inserting ";"; and

(C) by adding at the end the following:

"(5) certify that their laws, policies, and practices do not discourage or prohibit pros-
spectors and law enforcement officers from suspending or canceling removal requests to be placed in deportation pro-
ceedings, and the date that the immigration status of a domestic violence per-
petrator is confirmed."

(4) Section 204(a)(1)(A) (i) or (ii) or section 204(a)(1)(B)(i) the spouse or child of a United States citizen

(A) in paragraph (3), by striking "and" at the end; and

(B) by striking the period at the end and inserting ";"; and

(C) by adding at the end the following:

"(5) certify that their laws, policies, and practices do not discourage or prohibit pros-
spectors and law enforcement officers from suspending or canceling removal requests to be placed in deportation pro-
ceedings, and the date that the immigration status of a domestic violence per-
petrator is confirmed."
"(f) Training for Health Professionals on Screening for Elder Abuse, Neglect, and Exploitation.—

(1) In general.—The Secretary shall, in consultation with the Assistant Secretary for Health, develop curricula and implement continuing education training programs for protective service workers, health care providers, social workers, clergy, and other community-based social service providers in settings, including senior centers, adult day care settings, and senior housing complexes, to improve the ability of the persons using the curriculum and training programs to recognize and address instances of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

(2) Training and curricula.—In carrying out paragraph (1), the Secretary shall develop and implement separate curricula and training programs for adult protective service workers, medical students, physicians, physician assistants, nurse practitioners, nurses, and clergy.

(5) Domestic Violence Shelters and Programs for Older Individuals.—Section 422(b) of the Older Americans Act of 1965 (42 U.S.C. 3502(a)) is amended—

(A) by striking “and” at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting semicolon and (C) by adding at the end the following:

(13) expand access to domestic violence shelters and programs for older individuals and expand the range of services, such as domestic violence counseling, health care, shelter housing, or other suitable facilities or services when appropriate as emergency short-term shelters or measures for older individuals, with respect to the victims of elder abuse, including domestic violence, and sexual abuse, against older individuals; and

(D) promote research on legal, organizational, and other impediments to providing services to older individuals through shelters, such as impediments to provision of the services in coordination with delivery of health care or senior services.

(6) Authorization of Appropriations.—

(A) Ombudsman Program.—Section 702(a) of the Older Americans Act of 1965 (42 U.S.C. 3502(a)) is amended to read as follows:

“(a) Ombudsman Program.—There are authorized to be appropriated to carry out chapter 3 such sums as may be necessary without fiscal year limitation.

(B) Elder Abuse Prevention Program.—

Section 702(b) of the Older Americans Act of 1965 (42 U.S.C. 3502(b)) is amended to read as follows:

“(b) Prevention of Elder Abuse, Neglect and Exploitation.—The terms ‘abuse’, ‘neglect’, and ‘exploitation’ have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(1) Community Initiatives and Outreach.—

Title VII of the Older Americans Act of 1965 (42 U.S.C. 3508 et seq.) is amended—

(A) by redesigning subtitle C as subtitle C—Community Initiatives and Outreach;

(B) by redesigning sections 761 through 764 as sections 771 through 774; respectively; and

(C) by inserting after subtitle B the following:

"Subtitle C—Community Initiatives and Outreach

SEC. 761. COMMUNITY INITIATIVES TO COMBAT ELDER ABUSE, NEGLECT, AND EXPLOITATION.

The Secretary shall make grants to nonprofit, private organizations to support projects in local communities, involving diverse sectors of each community, to coordinate activities concerning intervention in and prevention of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

SEC. 762. OUTREACH TO OLDER INDIVIDUALS.

The Secretary shall make grants to develop and implement outreach programs directed toward assisting older individuals who are victims of elder abuse, neglect, and exploitation (including domestic violence, and sexual assault, against older individuals), including programs assisting the individuals in senior housing complexes and senior centers.

SEC. 763. AUTHORIZATION OF APPROPRIATIONS.

The terms ‘abuse’, ‘neglect’, and ‘exploitation’ have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(B) Elder Abuse and Neglect.—The term ‘elder abuse and neglect’ means the terms ‘abuse’, ‘neglect’, and ‘exploitation’ have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(C) Sexual Assault.—The term ‘sexual assault’ has the meaning given the term sexual assault in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796g-2).

TITLES VIII PROGRAMS; PREFERENCES IN FINANCIAL AWARDS.—Title VIII of the Public Health Service Act (as added by section 123 of the Health Professions Education Partnerships Act of 1998 (Public Law 105-392)) is amended by adding at the end the following:

"(a) Preferences Regarding Training in Identification and Referral of Victims of Elder Abuse and Neglect.—

(1) In general.—In the case of a health professions entity specified in paragraph (2), the Secretary shall, in making awards of grants or contracts under this title, give preference to any such entity (if otherwise a qualified applicant for the award involved) that has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student of the entity is eligible to receive an award described in such paragraph.

(2) Relevant Health Professions Entities.—For purposes of paragraph (1), a health professions entity specified in this paragraph is any entity that is a school of medicine or osteopathy, dental school, school of nursing (as defined in section 801), a program for the training of allied health professionals, or an entity that is a school of public health, as defined in section 1308(j) of the Public Health Service Act (42 U.S.C. 295j), as amended by section 301 of the Public Health Service Act of 1965 (42 U.S.C. 303(f)), in carrying out the following functions as a provider of health care:

(A) Identifying victims of elder abuse and neglect, including domestic violence, and sexual assault, against older individuals, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim's injuries.

(B) Examining and treating such victims, within the scope of the health professional's discipline, training, and practice, including, at a minimum, a medical or psychological evaluation regrading the dynamics and nature of elder abuse and neglect.

(C) Referring the victims to public and nonprofit private entities that provide services for such victims.

(3) Report to Congress.—Not later than 2 years after the date of the enactment of the Violence Against Women Act II, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report specifying—

(A) the health professions entities that are receiving preference under paragraph (1); and

(B) the number of hours of training required by the entities for purposes of such paragraph;

(C) the extent of clinical experience so required;

(D) the types of courses through which the training is being provided.

(4) Definitions.—In this subsection:

(A) General.—The term ‘elder abuse and neglect’ means abuse and neglect of an older individual.

(B) Elder Abuse and Neglect.—The term ‘elder abuse and neglect’ means abuse and neglect of an older individual.

(C) Sexual Assault.—The term ‘sexual assault’ has the meaning given the term sexual assault in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796g-2).
TITLII—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

SEC. 301. SAFE HAVENS FOR CHILDREN.

(a) IN GENERAL.—The Attorney General may make grants to States and Indian tribal governments to enable States and Indian tribal governments to enter into contracts and cooperative agreements with public or private nonprofit entities to assist those entities in establishing and operating supervised visitation centers for purposes of facilitating visitation and the exchange of children by and between parents.

(b) CONSIDERATIONS.—In awarding grants under subsection (a), the Attorney General shall take into account—

(1) the number of families to be served by the proposed visitation center;

(2) the extent to which the proposed supervised visitation center serves underserved populations (as defined in section 203 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3790g—2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State domestic violence coalition, State sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims;

(4) the extent to which the applicant demonstrates coordination and collaboration with public and local court systems, including mechanisms for information on and referral; and

(5) the extent to which the applicant demonstrates implementation of domestic violence and sexual assault training for all employees.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts provided under a grant, contract, or cooperative agreement awarded under this section shall be used to establish and operate supervised visitation centers.

(2) APPLICANT REQUIREMENTS.—The Attorney General shall award grants for contracts and cooperative agreements under this section in accordance with such regulations as the Attorney General may promulgate. The regulations shall establish a multi-year grant process. The Attorney General shall use criteria in awarding grants for contracts and cooperative agreements under this section to States that consider domestic violence in making a custody decision and require records. An Attorney General may award a contract or cooperative agreement by a State that receives a grant under this section shall—

(A) have a demonstrated recognized expertise in the area of family violence and a record of high quality service to victims of domestic violence and/or sexual assault;

(B) have a collaborative relationship with and support of the State domestic violence coalition, sexual assault coalition or local domestic violence and sexual assault shelter or program in the locality in which the supervised visitation center will be operated;

(C) provide supervised visitation and visitation exchange services over the duration of a court order to promote continuity and stability;

(D) ensure that any fees charged to individuals for some of services are based on an individual’s income;

(E) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place in the operation of supervised visitation; and

(F) describe standards by which the supervised visitation center will operate.

(d) REPORTING.—Not later than 120 days after the end of each fiscal year, the Attorney General shall submit to Congress a report that includes information concerning—

(1) the number of individuals served and the number of individuals turned away from services (categorized by State), the number of individuals from underserved populations served and turned away from services, and the type of problems that underlie the need for supervised visitation or visitation exchange, such as domestic violence, child abuse, sexual assault, emotional or other physical abuse, or a combination of such factors;

(2) the numbers of supervised visitations or visitation exchanges ordered during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(3) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which the supervised visitation centers are established under this section;

(4) safety and security problems occurring during the reporting period during supervised visitations or at visitation centers including the number of parental abduction cases;

(5) the number of parental abduction cases in a judicial district using supervised visitation services, both as identified in criminal prosecution actions; and

(6) program standards across the country that are in place for operating a supervised visitation center.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2000 and 2001.

(2) ALLOTMENT FOR INDIAN TRIBES.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out the Violent Crime Reduction Trust Fund established under section 310003 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

(i) $21,000,000 for fiscal year 2000;

(ii) $22,000,000 for fiscal year 2001; and

(iii) $23,000,000 for fiscal year 2002.

(B) DISSEMINATION OF INFORMATION.—The Secretary shall annually compile and broadly disseminate (including through electronic publication) information about the use of and expended and projects funded under this subtitle, including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the program that dissemination shall target community-based programs, including domestic violence and sexual assault programs.

SEC. 302. STUDY OF CHILD CUSTODY LAWS IN DOMESTIC VIOLENCE CASES.

(a) IN GENERAL.—The Attorney General shall—

(1) conduct a study of Federal and State laws relating to child custody, including the Parental Kidnapping Prevention Act of 1980, and the amendments made by that Act, and the effect of those laws on child custody cases in which domestic violence is a factor; and

(2) submit to Congress a report describing the results of that study, including the effects of implementing or applying new model State laws, and the recommendations of the Attorney General for legislative changes to reduce the incidence or pattern of violence against women or of sexual assault of the child.

(b) SUFFICIENCY OF DEFENSES.—In carrying out subsection (a) with respect to the Parental Kidnapping Prevention Act of 1980, and the amendments made by that Act, the Attorney General may make grants to States to support the sufficiency of defenses to parental abduction charges available in cases involving domestic violence, the Violent Crime Reduction Trust Fund established under section 310003 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

(1) $2,000,000 for fiscal year 2000;

(2) $2,000,000 for fiscal year 2001; and

(3) $2,000,000 for fiscal year 2002.

(c) DISSEMINATION OF INFORMATION.—The Attorney General is authorized to be appropriated to carry out the Violent Crime Reduction Trust Fund established under section 310003 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

(1) $9,000,000 for fiscal year 2000;

(2) $10,000,000 for fiscal year 2001; and

(3) $11,000,000 for fiscal year 2002.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out the Violent Crime Reduction Trust Fund established under section 310003 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

(A) $20,000,000 for fiscal year 2000;

(B) $30,000,000 for fiscal year 2001; and

(C) $40,000,000 for fiscal year 2002.

(2) DISTRIBUTION.—Of amounts made available to carry out this section for each fiscal year, not less than 95 percent shall be used to award grants, contracts, or cooperative agreements.

(3) ALLOTMENT FOR INDIAN TRIBES.—

(A) IN GENERAL.—Not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.

(B) REREALLOCATION OF FUNDS.—If, beginning 9 months after the first day of any fiscal year for which amounts are made available under this paragraph, any amount made available under this paragraph remains unobligated, such amount may be reallocated without regard to subparagraph (A).
(b) Child Abuse Training Programs for Judicial Personnel and Practitioners.—Section 234(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)) is amended to read as follows:

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(a) Authorization.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this subtitle $2,300,000 for each of fiscal years 2000 through 2002.
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(c) Grants for Televised Testimony.—Section 100(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)) is amended to read as follows:

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(7) There is authorized to be appropriated from the Crime Victims Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part N $150,000 for each of fiscal years 2000 through 2002.
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(d) Dissemination of Information.—The Attorney General shall annually compile and broaden (or delimit through electronic publication) information about the use of amounts expended and the projects funded under section 234(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)), section 234(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)), and section 100(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)), including any evaluations of the projects and information to enable replication and adoption of the strategies identified by such evaluations.

(2) The Secretary shall submit to the Congress not later than 2 years after the date of enactment of this subsection, a report describing the training of allied health professionals.

(3) Report to Congress.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report specifying

(1) the health professions entities that are receiving preference under paragraph (1);

(2) the number of hours of training required by the entities for purposes of such paragraph;

(3) the extent of clinical experience required; and

(4) the types of courses through which the training is being provided.

(4) Definition of Domestic Violence.—In this subsection, the term ‘domestic violence’ includes behavior commonly referred to as domestic violence, sexual assault, spousal abuse, child battering, partner abuse, child abuse, elder abuse, and acquaintance rape.

Note: See short title of Sec. 231 for designation of domestic violence.

4. Education and Training in Appropriate Responses to Violence Against Women.

SEC. 403. RAPE PREVENTION AND EDUCATION.

(a) General.—There is authorized to be appropriated from the Crime Victims Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $5,000,000 for each of fiscal years 2000 through 2002.

(b) Purpose.—Grants under this section may be used for the purposes of developing, testing, presenting, and disseminating model programs to provide education and training in appropriate and effective responses to victims of domestic violence and victims of sexual assault (including the effects of domestic violence on children) to individuals (other than law enforcement officers and prosecutors) who are likely to come in contact with victims during the course of their employment, including—

(1) campus personnel, such as administrators, housing officers, resident advisers, counselors, and others;

(2) caseworkers, supervisors, administrators, law and justice judges, and other individuals administering Federal and State benefits programs, such as child welfare and child protective services, Temporary Assistance to Needy Families, social security disability, child support, Medicaid, unemployment, workers’ compensation, and similar programs;

(3) justice system professionals, such as court personnel, guardians ad litem and other individuals appointed to represent or evaluate children, probation and parole officers, bail commissioners, judges, and attorneys;

(4) medical and health care professionals, including mental and behavioral health professionals such as psychologists, psychiatrists, social workers, therapists, counselors, and others; and

(5) religious professionals, such as clergy persons and lay employees.

(c) Authorization of Appropriations.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $5,000,000 for each of fiscal years 2000 through 2002.

SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCA TION.

(a) Permitted Use.—Nothing in this section shall preclude the State for use under this part shall be used for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities for—

(1) educational seminars;

(2) the operation of hotlines;

(3) the replication of training programs; and

(4) the preparation of informational material;
"(5) education and training programs for students and campus personnel designed to reduce the incidence of sexual assault at colleges and universities; and

(6) efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities and awareness among law enforcement, social workers, and other individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102))."

(2) NATIONAL RESOURCE CENTER.—The Secretary of Health and Human Services shall, through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, establish a National Resource Center on Sexual Assault to provide resources, training, and technical assistance to local, tribal, state, and federal organizations, including advocacy groups, victim services, law enforcement, education professionals, and others in order to increase awareness and reduce the incidence and prevention of sexual assault.

(3) TARGETING OF EDUCATION PROGRAMS.—State allocations may not be less than 25 percent of the funds used for educational programs targeted for middle school, junior high, and high school students. The funds targeted under this subsection shall be provided by or in consultation with rape crisis centers, State sexual assault coalitions, or other entities recognized for their expertise in preventing sexual assault or in providing services to victims of sexual assault.

(b) AUTHORIZATION OF Appropriations.—

(1) There is authorized to be appropriated from the Victims of Violent Crime Reimbursement Trust Fund established under section 31001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 12121) to carry out this section—

(A) $55,000,000 for fiscal year 2000;

(B) $60,000,000 for fiscal year 2001; and

(C) $65,000,000 for fiscal year 2002.

(2) ANNUAL LIMITATION.—Not less than 10 percent of the total amount made available under this subsection in each fiscal year shall be used to support projects and programs that receive the grants made under this section.

(3) NATIONAL RESOURCE CENTER ALLOTMENT.—Not less than 1 percent of the total amount made available under this subsection in each fiscal year shall be available for allotment under subsection (b).

(4) LIMITATIONS.—

(i) NO REPELLENT NOT SUPPLANT.—Amounts transferred by States for use under this section shall be used to supplement and not supplant other Federal, State, and local public funds to provide services of the type described in subsection (a).

(ii) STUDIES.—A State may not use more than 2 percent of the amount received by the State under this section in any fiscal year for surveillance studies or prevalence studies.

(iii) ADMINISTRATION.—A State may not use more than 5 percent of the amount received by the State under this section in any fiscal year for administrative expenses.

(iv) ELIGIBLE ORGANIZATIONS.—The Secretary shall award a grant under subsection (b) of this section to a private nonprofit entity which can—

(1) demonstrate that it has recognized expertise in the area of sexual assault, a record of high-quality services to victims of sexual assault, including a demonstration of support from advocacy groups, such as State sexual assault coalitions or recognized national sexual assault groups; and

(2) demonstrate a commitment to the provision of services to underserved populations.

(d) DEFINITIONS.—In this section—

(1) the term "rape prevention and education program" means a comprehensive, engaging, and appropriate to the target ages, addresses cultural and ethnic diversity, responds to human behavior, and, to the extent feasible, is based on research and experience in the areas of youth education and domestic violence, collects some form of data on changes in participants' attitudes or behavior, and includes an evaluation component;

(2) the term "pilot educational programs" means a demonstration program for a collegiate audience, demonstrates input from members of the campus community, campus or local law enforcement, education professionals, advocates, and victim services; and

(3) contains such other information, agreements, and assurances as the Secretary of Health and Human Services may require.

(e) USES OF FUNDs.—(1) IN GENERAL.—An individual or organization that receives a grant under this section may use the grant funds—

(A) to carry out educational programs for elementary schools, middle schools, secondary schools, or institutions of higher education with respect to information regarding, and prevention of, domestic violence and violence among intimate partners;

(B) to carry out the program materials of the model programs implemented under section 317 of the Family Violence Prevention and Services Act (42 U.S.C. 10412), if appropriate, to make the materials applicable to a particular age group;

(C) to purchase the materials described in subparagraph (B); and

(D) to establish pilot educational programs described in paragraph (1) for institutions of higher education for the purpose of identifying programs for similar research.

(2) LIMITATION.—An individual or organization that receives a grant under this section for a fiscal year shall use not more than 7 percent of the grant funds for administrative expenses.

(f) PUBLICATION.—The Secretary of Health and Human Services shall ensure an equitable geographic distribution to individuals and organizations throughout the United States.

(g) EQUIABLE DISTRIBUTION.—In awarding grants under this section, the Secretary of Health and Human Services shall ensure an equitable geographic distribution to individuals and organizations throughout the United States.

(h) REQUIREMENTS.—In carrying out an educational program under this section, an individual or organization shall—

(1) develop a plan to acquire model program materials if available;

(2) carry out the program with a school's or institution of higher education's involvement; and

(3) report the results of the program to the Secretary of Health and Human Services in a format provided by the Secretary.

(1) EVALUATION AND REPORT.—(1) COLLEGE LEVEL PROGRAMs.—Not later than December 31, 2000, the Secretary shall evaluate the pilot educational programs for colleges and universities described in subsection (b)(3) with the goal of identifying and describing model programs.

(2) EVALUATION AND REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services shall—

(A) report to Congress the design and an evaluation of the model collegiate programs;

(B) report to Congress regarding results of the educational program for elementary school, middle school, secondary school, or institution of higher education programs under this section; and

(C) suggest changes or improvements to be made in the program materials.
Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

1. $4,000,000 for fiscal year 2000;
2. $4,000,000 for fiscal year 2001; and
3. $6,000,000 for fiscal year 2002.

SEC. 406. COMMUNITY INITIATIVES.

Section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended—

1. in subsection (d)(2)—
2. (A) in subparagraph (G), by striking "and" at the end; and
3. (B) by redesignating subparagraph (H) as subparagraph (I); and
4. (C) by inserting after subparagraph (G) the following:

"(H) groups that provide services to or advocacy on behalf of individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and"

and by striking subsection (h) and inserting the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

1. $7,000,000 for fiscal year 2002.
2. $6,000,000 for fiscal year 2001; and
3. $7,000,000 for fiscal year 2002.

SEC. 407. NATIONAL COMMISSION ON STANDARDS OF PRACTICE AND TRAINING FOR SEXUAL ASSAULT EXAMINATIONS.

(a) In General.—The Attorney General shall establish a multidisciplinary, multiagency national commission, which shall—

1. develop national standards, and characteristics of violence, abuse, and sexual assault experienced by women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102));
2. develop national, State, and local protocols for sexual assault forensic examinations, and on the basis of the recommendations of this commission, develop a national recommended standard for training;
3. recommend minimum national standards for the protection of forensic examinations for all health care facilities and support organizations; and
4. develop an examination training standard for medical professionals.

(b) Authorization of Appropriations.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

1. $200,000 for fiscal year 2000.

SEC. 408. NATIONAL WORKPLACE CLEARINGHOUSE ON VIOLENCE AGAINST WOMEN.

(a) Education, Prevention, and Intervention Research Grants.—

1. ORGANIZATION AND ADMINISTRATION OF VIOLENCE AGAINST WOMEN.

Chapter 9 of subchapter B of the Violence Against Women Act of 1994 (42 U.S.C. 1396 et seq.) is amended by adding at the end the following:—

"SEC. 409A. RESEARCH TO COMBAT VIOLENCE AGAINST WOMEN.

(a) Education, Prevention, and Intervention Research Grants.—

1. PURPOSES.—The Secretary of Health and Human Services and the Attorney General shall make grants to entities, including domestic violence and sexual assault organizations, research organizations, and academic institutions, to support research and the development of education, prevention, and intervention programs on violent behavior against women.

(b) USE OF FUNDS.—The research conducted and disseminated under this section shall include—

1. longitudinal research to study the developmental trajectory of violent behavior.
against women and the manner in which that violence differs from other violent behaviors;

(8) the examination of risk factors for sexual and intimate partner violence for victims and perpetrators, such as poverty, childhood victimization and other traumas;

(C) the examination of short- and long-term effects designed to prevent sexual and intimate partner violence;

(D) outcome evaluations of interventions and school curriculum targeted at children and teenagers;

(E) the examination and documentation of the processes and informal strategies women experience in attempting to manage and stop violence in their lives;

(F) the development, testing, and evaluation of the economic and health benefits of effective methods of domestic violence screening and prevention programs at all points of entry into the health care system, including mental health, emergency medicine, obstetrics, gynecology, and primary care, and an assessment of the costs of domestic violence to the health care system.

(b) ADDRESSING GAPS IN RESEARCH.—

(I) PURPOSES.—The Secretary of Health and Human Services and the Attorney General shall make grants to nonprofit entities, including sexual assault organizations, research organizations, and academic institutions in order to address gaps in research and knowledge about violence against women, including violence against women in underserved communities.

(ii) USES OF FUNDS.—The research conducted with grants made under this subsection shall include:

(A) the development of national- and community-specific interventions to address gaps in research and knowledge about violence against women in underserved populations and the terms women use to describe their experiences of violence;

(B) qualitative and quantitative research to understand the manner in which factors that shape the context and experience of violence in women’s lives, as well as the education, prevention, and intervention strategies available to women (including minors);

(C) a study of violence against women as a risk factor for diseases from a multivariate perspective;

(D) an examination of the prevalence and dynamics of emotional and psychological abuse by women of such abuse, and the education, prevention, and intervention strategies that are available to address this type of abuse;

(E) an examination of the need for and availability of legal assistance and services for victims of sexual assault; and

(F) the use of nonjudicial alternative dispute resolution (such as mediation, negotiation, conciliation, and restorative justice models) in cases in which domestic violence is a factor, comparing nonjudicial alternative dispute resolution and traditional judicial methods based upon the quality of representation of the victim, the training of mediators or other facilitators, the satisfaction of the parties, the outcome of the proceedings, and such other factors as may be identified;

and

(G) an examination of effective models to address domestic violence in child protective services and child welfare agencies, including—

(i) documenting the scope of the problem;

(ii) documenting the risk factors for perpetrators of domestic violence to pose to children and to parents who are victims of domestic violence; and

(iii) the examining effective models to address domestic violence in the context of child welfare and child protection that protect children while protecting parents who are victims of domestic violence.

(C) SENTENCING COMMISSION STUDY.—Not later than 1 year after the date of enactment of this section, the United States Sentencing Commission shall submit to Congress a report on—

(i) sentences given to offenders incarcerated in Federal and State prisons for homicides or assaults in which the victim was a spouse, former spouse, or intimate partner of the offender;

(ii) the effect of illicit drugs and alcohol on domestic violence and the sentences imposed for offenses involving illicit drugs and alcohol that resulted in the violence;

(iii) the extent to which acts of domestic violence committed against the offender, including coercion, may have contributed to the commission of the violence;

(iv) an analysis delineated by race, gender, type of offense, and any other categories that would be useful for understanding the problem of domestic violence; and

(v) recommendations with respect to the offenses described in this subsection, including any basis for a downward adjustment in any applicable Federal sentencing guidelines determination.

(D) RESEARCH ON PREGNANCY AND SEXUAL ASSAULT.—

(I) PURPOSES.—The Secretary of Health and Human Services and the Attorney General shall make grants to nonprofit entities, including sexual assault organizations, research organizations, and academic institutions, in order to gather qualitative and quantitative data on the experiences of minor and adults who become pregnant as a result of sexual assault within State health care, judicial, and social services systems.

(II) USE OF AMOUNTS.—The research conducted with funds made under this subsection shall include—

(A) the incidence and prevalence of pregnancy resulting from sexual assault, including the ages of the victim and perpetrator, and any relationship between the perpetrator and the victim (such as family, acquaintance, intimate partner, spouse, household member, etc.);

(B) the degree to which State adoption, child custody, visitation, child support, parental termination, and child welfare criminal justice laws serve the interests of women (including minors) who become pregnant as a result of sexual assault;

(C) the impact of State social services rules, policies, and procedures on women (including minors) who become pregnant as a result of sexual assault and on those children born as a result of sexual assault;

(D) the availability of public and private legal, medical, and mental health counseling, financial, and other forms of assistance to pregnant women (including minors) who become pregnant as a result of sexual assault, and to the children born as a result of the sexual assault, including the extent to which barriers exist in accessing such assistance;

and

(E) recommendations for improvements in State health care, judicial, and social services systems to address the needs of women (including minors) who become pregnant as a result of sexual assault and of the children born as a result of the sexual assault.

(II) REPORT.—Not later than 1 year after the date of enactment of this section, the Attorney General shall submit to Congress a report on the findings of the study under paragraph (I), which shall include—

(A) an analysis of the degree of uniformity among the States in addressing rape and sexual assault offenses (including sex offenses committed against children), including the degree of uniformity among States with respect to—

(i) definitions of rape and sexual assault, including any marital rape exception and any other exception or downgrading of offense;

(ii) the element of consent and coerced conduct, including deceit;

(iii) the element of physical resistance and affirmative nonconsent as a precondition for conviction;

(iv) the element of force, including penetration requirement as aggravating factor and use of coercion;

(v) evidentiary matters—

(VI) any personal or professional relationship to the perpetrator;

(VII) race; and

(VIII) any professional or personal relationship between the perpetrator and the victim; and

(B) any recommendations of the Attorney General for reforms to foster uniformity among the States in addressing rape and sexual assault offenses (including sex offenses committed against children) more effectively while safeguarding the due process rights of the accused.

(III) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 31001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) for each of fiscal years 2000 and 2001—

(I) to carry out subsection (a), $3,000,000 for each of fiscal years 2000 and 2001;

(II) to carry out subsection (b), $2,100,000 for each of fiscal years 2000 and 2001;

(III) to carry out subsection (c), $200,000 for fiscal year 2000;

(IV) to carry out subsection (d), $500,000 for fiscal year 2000; and

(V) to carry out subsection (e), $200,000 for fiscal year 2000.

TITLE V—EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND

SEC. 501. EXTENSION.

(a) IN GENERAL.—Section 310003(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14213(b)) is amended—

(1) in paragraph (5), by striking “and” at the end;
We have 760 education programs scattered throughout 39 different federal agencies. Vice President Gore's National Performance Review said that the Department of Education's discretionary grant process lasts 26 weeks and takes 48 steps from start to finish. The General Accounting Office has estimated that there are nearly 13,400 full-time jobs in the 50 states funded by the Department of Education with an additional 4,600 direct Department of Education employees.

We have others being taken off the task of teaching, preparing lesson plans, taking on after school student activities, etc. and instead are researching for grant opportunities, reading regulations, preparing applications, filling out paperwork requirements, complying with cumbersome rules, and reporting on how they spend the federal money received. Or we have teachers and administrators deciding that the extra federal money is not worth the trouble and effort that it will take to get and come with the fact that they do not even bother to go through the process.

Most of us are now aware of the Third International Mathematics and Science Study, released last year by the National Center for Education Statistics, that ranked American senior high school students 19th out of 21 nations in industrialized nations in math, and 16th out of the same 21 countries in science. In addition, 40 percent of our Nation's fourth graders do not read at even a basic level. And this country is spending over $1 billion a year in remedial education.

Is this acceptable? Are we satisfied with the status quo? The answer should be—must be—an unequivocal NO.

In our business we pay a lot of attention to polls. For several years, the polls across the country have been telling us that we have a problem with public education. This is not new news and the question remains the same: How do we fix public education?

Mr. President, I want to take this opportunity to read from an editorial from a home-state newspaper, the Southeast Missourian.

A few weeks ago, the editorial went on to write, "Mr. President, let me give you some examples of what our good intentions have gotten us.

Today, however, our good intentions have mushroomed into burdensome regulations, unfunded mandates, and unwanted meddling. Parents, teachers, and local school officials have less and less control over what happens in the classroom. Instead of empowering parents, teachers, and local school officials we have empowered the federal government and bureaucrats. We have slowly eroded the opportunity for creativity and innovation on the local level and have once again established a system where supposedly the Olympians on the hill know what is best for the peasants in the valley.

Mr. President, let me give you some examples of what our good intentions have gotten us.

We have teachers being taken off the task of teaching, preparing lesson plans, taking on after school student activities, etc. and instead are researching for grant opportunities, reading regulations, preparing applications, filling out paperwork requirements, complying with cumbersome rules, and reporting on how they spend the federal money received. Or we have teachers and administrators deciding that the extra federal money is not worth the trouble and effort that it will take to get and come with the fact that they do not even bother to go through the process.

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of finding ways to empower those at the local level the opposition will argue that we need even more federal programs, more bureaucracy, more micro management of the classroom.

I believe the bottom line is this: Education is a national priority, but the parents, the teachers, the school boards, etc. because educational decisions can best be made by people at the local schools who know the names and the challenges facing the students in those schools.

Let's keep things simple. Let's take off the Federal stranglehold and let local school districts do their jobs. Let's educate our children for a lifetime of achievement.

We have burdened it with excessive regulations and red tape. We have once again established a system where supposedly the “olympians” on the Hill know what is best for the “peasants” in the kindergarten, second grade, etc.

I agree with my colleagues on both sides of the aisle: Education is and must be a national priority. But the good intentions that we have had in this body have led to the creation of more Federal educational programs than we can count. Has that made education better? I don’t think so. We added three more last year. And now we gather that the President is going to come up with a grand new Federal scheme. How many people really believe that the 767th Federal education program is going to assure that our kids can read?

Is it going to assure that we get our high school students out of the 19th place out of 21 in terms of mathematics? I don’t believe so.

Our system is not working. If you want to know how well it is working, go back home. Ask the teachers in your local school district. Ask the principals in your local school district. Ask the parents at home. Ask the students in your local school district. Ask the government, do you do that?

I believe you will hear what I have heard, time and time again: They are tired of playing “Mother, May I?” with the Federal Government. They are tired of spending the time to fill out the forms for the grants, to comply and jump through the hoops that the Federal Government sets out for them, to write the reports and fill out the evaluation forms that are needed, only to have a competitive grant program run out after 3 years. They are tired of playing “Mother, May I?” with the Federal Government.

We have an opportunity to do something that I think is very significant. Instead of going down the road that is going to be proposed of another new Federal program, we ought to take the remedies out of the hands of the Federal Government. National mandates are meaningless for American schools. The problems must be addressed one school at a time, one school at a time. Why not let classroom teachers, the parents, the administrators—instead of bureaucrats and politicians—make the decisions on how to improve the education in their school districts? Give more control back to local districts and let them build reading retention, math skills, and improve graduation rates.

Mr. President, I am today introducing a bill we call the direct check for education bill. It takes six of the major Federal competitive grant programs—Goals 2000, School-to-Work, Education Technology, Innovative Education Program Strategies, the Fund for the Improvement of Education—and the President’s 100,000 teacher program—and puts them into a pool. That pool is to be divided on the basis of the students—K through 12—on average daily attendance. And it is to be returned to those local school districts on the basis of the number of students they have. Very simple. Cut the Federal red tape. Let them use those education dollars.

It starts off with a $3.5-million authorization, because we want to allow local school districts that already have competitively the grants of multiyear tenure to complete those grants. At the end it will rise to $5 billion. It should come out to about $100 per student in every school—and turn the job back to the local schools, the parents, the teachers, the school board members, the administrators.

There are those who oppose this approach. They argue that we need even more Federal control. But as I said at the beginning, while it is a national priority, education must be returned to the local school districts as a local responsibility, to empower the people who know the names of the kids, their problems, their challenges, and their opportunities, to make the decision to keep our children in school.

Let’s take off the Federal stranglehold. Let’s let local schools do their jobs. Let’s educate our children for a lifetime of achievement. Ask your teachers, your principals, your superintendents, your board members, the administrators, the parents, the students, the teachers—K through 12 in every grade.

Well, it is Friday evening. I believe you will hear what I have heard. I believe you will hear what I have heard time and time again. The Congress assembled, January 19, 1999.

S. 52
Be 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 "Direct Check for Education Act".

SEC. 2. FINDINGS.
Congress finds that—
(1) education should be a national priority but must remain a local responsibility;
(2) the Federal Government's regulations and involvement often creates barriers and obstacles to local reform efforts;
(3) parents, teachers, and local school districts must be allowed and empowered to set local education priorities; and
(4) school and education professionals must be accountable to the people and children served.

SEC. 3. DEFINITIONS.
In this Act:
(1) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given in section 8801 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).
(2) SECRETARY.—The term "Secretary" means the Secretary of Education.
(3) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

SEC. 4. DIRECT AWARDS TO LOCAL EDUCATIONAL AGENCIES.
(a) DIRECT AWARDS.—From amounts appropriated under subsection (b) and not used to carry out subsection (c), the Secretary shall make direct awards to local educational agencies in amounts determined under subsection (e) to enable the local educational agencies to support programs or activities, to purchase services, or to pay personnel costs, that the local educational agencies deem appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated in each of the fiscal years 2002 and 2003, $4,000,000,000 for the fiscal year 2002 and $5,000,000,000 for the fiscal year 2003.

(c) MULTIYEAR AWARDS.—The Secretary shall make payments to eligible recipients pursuant to any multiyear award made prior to the date of enactment of this Act under the provisions of subsection (d) for each fiscal year to continue to make payments to eligible recipients pursuant to any multiyear award made prior to the date of enactment of this Act under the provisions of subsection (d). The payments shall be made for the duration of the multiyear award.

(d) REPEALS.—The following provisions of law are repealed:
(1) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).
(2) Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.).

(e) DETERMINATION OF AMOUNT.—(1) PER CHILD AMOUNT.—The Secretary, using the information provided under subsection (f), shall determine a per child amount for a year by dividing the total amount appropriated under subsection (b) for the year, by the average daily attendance of any State for the preceding year.

(2) LOCAL EDUCATIONAL AGENCY AWARD.—The Secretary, using the information provided under subsection (f), shall determine a local educational agency award for any State by multiplying—
(A) the per child amount determined under paragraph (1) for the year; by
(B) the average daily attendance of kindergarten through grade 12 students that are served by the local educational agency for the preceding year.

(3) CENSUS DETERMINATION.—In general.—Each local educational agency shall submit a census to determine the average daily attendance of kindergarten through grade 12 students served by the local...
educational agency not later than December 1 of each year.
(2) Submission.—Each local educational agency shall submit the number described in paragraph (1) to the Secretary not later than March 1 of each year.
(3) Audits.—If the Secretary determines that the local educational agency has knowingly submitted false information under subsection (f) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received under this section if the agency had submitted accurate information under subsection (f).
(h) Disbursement.—The Secretary shall disburse the amount awarded to a local educational agency under this Act for a fiscal year not later than July 1 of each year.

SEC. 5. AUDIT.
(a) In General.—The Secretary may conduct audits of the expenditures of local educational agencies under this Act to ensure that the funds made available under this Act are used in accordance with this Act.
(b) Sanctions and Penalties.—If the Secretary determines that the funds made available under section 4 were not used in accordance with this Act, the Secretary may use the enforcement provisions available to the Secretary under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

COMMON QUESTIONS ABOUT THE DIRECT CHECK FOR EDUCATION

What programs make up the new Direct Check for Education?
Goals 2000; School-to-Work; Education Technology (Title III); Innovative Education Program Strategies (Part B, Title VI); Fund for the Improvement of Education (Part A, Title X); 100,000 Teachers.

What is the level of funding for the Direct Check for Education?
Based on fiscal year 1999 appropriations first year funding could be more than $3.5 billion. Over 5 years the “Direct Check” total could provide over $20 billion in direct checks to local schools.

How can the Direct Check funds by spent?
The local school district, with parents, would have the time and money to spend on classroom preparation, teaching core subjects they teach. Parents want schools that are safe, classes that are small, and principals and teachers to have authority to make the right decisions in all areas of learning, school discipline and after-school activities. Parents want their children to get a first-class education that boosts student achievement and elevates them to excellence.

What programs make up the new Direct Check for Education?
The next question we should ask is: How can we attain what parents want? How can we achieve academic excellence? The House Committee on Education and the Workforce Subcommittee on Oversight and Investigations answered this question in a report released in July of 1998, called “Education at a Crossroads: What Works and What’s Wasted in Education Today.” The Subcommittee found that successful schools and school systems were not the product of federal funding and directives, but instead were characterized by: parental involvement in the education of their children, local control, emphasis on basic academics, and dollars spent in the classroom, not on distant bureaucracy and ineffective programs. These are the ingredients we must have to elevate educational performance.

Knowing the ingredients of educational success for our children, we must next ask whether our current federal education programs contain these ingredients.
First, we should observe that in a sense, the federal government has played conflicting roles in education, providing resources with one hand, while creating obstacles with the other. We have spent over $2 billion on major education programs in the last two years, and this year, we are slated to spend nearly $15 billion. Yet, if current trends continue, only about 65% of federal education dollars will be spent this year on educating our children, due to the excessive bureaucracy in our federal programs.

And we should remember that federal funding accounts for only about 7% of the total amount spent on education, while the lion’s share comes from state and local taxes. However, that 7% of the funding pie consumes a disproportionate share of the time states and local school districts need to admin-ister education programs. Unfortunately, most federal education programs often do not contain the basic ingredients for educational success, but rather contain components that can actually stifle the ingredients for success.

For the last 35 years, the federal government has continued to take away parental involvement, local control, flexibility, and teacher and community input by spinning a complex web of federal elementary and secondary education programs, that contain their own set of rules that consume the time and resources of states and school districts.
A 1990 study found that 52% of the paperwork required of an Ohio school district was related to participation in federal programs, while federal dollars provided less than 5% of total education funding in Ohio. In Florida, 374 employees administer $8 billion in state funds. However, 297 state employees only resulted in $1 billion in federal funds—six times as many per dollar. The Federal Department of Education requires over 40.6 million hours worth of paperwork to receive federal dollars. This bureaucratic maze takes up to 35% of every federal education dollar.

Many federal programs have taken away precious dollars and teacher time. Rather than being able to spend time on classroom preparation, teachers instead have to spend hours filling out federal forms to comply with federal rules.

Another problem with a number of our federal education programs is that many of our children and school districts never get to see the federal tax dollars that their parents pay for education. This is because a great deal of federal educational funding is awarded on a competitive basis. In essence, local schools must come to Washington and beg for the money taxpayers sent to the federal treasury. As a result, smaller and poorer schools, who don’t have the time and money to wade through thick grant applications or hire a grant writer, cannot share in the money their parents sent to the federal government.

To make matters worse, once a school district is successful in obtaining a competitive grant after a harrowing application process, it must spend countless hours and resources complying with the Leviathan of regulations and rules attached to the grant.

Competitive funding, along with the vast number of federal education programs, has led to a cottage industry in providing resources with one hand, while creating obstacles with the other. We have spent over $2 billion on major education programs in the last two years, and this year, we are slated to spend nearly $15 billion. Yet, if current trends continue, only about 65% of federal education dollars will be spent this year on educating our children, due to the excessive bureaucracy in our federal programs.

And we should remember that federal funding accounts for only about 7% of the total amount spent on education, while the lion’s share comes from state and local taxes. However, that 7% of the funding pie consumes a disproportionate share of the time states and local school districts need to admin-
"a wide range of Federal programs," and offers these subscribers timely updates on "500 education programs." More recently, the Aid for Education Report published by CD Publications advertised that "huge sums are available...in the federal government alone, there are nearly 800 different education programs that receive authorization totaling almost $300 billion dollars." It's a shame that a school district has to pay $400 for a catalog to learn how to get back the money that its community has sent to Washington to educate its children. But sadly, this is often the case.

A third problem we can identify with many current federal education programs is that federal dollars are often earmarked for one particular use, and cannot be used for any other purpose. This inflexible funding hurts schools that have other needs than the ones prescribed by the federal government. A recent example of this is the $1.2 billion earmarked last year for classroom size reduction. While more teachers and classroom space are noble endeavors, some schools don't need more teachers, but instead need more computers. However, the only use of this $1.2 billion can be for hiring more teachers. Such a policy flies in the face of one of the core principles of educational success, local control.

So, we know we have created a lot of federal education programs and we have dedicated a great deal of resources to these programs. What results are we getting? The National Center for Education Statistics' NAEP 1994 Reading Report Card for the Nation and the States reveals that 40 percent of fourth graders do not read at a basic level. The same report also indicates that half of the students from urban school districts fail to graduate on time, if at all. And the NAEP Report Card also shows that United States 12th graders only outperformed two out of 21 nations in mathematics. The Brookings Institution released a study in April of 1998 indicating that public institutions of higher education have to spend $1 billion each year on remedial education for students.

Knowing these disastrous results, we cannot afford to keep spending our federal education dollars in the same way we have been doing for years if it's not stimulating academic success. Parents, teachers, school boards, and members of our community won't stand for this kind of money mismanagement and need opportunities to be more involved in deciding how to spend the federal education dollar, because they know what works. We must spend our federal resources for elementary and secondary education in ways that embrace the ingredients of success.

Rather than fund the patchwork of federal elementary and secondary education programs that Washington wants, Congress should send that money directly to local school districts. Parents and teachers need the financing, flexibility and freedom to fund programs they know will improve their children's education.

Senator Bond's "Direct Check for Education" proposal does just this. He takes some of the Department of Education's largest competitive grant programs and returns the money in the form of a "direct check" to the local school districts. This number of students in each district. Schools may use the funds in ways they believe will be most effective in elevating student achievement.

Under the "Direct Check" proposal, no longer would school districts have to come to Washington and beg for the money they sent to Washington to educate their children. No longer would teachers and administrators have to spend countless and wasted hours filling out federal grant application and compliance forms. No longer would schools be forced to earmark federal dollars for programs that have no relevance to their students' needs. Rather, school districts with the input of teachers, school boards, administrators, parents, and students would have the authority and flexibility to use federal dollars for whatever they think best. For example, local schools could deploy resources to hire new teachers, raise teacher salaries, buy new textbooks, replace old computers, whatever the schools deem most important to the educational success of their students. The Direct Check to Education proposals gives schools more time, flexibility, and money to spend on what's most important to them: instruction to our nation's children.

With the flexible, equitable distribution of federal funding under Senator Bond's proposal comes accountability. Local school districts will be penalized for knowingly submitting false information regarding the number of students in their districts. Moreover, the Secretary of Education may audit local educational agency expenditures to ensure that funds are used in accordance with the intent of the student's enrollment under the Direct Check to Education Act. And most importantly, parents, school boards, and members of the community will be able to give direct input into funding decisions, since those decisions will be made right in the community, rather than hundreds, and sometimes thousands, of miles away in Washington, D.C.

Local decision making allows for local accountability.

Mr. President, we have learned from experience that spending our current federal education programs and dollars are not producing what we expect for our students. We know that successful education programs occur when crucial decisions are made by local communities, teachers, school boards, and parents. This is why I support Senator Bond's "Direct Check for Education" proposal. His plan embraces the ingredients of educational success, as it gives parents, teachers and school boards the authority and flexibility to direct funds to programs they know work for their children.

As I said earlier, Senator Bond's proposal consolidates a number of the Department of Education's federal programs for elementary and secondary education. I believe we should explore whether other federal education programs—both within and outside the Department of Education—should also be taken and put into a "direct check" to our local school districts. We must continue to look for ways to direct our federal resources in ways that reflect the ingredients of success and educational excellence for our children.

By Mr. KYL (for himself and Mr. COVERDELL):
S. 53. A bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gain rates for all taxpayers and a partial dividend income exclusion for individuals, and for other purposes; to the Committee on Finance.

CAPITOL GAINS AND DIVIDEND INCOME REFORM ACT

By Mr. KYL:
S. 54. A bill to amend the Internal Revenue Code of 1986 to repeal the corporate alternative minimum tax; to the Committee on Finance.

CORPORATE TAX EQUITY ACT

By Mr. KYL (for himself and Mr. COVERDELL):
S. 55. A bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes; to the Committee on Finance.

SMALL BUSINESS INVESTMENT AND GROWTH ACT

By Mr. KYL (for himself, Mr. ALARD, Mr. ASHCROFT, Mr. BURNS, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAPO, Mr. ENZI, Mr. GRAMM, Mr. GRAMS, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. MACK, Mr. MURKOWSKI, Mr. ROBERTS, Mr. SMITH of New Hampshire, Mr. THOMAS, and Mr. SESSIONS):
FAMILY HERITAGE PRESERVATION ACT

S. 56. A bill to repeal the Federal estate, gift and generation-skipping transfers; and to the Committee on Finance.

Mr. KYL. Mr. President, today I introduce a series of bills designed to help sustain the economic expansion and enhance the rate of economic growth in this country. The four measures, which together make up what I refer to as the Agenda for Economic Growth and Opportunity, will help encourage investment in small businesses, enhance the wages of American workers, and make our country more competitive in the global economy.

Mr. President, it was just over 36 years ago that President John F. Kennedy made the following observation in his State of the Union message—an observation that someone could just as easily make about today's economy. He said, "America has enjoyed 22 months of uninterrupted economic recovery."
The current expansion, albeit weaker than most during this century, has gone on somewhat longer. "But," President Kennedy went on to say, "recovery is not enough. If we are to prevail in the long run, we must expand the living standards of our economy. We must move along the path to a higher rate of economic growth."

Economic growth. The concept is studied endlessly by economists and statisticians, but what does it mean for the average American family, and why should policy-makers be so concerned about it?

For most of the 20th century, our nation enjoyed very strong rates of economic growth and the dividends that came with it. The 1920s saw annual economic growth above five percent. In the 1950s, it was above six percent. Economic growth during the Kennedy and Johnson years averaged 4.8 percent annually. During the years after the Reagan tax cuts and before the 1990 tax increase, it grew at an average rate of 3.9 percent a year, according to data supplied by the Joint Economic Committee.

The Clinton years, by contrast, have actually seen the economy grow at a much slower rate than the average rate of only about 2.3 percent a year. And recent estimates by the Congressional Budget Office project that the growth of real Gross Domestic Product is likely to slow to just over two percent for the last part of 1998 and the early part of 1999. What that means is that, while we may not exactly be hurting as a nation, we are not becoming much better off, either. We are certainly not leaving much of a legacy for our children and grandchildren to meet the needs of tomorrow.

Slower growth means fewer job opportunities in the days ahead for young Americans just entering the workforce and for those people seeking to free themselves from the welfare rolls. It means slower wage and salaries, and fewer opportunities for career advancement for those who do have jobs. It means less investment in new plants and equipment, and new technology—things needed to enhance productivity and ensure that American businesses can remain competitive in the global marketplace.

So what do we do to spur economic growth—to ensure that jobs will continue to be available for those who want them, that families can earn better wages, and that American business maintains a dominant role in the global economy? Those are, after all, the goals of the agenda I am laying out today—an agenda for economic growth and opportunity for all Americans, for those who make ends meet today, and for our children when they enter the workforce tomorrow.

Let me begin my answer with another quotation from John Kennedy:

"It is increasingly clear—that to those in Government, in labor who are responsible for our economy's success—that our obsolete tax system exerts too heavy a drag on private purchasing power, profits, and employment. Designed to check inflation in earlier years, it now checks growth instead. It discourages extra effort and risk. It discourages the kind of performance we need in recessions, depresses our Federal revenues, and causes chronic budget deficits."

Mr. President, although we managed to balance the unified budget last year, there is still a very real concern that President Kennedy said that is relevant to our situation today. Consider, for example, that we balanced the budget by taxing and spending at a level of about $1.72 trillion—a level of spending that is 25 percent higher than when President Kennedy took office just six years ago. Our government now spends the equivalent of $6,700 for every man, woman, and child in the country every year. That is the equivalent of nearly $27,000 for the average family. But all of that spending comes at a tremendous cost to hard-working taxpayers. As President Kennedy put it, it is a drag on private purchasing power, profits, and employment.

The Tax Foundation estimates that the median income family in America saw its combined federal, state, and local tax bill climb to 37.6 percent of income in 1997—up from 37.3 percent in 1996. That means more than the average family spends on food, clothing, shelter, and transportation combined. Put another way, in too many families, one parent is working to pay food on the table, while the other is working almost full time just to pay the bill for the government bureaucracy.

Perhaps a different measure of how heavy a tax burden the federal government is imposing—how big is the drag on the average family—would be four. But all of that spending comes at a tremendous cost to hard-working taxpayers. As President Kennedy put it, it is a drag on private purchasing power, profits, and employment.

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Perhaps a different measure of how heavy a tax burden the federal government is imposing—how big is the drag on the average family—would be four. But all of that spending comes at a tremendous cost to hard-working taxpayers. As President Kennedy put it, it is a drag on private purchasing power, profits, and employment.
Data from the National Bureau of Economic Research indicates that the optimal rate is probably 15 percent or less. In my view, it did not cut the tax rate so in a way that added substantially to economic activity, and in turn, produce more revenue for the government.

Capital gains reform will help the Treasury. A capital gains tax reduction would help unlock a sizable share of the estimated $7 trillion of capital that is left virtually unused because of high tax rates. More importantly, it will help the family that has a small plot of land that it would like to sell, or a small business that would like to expand, buy new equipment, and create new jobs.

Moreover, evidence shows that most of the tax savings will go to Americans of modest means. According to Internal Revenue Service data, almost 53 percent of taxpayers reporting capital gains had adjusted gross incomes of less than $50,000. Another 28 percent have AGIs between $50,000 and $100,000. Nearly two years ago, this Congress reduced capital gains taxes, but it did so in a way that added substantially to the costs of the Tax Code. And, in my view, it did not cut the tax rate enough. John Kennedy’s idea—that is simply providing a 70 percent exclusion—was a superior approach, and that is what I am proposing today.

Mr. President, the second part of this bill proposes a similar exclusion for dividend income. The rationale is two-fold: first, to further encourage saving and investment; and second, to eliminate any bias in the Tax Code that might result when capital gains are paid primarily in capital gains over those that pay dividends. With recent reductions in the capital-gains tax, there may now be more incentive to invest in instruments that produce earnings taxed at the low capital-gains rate, as opposed to investing for dividends which are taxed at the regular, higher income-tax rate. My bill proposes to put dividend income on par with capital gains for purposes of levying an income tax.

The exclusion for dividend income would also go a long way toward eliminating the double taxation of such income, which is currently taxed once at the corporate level and again when it is provided to investors in the form of dividends. A report by the American Council for Capital Formation notes that dividend income is taxed more heavily in the United States than in most other industrialized countries. The Council indicates that dividend income is subject to a U.S. tax rate of 60.4 percent, compared to an average of 51.1 percent abroad. This high rate is due to the double taxation of dividend income.

Mr. President, when capital gains tax rates are too high, people need only hold onto their assets to avoid the tax indefinitely. No sale, no tax. But that means less investment, fewer new businesses and new jobs, and—as historical surveys show—far less revenue to the Treasury. Capital gains tax rates were set at a lower level. Just as the local department store does not lose money on weekend sales—because volume more than makes up for lower prices—lower capital gains tax rates can encourage more economic activity, and, in turn, produce more revenue for the government.

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Mr. President, the original intent of the AMT was to make it harder for large, profitable corporations to avoid paying any federal income tax. But the way the law is written, that objective was not, in my view, to impose an AMT, but to identify and correct the provisions of law that allowed large companies to inappropriately lower their federal tax liabilities to begin with. Ironically, the primary shelters corporations were using to minimize their tax liability—that is, the accelerated depreciation and safe harbor leasing of the old Tax Code—were being corrected at the time the AMT was enacted.

I would point out that the AMT is not a tax, per se. As indicated in an April 3, 1996 report by the Congressional Research Service, the AMT is merely intended to serve as a prepayment of the regular corporate income tax, not a permanent increase in overall corporate tax liability. What that means in practical terms is that businesses are forced to make interest-free loans to the federal government under the guise of the AMT. Corporations pay a higher income-tax rate than large corporations. Since these small businesses pay taxes at the individual income-tax rate, they can be subject to rates as high as 39.6 percent—higher than any other corporate entity. By contrast, the top rate imposed on large corporations is only 34 percent.

My intention is to correct the AMT tax rates on small businesses that are higher than those levied on better financed corporations? Estimates indicate that successful American businesses have been able to create three to four new jobs for every additional $100,000 they retain in the business. So higher taxes are counterproductive. They deny small businesses the funds they need to invest in new jobs, new equipment, and new facilities. That hurts small companies. And it hurts the economy.

The bill I am introducing today would establish a top rate of 34 percent when a small business reinvests its earnings in its operation, or when the earnings are distributed to the shareholders for the purposes of making tax payments. This lower tax rate would be applicable only to the first $5 million in taxable income of the small business.

The bill is a similar, but expanded, version of legislation that I introduced during the 105th Congress. Although the latest version would provide relief to more S corporations, I want to make...
it clear that I would prefer to provide tax relief to all businesses. And since taxes paid by businesses are merely passed along in the form of higher prices, we are really talking about providing relief to all consumers.

The Small Business Investment and Growth Act represents an important first step toward reducing excessive taxes on small business and encouraging S corporation owners and managers to reinvest income into their businesses, thereby creating more jobs and fueling economic growth. I hope my colleagues will join me in supporting this measure and reducing the tax burden imposed on America's small businesses.

Mr. President, the fourth in the series of economic growth incentives is a bill to repeal the federal estate, or death, tax.

Mr. President, it was Ben Franklin who said some 200 years ago that nothing in this world is certain except death and taxes. Leave it to the federal government to find a way to put those two inevitabilities together to create a death tax that is not only confiscatory, but offensive to Americans' sense of fairness, harmful to the environment, and injurious to small business and the economy.

Although most Americans will probably never pay a death tax, most people still sense that there is something terribly wrong with a system that allows a person to seize more than half of whatever is left after someone dies—a system that prevents hardworking Americans from passing the bulk of their nest eggs to their children or grandchildren. The respected liberal Professor of Law at the University of Southern California, Edward J. McCaffrey, put it this way: "Polls and practices show that we like sin taxes, such as on alcohol and cigarettes." "The estate tax," he went on to say, "is an anti-sn, or a virtue tax. It is a tax on work and savings without consumption, on thrift, on long term savings. There is no reason even a liberal populace need support it."

Democrat economists Henry Aaron and Alicia Munnell reached similar conclusions, writing in a 1992 study that death taxes "have failed to achieve their intended purposes. They raise little revenue. They impose large excess burdens. They are unfair."

In a survey of the people responding to a survey by the Polling Company last year indicated that they favor repeal of the death tax. When Californians had the chance to weigh in with a ballot proposition, they voted two-to-one to repeal their state's death tax. The legislatures of five other states have enacted legislation since 1997 that will either eliminate or significantly reduce the burden of their states' death taxes.

Talk to the men and women who run small businesses around the country and you will find that death taxes are a major concern to them. The 1995 White House Conference on Small Business identified the death tax as one of small business's top concerns, and delegates to the conference voted overwhelmingly to endorse its repeal.

Remember, this is a tax that is imposed on a family business at the moment it is allowed to make the payment—upon the death of the person with the greatest practical and institutional knowledge of that business's operations. It should come as no surprise, then, that a Princeton, Connecticut research and consulting firm—found that nine out of 10 family businesses that failed within three years of the principal owner's death attributed their companies' trouble paying the death tax. Six out of 10 family-owned businesses fail to make it to the second generation. The death tax is a major reason why.

Think of what that means to women and minority businesses in particular. Instead of passing a hard-earned and successful business on to the next generation, many families have to sell the company in order to pay the death tax. The upward mobilization of such efforts has tracked. The proponents of this tax always speak of the need to hinder "concentrations of wealth." What the tax really hinders is new American success stories.

Even if a family does not have to sell its business to pay the death tax, there are still significant costs that are imposed either directly or indirectly. Some people simply take preemptive action to destroy the worth of their businesses to limit their death-tax burden. Of course, that means less investment in our communities and fewer jobs created. Others divert money they would have spent on new equipment or new hires to insurance policies designed to cover death-tax costs. Still others spend millions on lawyers, accountants, and other advisors for death-tax planning purposes. But that leaves fewer resources to invest in the expansion of small American businesses, hire additional people, or pay better wages.

What that suggests to me is that, although the death tax raises only about one percent of the federal government's annual revenue, it exerts a disproportionate and negative impact on the economy. Alicia Munnell, who belonged to President Clinton's Council of Economic Advisors, estimates that the costs of complying with death-tax laws are of roughly the same magnitude that the revenue raised, or about $23 billion in 1998. In other words, for every dollar of tax revenue raised by the death tax, another dollar is squandered in the economy simply to comply with or avoid the tax.

Over time, the adverse consequences are compounded. A report issued by the Joint Economic Committee just last month concluded that the existence of the death tax this century has reduced the stock of capital in the economy by nearly half a trillion dollars.

By repealing it and putting those resources to better use, the Joint Committee estimates that as many as 240,000 jobs could be created over seven years and Americans would have an additional $24.4 billion in disposable personal income.

Is it not better to encourage the creation of new jobs by tax-paying Americans than to impose a tax that puts people out of work or lowers their income? I think so, and that is why I favor repeal of the death tax.

Mr. President, I suggested a moment ago that the death tax had a harmful effect, not only on small business but on the environment, as well. That is something that we need to consider here. An increasing number of families that own environmentally sensitive lands are having to sell the property for development in order to pay the death tax. Natural habitats are being destroyed as a result. With that in mind, Michael Bean of The Nature Conservancy observed that the death tax is "highly regressive in the sense that it encourages destruction of the most important land." It represents a real and present threat to endangered and threatened species and their habitats.

Mr. President, let me conclude by citing the report issued a few years ago by the National Commission on Economic Growth and Tax Reform, because it goes back to the point about fairness in a very poignant way. The Commission concluded that "[It makes little sense and is patently unfair to impose extra taxes on people who choose to pass their assets on to their children and grandchildren instead of spending them lavishly on themselves." I agree. The Commission went on to endorse repeal of the death tax.

Mr. President, the Agenda for Economic Growth and Opportunity will help keep the economy on track—it will help forestall the recession that some economists predict is on the way. It will help improve the standard of living for all Americans who choose to pass their assets on to their children and grandchildren instead of spending them lavishly on themselves." I agree. The Commission went on to endorse repeal of the death tax.

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workers. I am proud that this legislation is part of the Democratic agenda for long term care—which includes the $1,000 tax credit for families who are paying the costs of long-term care.

Since my first days in Congress, I have been fighting to help people afford the burdens of long-term care. Ten years ago, I introduced legislation to change the cruel rules that forced elderly couples to go bankrupt before they could get any help in paying for nursing home care. Because of my legislation, I tell me that we’ve kept over six hundred thousand people out of poverty and stopped liens on family farms.

I also fought for higher quality standards for nursing homes. Through the Older American Act funded senior centers, I’ve made it easier for seniors to get the information and referrals they need to make good choices about long-term care. Those same centers offer case managers to help families navigate the dizzying array of choices when faced with choosing long term care for a family member.

These are important steps. But unfortunately, we haven’t made much progress in the last few years. We’ve been rain by bipartisan bickering, shutdowns and inaction.

Meanwhile, the costs of long-term care have explodes. Nursing home costs are projected to increase from $40,000 today to $97,000 by 2030. This will only get worse since the number of senior citizens will double over the next thirty years. Families are being forced to choose between sending a child to college or paying for a nursing home for a parent.

Families desperately need help to help themselves and meet their family responsibilities. This bill is a down payment on making long term care available for all Americans. Let me tell you what my legislation will do.

It will enable federal workers and retirees to purchase long-term care insurance. It will provide help to those who practice self-help by offering employers the option to better prepare for their retirement and the potential need for long-term care.

It will enable federal employees to pay at group discounted rates. The purchasing power of the federal workforce will enable them to get the best deal. Federal employees would pay the entire premium for their long-term care insurance, but that premium will be 15% to 20% less than they would pay individually on the open market. This is a good deal for federal workers—and for taxpayers.

I’m starting with federal employees for two reasons. First, as our nation’s largest employer, the federal government can be a model for employers around the country. By offering long-term care insurance to its employees, the federal government can set the example for other employers whose workforce will be facing the same long-term care needs. We can use the lessons learned to help other employers to offer this option to their workers.

I have a second reason for starting with our federal employees. I am a strong supporter of our federal employees. I am proud that so many of them live, work, and retire in Maryland. They work hard in the service of our country. And I work hard for them. Whether it’s fighting for fair COLAs, against disruptive and harmful shutdowns of the federal government, or to prevent privatizing important services our federal workforce provide, they can count on me.

Promised made should be promises kept. Federal retirees made a commitment to devote their careers to public service. In return, our government made certain promises to them.

One important promise made was the promise of health insurance. We promised our federal workers and their families that they would have health insurance while they were working and during their retirement. The lack of long-term care for federal workers has been a big gap in this important promise to our federal workers. My legislation will close that gap and provide our federal workers and retirees with comprehensive health insurance.

I am proud that Senator SARBANES and Senator ROBB join me in introducing this bill, and that our colleague Congressman CUMMINGS has introduced this legislation in the House. I hope that we will soon be joined by a bipartisan group of Senators who care about helping American families to cope with the costs of long term care.

Mr. President, long term care requires long term solutions. My legislation is part of the solution. It is an important step forward in helping all Americans to prepare for the challenges of aging.

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. 57

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “Federal Employees Group Long-Term Care Insurance Act of 1999.”

SEC. 2. LONG-TERM CARE INSURANCE.
Subpart G of part III of title 5, United States Code, is amended by adding at the end the following new chapter:

“Chapter 90—Long-Term Care Insurance”

“§ 9001. Definitions
“(1) ‘annuitant’ means an individual referred to in section 8901(3);
“(2) ‘employee’ means an individual referred to in subparagraphs (A) through (D), and (F) through (I) of section 8901(1); but does not include an employee who is excluded by regulation of the Office under section 9011;
“(3) ‘Office’ means the Office of Personnel Management;
“(4) ‘other eligible individual’ means the spouse, former spouse, parent or parent-in-law of an employee or annuitant, or other individual specified by the Office.

“§ 9002. Contracting authority
“(a) The Office may design a benefits package or packages and negotiate final offerings with qualified carriers.

“(b) Each contract shall be for a uniform term of 5 years, unless terminated earlier by the Office.

“(c) Premium rates charged under a contract entered into under this section shall reasonably reflect the cost of the benefits provided under that contract as determined by the Office.

“(d) The coverage and benefits made available to individuals under a contract entered into under this section are guaranteed to be renewable and may not be canceled by the carrier except for nonpayment of premium.

“(e) The Office may withdraw an offering under this section based on open season participation rates, the composition of the risk pool, or both.

“§ 9003. Minimum standards for contractors
“At the minimum, to be a qualified carrier under this chapter, a company shall—

“(1) be licensed as an insurance company and approved to issue group long-term care insurance in all States and to do business in each of the States; and

“(2) be in compliance with the requirements imposed on issuers of qualified long-term care contracts by section 480C of the Internal Revenue Code of 1986.

“§ 9004. Long-term care benefits
“The benefits provided under this chapter shall be long-term care benefits which, at a minimum, shall be compliant with the most recent standards recommended by the National Association of Insurance Commissioners.

“§ 9005. Financing
“(a) The amount necessary to pay the premium for enrollment of an enrolled employee shall be withheld from the pay of each enrolled employee.

“(b) Except as provided under subsection (d), the amount necessary to pay the premium for enrollment of an enrolled annuitant shall be withheld from the annuity of each enrolled annuitant.
(c) The amount necessary to pay the premium for enrollment of a spouse may be withheld from pay or annuity, as appropriate.

(ii) An employee, annuitant, or other eligible individual, whose pay or annuity is insufficient to cover the withholding required for enrollment, shall, under the discretion of the Office, pay the premium for enrollment directly to the carrier.

(e) Each carrier participating in the program under this chapter shall maintain the funds related to this program separate and apart from funds related to other contracts and other lines of business.

(f) In adjudicating a claims dispute under section 9008, including costs related to an inquiry not culminating in a dispute, shall be reimbursed by the carrier involved in the dispute or inquiry. Such funds shall be available to the Office for the administration of this chapter.

§ 9006. Preemption

This chapter shall supersede and preempt any State or local law which is determined by the Office to be inconsistent with—

(1) the provisions of this chapter; or

(2) after consultation with the National Association of Insurance Commissioners, the efficient provision of a nationwide long-term care insurance program for Federal employees.

§ 9007. Studies, reports, and audits

(a) Each qualified carrier entering into a contract under this chapter shall—

(1) furnish such reasonable reports as the Office determines to be necessary to enable the carrier to carry out the functions under this chapter;

(2) permit the Office and representatives of the Association of Insurance Commissioners, the National Association of Insurance Commissioners, or the appropriate regulatory authority to examine such records of the carrier as may be necessary to carry out the purposes of this chapter;

(b) Each Federal agency shall keep such records, make such certifications, and furnish the Office, the carrier, or both, with such information and reports as the Office may require.

§ 9008. Claims for benefits

(a) A claim for benefits under this chapter shall be filed within 4 years after the date on which the reimbursable cost was incurred or the service provided.

(b) The Office shall adjudicate a claims dispute arising under this chapter and shall require a contractor to pay for any benefit or provide any service the Office determines to be necessary to enable the carrier to carry out the functions under this chapter;

(c)(1) Except as provided under paragraph (2), the Office shall

(i) require the contractor to pay for any benefit or provide any service the Office determines to be necessary to enable the carrier to carry out the functions under this chapter;

(ii) require the contractor to pay for any benefit or provide any service the Office determines to be necessary to enable the carrier to carry out the functions under this chapter;

(2) require the contractor to pay for any benefit or provide any service the Office determines to be necessary to enable the carrier to carry out the functions under this chapter.

§ 9009. Jurisdiction of courts

A claimant under this chapter may file suit against the carrier of the long-term care insurance policy covering such claimant in the district courts of the United States. After exhausting all available administrative remedies.

§ 9010. Regulations

(a) The Office shall prescribe regulations necessary to carry out this chapter.

(b) The regulations of the Office may prescribe the conditions under which an eligible individual may enroll in the program established under this chapter.

(c) The Office may not exclude—

(1) an individual; or

(2) an individual who is occupying a position on a part-time career employment basis, as defined in section 3401(2).

(d) The regulations of the Office shall provide for the funding of costs related to the care or service provided to an individual under this chapter, and any requirements for continuation of coverage.

§ 9011. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for the purposes of carrying out sections 9002 and 9010.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act, except that no coverage may be effective until the first applicable pay period in October, which occurs more than 1 year after the date of enactment of this Act.

By Ms. COLLINS (for herself, Mr. DURBIN, and Mr. JEFFORDS):

S. 58. A bill to amend the Communications Act of 1934 to improve protections against telephone service "slamming" and provide protections against telephone billing "cramming", to provide for the Federal Trade Commission jurisdiction over unfair and deceptive trade practices of telecommunications carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TELEPHONE SERVICE FRAUD PREVENTION AND ENFORCEMENT ACT OF 1999

Ms. COLLINS. Mr. President, I rise today to introduce the "Telephone Service Fraud Prevention and Enforcement Act of 1999." I am pleased to have Senators DICK DURBIN and JIM JEFFORDS as co-sponsors of this legislation.

This bill is designed to curtail two telecommunication-related fraud practices: slamming—the unauthorized change of a consumer's long distance telephone service provider—and cramming—the billing of unauthorized charges on a consumer's telephone bill. This comprehensive bill is needed to ensure that consumers are adequately protected against these unfair practices.

Mr. President, telephone slamming and cramming are widespread problems, affecting consumers across the country. Nationwide, slamming is the largest single category of complaints received by the FTC's National Call Center. Since there is still no central repository for slamming complaints, the actual number of incidents of slamming are undoubtedly far more numerous. Estimates from phone companies indicated that perhaps as many as one million Americans were slammed last year alone.

Cramming complaints also remain at unacceptably high levels. In 1998, the FCC's National Call Center received over 15,000 cramming complaints from consumers, making it the 12th most common complaint received by the FCC. In addition, the Federal Trade Commission received over 6,000 crammimg complaints from consumers in 1998, making it the FTC's 5th most common complaint. As with slamming, there is no central repository for cramming complaints, so the actual number of such complaints is probably much higher than those documented by the federal government.

In late 1997, the Senate Permanent Subcommittee on Investigations, which I chair, began an extensive investigation into telephone-related fraud against consumers. The story of telephone services fraud, I soon discovered, is a great deal more than just an aggregate number of complaints. On February 18, 1998, I chaired a field hearing on slamming in Portland, Maine, where I heard first-hand from consumers about the problems they experienced when their long distance service was changed without their permission. Their sense of violation was evident. Witnesses used words such as "stealing," "criminal," and "break-in" to describe the practices used by unscrupulous telephone companies to boost profits by bouncing unsuspecting customers from carrier to carrier without their permission or even their knowledge.

One witness, for example, Pamela Corrigan from West Farmington, Maine, testified that she was sent an unsolicited mailing, which looked like any other letter in the stacks of junk mail that we all receive every day. This "junk mail," however, was not what it appeared to be. This so-called "welcome package" automatically signed her up for a new long distance service unless she returned a card rejecting the change. She was amazed and appalled that it was possible for a company to take over her long distance service simply because she did not respond that she did not want their service.

Building on this record, my Subcommittee held a second slamming hearing on April 23, 1998, in Washington, DC. This hearing exposed how certain fraudulent long distance switchless resellers (companies with no telephone equipment of their own that buy access to larger telephone companies) provided "re-sell" that access to consumers are responsible for a large proportion of the intentional slamming incidents. These
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electronic bandits use deceptive marketing practices and often outright fraud to switch consumers’ long distance service. The Subcommittee also learned how under current industry practices, many companies reap huge profits selling the advantage of consumers in such a fashion.

At my Subcommittee’s April 1998 hearing, we examined a case study of telephone services fraud. A man named Daniel Fletcher fraudulently operated as a long distance reseller, using at least eight different company names. In these various guises, Fletcher slammed thousands of consumers, billing them for a total of at least $20 million in long distance charges. The implication with which Mr. Fletcher deliberately slammed consumers for so long demonstrates the need to establish strong consumer protections to deter intentional slamming.

On July 23, 1998, I convened a hearing in Washington to explore the emerging problem of telephone cramming. At that hearing, we learned how cramming is a growing consumer fraud and how companies are using telephone bills to rip-off consumers by slipping unauthorized charges onto their statements without their consent and without proper notice. The National Consumers League testified that cramming has skyrocketed to first place among the more than 50 categories of telephone scams reported to it. The FCC testified that it is relying on the telephone industry to voluntarily implement procedures to stop cramming. However, it was evident from the testimony that unless we establish a clear statutory and regulatory scheme and insist upon rigorous enforcement of these rules, cramming will continue to be a problem for consumers.

In May 1998, the Senate passed a strong anti-slamming bill by a unanimous voice vote. This bill contains strong consumer protection provisions and mandated aggressive enforcement by the FCC and other federal agencies. Unfortunately, the House retreated significantly from this strong anti-slamming legislation and sent us, at the very end of the legislative session, a bill significantly weaker than the one that passed the Senate—indeed, a bill so weak that it would provide consumers with less protection than they enjoy today. By exploiting the important role states play in enforcing consumer anti-fraud protections, the bill will continue to be a problem for consumers.

First, the FCC enhances the states’ ability to protect consumers and take enforcement actions against slamming and cramming. As the Subcommittee’s investigation has revealed, the states have been admirably aggressive in taking enforcement action against companies who engage in telephone fraud. For example, in February 1998, the Florida Public Service Commission proposed a $500,000 fine against a company called Minimum Rate Pricing for slamming subscribers. The FCC, in contrast, fined the same company only $80,000. In the Fletcher case mentioned previously, the State of Florida fined one Fletcher company $860,000, while the FCC originally fined one of them only $80,000. I am glad to say that since my Subcommittee’s investigation, the FCC has significantly increased its enforcement efforts, particularly against Mr. Fletcher.

For the most part, however, the states have been, and remain, the first line of defense against companies that repeatedly slam or cram consumers. This bill protects the states’ ability to continue to fight those illegal practices. Specifically, this bill allows the states to impose tough requirements to protect consumers from those companies who engage in slamming or cramming. For example, in February 1998, the Florida Public Service Commission proposed a $500,000 fine against a company called Minimum Rate Pricing for slamming subscribers. The FCC, in contrast, fined the same company only $80,000. In the Fletcher case mentioned previously, the State of Florida fined one Fletcher company $860,000, while the FCC originally fined one of them only $80,000. I am glad to say that since my Subcommittee’s investigation, the FCC has significantly increased its enforcement efforts, particularly against Mr. Fletcher.

Second, this bill makes it clear that telephone companies that continue to slam or cram consumers will be subject to tough civil penalties. This bill will create new civil penalties for cramming, and authorize the imposition of stiff penalties by the FCC on those companies who continue to slam or cram American consumers. Moreover, states will be able to continue to obtain refunds for consumers who have been harmed by such fraudulent practices.

Third, this bill makes it clear that telephone companies that continue to slam or cram consumers will be subject to tough civil penalties. This bill will create new civil penalties for cramming, and authorize the imposition of stiff penalties by the FCC on those companies who continue to slam or cram American consumers. Moreover, states will be able to continue to obtain refunds for consumers who have been harmed by such fraudulent practices.

Finally, the bill will protect a consumer’s right to a “freeze option.” This provision makes it clear that consumers have the right to stop slammers from changing their long distance service without their authorization. By invoking the freeze option, consumers can retain control over their telephone service by prohibiting any change in their consumers’ choice of telephone service provider, unless that change is expressly authorized by the consumer. This provision, I should also note, does not in any way prevent the FCC from designing a program designed to reduce or eliminate telephone-related fraud. This provision makes it clear that consumers have the right to stop slammers from changing their long distance service without their authorization. By invoking the freeze option, consumers can retain control over their telephone service by prohibiting any change in their consumers’ choice of telephone service provider, unless that change is expressly authorized by the consumer. This provision, I should also note, does not in any way prevent the FCC from designing a program designed to reduce or eliminate telephone-related fraud.
Majority Leader LOTT have joined me in the fight against telephone-company practices of slamming and cramming. The reasons to control over their long distance services and not the telephone companies—have a right to a freeze option so that they—

Mr. President, this bill will provide the federal government and the states with the statutory tools to fight the practices of slamming and cramming and to end the systematic defrauding of countless thousands of consumers every year. I urge my colleagues to join me in the fight against telephone-related fraud by supporting this bill.

By Mr. THOMPSON (for himself, Mr. BREAUX, and Mr. LOTT):

S. 59. A bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes; to the Committee on Governmental Affairs.

REGULATORY RIGHT TO KNOW ACT OF 1999

Mr. THOMPSON. Mr. President, today I am introducing the “Regulatory Right-to-Know Act of 1999.” I am pleased that Senator BREAUX and Major LOTT have joined me in this effort. Our goals are to promote the public’s right to know about the benefits and costs of regulatory programs; to increase the accountability of government to the people it serves; and ultimately, to improve the quality of our regulatory programs. This legislation will help us assess what benefits our regulatory programs are delivering, at what cost, and help us understand what we need to do to improve them.

By any measure, the burdens of Federal regulation are enormous. By some estimates, Federal regulation costs about $700 billion per year, or $7,000 for the average American household. I hear concerns about unnecessary regulatory burdens and red tape from people all across the country and from all walks of life—small business owners, governors and local officials, farmers, corporate leaders, government reformers, school board members and parents. There is strong public support for sensible regulations that can help ensure cleaner water, quality products, safer workplaces, reliable economic markets, and the like. But there is substantial evidence that the current regulatory system is missing important opportunities to deliver greater benefits at less cost. The depth of this problem is not appreciated fully because the costs of regulation are not as apparent as other costs of government, such as taxes, and the benefits of regulation often are diffused. The bottom line is that the American people deserve better results from the vast resources and time spent on regulation. We’ve got to be smarter.

We ought to spend less time debating on-budget programs, but we are just breaking ground on creating a system to scrutinize Federal regulation. This legislation does not change any regulatory standards; it simply will provide better information to help us answer some important questions: How much do regulatory programs cost each year? Are we spending the right amount, particularly compared to on-budget spending? How are we setting sensible priorities among different regulatory programs? As the Office of Management and Budget stated in its first “Report to Congress on the Costs and Benefits of Federal Regulations”:

“Regulatory Instruments (Regulations and other instruments of government policy) have enormous potential for both good and harm. . . . The only way we know how to distinguish between the regulations that produce and those that cause harm is through careful assessment and evaluation of their benefits and costs. Such analysis can also often be used to redesign harmful regulations so they produce more good than harm and redesign good regulations so they produce even more net benefits. There is broad support for making our government more open, efficient, and accountable. This legislation continues the efforts of my predecessors. Regulatory accounting was a part of a regulatory reform bill that unanimously passed out of the Government Affairs Committee in 1995 when Bill ROTH was chairman, and when TED STEVENS became our chairman, he passed a one-time regulatory accounting amendment on the Omnibus Appropriations Act. I supported Senator STEVENS’ effort when it passed again in 1997, and I sponsored a similar measure last year with the support of Senators LOTT, BREAUX, ROBB and SHELBY. There also is a broad bipartisan coalition in the House that supports regulatory accounting. This legislation will continue the requirement that OMB report to Congress on the costs and benefits of regulatory programs, which began with the Stevens amendment. This legislation also adds to previous initiatives in several respects. First, it will finally make regulatory accounting a permanent statutory requirement. Regulatory accounting will become a regular exercise to help ensure that regulatory programs are cost-effective, sensible, and fair. Second, this legislation will require OMB to provide a more complete picture of the regulatory system, including the incremental costs and benefits of particular programs and regulations, as well as an analysis of regulatory impacts on small business, government, state, local, and tribal government, the private sector, small business, wages, and economic growth. OMB also will look back at the annual regulation costs and benefits for the preceding 4 fiscal years, building on information generated under the Stevens amendment. Finally, this legislation will help ensure that OMB provides better information as time goes on. Requirements for OMB guidelines and independent peer review should improve future regulatory accounting reports.

There is strong support for the idea that we should include the costs and benefits of Federal regulatory programs in our annual budget and budget presentations. This Act may be cited as the “Regulatory Right-to-Know Act of 1999.”

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) promote the public right-to-know about the costs and benefits of Federal regulatory programs and rules;

(2) increase Government accountability; and

(3) improve the quality of Federal regulatory programs and rules.

SEC. 3. DEFINITIONS.

In this Act:

(1) in general.—Except as otherwise provided in this section, the definitions under section 551 of title 5, United States Code, shall apply to this Act.

(2) benefit.—The term “benefit” means the reasonably identifiable significant favorable effects, quantifiable and nonquantifiable, including social, health, safety, environmental, economic, and distributional effects, that are expected to result from implementation of, or compliance with, a rule.

(3) cost.—The term “cost” means the reasonably identifiable significant adverse effects, quantifiable and nonquantifiable, including social, health, safety, environmental, economic, and distributional effects, that are expected to result from implementation of, or compliance with, a rule.

(4) director.—The term “Director” means the Director of the Office of Management and Budget, acting through the Administrator of the Office of Information and Regulatory Affairs.

(b) major rule.—The term “major rule” means any rule as that term is defined under section 804(2) of title 5, United States Code.

(c) program element.—The term “program element” means a rule or related set of rules.

SEC. 4. ACCOUNTING STATEMENT.

(a) in general.—Not later than February 5, 2001, and each year thereafter, the President, acting through the Director of the Office of Management and Budget, shall prepare and submit to Congress, with the budget of the United States Government submitted under section 1105 of title 31, United States Code, an accounting statement and analysis of, or related to, program elements.

(1) an estimate of the total annual costs and benefits of Federal regulatory programs, including rules and paperwork—

(A) in the aggregate; and

(B) by agency, agency program, and program element; and

(c) by major rule.

(2) an analysis of direct and indirect impacts of Federal rules on Federal, State, local, and tribal government, the private sector, small business, wages, and economic growth; and

(3) recommendations to reform inefficient or ineffective regulatory programs or program elements.

(b) benefits and costs.—To the extent feasible, the Director shall quantify the net benefits or net costs under subsection (a)(1).
The Regulatory Right to Know Act of 1999 simply makes this requirement permanent and requires OMB to submit a yearly report to Congress on the total costs and benefits of federal regulations. Costs and benefits include those that are quantifiable and non-quantifiable. OMB must present both an analysis of the impacts of regulations on Federal, State, local and tribal governments, the private sector, small businesses, wages and economic growth, as well as recommendations for reforming or eliminating outdated regulations. Lastly, our bill provides the public with an opportunity to comment on the draft report before it is submitted to Congress.

Our bill does not do a number of things. It does not require that any regulations or programs be eliminated because the benefits do not outweigh the costs. It does not impose an unworkable burden on the OMB because much of the needed information is already available. Our bill doesn't undermine the need for regulations protecting public health, worker safety, food quality or environmental preservation.

Some studies have estimated the total cost of federal regulations to be almost $700 billion annually. On average, regulations cost every household in America approximately $7,000 per year. As the people who bear the cost of federal regulatory programs, American citizens have a right to know what they are getting for their $7,000. Taxpayers are able to track how the government spends its tax dollars through the budget process. The same openness should apply to the federal regulatory system. Congress also needs the accounting statements provided by our bill in order to make better, more informed, and more efficient decisions. For these reasons, I urge all of my colleagues to support the Regulatory Right to Know Act of 1999.

By Mr. GRASSLEY.

S. 60. A bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for contributions by employees to pension plans; to the Committee on Finance.

ENHANCED SAVINGS OPPORTUNITIES ACT

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation that lifts the unfair limits on how much people can contribute to their employer's pension plan. I have been an advocate of increasing the amount of public education we provide to people on the importance of saving for retirement. However, we also must take more tangible action that will help workers achieve a more secure retirement.

The legislation I am introducing today amends two provisions in the Internal Revenue Code which discourage workers and employers from putting more money into pension plans. One of the most burdensome provisions in the Internal Revenue Code is the 25 percent limitation contained within section 415(c). Under 415(c), total contributions by employer and employee into a defined contribution (DC) plan are limited to 25 percent of compensation or $30,000, whichever is less. That limitation applies to all employees. If the total additions into a DC plan are $7,500 or $30,000, the excess money will be subject to income taxes and a penalty in some cases.

The second tax code provision affected by this legislation is section 404(a)(3). This section regulates the amount of retirement plan contributions an employer can deduct for tax purposes. We need this change because those deduction limits are impacted by how much the employee puts into the retirement plan. If we are successful in changing 415(c), we run the risk of more employers bumping into the 15% deduction limit—we don’t want that to happen.

To illustrate the need for elimination of this 25 percent limit let me use an example. Bill works for a medium size company in my home state of Iowa. His employer sponsors a 401(k) plan and a profit sharing plan to help employees save for retirement. Bill makes $25,000 and elects to put in 5 percent of his compensation into the 401(k) plan, which amounts to $1,250 per year. His employer will match the first 5 percent of his compensation, which comes out to be $1,250, into the 401(k) plan. Therefore, the total 401(k) contribution into Bill’s account is $3,750. In this same year Bill’s employer determines to set aside a sufficient amount of his profits to the profit sharing plan which results in an allocation to Bill’s account in the profit sharing plan the sum of $3,205. This brings the total contribution into Bill’s retirement plan this year up to $6,955.

Unfortunately, because of the 25 percent of compensation limitation only $6,250 can be put into Bill’s account for the year. The amount intended for Bill’s account exceeds that limitation by $705. Hence, the profit sharing plan administrator must reduce the amount intended for allocation to Bill’s account by $705 in order to avoid a penalty. Bill is unlikely to be able to save $705, a significant amount that would otherwise be yielding a tax deferred income which would increase the benefit Bill will receive at retirement. Bill’s retirement saving is shortchanged by $705 because the tax deferred earnings it would have generated.

Now let’s look at Irene. Irene works for the same company, but she makes $45,000 a year. She also puts in 10 percent of her compensation into the 401(k) plan, and her employer matches five percent of her salary into the account. That brings the combined contribution of Irene and her employer up to $6,750. She would also receive a contribution of $3,205 from the profit sharing plan. This amounts to a total contribution into Irene’s pension plan for that year to $9,955. She is also subject to the 25 percent limit, but for Irene, her limit would not be reached until she reaches her limit would not be reached until...
I want to thank an Iowa company, 1,200 Profit Sharing/401(k) Council of America, for informing Senate candidates file their reports, and to DC plans will help those working now, particularly women, to “catch up” on their retirement savings goals. Women are more likely to live out the last years of their retirement in poverty for a number of reasons. Women have longer lifespans, they are more likely to leave the workforce to raise children or care for elderly parents, and traditionally make less money than their male counterparts. Anyone who has delayed saving for retirement will get a much needed boost to their retirement savings strategy if the 25 percent limit is eliminated for employers.

Not only does this proposal help individual employees save for retirement but it also helps the many businesses, both small and large which are affected by 415(c). First, the 25 percent limitation causes equity concerns within businesses. Low and mid-salary workers do not feel as if the Code treats them equitably, when their higher-paid supervisor is permitted to save more in dollar terms in a tax-qualified pension plan.

Second, one of the primary reasons businesses offer pension plans is to reduce turnover and retain employees. Employers often supplement their 401(k) plans with generous matches on a profit-sharing plan to keep people on the job. The 415(c) limitation inhibits their ability to do that, particularly for the lower-paid workers who are unfairly affected.

Third, this legislation will ease the administrative burdens connected with the 25 percent limitation. Dollar limits are easier to track than percentage limits.

Finally, I want to placate any concerns that repealing the 25 percent limitation will serve as a windfall for high-paid employees. The Code contains other limitations which provide protection against abuse. First, the Code limits the amount an employee can defer to a 401(k) plan. Under section 402(g) of the Code, workers can only defer up to $10,000 of compensation into a 401(k) plan in 1998. In addition, plans still must meet strict non-discrimination rules that ensure benefits provided to highly-compensated employees are not overly generous.

The value to society of this proposal, if enacted, is undeniable. Increased savings in qualified retirement plans can prevent leakage, meaning the money is less likely to be spent, or cashed out as might happen in a savings account or even an IRA.

There will be those out there who recognize that this bill does not address the impact of the 415 limit for all of the plans that are subject to it. I have included language that would provide relief to 401(k) plans and 403(b) plans, for example. Plans authorized by section 457 of the Code—used by state and local governments and non-profit organizations have not been specifically addressed. I want to assure organizations who sponsor 457 plans that I support ultimate conformity for all plans affected by the 415(c) percentage limitation. Over the next couple of weeks, I hope to work with these organizations to identify the changes that are necessary to achieve equity and simplicity for their employees. In the mean time, this is a positive step toward enhancing the retirement savings opportunities of working Americans.

We have begun to educate all Americans about the importance of saving for retirement, but if we educate and then do not give them the tools to allow them to practically apply that knowledge, we have failed in our ultimate goal to increase national savings. Let’s help Americans succeed in saving for retirement. In helping them achieve their retirement goals, they will permit employees who leave and reenter the workforce, many of whom are women, to make larger contributions when they are working, in effect allowing them to “catch up” on their contributions. All low-paid employees will now be allowed to defer up to $6,000 of their wages into a 401(k) plan. Also, companies will be permitted to make more generous matching and profit sharing contributions to their employees, especially their lower-paid employees.

We continue to benefit from your strong leadership in support of employer-provided retirement plans and again commend you for your strong support of The Enhanced Savings Opportunity Act, introduced today, that would repeal the IRC section 415(c) 25 percent of compensation limit currently imposed on employees participating in defined contribution plans. That limitation caps the combined employee and employer contribution into a 401(k) account to 25 percent of an employee’s earnings. The 25 percent limitation has significantly reduced the ability of lower-paid employees, specifically intermittent workers, from taking full advantage of defined contribution retirement programs. Most companies limit the percentage of pay that an employee can contribute to their 401(k) plan to even less than 25 percent in order to insure compliance with 415(c).

The legislation will promote a conducive environment for expanding the savings opportunities in employer-provided retirement programs by removing one of the impediments that prevents employees, especially lower-paid employees, from taking full advantage of profit sharing, 401(k), and other defined contribution programs.

The Enhanced Savings Opportunity Act will permit employees who leave and reenter the workforce, many of whom are women, to make larger contributions when they are working, in effect allowing them to “catch up” on their contributions. All low-paid employees will now be allowed to defer up to $6,000 of their wages into a 401(k) plan. Also, companies will be permitted to make more generous matching and profit sharing contributions to their employees, especially their lower-paid employees.

We continue to benefit from your strong leadership in support of employer-provided retirement plans and again commend you for this new proposed legislation.

Sincerely,

DAVID L. WRAY,
President.
The Public Records office will be open from 12:00 noon to 4:00 p.m. on the filing date to accept these filings. For further information, place contact the Public Records office at (202) 224-0322.

RENAME THE COMMITTEE ON LABOR AND HUMAN RESOURCES
THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. HUTCHISON. Mr. President, on behalf of the Senate majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 20, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 20) renaming the Committee on Labor and Human Resources the Committee on Health, Education, Labor, and Pensions.

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

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the resolution be agreed to and that a motion to recommit be laid upon the table, and that any statements related to the resolution be printed in the Record.

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

The resolution (S. Res. 20) was agreed to as follows:

Resolved, That the Committee on Labor and Human Resources is hereby redesignated as the Committee on Health, Education, Labor, and Pensions.

CONGRATULATING THE UNIVERSITY OF TENNESSEE VOLUNTEERS FOOTBALL TEAM ON NCAA CHAMPIONSHIP

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 21, introduced earlier today by Senators FRIST and THOMPSON.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 21) congratulating the University of Tennessee Volunteers Football Team on winning the 1998 National Collegiate Athletic Association Division I-A football championship.

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

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

Mr. FRIST. Mr. President, it is with great pride that I rise to acknowledge another NCAA National Championship for the University of Tennessee. Last year, I had the opportunity to congratulate the Tennessee Lady Vols on their third straight national women's basketball title, but just two weeks ago, the University of Tennessee Volunteer football team defeated the Seminoles of Florida State University in the Fiesta Bowl in Tempe, Arizona, to become the undisputed champions of college football.

It was a perfect ending to a perfect season; a season of thirteen wins and zero losses; a season in which this national championship team pulled together to overcome tremendous adversity, including the loss of key starters to the National Football League, the loss of a Heisman Trophy candidate to a season-ending injury, and arguably the most challenging schedule in collegiate football, to attain the national title.

Today, along with my fellow Volunteer fan, Senator THOMPSON, I introduce this sense-of-the-Senate resolution recognizing the University of Tennessee Volunteers for their commitment to excellence, for their dedication, for their selflessness, and for their sportsmanship throughout the 1998 football season.

Mr. President, I, along with my fellow Tennesseans, watched with pride as the Volunteers clutched victory and victory through the 1998 football season setting numerous school records, Southeastern Conference records, and NCAA records.

For players, coaches, and fans, it was indeed a remarkable season full of excitement, anxiety, and joy. From Jeff Hall's last-second field goal in the opening game to defeat Syracuse to Peerless Price's spectacular touchdown receptions against Florida State in the Fi sca Bowl, the Vols proved again and again that they can deliver in the clutch in a manner befitting a champion.

Throughout the year, the Volunteers functioned as a cohesive unit, rather than relying on only a few star players. Tennessee Coach Phillip Fulmer, the winningest active coach in college football, put it best when he said, "It's been an unbelievable effort. * * * It's amazing what you can accomplish when no one cares who gets the credit."

"Truly a testament to the selflessness and determination of this national championship team."

In closing, I would like to congratulate the team, Coach Fulmer, his assistant coaches, the outstanding faculty of the University of Tennessee, all of whom contributed to this championship season. Finally, I would like to recognize the most important group, the group in which I am honored to be included, the Tennessee Volunteer fans.

Mr. THOMPSON. Mr. President, I rise today to recognize the outstanding accomplishment of the University of Tennessee Volunteers in capturing the national collegiate football championship. And I ask my colleagues to join me in formally congratulating the Tennessee Vols.

On January 4th, I joined fellow Tennesseans across the country in watching with pride as the University of Tennessee Volunteers defeated Florida State Seminoles (23-16) and were crowned national champions for the first time since 1951. I should also point out that this is the second national championship that has come to the Tennessee Volunteers during this past year.

The Lady Vols won the collegiate women's basketball crown and today stand at the top of the A.P. poll for the 1998-99 season with 40 and 1 first place votes.

Tennessee has the fourth-winningest program in major college football this decade and has won back-to-back Southeastern Conference (SEC) championships. This year's Fiesta Bowl marked their tenth consecutive bowl appearance. The Vols finished 13 and 0 and ranked number one in the nation after winning the Bowl Championship Series title game.

Mr. President, many of my colleagues had their own home-state favorites and I am happy for them on their seasons as well. But Mr. President back home in Tennessee, we are very, very proud of the Vols. We're proud of coach Phillip Fulmer and his staff. We're proud of the scholar-athletes. But I've got to mention the friends and the faculty who support them and out-numbered Florida State fans at the Fiesta Bowl by more than three to one.

This is just about as flawless a season of athletic performance as you're ever going to see, and we're fortunate in Tennessee to have this tremendous program and these gifted, talented young people. This is a team which started the year with a new quarterback and then lost its top running back four games into the season. They came together and it seemed that each game produced a different hero and somebody was always there to make a big play at a crucial moment.

Mr. President, every different Volunteer named SEC Player of the Week honors this season. Quarterback Tee Martin was named Offensive Player of the Week after completing an NCAA record 23-of-24 passes for 315 yards against South Carolina and setting a single-game record for completion percentage at 95.8. Receiver Peerless Price snagged Offensive Player of the Week after he caught a pass for a career-high 181 yards and one score in a win over Mississippi State.

Defensive end Shaun Ellis broke records by forcing three fumbles against Florida. Defensive end Shaw Ellis returned an interception 90 yards for a touchdown against Auburn, and defensive back Deon Grant stole the spotlight with a key interception in a game against Georgia. All three were named SEC Defensive Player of the Week for their individual achievements.

Mr. President, I would especially like to acknowledge the tremendous coaching job of Phillip Fulmer, who played offensive guard for Tennessee from 1969 to 1971, and who has led the team for seven winning seasons. Coach Fulmer
The resolution, with its preamble, is so ordered.

The preamble was agreed to.

The resolution (S. Res. 21) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 21

Whereas the University of Tennessee Volunteers football team (referred to in this resolution as the "Tennessee Volunteers") defeated the Florida State University Seminoles on January 4, 1999, at the Fiesta Bowl in Tempe, Arizona, to win the National Collegiate Athletic Association Division I-A football championship;

Whereas the Tennessee Volunteers completed the 1998 football season with a perfect record of 13 wins and 0 losses;

Whereas the Tennessee Volunteers defeated the Mississippi State University Bulldogs to claim the 1998 Southeastern Conference football championship;

Whereas the Tennessee Volunteers' Coach Phillip Fulmer, his staff, and his players displayed outstanding dedication, teamwork, selflessness, and sportsmanship throughout the course of the season to achieve collegiate football's highest honor; and

Whereas the Tennessee Volunteers have brought pride and honor to Tennessee: Now, therefore, be it

Resolved. That the Senate—

1. congratulates the University of Tennessee Volunteers football team on winning the 1998 National Collegiate Athletic Association Division I-A football championship; and

2. commends the University of Tennessee Volunteers football team for its pursuit of athletic excellence and its outstanding accomplishment in collegiate football in winning the championship.

ORDER FOR RECORD TO REMAIN OPEN

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that today's Record remain open until 6 p.m. for the introduction of bills and statements.

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

AMERICA AT A MORAL CROSSROADS

Mr. HELMS. Mr. President, I have sent to the desk a slate of legislation that addresses a number of our Nation's most pressing social problems. I have introduced a great many of these bills in prior Congressional sessions and Senators who have been around for a while will find these proposals familiar.

Nonetheless, I shall devote a few minutes to explain the importance of these bills and why it is so crucial to address permissive social policies that are creating a moral and spiritual crisis in our country.

I am delighted, Mr. President, that our Nation's economy has grown and prospered for the last two years—helped along, not incidentally, by the responsible fiscal policies insisted upon by the Republican Congress. But the good news on the financial pages is too often overshadowed by utterly horrifying stories elsewhere, stories which detail a moral sickness at the heart of our culture, stories which chronicle the devaluation of human life in our society, symbolized by the tragic 1973 Supreme Court decision, Roe v. Wade.

The most notorious of these appalling stories was the episode involving a young New Jersey woman who in May of 1997 gave birth to an infant in a public bathroom stall during her senior prom. She then strangled her newborn baby boy, placed the body in a trash can, adjusted her makeup, and returned to the dance floor.

Mr. President, this chilling tale cries out that something is badly wrong in the American culture, and the American people were justifiably shocked to learn that this is not an isolated incident.

Consider this: in November of 1997, in Tucson, Arizona, a 15-year-old boy found a newborn in a 3-pound coffee can. After an investigation, police arrested the boy's sister, then 19 years of age. She had given birth to the baby and promptly drowned it in the toilet, covered its little head with a plastic ice cream wrapper, wrapped the body in a flannel shirt and hidden it. She said she had intended to bury it later.

Despite these largely uncontested facts, an Arizona jury—browbeat into submission by a defense team suggesting that its client was in fact the victim of a strict Catholic upbringing—returned a guilty verdict only on a charge of negligent homicide, the least serious conviction. This woman, who had murdered her own baby, received a sentence of one year, and during her prison term, she will be released during daytime hours on a work furlough program. This is the tip of the iceberg, Mr. President. National Public Radio recently reported that the bodies of about 250 newborns are callously discarded each year. In some of these cases the babies were stillborn, but in others, the newborns were murdered.

Lest anyone think I am exaggerating, pick up almost any newspaper in America, and a distressing story is likely to be found. For example:

The Pittsburgh Post-Gazette, August 12, 1997: Teenage Mother Admits Slaying: Newborn was Found Dead in Gym Bag in Garage of Home

The Record, Northern New Jersey, December 24, 1997: 12 Years for Mom Who Killed Baby: Newborn Tossed From Window

Associated Press, Atlantic City, New Jersey, July 14, 1997: Baby Born in Toilet Stall, Left in Atlantic City Bus Terminal

The St. Petersburg Times, December 20, 1997: Girl Charged who Left Baby in Trash


Should we really be surprised, Mr. President, that a Nation that not only tolerates, but actively defends the practice of partial birth abortion would produce these gruesome headlines? And the extraordinary level of disrespect for human life that has fallen isn't limited to the horrible practice of neonaticide on the part of young mothers. It pervades every part of our society.

In Pennsylvania, two teenagers were stabbed during a showing of a so-called 'horror movie' that itself featured two characters being brutally stabbed to death watching a horror film. In Oregon, much of the Nation watched in disbelief as news reports described the case of a young man who, after killing his parents, walked into a crowded school cafeteria and opened fire on his fellow students.

Mr. President, I am delighted, Mr. President, that the President of the United States into the House Chamber for the joint session of the two houses—address by the President of the United States.

Mrs. HUTCHISON. I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m. this evening, Tuesday, January 19, 1999.

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

RESOLUTION OF THE SENATE

WHEREAS the University of Tennessee football team, referred to in this resolution as the "Tennessee Volunteers," on January 4, 1999, won the National Collegiate Athletic Association Division I-A football championship, defeating the Florida State University Seminoles in Tempe, Arizona, to complete the 1998 football season with a perfect record of 13 wins and 0 losses, and the following additional accomplishments:

1. Defeated the Mississippi State University Bulldogs to win the Southeastern Conference football championship.
2. Defeated the Florida State University Seminoles to win the 1998 National Collegiate Athletic Association Division I-A football championship.
3. Completed the 1998 football season with a perfect record of 13 wins and 0 losses.
4. The Tennessee Volunteers have brought pride and honor to Tennessee.

NOW, THEREFORE, BE IT RESOLVED, That the Senate:

1. Commends the University of Tennessee Volunteers football team for its pursuit of athletic excellence and its outstanding accomplishment in collegiate football in winning the championship.
2. Congratulates the University of Tennessee Volunteers football team on winning the 1998 National Collegiate Athletic Association Division I-A football championship.
3. Reads the following resolution into the Record:
   S. Res. 21
   WHEREAS the University of Tennessee Volunteers football team (referred to in this resolution as the "Tennessee Volunteers") defeated the Florida State University Seminoles on January 4, 1999, at the Fiesta Bowl in Tempe, Arizona, to win the National Collegiate Athletic Association Division I-A football championship;
   WHEREAS the Tennessee Volunteers completed the 1998 football season with a perfect record of 13 wins and 0 losses;
   WHEREAS the Tennessee Volunteers defeated the Mississippi State University Bulldogs to claim the 1998 Southeastern Conference football championship;
   WHEREAS the Tennessee Volunteers' Coach Phillip Fulmer, his staff, and his players displayed outstanding dedication, teamwork, selflessness, and sportsmanship throughout the course of the season to achieve collegiate football's highest honor;
   WHEREAS the Tennessee Volunteers have brought pride and honor to Tennessee; Now, therefore, be it
   RESOLVED, That the Senate—
   1. Congratulates the University of Tennessee Volunteers football team on winning the 1998 National Collegiate Athletic Association Division I-A football championship; and
   2. Commends the University of Tennessee Volunteers football team for its pursuit of athletic excellence and its outstanding accomplishment in collegiate football in winning the championship.
   ORDER FOR RECORD TO REMAIN OPEN
   Mrs. HUTCHISON. Mr. President, I ask unanimous consent that today's Record remain open until 6 p.m. for the introduction of bills and statements.
   The PRESIDING OFFICER. Without objection, it is so ordered.
taxes, more important than health care, more important than education.

Too often, however, the mainstream media doesn’t seek to remedy our de-
caying culture; they actively celebrate it. Just last fall, the supposedly re-
sponsible magazine “60 Minutes” elected to show the videotaped death of a
man via Dr. Jack Kevorkian’s so-
called “suicide machine”. In voice-
over, Kevorkian was allowed to com-
ment on the procedure—no, strike
that, the murder—that the victim’s
Watch. All while he defended his
abhorrent belief in assisted suicide.
And instead of responding with out-
rage, a portion of the American public
rewarded the program with its highest
ratings of the year.

Has America become so hard-hearted and
callous, Mr. President? Or is it just
responding to so-called cultural elitists
who celebrate abortion, euthanasia,
and promiscuity, while with unre-
strained zeal endeavor to destroy all
traces of religion in American public
life.

Too many politicians blithely sug-
gest that government and morality are
not and should not be related; too
many producers in Hollywood claim
that the art that passes for entertain-
ment does not corrupt our culture; and
too many educators claim the academy
does not have a place in addressing the
difference between right and wrong.

Mr. President, they are the ones who
are wrong. We fool ourselves and we
feel the public if we suggest that there
is no connection between the business
we do in Congress and the state of pub-
lic morality in our society. We are the
caretakers of our own culture. And we
must not shrink from the responsibil-
ity of passing laws that promote what
is right and prevent what is wrong in
our society.

We make judgments between right
and wrong every day, Mr. President in
every speech, in every broadcast and every action we take. And when we judge correctly, the
positive results can be wonderfully en-
couraging. Consider this: On August 1,
1996, the Senate passed the Personal
Responsibility and Work Opportunity
Reconciliation Act. It was subse-
quently enacted into law. This land-
mark legislation, commonly referred to
as “welfare reform”, injected the
time-honored values of hard work and
personal responsibility into our social
welfare system.

Welfare reform has been successful
beyond even its supporters’ wildest ex-
pectations—and, in my view, has tan-
gible indirect benefits as well.

The numbers are stunning: According
to the Department of Health and
Human Services, the percentage of
Americans receiving welfare benefits
has plunged from 5.5% in 1995 to 3.3%
in 1998. In three short years—and aided by
the polices of a number of creative, in-
novative Governors and state leaders—
welfare reform almost halved the wel-
fare rolls.

The success of welfare reform is not
limited to the dramatic decline of the
welfare recipients, though the numbers
are impressive indeed. Putting people
back to work has started to mend other
social problems. The January/February
1999 edition of The American
Enterprise reports the following good
news:

The number of homicides has dropped
from 11 Americans per 100,000 in 1990 to
only 7 in 1998, with a noticeably steep
decline in the curve since 1995.

Poverty among Black Americans has
dropped sharply, to a 30-year low of
27%. (U.S. Bureau of the Census)

Divorce rates in the last three years
are dropping, while marriage rates over
the same time period are inching up-
ward. (U.S. National Center for Health
Statistics)

I for one do not doubt that welfare
reform is partially responsible for
these encouraging statistics.

In short, Mr. President, good laws
help make good societies. And that is
the real reason why one concludes that
cure is in each and every Congress that
limit the modern tragedy of abortion and its
insidious effects; that allow for prayer
in schools while taking steps to ease the
scourge of drug use among our chil-
dren that protect the rights of federal
employees from the minds about
moral issues; and that make sure our
civil rights laws treat Americans as in
dividuals rather than faceless members
of racial groups, religious groups, or of
a certain gender.

Mr. President, I ask unanimous con-
sent that the text of each bill be print-
ed in the RECORD at the conclusion of
my explanation of it.

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

UNBORN CHILDREN’S CIVIL RIGHTS ACT

Mr. HELMS, Mr. President, the Un-
born Children’s Civil Rights Act has
several goals. First, it puts the Senate
on record as declaring that one, every
abortion destroys deliberately the life
of an unborn child; two, that the U.S.
Constitution sanctions no right to
abortion; and three, that Roe v. Wade
was incorrectly decided.

Second, this legislation will prohibit
Federal funding to pay for, or promote,
abortion. Further, this legislation pro-
duces to de-fund abortion permanently,
thereby relieving Congress of annual
legislative battles about abortion re-
strictions in appropriation bills.

Third, the Unborn Children’s Civil
Rights Act also seeks to block and indi-
cate the use of Federal funding for abor-
tions. It declares that the funds may be
used only for those medical procedures
required to prevent the death of either
the pregnant woman or the unborn child;
and that such funds may be used in con-
nection with only those medical proce-
dures required to prevent the
death of either the pregnant woman
or the unborn child so long as every reason-
able effort is made to preserve the life of
each.

SECTION 3. PROHIBITION ON USE OF FUNDS FOR ABORTION.

No funds appropriated by Congress shall
be used to take the life of an unborn child, ex-
cept that such funds may be used only for
those medical procedures required to prevent
the death of either the pregnant woman or
the unborn child so long as every reasonable
effort is made to preserve the life of each.

SECTION 4. PROHIBITION ON USE OF FUNDS TO ENC-
OURAGE OR PROMOTE ABORTION.

No funds appropriated by Congress shall
be used to promote, encourage, counsel for,
refer for, pay for (including travel expenses),
or do research on, any procedure to take the
life of an unborn child, except that
such funds may be used in connection with only
those medical procedures required to prevent
the death of either the pregnant woman
or the unborn child so long as every reason-
able effort is made to preserve the life of each.

SECTION 5. PROHIBITION ON ENTERING INTO CERT-
AIN INSURANCE CONTRACTS.

Neither the United States, nor any agency
or department thereof shall enter into any
contract for insurance that provides for pay-
ment or reimbursement for any procedure to
take the life of an unborn child, except that
the United States, or an agency or depart-
ment thereof may enter into contracts for
payment or reimbursement for only those
medical procedures required to prevent
the death of either the pregnant woman or
her unborn child so long as every reason-
able effort is made to preserve the life of each.

SECTION 6. LIMITATIONS ON RECIPIENTS OF FED-
ERAL FUNDS.

No institution, organization, or other enti-
ty receiving Federal financial assistance shall—

(1) discriminate against any employee, ap-
licant for employment, student, or appli-
cant for admission as a student on the basis
of such person’s opposition to procedures to
take the life of an unborn child or to coun-
seling for or assisting in such procedures; or

(2) require any employee or student to par-
ticipate, directly or indirectly, in a health
insurance program which includes proce-
dures to take the life of an unborn child or
counseling or for assisting in such proce-
dures; or

(3) require any employee or student to par-
ticipate, directly or indirectly, in procedures
to take the life of an unborn child or
in counseling, referral, or any other adminis-
trative arrangements for such procedures.
SEC. 7. LIMITATION ON CERTAIN ATTORNEY'S FEES.

Notwithstanding any other provision of Federal law, attorney's fees shall not be allowable in any civil action in Federal court involving, directly or indirectly, a law, ordinance, regulation, or rule prohibiting or restricting procedures to take the life of an unborn child.

SEC. 8. APPEALS OF CERTAIN CASES.

Chapter 81 of title 28, United States Code, is amended by inserting after section 1251, the following:

"§ 1251. Appeals of certain cases.

"Notwithstanding the absence of the United States as a party, if any State or any subdivision thereof enacts or enforces an ordinance, law, ordinance, regulation, or rule prohibiting or restricting procedures to take the life of an unborn child, such law, ordinance, regulation, or rule is declared unconstitutional in an interlocutory or final judgment, decree, or order of any court of the United States, any party in such a case may appeal such case to the Supreme Court, notwithstanding any other provision of law.".

CIVIL RIGHTS OF INFANTS ACT

Mr. HELMS. I am also pleased to introduce the Federal Adoption Services Act of 1999. This bill proposes to amend title X of the Public Health Service Act to permit federally funded planning services to provide adoption services based on two factors: (1) the needs of the community in which the clinic is located, and (2), the ability of an individual clinic to provide such services.

Under this legislation, no woman will be threatened or coerced into giving up her child for adoption. Family planning clinics will not be required to provide adoption services under this legislation. It will make it clear that Federal policy will allow, or even encourage adoption as a means of family planning. Women who use title X services, will be in a better position to make informed, compassionate judgments about the unborn children they are carrying.

With so much loving, caring parents available to care for unwanted children, the federal government should do everything it properly can to make sure that abortion is an alternative for expectant mothers. I hope my colleagues will join me in supporting this reasonable proposal.

S. 41

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Adoption Services Act of 1999.

SEC. 2. ADOPION SERVICES.

Section 1001(a) of the Public Health Service Act (42 U.S.C. 300(a)) is amended by inserting after the following:

"Such projects may also offer adoption services. Any adoption services provided under such projects shall be nondiscriminatory as to race, color, religion, or national origin."

Mr. HELMS. Mr. President, the Voluntary School Prayer Protection Act

SEC. 2. FUNDING CONTINGENT ON RESPECT FOR CONSTITUTIONAL SCHOOL PRAYER.

(a) IN GENERAL. —Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any State or local educational agency that requires school districts to establish policies or procedures with the intent of prohibiting students from exercising their constitutionally protected right to pray, or that effectively prevents participation in, or attendance at, religious activities in public schools by individuals on a voluntary basis.

SEC. 4. LIMITATION ON CERTIFICATION RESPECT FOR CONSTITUTIONAL SCHOOL PRAYER.

No funds shall be required to participate in prayer, or shall influence the form or content of any constitutional prayer, in a public school.

SAFE SCHOOLS ACT OF 1999

Mr. HELMS. Mr. President, the Voluntary School Prayer Protection Act will make sure that student-initiated prayer is treated the same as all other student-initiated free speech— which is absolutely protected under the Supreme Court, notwithstanding any other provision of law, any court of the United States, any party in such a case may appeal such case to the Supreme Court, notwithstanding any other provision of law."

Mr. HELMS. Mr. President, the Voluntary School Prayer Protection Act will make sure that student-initiated prayer is treated the same as all other student-initiated free speech—which is absolutely protected under the Supreme Court, notwithstanding any other provision of law, any court of the United States, any party in such a case may appeal such case to the Supreme Court, notwithstanding any other provision of law."

S. 41

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 "Voluntary School Prayer Protection Act."

SEC. 2. ADOPION SERVICES.

Section 1001(a) of the Public Health Service Act (42 U.S.C. 300(a)) is amended by inserting after the following:

"Such projects may also offer adoption services. Any adoption services provided under such projects shall be nondiscriminatory as to race, color, religion, or national origin."

Mr. HELMS. Mr. President, the Voluntary School Prayer Protection Act will make sure that student-initiated prayer is treated the same as all other student-initiated free speech—which is absolutely protected under the Supreme Court, notwithstanding any other provision of law, any court of the United States, any party in such a case may appeal such case to the Supreme Court, notwithstanding any other provision of law."

Mr. HELMS. Mr. President, the Voluntary School Prayer Protection Act will make sure that student-initiated prayer is treated the same as all other student-initiated free speech—which is absolutely protected under the Supreme Court, notwithstanding any other provision of law, any court of the United States, any party in such a case may appeal such case to the Supreme Court, notwithstanding any other provision of law."

S. 41

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 "Voluntary School Prayer Protection Act."

SEC. 2. ADOPION SERVICES.

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"Such projects may also offer adoption services. Any adoption services provided under such projects shall be nondiscriminatory as to race, color, religion, or national origin."

Mr. HELMS. Mr. President, the Voluntary School Prayer Protection Act will make sure that student-initiated prayer is treated the same as all other student-initiated free speech—which is absolutely protected under the Supreme Court, notwithstanding any other provision of law, any court of the United States, any party in such a case may appeal such case to the Supreme Court, notwithstanding any other provision of law."

Mr. HELMS. Mr. President, the Voluntary School Prayer Protection Act will make sure that student-initiated prayer is treated the same as all other student-initiated free speech—which is absolutely protected under the Supreme Court, notwithstanding any other provision of law, any court of the United States, any party in such a case may appeal such case to the Supreme Court, notwithstanding any other provision of law."

S. 41

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 "Voluntary School Prayer Protection Act."

SEC. 2. ADOPION SERVICES.

Section 1001(a) of the Public Health Service Act (42 U.S.C. 300(a)) is amended by inserting after the following:

"Such projects may also offer adoption services. Any adoption services provided under such projects shall be nondiscriminatory as to race, color, religion, or national origin."

Mr. HELMS. Mr. President, the Voluntary School Prayer Protection Act will make sure that student-initiated prayer is treated the same as all other student-initiated free speech—which is absolutely protected under the Supreme Court, notwithstanding any other provision of law, any court of the United States, any party in such a case may appeal such case to the Supreme Court, notwithstanding any other provision of law."

Mr. HELMS. Mr. President, the Voluntary School Prayer Protection Act will make sure that student-initiated prayer is treated the same as all other student-initiated free speech—which is absolutely protected under the Supreme Court, notwithstanding any other provision of law, any court of the United States, any party in such a case may appeal such case to the Supreme Court, notwithstanding any other provision of law."

S. 41

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
drugs are the number one problem they face and that illegal drugs are readily available to students of all ages illustrate the need for immediate action. The Center on Addiction and Substance Abuse (CASA) at Columbia University has found that two-thirds (66%) of students report that they go to schools where students keep, use and sell drugs and that over half (51%) of high school students believe the drug problem is getting worse. In contrast, CASA has found that most principals see drugs “virtually nowhere.”

Mr. President, the Center for the Prevention of School Violence in North Carolina tracks the incidence of criminal acts on school property. For the last four years, “possession of a controlled substance” has been either the first or second most reported category of incident. It is past time that we restore an environment that is secure and conducive to the education of the vast majority of students who are eager to learn. Our students and teachers deserve nothing less.

S. 44

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

SECTION 1. SAFE SCHOOLS.

(a) AMENDMENTS.ÐPart F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

"PART F—ILLEGAL DRUG AND GUN PROHIBITIONS

SEC. 14601. DRUG-FREE AND GUN-FREE REQUIREMENTS

"(a) SHORT TITLE.ÐThis section may be cited as the `Safe Schools Act of 1999'.

"(b) REQUIREMENTS.Ð(1) The term `State' means a State educational agency that is provided Federal funds under this Act.

"(2) REQUIREMENTS.Ð(1) The term `school' has the meaning given the term in section 921(a) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(3) not later than 1 year after the date of enactment of the Safe Schools Act of 1999, prepare and submit to Congress a report analyzing the strengths and problems with the approaches regarding disciplining children with disabilities.

"(3) not later than 1 year after the date of enactment of the Safe Schools Act of 1999, prepare and submit to Congress a report analyzing the strengths and problems with the approaches regarding disciplining children with disabilities.

"SEC. 14604. DEFINITIONS.

"In this part:

"(1) FIREARM—The term `firearm' means a firearm, as defined in section 921(3) of title 18, United States Code.

"(2) ILLEGAL DRUG—The term `illegal drug' means a controlled substance, as defined in section 201(2) of the Controlled Substances Act (21 U.S.C. 801(2)).

"(3) not later than 1 year after the date of enactment of the Safe Schools Act of 1999, prepare and submit to Congress a report analyzing the strengths and problems with the approaches regarding disciplining children with disabilities.

"SEC. 14605. DATA AND POLICY DISSEMINATION UNDER IDEA.

"The Secretary shall:

"(1) widely disseminate the policy of the Department, in effect on the date of enactment of the Safe Schools Act of 1999, with respect to disciplining children with disabilities;

"(2) collect data on the incidence of children with disabilities (as the term is defined in section 602(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) on school property under the jurisdiction of or, on a vehicle operated by an employee or agent of, a local educational agency, engaged in life threatening behavior at school, or bringing firearms to schools; and

"(3) not later than 1 year after the date of enactment of the Safe Schools Act of 1999, prepare and submit to Congress a report analyzing the strengths and problems with the approaches regarding disciplining children with disabilities.

SEC. 14606. EFFECTIVE DATE.

This Act shall take effect 6 months after the date of enactment of this Act.

FREEDOM OF SPEECH ACT

Mr. HELMS. Mr. President, I am also pleased to introduce the Freedom of Speech Act, which prevents federal employees from enforcing President Clinton's Executive Order which extends the reach of federal employees not forced to check their moral beliefs at the door when they arrive at the federal workplace.

This bill allows for workers to have a personal moral foundation upon which to carry out their job duties.

President Clinton has instructed Federal agencies and departments to implement a policy the treats homosexuals as a special class protected under various titles of the Civil Rights Act of 1964. Last year, President Clinton signed Executive Order 13080, and in so doing, infringed upon the Constitutional rights of Federal employees who wish to express their moral and spiritual objections to the homosexual lifestyle.

Congress should strongly protect its constitutional role to control Federal workers, and to make laws, and prevent the executive branch from creating special protections for homosexuals, particularly in a way that doesn't take into account the Constitutional right of freedom of speech enjoyed by all Federal employees. That is the purpose of the legislation I offer today.

Under this bill, no Federal funds could be used to enforce President Clinton's Executive Order #13080. Furthermore, no Federal department or agency would be able to implement or enforce any policy creating a special class of individuals in Federal employment discrimination law. This bill will also prevent the Federal government from compelling the First Amendment rights of Federal employees to express their moral and spiritual values in the workplace.

Mr. President, for many years the homosexual community has engaged in a well-organized, concerted campaign to force Americans to accept, and even legitimize, an immoral lifestyle. This bill is designed to prevent President Clinton from advancing the homosexual agenda at the expense of both the proper legislative role and the free speech rights of Federal workers.

S. 45

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 “Freedom of Speech Act”.

JANUARY 19, 1999  CONGRESSIONAL RECORD — SENATE S 481
SEC. 2. PROHIBITION.

(a) IN GENERAL.—No agency, officer, or employee of the executive branch of the Federal Government shall issue, implement, enforce, or interpret any order or rule establishing an additional class of individuals that is protected against discrimination in Federal employment, other than a class of individuals specifically identified in a provision of Federal statutory law that prohibits employment discrimination against the class, including—


(b) PROHIBITION ON USE OF FEDERAL FUNDS.—No agency, officer, or employee of the executive branch of the Federal Government shall use Federal funds to issue, implement, or enforce a policy described in subsection (a), including implementing and enforcing Executive Order 13087, including any amendment thereto.

CIVIL RIGHTS RESTORATION ACT OF 1999

Mr. HELMS. Mr. President, the last of these bills is entitled the Civil Rights Restoration Act of 1999. Specifically, this legislation prevents Federal agencies and Federal courts from interpreting Title VII of the Civil Rights Act of 1964 to allow an employer to grant preferential treatment in employment to any group or individual on account of race.

This proposal prohibits the use of racial quotas once and for all. During the past several years, almost every member of the Senate—and the President of the United States—have proclaimed that they are opposed to quotas. This bill will give Senators an opportunity to reinforce their statements by voting in a roll call vote against quotas.

Mr. President, this legislation emphasizes that from here on out, employers can hire on a race neutral basis. They can reach out into the community to the disadvantaged and they can even have businesses with 80 percent or 90 percent minority workforces as long as the motivating factor in employment is job related and not subject to this title to grant preferential treatment to any individual or group with respect to selection for, discharge from, compensation for, or employment or union membership, based on the basis of the race, color, religion, sex, national origin, or on other factors.

This bill clarifies section 703(j) of Title VII of the Civil Rights Act of 1964 to make it consistent with the intent of its authors, Hubert Humphrey and Everett Dirksen. Let me make it consistent with the intent of its authors, Hubert Humphrey and Everett Dirksen. Let me state it for the RECORD:

It shall be an unlawful employment practice for any entity that is an employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or group with respect to selection for, discharge from, compensation for, or employment or union membership, based on the basis of the race, color, religion, sex, national origin, or other factors.

This bill makes it clear that the bill will give Senators an opportunity to reinforce their statements by voting in a roll call vote against quotas.

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The PRESIDING OFFICER. The objection is heard. The bill will be read the second time on the next legislative day.

MEASURE READ FOR THE FIRST TIME—S. 42
Mrs. HUTCHISON. Mr. President, I understand that S. 42 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:
A bill (S. 42) to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

Mrs. HUTCHISON. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard. The bill will be read the second time on the next legislative day.

MEASURE READ FOR THE FIRST TIME—S. 43
Mrs. HUTCHISON. Mr. President, I understand that S. 43 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:
A bill (S. 43) to prohibit the provision of Federal funds to any State or local educational agency that denies or prevents participation in constitutional prayer in schools.

Mrs. HUTCHISON. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard. The bill will be read the second time on the next legislative day.

MEASURE READ FOR THE FIRST TIME—S. 44
Mrs. HUTCHISON. Mr. President, I understand that S. 44 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:
A bill (S. 44) to amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to expel a student determined to be in possession of an illegal drug, or illegal drug paraphernalia, on school property, in addition to expelling a student determined to be in possession of a gun, and for other purposes.

Mrs. HUTCHISON. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard. The bill will be read the second time on the next legislative day.

MEASURE READ FOR THE FIRST TIME—S. 45
Mrs. HUTCHISON. Mr. President, I understand that S. 45 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:
A bill (S. 45) to prohibit the executive branch of the Federal Government from establishing an additional class of individuals that is protected against discrimination in Federal employment, and for other purposes.

Mrs. HUTCHISON. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard. The bill will be read the second time on the next legislative day.

MEASURE READ FOR THE FIRST TIME—S. 46
Mrs. HUTCHISON. Mr. President, I understand that S. 46 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:
A bill (S. 46) to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes.

Mrs. HUTCHISON. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard. The bill will be read the second time on the next legislative day.

ORDERS FOR WEDNESDAY, JANUARY 20, 1999
Mrs. HUTCHISON. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11 a.m. on Wednesday, January 20. I further ask that immediately following the journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and there then be a period of morning business until the hour of 1 p.m. I further ask that immediately following the reading of the journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and there then be a period of morning business until the hour of 1 p.m.

ORDERS FOR THURSDAY, JANUARY 21, AND FRIDAY, JANUARY 22, 1999
Mrs. HUTCHISON. I further ask consent that following the conclusion of the presentation on Wednesday, the Senate adjourn until the hour of 1 o'clock on Thursday to resume consideration of the articles of impeachment. I also ask consent that following the presentation on Thursday, the Senate then adjourn until the hour of 1 p.m. on Friday and again immediately resume consideration of the articles of impeachment. The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THE JOURNAL
TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES
The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:
Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence on pain of imprisonment, while the Senate of the United States is sitting for the trial of the Articles of Impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

The CHIEF JUSTICE. The majority leader is recognized.

Mr. LOTT. Mr. Chief Justice, it is my understanding that the White House presentation today will last approximately 2½ hours—maybe a little more, maybe a little less. I therefore suggest that a short recess be taken in approximately an hour, around 2 o’clock, to allow the Chief Justice and all Members to have a brief break.

I remind all Senators to remain standing at their desks each time the Chief Justice enters or departs the Chamber. If there is a need for another break, I will keep an eye on the White House counsel to see if they need a break, and we will act accordingly.

Of course, I remind Senators again, tonight please be in the Chamber at 8:35 so we can proceed to the joint session.

I thank my colleagues and yield the floor. I believe we are ready to begin.

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date.

Pursuant to the provisions of Senate Resolution 16, the counsel for the President have 24 hours to make the presentation of the case for the President. The Counsel will now hear you. The Chair recognizes Mr. Counsel Ruff to begin the presentation of the case for the President.
Mr. Counsel RUFF. Mr. Chief Justice.

Members of the Senate, distinguished managers, William J. Jefferson Clinton is not guilty of the charges that have been preferred against him. He did not commit perjury; he did not obstruct justice; he must not be removed from office.

Now, merely to say those words brings into sharp relief that I and my colleagues are here today in this great Chamber defending the President of the United States. Only a few short days ago, the second time in our Nation’s history, the Senate has convened to try the President of the United States on articles of impeachment.

There is no one who does not feel the weight of this moment. Nonetheless, our role as lawyers is as much as it would be in any other forum. We will not be able to match the eloquence of the 13 managers who spoke to you last week. We will try, however, to respond to the charges leveled against the President as directly and candidly as possible, and to present his defense as clearly and as cogently as we are able.

I begin with a recitation of some of the events that have brought us here today. Although many of them may be familiar, they merit some discussion because they form the backdrop against which you must assess the evidence.

I will then move to a discussion of the constitutional principles that, we submit, should guide your consideration of these matters and, finally, to an overview of the allegations contained in the articles, with a view toward focusing your attention on what we believe are the principal legal and factual flaws in the case presented by the managers.

My colleagues will follow tomorrow and the following day with a more detailed analysis of the facts underlying the articles. At the end of our presentation, we will have demonstrated beyond any doubt that there is no basis on which the Senate can or should convict the President of any of the charges that have been preferred against him.

Let me begin with a brief recital of the essential events in the Paula Jones litigation which underlie so much of what we have been discussing for the last week.

On May 6, 1994, Paula Jones sued President Clinton in the U.S. District Court for the Eastern District of Arkansas. She claimed that then-Governor Clinton had made, in 1991, some unwelcome advances to her while she was staying at a hotel room that she was required to share with the Governor.

After the Supreme Court decided in May 1997 that civil litigation against the President could go forward while he was in office, the case was remanded to the district court, and over the fall and winter of 1997, the Jones lawyers deposed numerous witnesses. And inevitably, despite our objections, order entered by Judge Wright, and continuing exhortation to counsel not to discuss any aspect of the case with the press, information flowed from those depositions into the public forum clearly with the purpose—to embarrass the President.

The principal focus of the discovery being conducted by the Jones lawyers during this period was not on the merits of their client’s case. They devoted most of their time and their energy to attempt to pry into the personal life of the President.

Mr. Bennett, the President’s counsel, objected to those efforts on the grounds they had no relevance to Ms. Jones’ claims and intended to do nothing to advance the agenda of those who were supporting the Jones lawsuit. The Jones lawyers, however, pursued their efforts to inquire into the President’s relations with women, and on December 11, 1997, Judge Wright issued an order allowing questioning regarding only “any individuals with whom the President had sexual relations or proposed or sought to have sexual relations and who were during the relevant timeframe a State or Federal employee.”

Then on December 5, 1997, the Jones lawyers placed on their witness list the name of Monica Lewinsky. And on December 19, she was served with a subpoena for her deposition to be scheduled in January.

Consistent with rulings issued by Judge Wright in connection with the Jones lawyers’ efforts to secure the testimony of a number of other women, some have sought to avoid testifying by claiming to have no knowledge relevant to Ms. Jones’ lawsuit, or that they otherwise do not meet the test that Judge Wright had established before permitting this invasive discovery to go forward.

On January 7, 1998, Ms. Lewinsky did execute such an affidavit, and her lawyer provided copies to the lawyers for Ms. Jones and for the President on January 15.

The Jones lawyers deposed the President on January 17, 1998. They began the deposition by proffering to him a multiparagraph definition of the term “sexual relations” that they intended to use in questioning him. There followed an extended debate among counsel and the court concerning the propriety and the clarity of that definition.

Mr. Bennett objected to its use, arguing that it was unclear, that it would encompass conduct wholly irrelevant to the case, and that it was unfair to require the President to apply a definition that he had never seen before to each question he was asked. Indeed, Mr. Bennett urged the lawyers for Ms. Jones to ask the President specific questions about the conduct, but they declined to do so.

Judge Wright acknowledged the breadth of the definition, but she ultimately determined that the Jones lawyers would use the version of the definition that left in place only the two lines of paragraph 1, of which you are already familiar. Immediately after the extended legal skirmishing, the Jones lawyers began asking the President about Monica Lewinsky.

Mr. Bennett objected, questioning whether counsel had a legitimate basis for their inquiry in light of Ms. Lewinsky’s affidavit denying a relationship with the President. Judge Wright overruled th, object, and permitted the Jones lawyers to pursue their inquiry. Four days later, the independent counsel’s investigation became a public matter.

On January 29, responding to a request by independent counsel to bar further inquiry related to Ms. Lewinsky, Judge Wright ruled that evidence relating to her relationship with the President would be excluded from the real Jones litigation.

On April 1, 1998, Judge Wright granted summary judgment in favor of the President Clinton dismissing the Jones suit in its entirety. She ruled that no evidence that Ms. Jones had offered or that her lawyers had discovered made out any viable claim of sexual harassment or intentional infliction of emotional distress. "I do not find that Lewinsky was the victim of sexual harassment, hostile work environment, or intentional infliction of emotional distress.”" On April 1, 1998, Judge Wright granted summary judgment in favor of the President Clinton dismissing the Jones suit in its entirety. She ruled that no evidence that Ms. Jones had offered or that her lawyers had discovered made out any viable claim of sexual harassment or intentional infliction of emotional distress. "I do not find that Lewinsky was the victim of sexual harassment, hostile work environment, or intentional infliction of emotional distress.”

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that she has a case worthy of submitting to a jury.

Ms. Jones appealed Judge Wright's decision to the Eighth Circuit. She heard arguments on October 20, 1998, and on November 13, 1998, before the decision was rendered. Ms. Jones and the President settled the case.

Briefly, then, to what was happening on the front of the independent counsel's office, in mid-January 1998. Linda Tripp had brought to the independent counsel's attention, a recording that she had been gathering surreptitiously for months about Ms. Lewinsky's relationship with the President and her involvement in the Jones case. And thus, began the penultimate chapter.

As you will see, Ms. Tripp's relationship with Ms. Lewinsky and her role in these matters was more than merely a backdrop to the succeeding events. Independent counsel met with Ms. Tripp and formally granted her immunity from Federal prosecution and promised to protect her in securing immunity from State prosecution where she had been illegally taping the telephone calls with Ms. Lewinsky. On January 13, Ms. Tripp agreed to tape a conversation with Ms. Lewinsky under FBI auspices. On January 16, armed with that tape, the independent counsel's office first contacted the Department of Justice to seek permission from the Attorney General to expand its jurisdiction to cover the investigation that had already begun. On January 16, that permission was granted by the special division of the court of appeals.

Now, the President's deposition was scheduled to take place the very next day—Saturday, January 17. On the 16th, Ms. Tripp invited Ms. Lewinsky to have lunch with her at the Pentagon City Mall. There she was greeted by four FBI agents and independent counsel lawyers and taken to a hotel room where she spent the next several hours. Ms. Tripp was in the room next door for much of that time. When she left that evening, she went home to meet with the Jones lawyers with whom we now had been in contact for many months in order to brief them about Ms. Lewinsky. They inexplicably chose not to.

The existence of the OIC investigation was made public on January 21 in an edition of the Washington Post with the all-consuming focus of media coverage for the ensuing 8 months.

On August 17, the President's deposition was taken by the independent counsel for use by the grand jury, and on September 9, there was delivered to the House of Representatives a referral of Independent Counsel Starr containing what purported to be the information concerning acts “that may constitute grounds for impeachment.” The referral was accompanied by some 19 boxes of documents, grand jury transcripts, and a videotape of the grand jury testimony.

The referral was made public by the House on September 11. On September 21, additional materials were released, along with the President's grand jury videotape that was then played virtually nonstop on television stations in the country during that day.

The committee held a total of 4 days of hearings, one for preliminary presentations by the majority and minority counsel, one for testimony by Independent Counsel Starr, and two in which the President was permitted to call witnesses and present his defense. In addition, the constitutional subcommittee held the one hearing on the standards for impeachment, and the committee executive took a first look at the case.

Despite numerous efforts to extract from the committee some description of the specific charges upon which the President would have to defend himself, it was not until approximately 4:30 on December 9, as I was completing my testimony before the committee, that any such notice was provided, and then it came in the form of four draft articles of impeachment.

Three days later, the committee reported out those articles, and on December 9 the House completed its action, referring to the Senate article I, the charge of perjury in the grand jury; defeated article II, which alleged perjury in the Jones deposition; exhibited article III, which charged obstruction of justice; and defeating article IV, which alleged false statements to the House.

And so we are here. But before moving on, let me pause on an important procedural point. Although the Senate has asked that the parties address the issue of witnesses only after these presentations are being completed, the managers spent much of their time last week explaining to you why, if only witnesses could be called, you would be able to resolve all of the supposed conflicts in the evidence. Tell me, then, how can the managers be so certain of the strength of their case? They didn't hear any of these witnesses. The only witness they called, the independent counsel himself, acknowledged that he had not even met any of the witnesses who testified before the grand jury. Yet, they appeared before you to tell you that they are convinced of the President's guilt and that they are prepared to demand his removal from office.

Weisselberg would have you believe that the Judiciary Committee of the House were really nothing more than grand jurors, serving as some routine screening device to sort out impeachment chaff from impeachment wheat. Thus, as they would have it, there was no need for anything more than a review of the cold record prepared by the independent counsel; no need for them to make judgments about credibility or conflicts. Indeed, they would have you believe that in grand jury practice, telling you that U.S. attorneys do this thing all the time, that calling real, live witnesses before a grand jury is the exception to the rule. Well, it has been a few years since I served as U.S. attorney for the District of Columbia, so there may have been a change in the way prosecutors go about their business, but I don't think so.

And what lesson can be learned from the process followed by the House? I suggest that what you have before you is not the product of the Judiciary Committee's well-considered, judicious assessment of their constitutional role. No, what you have before you is nothing more than a rush to judgment.

And so how should you respond to the managers' belated plea that more is needed to do justice? You should reject it. You have before you all that you need to decide whether the President is guilty of anything in any of the articles. But even if they could, these offenses would not warrant your deciding to remove the President from office.

In this regard, an impeachment trial is unlike any other. You are the judges of the law and the facts and the appropriate sanctions. Before casting a vote of guilty or not guilty, you must decide not only whether the President committed any of the offenses committed in any of the articles. But even if they could, these offenses would not warrant your deciding to remove the President from office.

I want to deal here for just a moment with an argument that was advanced in the press by one of the managers, and that is that the question whether the offenses described in the articles are impeachable is not really before you, that it has already been decided by the House. I suggest that the President committed any of the offenses committed by which he is charged but whether those acts so seriously undermined the integrity of our governmental structure that he must be removed from office.

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First, it is entirely inconsistent with the “don't worry about it; this is just a routine procedural process; leave the difficult decisions to the Senate” argument so frequently heard during the proceedings in the House. Second, it is an argument that rings hollow coming from those who did not even debate the
Looking back on this drafting history, the 1974 minority report described the purpose of the framers in these words:

They were concerned with preserving the Government from being overrun by the tyranny or corruption of one man.

Now, the managers have made fun of the notion that hundreds of distinguished scholars and historians expressed their opinion that the offenses with which the President has been charged are not high crimes or misdeeds. Indeed, they—not too subtly—that they must have signed those letters because they were political supporters of the President. To quote them, "you go out and obtain from your political allies and friends in the academic world—to sign a letter saying the offenses alleged in the articles of impeachment do not rise to the level of impeachable offenses."

Well, as I understand the managers' position, it is that Garry Wills sold his intellectual soul his intellectual soul his intellectual soul because he is a political supporter of the President; Stephen Ambrose sold his political soul his intellectual soul because he is a political supporter of the President; C. Vann Woodward sold his intellectual soul because he is a political supporter of the President.

Is it possible, instead, that distinguished scholars of all political persuasions thought it important to offer their professional opinion on a matter of constitutional last resort, because they cared about our country? Because they cared that the constitutional process not be debased?

Perhaps, if the majority members of the full Judiciary Committee had paused for even a moment to consider these issues, if they had taken even a few hours to debate the question of what constitutional standards apply, one might now give greater credence to the believed constitutional exposition that they authored. Perhaps the majority was convinced by their own rhetoric, by the oft-repeated mantra that impeachment is merely a preliminary step in the process and that the House need not be concerned with its weighty constitutional duty and saw little reason to explore the constitutional underpinning of that duty. Or perhaps they understood that a full and candid explanation would reveal that the proposed articles had no constitutional underpinning at all.

The central premise of the managers' argument appears to be this: Perjury is an impeachable offense no matter the forum or the circumstances in which it is committed. Second, judges have recently been convicted of the greatest historical and legal import, because they cared about our country? Because they cared that the constitutional process not be debased? Perhaps, if the majority members of the full Judiciary Committee had paused for even a moment to consider these issues, if they had taken even a few hours to debate the question of what constitutional standards apply, one might now give greater credence to the believed constitutional exposition that they authored. Perhaps the majority was convinced by their own rhetoric, by the oft-repeated mantra that impeachment is merely a preliminary step in the process and that the House need not be concerned with its weighty constitutional duty and saw little reason to explore the constitutional underpinning of that duty. Or perhaps they understood that a full and candid explanation would reveal that the proposed articles had no constitutional underpinning at all.
House thus rejected the committee's core argument that perjury in a civil deposition warrants impeachment as much as perjury in any other setting. As to the committee's view that the constitutional standard for impeachment requires that a perjury be treated alike; thus, the House concluded no, and properly so.

And as to the committee's view that it makes no difference whether perjury occurs in a private or another public proceeding, the House said no, and properly so.

What, then, of the managers' argument that the Senate's recent conviction of three judges requires a conviction on the articles before you today? Again, they simply have it wrong, both as a matter of Senate precedent and as a matter of constitutional analysis. They argue that because a judge is obliged to faithfully carry out the law just as the President is, each must be removed if he commits perjury or obstructs justice. Judges and Presidents, and one would presume, all other civil officers if you follow their argument to its logical conclusion, including Assistant Secretaries and others. Their view would be that the Senate finds that they committed either offense—removed without a second thought. But judges are different. Indeed, a telling rejoinder to the managers also attribute to the Senate's recent conviction of three judges requires a conviction on the articles before you today.

First, the answer to the ultimate impeachment question—that is, whether the conduct charged so undermines the official's capacity to perform his constitutional duties that removal is required despite the institutional trauma it may cause—must be very different for one of 900 or 1,000 judges with lifetime tenure who can only be removed by impeachment than it is for one person elected every 4 years by the people to serve as the head of the executive branch. Surely the managers recognize that the Senate here faces a far different question, a far different constitutional issue than it did, for example, when it asked whether Judge Nixon, convicted of being unimpressed for perjury, should be permitted to retain his office; or whether Judge Hastings, who lied about taking a bribe to fix a case before him, should remain on the bench.

Indeed, a telling rejoinder to the House managers’ argument comes from President Ford. On many occasions, we have all seen cited his statement in 1974, in connection with the proposal to impeach him: "The framers of our Constitution intended that the judiciary be a court of law. It was designed to deal with the facts and the law, not the law and the facts." I submit, with Judge Ford, that impeachment is, in essence, whatever the majority of the House of Representatives considers it to be. But no one really notes the more important part of President Ford's statement: "I am going to read it to you:

I think it is fair to come to one conclusion, however, from our history of impeachments.

A higher standard is expected of Federal judges than of any other civil officers of the United States. The President and the Vice President and all persons holding office at the pleasure of the President can be pleased to remove them by the voters at least every 4 years. To remove them in midterm—it has been tried only twice and never done—would, indeed, require crimes of the magnitude of treason and bribery.

The Senate must ask here whether the conduct charged against President Clinton would, in its nature, be inconsistent with him remaining on the bench. Just as the President is, each must be able to continue to perform the duties of his office, just as you would ask, if you had a judge before you or another civil officer before you, whether the charges are similarly inconsistent with the notion that he or she should be allowed to continue to perform those duties.

As former House Judiciary Committee Chairman Peter Rodino, who surely understood the difference between impeaching a President and impeaching a judge, explained the Clairborne proceedings before this body:

"The judges of our Federal courts occupy a unique position of trust and responsibility in our government. They are the only members of the executive branch on a full-time basis.

They are purposely insulated from the immediate pressures and shifting currents of the body politic. But [he] said with the special prerogative of the judiciary comes a most exacting standard of public and private conduct.

A similar theme can be found running through the debate in very recent years over whether to establish a process other than impeachment for the removal of judges who fail to live up to the good behavior standard. Both the proponents of the proposal and the legal opinion offered in support of it emphasize that the standard to which judges must adhere is stricter than the impeachment standard, noting that "the terms treason, bribery and other high crimes and misdemeanors are narrower than the malfeasance in office and failure to perform the duties of the office which comport with the forfeiture of office held during good behavior."

Thus, whether weighing the constitutional or governmental implications of removal or asking whether the accused can be expected to perform his duties, the Senate has always recognized that the test will be different depending on the office that the accused holds.

This analysis is wholly consistent with the framers' view that the impeachment clause that removal of a President by the legislature must be an act of last resort when the political process can no longer protect the Nation. Nothing in the cases brought before the Senate in the last 210 years suggests a different result. The proceeding of January 19, 1999, in connection with the proposal to establish a mechanism for removal other than impeachment, that would warrant conviction and removal, but you cannot ignore the circumstances in which the conduct occurs or abandon the core principle that impeachment should be reserved for those cases in which the President's very capacity to govern is called into question.

Perjury about some official act may indeed be a constitutionally acceptable basis for impeachment. Perjury about a purely private matter should, at the very least, lead this body to question whether we take the person's violation, for example, of the witness' oath, the drastic remedy of removal from office is the proper response. Indeed, in a sense, that is the message sent by the House when it defeated the amendment to form the framers' decision.

The principle that guides your deliberations, I suggest, must not only be faithful to the intent of the framers, it must be consistent with the governmental structure that they gave us and the delicate relationship between the legislative branch and the executive branch that is the hallmark of that structure. It must, above all, reflect the recognition that removal from office is an act of extraordinary proportion and that response is adequate to preserve the integrity and viability of our democracy.

On this point—and here I will fend off the wrath or the scorn of the critics, who are by now9 or a professor but, rather, a witness called by the majority members of the J udiciary Committee to testify as an expert on the issue of perjury, a witness who had served on the J udiciary Committee in 1974. Judge Charles Wiggins told the members of the committee this:

When you are called upon, as I think you will be called upon, to vote as a Member of
the House of Representatives, your standard should be the public interest. And I confess to you [said Judge Wiggins] that I would recommend that you not vote to impeach the President.

Beyond the impression of what constitutes an impeachable offense, each Senator must also confront the question of what standard the evidence must meet to justify a vote of guilty.

We recognize that the Senate has chosen in the Clairobine proceedings, and elsewhere, not to impose on itself any single standard of proof, but rather to leave that judgment to the conscience of the individual Senator. Many of you were present for debate on that issue and chose a standard for yourselves. Many of you come to the issue afresh. And none of you, thankfully, has had to face the issue in the setting of a Presidential impeachment.

Now, we argued before the J udiciary Committee that it must treat a vote to impeach as a vote to remove and that that judgment ought not be based on anything less than a clear and convincing standard, a standard, indeed, adopted by the Watergate committee 25 years ago. And no lesser standard should be applied here. Indeed, we submit to you that given the gravity of the decision you must reach, each of you should go further and ask whether the House has established guilt beyond a reasonable doubt. This is not some mere technicality; it is the law. It is the guidepost you must follow you through the labyrinth of conflicting evidence. It tells you to look within yourself and ask, Would I make the most important decisions of my life based on the level of certainty I have about these facts, and in the unique legal political setting of an impeachment proceeding that protects against partisan overreaching and it assures the public that a grave decision is being made with due care? It is the disciplining force I think that you will carry with you into your deliberations.

And let me say that even if the clear and convincing standard you apply for judicial impeachments—it does not follow that it should be applied where the Presidency itself is at stake. With judges, the Senate must weigh and balance its concern for the independence of the judiciary against the recognition that, because a judge is appointed for life, impeachment is the only available method for removing from office those who are corrupt.

On the other hand, when a President is on trial, the balance is very different. Here you are asking, in effect, to overturn the will of the electorate, to overturn the results of an election held 2 years ago in which the American people selected the head of one of the three coordinate branches of Government.

Moreover, we have been asked to take this action in circumstances where, even taking the darkest view of the managers' position, there is no suggestion of corruption or misuse of office or any other conduct that places our system of Government at risk in the President's term, when once again the people will get the chance to decide who should lead them. In this setting, we submit, you should test the evidence by the strictest standard you know.

I want to talk for a few minutes about what we see as the constitutional deficiency of the articles you have before you. When the framers took from English practice the parliamentary weapon of impeachment, they recognized that the form of the government we had created, with its finely tuned balance among the branches, was inconsistent with the parliamentary dominance inherent in the English model. They chose, therefore, to build a quasi-judicial impeachment process that would, admittedly, political overtones but that carried with it the basic principles of due process embodied in the Constitution they had written.

Among those principles is the sixth amendment's guarantee that the accused shall have the right to be informed of the nature and cause of the accusation against him. That right has been recognized to have special force in perjury cases, where it is the rule uniformly enforced by the courts that an indictment must inform the defendant specifically what false statement he is alleged to have made.

This is not some mere technicality; it is the law. It is the law because our courts have recognized that a criminal charge is to be based on the words uttered by a fallible human being, he must be allowed to defend the truthfulness of the specific words he used and not be convicted on the basis merely of some prosecutor's summary or interpretation. This is not some legal nicety that the House of Representatives can ignore, as it has many other elements of due process. This is not an argument we raise with this body merely in passing as a lawyer's gambit. This is an important value of our Constitution. And I suggest that it is one that this body must honor. There is not a court anywhere—from highest to lowest—that would hesitate, if they were confronted with an indictment written like these articles, to throw it out. Indeed, if you want some evidence of how others have perceived this issue, look to the Hastings and Nixon cases, in both of which, the articles charging impeachment specifically stated the false statements that they were accused of having made.

Why, if the House understood the importance of specificity in those cases, did it not understand the, if anything, greater importance of telling the President of the United States what he was charged with? If you compare the closing argument of majority counsel and the majority report filed by the committee and the brief filed by the House and the presentation of the managers last week, you will begin to understand what has happened here.

I challenge any Member of the Senate to meed, any manager, or the House to identify the charges that the House authorized them to bring. Just to take one example, we do not know to a certainty that the House decided—or we do know with certainty that the House decided not to charge perjury in the civil deposition. Yet, to listen to the managers' presentation last week, one would be hard put to conclude that they understood that. They have, in essence, treated these articles as empty vessels, to be filled with any offenses together in one charging document creates a risk that a verdict may be based not on a unanimous finding of guilt as to any particular charge but, instead, may be composed of multiple individual judgments. And that risk is in direct violation of the requirement of the Constitution that this body agree by a two-thirds majority before the President may be removed.

Now, the House responds to the President's concerns in this regard by arguing that, well, the amendments of Senate rule 23, which prohibits division of the articles, somehow addresses this concern and that our argument would undermine the Senate's own rules. But that is not so. Rule 23 was approved to prevent the most justiciable handling of the questions presented to the Senate. It cannot be that the Senate, in passing that rule—and you know surely better than I—designed to purchase efficiency in impeachment proceedings at the price of violating the Constitution, the mandate to ensure a two-thirds vote for removal.

Now, 3 years after the revision of rule 23, in the trial of Judge Nixon, this was the issue. And Senator KOHL captured that problem. Although the first and second articles of impeachment alleged that Judge Nixon had committed specific violations of the perjury statute, the third article alleged in general terms that he made "one or more" of 14 different false statements. And I would note for you that language, "one or more," was identical to the language specifically inserted into article I at the request of Congressman ROGAN during the J udiciary Committee proceedings.

In addressing the propriety of such a charging device, Senator KOHL said,
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“The managers should not be allowed to use a shotgun or blunderbuss. We should send a message to the House. Please do not bunch up your allegations. Charge each act of wrongdoing in a separate count. Such a change would clarify the duty of the Senate to acquit or convict.”

Senator Dole, who surely knew something about Senate rules and precedent, certainly didn’t think that rule 23 bound the result in that Nixon case. He first voted to dismiss article III and then voted to acquit Judge Nixon because it was redundant, complex, and confusing. Thirty-three Senators joined Senator Dole in voting to dismiss the article, and a total of 40 voted to acquit when it came to a judgment of guilt or innocence.

Senators Kohl, Biden, and Murkowski each spoke about the danger posed by this formulation. And I will look once more to Senator Kohl. This wording presents a variety of problems. First of all, it means that Judge Nixon can be convicted even if two-thirds of the Senate does not agree in which his political statements were false. The House is telling us that it is OK to convict Judge Nixon on article III even if we have doubts as to what he did wrong. But that is not fair to Judge Nixon, to the Senate, or to the American people.

Those Senators were not acting in derogation of Senate Rules or precedent. They were acting in the spirit of fairness to the accused and in the very best tradition of American due process. The Chief Justice. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, I believe that counsel has indicated he is ready to take a break, so I ask unanimous consent that we take a brief 15-minute recess.

There being no objection, at 2:02 p.m., the Senate recessed until 2:21 p.m. The Speaker announced that the Senate was suspended when ordered by the Chief Justice.

The Chief Justice. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, I believe we will continue now with a further statement from Counsel Ruff.

The Chief Justice. The chair recognizes Mr. Counsel Ruff to continue his presentation.

Mr. Counsel RUFF. Thank you, Mr. Chief Justice.

My first question is: is it working? Thank you, very much. I apologize for the mechanical difficulties earlier. I could quickly go back over the first hour. [Laughter]

I want now to move to an overview of the articles of impeachment themselves. As I said, as I came to the end of the first hour, these articles are constitutionally defective. They are also unsustained by the evidence. As we have noted, both articles are framed in the broadest generalities and pose multiple different defenses. Nothing contained in the Judiciary Committee’s majority report, or in the trial brief, or in the presentation of the managers cure the constitutional infirmity that infects these articles. Nonetheless, in framing our defense, they provide the only way through this uncharted landscape.

We have divided our substantive response to the articles into three parts. Tomorrow, Mr. Craig will address the charges in article I—that the President committed perjury before the grand jury.

Second, Ms. Mills will address those parts of article II that charge the President with obstructing justice by causing concealment of gifts he had given to Ms. Lewinsky, and that he engaged in witness tampering in his conversations with Ms. Currie.

Third, Mr. Kendall will address the remaining allegations of obstruction on Thursday, and then we will close by hearing from Senator Bumpers.

Before I move to an overview of the articles of impeachment, I want to remind you that you will hear over the next couple of days, I want to suggest to you an approach to one of the most difficult questions that you face: How does one sitting in judgment on a case like this test the liability of who is telling the truth in the proceedings? Let me offer one test.

Those of you who have practiced on one side or the other in the criminal justice system know that the system places a special responsibility on a prosecutor to be open, candid, and forthcoming with their arguments, and most importantly, in representing the facts so that when a prosecutor recites the facts he is not expected to ignore the unfavorable ones. He is expected to be open with judge and jury. Of course, he can make an argument as to why a particular fact is really not so important that he can neither conceal it nor misrepresent it. When you hear a prosecutor, or a team of prosecutors, misstate a fact or not tell you the whole story, you should wonder why. You should ask yourself whether the misstatement is an error, or whether it signals some underlying flaw in the prosecution’s case, or some problem that they are trying to conceal. And you ought to be particularly skeptical when the fact that is concealed or isn’t fully revealed is claimed by the prosecutors themselves to be crucial to their case.

We all sometimes speak with less than complete care, and we are justly criticized when we make mistakes. If I tell you something inadvertently that proves to be wrong, I expect to be held to account for that. And similarly, we must hold the managers accountable for their mistakes.

Last week, as an example, you will recall that Mr. Manager SENSENBERNRENNER told you that during my coming before the Judiciary Committee, in his words, Charles Ruff was asked directly: Did the President lie during his sworn grand jury testimony? And he could have answered that question directly. He did not, and his failure to do so speaks 1,000 words.

Just to be certain that the Record is straight, let me read to you from the transcript of that judiciary hearing.

Representative SENSENBERNRENNER: The oath that witnesses take require them to tell the truth, the whole truth, and nothing but the truth. And if the President lying was just a technicality, a lot of people, myself included, when asked by the press what advice would we give to the President when he went to the grand jury, I just tell the truth, the whole truth, and nothing but the truth.

Mr. RUFF. He surely did.

Representative SENSENBERNRENNER: Did he tell the truth, the whole truth, and nothing but the truth when he was the grand jury?

Mr. RUFF. He surely did.

I am certain that Mr. SENSENBERNRENNER would not intentionally mislead the Senate. But his error was one of inadvertence. But, in any event, now the Record is clear.

Of considerably more importance than this momentary lapse are the many substantive flaws that we will point out to you in the coming days—sometimes pure errors of fact, sometimes errors of interpretation, sometimes unfounded speculation. My colleagues will deal with many of these flaws at greater length as they discuss the specific charges against the President. But I will give you some examples as I read appropriate points in my overview today, because I want you to have in mind throughout our presentation, and indeed throughout the rest of the proceedings, this one principle. Beware of it. Beware of the prosecutor who feels it necessary to deceive the court.

Let me begin with article I.

Our system of justice recognizes the difficulties inherent in testifying under oath, and it affords important protections for the witness who may be charged with perjury, and thus the Judiciary Committee’s dissatisfaction with the President’s answers because they thought they were narrow, or even hairsplitting, or in some sense reflected the dissatisfaction with the rules that have been applied for centuries in prosecuting this offense.

Further, it requires proof that a defendant knowingly made a false statement about a material fact. The defendant must have had a subjective intent to lie. The testimony that is provided as a result of confusion, mistake, faulty memory, or carelessness, or misunderstanding is not perjury. The mere fact that the recollection of two witnesses may differ does not mean that one is committing perjury. Common sense and the stringent requirements of the law dictate what law is required. As the Supreme Court has noted.

Equally honest witnesses may well have different recollections of the same event, and thus, a conviction for perjury ought not to rest entirely upon an oath against an oath.

This is the rationale for the common practice of prosecutors to require significant corroborating evidence before they bring a perjury case. Indeed, the Department of Justice urges that its...
prosecutors seek independent corroborating evidence of a quality to assure that a guilty verdict is really well founded. This isn't merely the argument we make here as counsel for the President. The bipartisan and former Federal prosecutors from whom you will hear will testify that neither they nor any reasonable prosecutor could charge perjury based upon the facts in this case.

Tom Sullivan, former U.S. Attorney for the Northern District of Illinois, told the committee that the evidence set out would not be prosecuted as a criminal case by a responsible Federal prosecutor.

Richard Davis, a former colleague of mine on the Watergate special prosecution force, testified that no prosecutor would bring this case of perjury because the President acknowledged to the existence of an improper relationship and argued with prosecutors questioning him that his acknowledged conduct was not a sexual relationship as he understood the definition of that term used in the Jones deposition. And that is where you need to begin your focus as you look at the charge that the President perjured himself in the grand jury in August of last year.

Any assessment of that testimony must begin with one immutable fact. He admitted that he had, in his words, inappropriate, intimate contact with Monica Lewinsky. No one who was present for that testimony, has read the transcript, or watched the videotape could come away believing anything other than that the President and Ms. Lewinsky engaged in sexual conduct. Indeed, even the prosecutors, who surely cannot be accused of being reluctant to find Presidential misconduct, contended not that the President had lied about the nature of his relationship but only about the details.

Yet, the managers, in their eagerness to find misconduct where none had found it before, have searched every nook and cranny of the grand jury transcript and sent forward to you a shopping list of alleged misstatements, obviously in the hope that among them you will find one with which you disagree. But they hope in vain. The record simply will not support a finding that the President perjured himself before the grand jury.

Now, much of the questioning by the prosecutors and much of the grand jury testimony about which the House now complains so vociferously dealt with the President’s efforts to explain why he responded carefully to the questions put to him, even if they required the most embarrassing answers, one need only look to the painful admission that he did have relationships with another woman and he testified to the grand jury the definition required that he make that admission. Here is what he said to the grand jurors:

I point you to one thing. If you seek evidence that the President took the definition he was given seriously, and he responded carefully to the questions put to him, even if they required the most embarrassing answers, one need only look to the painful admission that he did have relationships with another woman and he testified to the grand jury the definition required that he make that admission. Here is what he said to the grand jurors:

I read this carefully, and I thought about it. And I thought about what “contact” meant, and I thought about [other phrases] and I had to admit under this definition that I had actually had relationships with Jennifer Flowers.

Now, undeterred in its search for some ground on which to base the charge that the President lied to the grand jury, article I abandons even the modest level of specificity found in the independent counsel's referral and advances the claim:

The President gave perjurious, false and misleading testimony. This testimony is based upon prior statements of the same nature he made in his deposition.

Now, to conclude that the President lied to the grand jury about his relationship with Ms. Lewinsky, you must determine—forgive me—that he touched certain parts of her body, but for proof you have only her oath against his oath.

Now, to conclude that you who have been prosecutors or criminal defense lawyers know that perjury prosecutions, as rare as they are, would never be pursued under evidence available here. And those among you who could not bring your common sense and are equally able to assess the weakness of the case that would rest on such a foundation.

Common sense also is enough to tell you that there cannot be any basis for charging a witness with perjury on the ground that you disbelieve his testimony about his own subjective belief in a definition of a term used in a civil deposition. Not only is there no evidence to support such a charge here; it is difficult to conclude what evidence the managers might hope to rely on to meet that burden.

Now, it is worth noting that Mr. Bennett, at the time of the deposition, caused the Jones lawyers to ask the President, specific questions about his conduct rather than rely on this confusing definition that they proffered. In fact, when the President was asked in the grand jury whether he would have answered those questions, he said, of course, if the judge had ruled them appropriate he would have answered truthfully. But the Jones lawyers persisted in their somewhat strange cause, strange unless one asked whether, armed with Ms. Tripp's intelligence, they purposely sought in some fashion to present the independent counsel a record that would permit just the sort of dark interpretation both he and the managers have proffered.

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The President gave perjurious, false and misleading testimony. This testimony is based upon prior statements of the same nature he made in his deposition.
There can be no stronger evidence of the constitutional deficiency of this article than this strangely amorphous charge as a deficiency that becomes even more obvious when you finally stumble across the theory on which the managers base the extent that they determine what the Judiciary Committee had in mind when it drafted this clause, it appears that they intended to charge the President with perjury before the grand jury because he testified that he believed that he had, in his words, "worked through the minefield of the J ones deposition without violating the law." And that they hoped to support that charge by reference to various allegedly false statements in his deposition as charged in article II. Unhappily for the managers, however, the House rejected article II and it is not before you in any form. Moreover, there is not a single suggestion in the committee debate—or, more importantly, in the House debate—that those opposition counsel believed that this one line that I have quoted to you from the President's grand jury testimony, somehow absorbed into article I his entire deposition testimony.

If that is to be any regard for constitutional process, the managers cannot be allowed to rely on what the Judiciary Committee thought were false statements encompassed in a rejected article II to flesh out the unconstitutionally nonspecific charges of article I. The House's vote on article I foreclosed that option for all time.

Now, article I next alleges that the President lied to the grand jury about the events surrounding certain statements made by Mr. Bennett during the Jones deposition. Specifically, the managers charge that the President was silent when Mr. Bennett characterized the Lewinsky affidavit as meaning there was no sex of any kind in any manner, form, or fabric with President Clinton, and that the President then gave a false explanation to the grand jury when he testified that he wasn't really paying attention when his lawyer said that.

Now, as we noted earlier, Mr. Bennett argued to Judge Wright that in light of Ms. Lewinsky's affidavit denying a relationship, the Jones lawyers had no good-faith basis for questioning the President about her. The President was not the length of the bench and forth among the judge, the Jones lawyers, and Mr. Bennett. He said nothing. When he was asked in the grand jury about Mr. Bennett's statement, he said, "I'm not even sure I paid much attention to what Mr. Bennett was saying.""Now, the managers assert that this is false because the videotape shows that the President was in fact paying attention. But a fair view of the videotape, I suggest to you, does not support that conclusion, indeed, in Mr. Bennett's direction, and in the direction of the judge, but giving no sign that he was following the discussion. He didn't nod his head. He didn't make facial expressions. There was nothing to reflect an awareness of the substance of what was happening, much less what was said in Mr. Bennett's statement.

Now, I don't know how large a group this afternoon, whether any of you who have ever represented a witness in a deposition would understand the President's mindset, that the lawyers and the judge debated these issues, and you will understand, too, that to charge him with perjury you have to have about his own state of mind with nothing more to rely on than a picture would strain credibility in any prosecutor's office and flies past the bounds of constitutional reason in this Chamber.

I move, now, to the allegations in article II charging the President with obstruction of justice in the Jones lawsuit and in the grand jury investigation. I want to talk first about what has become known as the concealment of gifts theory. The managers say that the President participated in some scheme to conceal certain gifts he had given to Ms. Lewinsky centers on two events allegedly occurring on December 28, 1997: First, conversation between the President and Ms. Lewinsky in the White House in which the two discussed the gifts, at least briefly, that he had given to Ms. Lewinsky; and, B, Ms. Currie's picking up a box of gifts from Ms. Lewinsky and storing them under her bed.

The managers, as was true of the majority report—and the independent counsel role before that—build their theory in this case not on any pillars of obstruction but on shifting sand castles of speculation. Monica Lewinsky met with the President on December 28, 1997, sometime shortly before 8 a.m. to exchange Christmas presents. According to Ms. Lewinsky, they briefly discussed the subject of gifts she had received from the President in connection with her receipt some days earlier of the subpoena in the Jones case, and this was the first and only time, she says, in which the subject was ever discussed.

Now, the managers quote one conversation of Ms. Lewinsky's description of that December 28 version as follows:

At some point I said to him, well, you know, should I—I maybe should put the gifts away outside my house somewhere or give them to someone, maybe Betty. And he and I had a discussion of said—I think he responded "I don't know," or "let me think about that," and left that topic.

But the Senate should understand that in fact Ms. Lewinsky has never described this very exchange on at least 10 different occasions and that the very most she alleges in any of them is that the President said, "I don't know," or "Let me think about it," when she raised this issue of the gifts. Indeed, in many of her versions she, among other things, there really was no response, that the President did not respond, that she didn't have a clear image in her mind what to do next. She also testified that Ms. Currie's name did not come up because the President really didn't say anything. And, most importantly, in not a single one of her multiple versions of this event did she say anything about the President omitting any discussion about the gifts, nor did he ever suggest to her that she conceal them.

Now, there being no evidence of obstruction in that conversation, the managers would have you believe that any Ms. Lewinsky did not tell the White House that day, the President must have told Betty Currie to retrieve the gifts from Ms. Lewinsky. But there is absolutely no evidence that that discussion ever occurred. The only two parties who would have knowledge of it, the President and Ms. Currie, both denied it ever took place.

Now, in the absence of any such evidence, the managers have relied on Ms. Lewinsky's testimony that Ms. Currie told her that the President had paid for something depending on Ms. Lewinsky's version—either that the President had said to Betty Ms. Lewinsky had something for her or merely that she, Ms. Currie, understood that Ms. Lewinsky had something for her.

In this regard, it is important to remember that Ms. Lewinsky herself testified that she was the one who first raised with the President the notion that Ms. Currie could hold the gifts. And it is important to recognize that, contrary to the managers' suggestion to you that Ms. Lewinsky's memory of this event has always been consistent and—"unequivocal," I think was their word—she herself acknowledged at her last grand jury appearance that her memory of the crucial conversation is less than crystal clear. To wit:

A JUROR: Do you remember Betty Currie saying that the President had told her to call Ms. Lewinsky: Right now, I don't remember.

And now we come to the first example I promised you of prosecutorial—what shall we call it?—fudge. Starting from the premise that Betty Currie called Monica Lewinsky and told her that she understood she had something for her and then went to pick up a sealed box containing some of the gifts she had received, Ms. Lewinsky had received from the President, first the independent counsel and then the majority report concluded, and now the managers have concluded, that the President must have instructed Ms. Currie to go pick up these gifts—to call Ms. Lewinsky and make the same arrangement. That is to say, they determined that when Ms. Currie said it was Ms. Lewinsky who called her, Ms. Currie was mistaken or, if you listen carefully, maybe worse. And when the President testified that he didn't tell Ms. Currie to call Ms. Lewinsky, he was telling the truth, which was just wrong. And this surmise is made absolutely certain, in the view of the managers, because a newly discovered, unknown even to independent
counsel, cell phone record shows that Ms. Currie called Ms. Lewinsky at 3:32 p.m. on December 28 and that must be the call that Ms. Lewinsky remembered.

Let’s look now at how the majority counsel sought to undermine the President in his closing argument to the Judiciary Committee. I have put his words up on the chart, and you all should have it in front of you as well:

There is key evidence [said majority counsel] to Ms. Currie’s fuzzy recollection. It is wrong. Monica said that she thought Betty called from her cell phone. Well, look at this record. (Show it to you later.) This is Betty’s cell phone record. Monica Lewinsky and proves conclusively that Ms. Currie called Monica from her cell phone several hours after she had left the White House. Why did Betty Currie pick up the gifts from Ms. Lewinsky? The facts strongly suggest the President directed her to do so.

There is a slight problem with the majority counsel’s epiphany, as it has been passed down to the managers and then to you. For you see—here is the phone record—it reflects that at 3:32 p.m. on December 28, from Arlington, VA, to Washington, DC—that is Ms. Lewinsky’s number—there was a call of a minute, it says here. And then we were told that this timing fit with the rest of the testimony?

Well, the answer is, no, it doesn’t, because on three separate occasions, Ms. Lewinsky testified that Ms. Currie came over to pick up the gifts at 2 o’clock in the afternoon, an hour and a half before the phone call. It is not as though we have been hiding the ball on this, Senators. We discussed this issue at length in our trial brief, and the managers do seem to have recognized at least some of the problem, because they have told you, albeit without the slightest evidentiary support, that maybe Ms. Lewinsky just miscalculated a little bit. Well, maybe she just miscalculated a little bit three times.

Look at the record:

FBI interview, July 27: Lewinsky met Currie on 28th Street outside Lewinsky’s apartment at about 2 p.m. and gave Currie the box of gifts.

FBI interview, August 1: Lewinsky gave the box to Betty Currie when Currie came by the Watergate about 2 p.m.

Grand jury testimony, 3 weeks later: “I think it was around 2 p.m. or so, around 2:00 in the afternoon.”

The managers calculate that if only the independent counsel had had this phone record when they were interviewing Ms. Lewinsky, they could have refreshed her recollection. Having been one, I can tell you, that’s prosecutor’s speak for “if we’d only known about that darn record, we could have gotten her to change her testimony.”

But the managers have one other problem that they didn’t address. The phone record—if we can go back to that for a moment—the phone record shows a call lasting 1 minute. All of us who have cell phones know that really means it lasted well short of a minute, because the phone company rounds things up to the nearest minute, just to help us all with our bookkeeping. [Laughter.]

So now it will be necessary not only for Ms. Lewinsky’s memory to be refreshed about the hour of the pickup, but the facts and arrangements for it could have been made between Ms. Lewinsky and Ms. Currie in somewhere between 1 and 60 seconds.

Putting these factual difficulties aside, this charge must fail for another reason: representations earlier, the President gave Ms. Lewinsky several gifts on the very day that they met, December 28. Faced with having to explain why on the day that the President and Monica Lewinsky were conspiring to conceal gifts from the Jones’ lawyers the President gave her additional ones, the managers surmised that the real purpose was because it was part of a subtle effort to keep Ms. Lewinsky on the team, but in truth the only reasonable explanation is that they knew the President gave the gifts to the grand jury. He was simply not concerned about gifts. He gave a lot, he got a lot, and he saw no need to engage in any effort to conceal them.

The President did not urge Ms. Lewinsky to conceal the gifts he had given her and, of course, he did not lie to the grand jury about that subject.

The next point I want to discuss with you is the statements the President made to Betty Currie on the day after the Jones deposition, January 18 of last year. There is no disputing the record, no conflict in testimony that the President did meet with his secretary, Betty Currie, on the day after the Jones deposition and they discussed Monica Lewinsky.

The managers cast this conversation, this recitation, this series of statements and questions put by the President to Ms. Currie in the most sinister light possible, that the President attempted to influence the testimony of a “witness” by pressuring Ms. Currie to agree with an inaccurate version of the facts surrounding his relationship with Ms. Lewinsky.

President Clinton has adamantly denied that he had any such intention, and that denial is fortified by the undisputable factual record establishing that Betty Currie neither was an actual nor a contemplated witness in the Jones deposition, nor did she perceive that she was being pressured in any respect by the President to agree with what he was saying.

First, Ms. Currie’s status as a witness, and the only proceeding the President knew about at this moment, the Jones case, Ms. Currie was neither an actual nor a prospective witness. As to the only proceeding in which she ultimately became a witness, no one would suggest, managers, no one else would suggest the President knew that it was an investigation, nor did she perceive that she was being pressured in any respect by the President to agree with what he was saying.

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In the entire history of the Jones case, Ms. Currie’s name had not appeared on any of the witness lists, nor was there any reason to suspect Ms. Currie would play a role in the Jones case. Discovery was down to its final days. The managers speculate that the President’s own references to Ms. Currie during his deposition meant she was going to be called as a witness. Yet, in the days, weeks following the deposition, the Jones lawyers never listed her, never contacted her, never added her to any witness list. They never deposed her; they never noticed the deposition.

Indeed, when the independent counsel interviewed the Jones lawyers, they apparently neglected to ask whether they had ever intended to call Betty Currie as a witness. One can be sure that if such an intent existed, they would have asked and it would have been included in the referral.

Moreover, it is a sure bet that the Jones lawyers already knew about Betty Currie and her relationship with Ms. Lewinsky. Why? Because we know from her own recorded telephone conversations that Ms. Tripp had been in contact with the Jones lawyers for months, and we know that she spent the evening before the President’s deposition telling them everything she knew.

It didn’t take a few references to his secretary by the President to trigger a subpoena for Betty Currie if they had ever wanted to do that, and they never did. Nor did the President ever pressure Ms. Currie to alter her recollection. Despite the prosecutor’s best efforts to coax Ms. Currie into saying she was pressured to agree with the President, Ms. Currie adamantly denied it.

Let me quote just briefly a few lines of her grand jury testimony:

Question: Now, back again to the four statements that you testified the President made to you that were presented as statements, did you feel pressured when he told you those statements?

Answer: None whatsoever.

Question: That was your impression, that he wanted you to say—"because he would end each of the statements with ‘Right?’", with a question.

Answer: I do not remember that he wanted me to say “Right.” He would say “Right” and I could have said, “Wrong.”

Question: But he would end each of those questions with a “Right?” and you could either say whether it was true or not true?

Answer: Correct.

Question: Did you feel any pressure to agree with your boss?

Answer: None [whatsoever].

Now, to understand on a human level why the President reached out to Betty Currie on the day after his deposition, you need only to understand that he had just faced unexpected detailed questions about his worst nightmare. As he candidly admitted to the grand jury, he had long feared that his relationship with Ms. Lewinsky would ultimately become public. Now, with questions about his honesty and his actions and the deposition of the first Internet article, the day of recon had arrived. The President knew that a media storm was about to erupt. And it did.
January 19, 1999

CONGRESSIONAL RECORD — SENATE

Now, if you are looking for evidence on which to base an inference about the President's intentions with respect to Ms. Currie's testimony, look what he said to her when he knew that she was going before the grand jury.

And then I remember when I knew she was going before the grand jury, and I, I felt terrible because she had been through this loss of her sister, this horrible accident Christmas that killed her brother, and he in the hospital. I was trying to do—to make her understand that I didn't want her to, to be untrue to the grand jury. And if her memory was different than mine, I think it just go in there and tell them what she thought. So, that's all I remember.

The President of the United States did not tamper with a witness.

Now next, the managers argue that Mr. Clinton corruptly encouraged Ms. Lewinsky to submit a false affidavit to the Jones lawyers and to lie if she were ever deposed. But the uncontested evidence refutes that charge. Indeed, Ms. Lewinsky herself has made it clear that she was explicitly and forcefully denied that anyone ever asked her to lie. There is no way to get around that flat denial, even with the independent counsel's addition of the word "explicitly." There was no explicit, implicit, or any other direction to Ms. Lewinsky to lie. Indeed, the only person to whom Ms. Lewinsky said anything inconsistent with her denial was the ubiquitous Ms. Tripp. And, as Ms. Lewinsky later told the grand jury:

I think I told her that, you know, at various times the President and Mr. Jordan had told me I have to lie. That wasn't true.

Left with this record, the managers resort to arguing that Ms. Lewinsky understood that the President wanted her to lie, that he could not have wanted her to lie and file an affidavit detailing their relationship. But the only factual support for this theory recited by the majority is the testimony of Ms. Lewinsky that while the President never encouraged her to lie, he remained silent about what she should have to say or do, and by such silence she said, "I knew what he meant."

The very idea that the President of the United States should face removal from office, not because he told Monica Lewinsky to lie or anything of this sort, but because he was silent and Ms. Lewinsky to lie, the only person to whom Ms. Lewinsky said anything inconsistent with her denial was the ubiquitous Ms. Tripp. And, as Ms. Lewinsky later told the grand jury:

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I think I told her that, you know, at various times the President and Mr. Jordan had told me I have to lie. That wasn't true.
Both Ms. Lewinsky and Mr. Jordan have repeatedly testified that there was never an agreement, a suggestion, an implication, that Ms. Lewinsky would be rewarded with a job for her silence or her false testimony. As Mr. Jordan succinctly put it, “Unequivocally, categorically, no.”

It was only to appease Ms. Tripp that Mr. Jordan denies that nothing to do with that call or that appointment to meet with him on December 11 before you made the calls?

Question: Mr. Jordan, isn't it a fact that you met with Ms. Lewinsky on December 11 to help get her a job?

Answer: Yes.

Question: And isn't it a fact that before and after you met with her, you made calls to potential employers in New York?

Answer: Yes.

Question: Isn't it true that the reason for all of this activity on December 11 was that Judge Wright issued an order authorizing the Jones lawyers to depose certain women like Miss Lewinsky?

Answer: No.

Question: What do you mean “no”? Isn’t it true that the judge had issued an order before you met with Ms. Lewinsky and before you made the calls?

Answer: I had no knowledge of any such order. The fact that Ms. Lewinsky was a potential witness had nothing to do with my help. I made an appointment to see her 3 days earlier.

Question: Well, isn’t it a fact that Judge Wright filed her order on December 11 before you met with Ms. Lewinsky?

Answer: Well, actually no.

Let me show you the official report of the judge’s discussion with the lawyers in the Jones case on that date. You have this before you as well. There’s a conference call between the judge and the lawyers, which is memo-rialized in a formal document prepared by a clerk and filed in the case in Arlington. It notes that the conference call began at 3:53 p.m. central standard time. If I have my calculations right, that is 6:33 p.m. in Washington.

I want to stop here for a second so that you know where Mr. Jordan was when that happened. Let me see the next chart.

By the way, this is Mr. Jordan testifying:

I was actually on a plane for Amsterdam by the time the judge finished her order. So he testified in the grand jury.

I left on United flight 946 at 5:55 from Dulles Airport and landed in Amsterdam the next morning.

So the conference call begins at 6:33 eastern standard time. The court takes up another variety of matters, and the judge didn’t even tell the lawyers that she was going to issue an order on the motion to compel these various depositions until the very end of the call, around 7:45 eastern standard time, and the lawyer would actually FAX them a copy at that point.

So we return to Mr. Jordan’s mythical testimony. To summarize, let me show you something that tells you what the real sequence of events was. On December 11, Vernon Jordan makes a possible job call at 9:45, and another at 12:49, and another at 1:07; he meets with Ms. Lewinsky from 1:15 to 1:45; he gets on his plane at 5:55 in the afternoon, and an hour or so later the lawyer informed Mr. Jordan that the judge had issued her order.

In fact—just as a little filler—the President is out of town and returns to...
Washington at 1:10 a.m. And actually, Judge Wright's order is filed not on the 11th, but on the 12th.

Question: Oh, I see. Well, never mind.

Now, do any of you think that you need to look Mr. J. Jordan in the eye and hear his tone of voice to understand that the prosecutors have it wrong and have at least since the majority counsels' closing argument?

You will also learn from us—but not from the managers—that Mr. J. Jordan placed no pressure on any company to give Ms. Lewinsky a job. Indeed, two other companies he called didn't even offer her a job.

Just as the managers dramatically mistake the record relating to Mr. J. Jordan's efforts to help Ms. Lewinsky find a job, so, too, do they invent a nonexistent link between a call Mr. J. Jordan made ultimately to Mr. Perelman, the CEO of MacAndrews and Forbes, Revlon's parent, and the offer Ms. Lewinsky finally received from Revlon with her signing of the affidavit in the J. Jones case. We will demonstrate beyond any question, once again, that conclusions the managers have drawn are simply false.

Again, I'll begin with the fact that both Mr. J. Jordan and Ms. Lewinsky testified that there was no such link between the job and the affidavit, and the only person to ever suggest such a link was, once again, Ms. Tripp. Now, I presume that is not the managers' intention to suggest that we bring Ms. Tripp in here to explore her motivation for making that suggestion.

Next, take Ms. Lewinsky's interview with MacAndrews official, which she described as "having gone poorly"—a characterization adopted by the managers for obvious reasons—because it suggests that there was a desire on their part to heighten the supposed relevance of the call Mr. J. Jordan made to Mr. Perelman. In other words, under their theory, Ms. Lewinsky's job prospects at MacAndrews and Forbes, or Revlon, were caput until Vernon J. Jordan made the call and resurrected her chances.

Unfortunately, like so much of the obstruction case, the facts do not bear out the convenient theory. In fact, the man who interviewed Ms. Lewinsky at MacAndrews was impressed with her, and because there was nothing available in his area, he sent her resume to Revlon where she was hired by someone who did not know about Mr. J. Jordan's call to Mr. Perelman.

So much for obstruction by job search.

That, then, is an overview of the charges contained in these articles. You will hear about them in greater detail than I could offer you today when my colleagues speak in the next two days. I want to bring my presentation to a close.

We are not here to defend William Clinton, the man. He, like all of us, will find his judges elsewhere. We are here to defend William Clinton, the President of the United States, for whom you are the only judges. You are free to criticize him, to find his personal conduct distasteful; but ask whether this is the moment when, for the first time in our history, the actions of a President have so put at risk the Government the framers created that your job is not to find the solution. You must find not merely that removal is an acceptable option, that we will be OK the day after you vote; you must find that it's the only solution, that our democracy should not be made to sustain two more years of this President's service. You must put that question because the one thing that our form of Government cannot abide is the notion that impeachment is merely one more weapon a Congress can use in the process between the legislative and executive branches.

Let me be very clear. We do not believe that President Clinton committed any of the offenses charged by the managers. And for the reasons we will set out but, after the next two days, we believe the managers have misstated the record, have constructed their case out of tenuous extrapolations, without foundation, and have at every turn assumed the worst without the evidence to support this speculation.

You put these lawyers in a courtroom and they win 10 times out of 10. But suppose we are wrong. Suppose that you find that the President committed one or more of the offenses charged. Then there remains only one issue before you. Whatever your feelings may be about William Clinton, the man, or William Clinton, the politicallyally or opponent, or William Clinton, the father and husband, ask only this: Should William Clinton, the President, be removed from office? Are we at that horrific moment in our history when our Union could be preserved only by taking the step that the framers saw as the last resort? Can we ever again have the confidence to respond when an advocate on the other side of a case calls up images of patriots over the centuries sacrificing themselves to preserve our democracy.

I have no personal experience with war. I have only visited Normandy as a tourist. I do know this: My father was on the beach 55 years ago, and I know how he would feel if he were here. He didn't fight, no one fought, for one side of this case or the other. He fought, as all those did, for our country and our Constitution. As long as each of us—the managers, the President's counsel, the Senators—does his or her constitutional duty, those who fought for the country will be proud.

We, the people of the United States, have formed a more perfect Union. We formed it. We nurtured it. We have seen it grow. We have not been perfect. And it is perhaps the most extraordinary thing about our Constitution—that it thrives despite our human imperfections.

When the American people hear the President talk to Congress tonight, they will know the answer to the question, "How stands the Union?" It stands strong, vibrant, and free.

I close as I opened 2 hours ago, or 2 and a half hours ago. William Jefferson Clinton is not guilty of the charges that have been brought against him of committing perjury. He did not obstruct justice. He must not be removed from office.

Thank you.

The CHIEF JUSTICE. The Chair recognizes the majority leader.
THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE, FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR;

PETER S. WOOD, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE, FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR;

RICHARD LEWIS BALTIMORE, III, OF NEW YORK

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE COMMISSIONED CORPS SUBJECT TO APPOINTMENT THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be medical director

ROGER I.M. GLASS
WILLIAM C. VANDERWAGEN

To be surgeon

MARTIN S. CETRON
STEVEN R. ROSENTHAL
FRANK J. MAHONEY
JORDAN W. TAMPERO
ROBERT E. QUICK, III
EVELYN M. RODRIGUEZ
THOMAS J. WALSH

To be assistant surgeon

DIANA L. COOK

To be dental surgeon

ROBERT A. CABANAS
DEAN J. COPPOLA
MARY S. RUNNER
LEE S. SHACKELFORD

To be nurse officer

LINDA S. BROPHY
ANN R. KNEBEL

To be scientist officer

WILLIAM G. LOTZ
MARK L. PARIS

To be sanitary officer

JOHN W. WALMSLEY

To be veterinary officer

DOUGLAS D. SHARPNACK
LAWRENCE J. VENTURA

To be pharmacist officer

OSLYN R. SWANN
LISA L. TONKEY

To be therapist officer

J. JOHN T. HURLEY

To be health services officer

RONDA A. BALHAM
EPIFANIO ELIZONDO
JOHN D. FUGATE, JR.
JAMES C. PORTT

ALBERT R. TALLANT
RICHARD J. VAUSE, JR.
RICHARD C. WHITMIRE

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

RICHARD LEWIS BALTIMORE, III, OF NEW YORK

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1. FOR APPOINTMENT:

To be surgeon

GRANT L. CAMPBELL
ROBERT L. DANNER, JR.
PAUL J. HIGGINS

SUSAN BLANK
DAVID W. CHEN
SCOTT F. DOWELL
HUMBERTO HERNANDEZ-APODTE

ROSEMARIE HIRSH
WILLIAM H. ORMAN
MARCI A. SAFRAN

ANITA L. BRIGHT
RONALD C. COX

MARY C. AYAMAY

To be senior assistant surgeon

TIMOTHY L. AMBROSE
THOMAS B. BREWER
ANITA L. BRIGHT
RONALD C. COX

GREGORY T. KUNZ
RONALD D. SHEPHERD II
JOHN R. SMITH
RICKEY S. THOMPSON

To be senior assistant dental surgeon

BONNIE J. ALLARD
DARYL L. ALLIS
DOLORES J. ATKINSON
TRACY A. BROWER
BUCKY M. FROST
DAVID M. GOLDSTEIN
NANCY R. HAWKINS
PATRICK K. HOWE
JACQUELINE P. KERR

SANDRA K. KOZLOWSKI
STEPHEN D. LANE
LANCE J. FERRIER
LYNN N. POWER
PRICILLA J. POWERS
DEBORAH S. PRICE
DENISE M. RABIDEAUX
JANICE C. ROMAN
SHERRI L. ZUDELL

To be senior assistant nurse officer

BONNIE J. ALLARD
DARYL L. ALLIS
DOLORES J. ATKINSON
TRACY A. BROWER
BUCKY M. FROST
DAVID M. GOLDSTEIN
NANCY R. HAWKINS
PATRICK K. HOWE
JACQUELINE P. KERR

SANDRA K. KOZLOWSKI
STEPHEN D. LANE
LANCE J. FERRIER
LYNN N. POWER
PRICILLA J. POWERS
DEBORAH S. PRICE
DENISE M. RABIDEAUX
JANICE C. ROMAN
SHERRI L. ZUDELL

To be senior assistant pharmacist

MARC A. SAFRAN
WILLIAM H. ORMAN
MARCI A. SAFRAN

To be senior assistant scientist

LORD S. BROPHY
ANN R. KNEBEL

To be senior assistant scientist

WILLIAM J. MURPHY
RICHARD P. TROTANO

To be senior assistant sanitarian

DONALD S. ACKERMAN
JANICE ASHBY
MARGARET L. BOLTE
SUSAN L. HUZA
KENNY R. HICKS

To be veterinarian officer

LEIGH A. SAWYER

To be senior assistant veterinarian officer

KRISTINE M. BISGARD

To be senior assistant pharmacist

ANTHONY T. ZIMMER

To be senior assistant dietitian

SILVIA BENINCASO

To be senior assistant pharmacist

LORD S. BROPHY
ANN R. KNEBEL

To be senior assistant dietitian

GRAF N. MEAD

To be health services officer

PETER J. DELANY
WILLIAM C. MCMURTRY

To be senior assistant health services officer

HOWARD J. HEISLER
JANUETT L. NANCY A. NICHOLS
LARRY E. RICHARDSON
ANN M. WITHERSPOON

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CAPTAIN EVELYN J. FIELDS, NOAA FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (0±8), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DIRECTOR, OFFICE OF NOAA CORP OPERATIONS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 631.

To be chief of staff

WILLIAM M. BERRY

To be senior assistant pharmacist

ANTHONY T. ZIMMER

To be senior assistant sanitarian

DONALD S. ACKERMAN
JANICE ASHBY
MARGARET L. BOLTE
SUSAN L. HUZA
KENNY R. HICKS

To be veterinarian officer

LEIGH A. SAWYER

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To be senior assistant dietitian

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To be health services officer

PETER J. DELANY
WILLIAM C. MCMURTRY

To be senior assistant health services officer

HOWARD J. HEISLER
JANUETT L. NANCY A. NICHOLS
LARRY E. RICHARDSON
ANN M. WITHERSPOON

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INTRODUCTION OF THE PATIENTS' BILL OF RIGHTS

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 19, 1999

Mr. STARK. Mr. Speaker, I am pleased to join with my Democratic colleagues from both the House and Senate for re-introduce the Patients' Bill of Rights. This legislation came within five votes of passage in the last Congress. We are anxious to work with our colleagues to pass this important legislation this year.

Patient protection should not be a partisan issue. This is the health care issue that continues to top this list of my constituents’ concerns—and I represent California which has the longest history of managed care in our country.

The Patients' Bill of Rights is a bill whose time has come. It builds on bills that have previously been introduced, on recommendations from the President’s Advisory Commission on Quality in the Health Care Industry that met last year, on legislative efforts of various states, and on consensus agreements among consumer groups, many providers, and certain health plans.

As more and more of our population joins managed care plans, the need for federal oversight of plan quality grows greater. Patients deserve to know that their health plans are held accountable to a basic set of consumer protection standards. That is what the Patients’ Bill of Rights will do.

Though many states have enacted consumer protection bills, they cannot regulate many of the health plans within their borders due to our convoluted health care system. Federal action is required.

The Patients’ Bill of Rights creates a set of federal standards that assures patient access to covered benefits and that holds health plans accountable for their actions.

The most important components of the bill are as follows:

Health Plan Accountability: The Patients’ Bill of Rights holds health plan administrators to the same level of accountability for making medical decisions as doctors.

Under current law, if an individual receives health care benefits through his/her employer, and a health plan makes a medical decision about whether care will be provided, it is the health plan administrator who must defend the decision in court. If the original decision was wrong, the patient is left without any legal redress—unable to sue the plan or the employer for whom they work. It is no surprise that patients are more likely to sue their employers than health plans.

In the last Congress, I introduced a free-standing bill (HR 1749) to correct this glaring inequity. The Patients’ Bill of Rights corrects it. It states that no health plan administrator should be allowed to make medical decisions regarding their employees’ health care. And, the bill goes so far as to explicitly protect employers from any liability as long as they are not involved in any medical decision-making.

There has also been much talk that the courts will soon resolve the issue of ERISA preemption. Unfortunately, we are years away from a point when such resolution will be found. Courts across the country are developing very different interpretations of ERISA preemption and, consequently, there is no clear direction from their decisions. It is too important an issue to wait any longer. A legislative solution is warranted.

External Appeals: Guaranteeing consumers access to a neutral health care professional is one of the best ways to assure the provision of quality care. The Patients’ Bill of Rights calls for an independent decision-making body for which consumers can ultimately take their appeals. We will not obtain real consumer protection until every patient has the same right in denouncing care simply cannot be the final arbiter about whether care will be provided.

The Patients’ Bill of Rights calls for health plans to publish an annual report with independent external appeals entities certified by the State or the Department of Labor to provide timely analysis of the plan’s actions with help of neutral health care professionals. There are defined timelines in the legislation to ensure that consumers facing serious, time-sensitive health consequences will be able to have their appeals resolved and the appropriate care provided. For example, in the case of urgently needed care, the external appeal entity could take no more than 72 hours to issue a decision.

Disclosure of Consumer Information: Today, consumers have no way of comparing health plans based on easily understood quality criteria. The Patients’ Bill of Rights calls for: direct access to OB-GYNs; direct access to specialists for patients with chronic medical conditions; coverage of routine preventive care; and the creation of a consumer ombudsman in each state to help consumers manage health care choices that meet their needs.

Mr. STARK. Again, I am pleased to join with my colleagues today to introduce this vital legislation. I look forward to working with members in both bodies and on both sides of the aisle—and with the President—to pass federalially enforced, consumer-oriented managed care legislation this year.

INTRODUCTION OF THE DISTRICT OF COLUMBIA PRISON SAFETY ACT

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 19, 1999

Ms. NORTON. Mr. Speaker, on January 6, 1999, I introduced the District of Columbia Prison Safety Act, a bill to assure the safety and well being of District of Columbia and other Federal Bureau of Prisons (BOP) inmates, who may be placed in private prison facilities, as well as the safety of communities where the prisons are to be located. This legislation was one of the few bipartisan bills that emerged from last year’s Congress.

Critics of the legislation, however, were unwilling to pass it. It was the most comprehensive legislation of its kind to be introduced during the last Congress. It would have paid the costs of construction of new prison facilities if the federal government were to construct them in the District of Columbia. The act would have placed at least 50% of any BOP contracts for the District of Columbia in the District of Columbia. The act would have required that the District of Columbia have prior approval for any contracts for prison facilities.

In the last Congress, I introduced a free-standing bill (HR 1749) to correct this glaring inequity. The Patients’ Bill of Rights corrects it. It states that no health plan administrator should be allowed to make medical decisions regarding their employees’ health care. And, the bill goes so far as to explicitly protect employers from any liability as long as they are not involved in any medical decision-making.

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is to be closed by December 31, 2001, and the BOP is to assume full responsibility for the maintenance of the District’s inmate population. My bill would give the Director of the BOP the necessary discretion to decide whether to house D.C. inmates in private prison facilities, and if so, when and how many.

The Revitalization Act privatization mandate marks the first time that the BOP has been required to contract for the housing of significant numbers of inmates in private facilities. The extremely short time frames were placed in the statute without any reference to BOP capabilities or the capabilities of private prison vendors. I am introducing this bill because recent events have driven home the necessity for better informed and expert judgment and calculation before decisions to contract out inmate housing are made.

On December 3, 1998, the Corrections Trustee for the District of Columbia released a report on the investigation of problems arising from the placement of D.C. inmates in the Northeast Ohio Correctional Center (NEOCC). This highly critical report documented numerous violent confrontations between guards and inmates, an escape by six inmates, and the killing of at least one inmate. The Trustee’s report strongly and unequivocally critized virtually all aspects of the operations of the NEOCC.

It should be noted that the company that runs the NEOCC, Corrections Corporation of America (CCA), is the most experienced in the country. However, the industry is a new one with relatively few vendors and few bidders for substantial work. The NEOCC experience is fair warning of what could happen if BOP proceeds on the basis of an automatic mandate in spite of the evidence that has accumulated in Ohio and around the country. The mounting problems have been so troubling that the BOP was forced to revise the original request for proposals (RFP), fearful that similar problems would occur. The bid now requires two separate facilities. The new process uses two RFPs, thereby separating low security male inmates from minimum security males, females and young offenders. Furthermore, the RFP for low security inmates now requires the BOP to consider prior performance of the vendors before awarding the contract. However, the new RFPs put the BOP, perhaps hopelessly, behind schedule for the privatization mandated by the Revitalization Act.

The experience of the private sector argues for a much more careful approach than Congress realized at the time the 1997 Revitalization Act was passed. For example, the 50% quota for privatization far exceeds any comparable number of similar inmates currently housed in a private facility from a single jurisdiction.

My provision does not bar privatization, but it could prevent further privatization disasters. BOP may still decide to house the same, or a different number in private facilities. The purpose of this provision is to keep the BOP from believing that it must go over the side of a cliff, avoiding more sensible alternatives, because Congress said so.

BEST OF LUCK TO REV. W.E. SPEARS, J.R.

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 19, 1999
Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, Sunday, November 21, 1998, Dallas bid farewell to one of its most notable religious leaders. The Reverend W.E. Spears, Jr., will preach his final sermon as the pastor of Progressive Baptist Church.

Mr. Speaker, his departure is important to note because he founded Progressive Baptist Church with his vision, energy, and hard work 52 years ago. Throughout that time, he has provided spiritual guidance, community service, and compassion to several generations of parishioners.

Mr. Speaker, the growth of his church in both numbers of members and services is a direct testimony to his faith and work ethic. When it first began, the church had about 10 members. Today, Progressive Baptist Church boasts a membership of 500.

Under his leadership, Progressive Baptist Church promotes the teachings of Christianity to many families in the Dallas area. In addition, for several decades, Progressive Baptist Church served area school children who could not attend the George W. Carver School because of School district boundaries.

He joined his late wife in opening Spears Mortuary and an ambulance service that provided services despite the family’s ability to pay. This brought much-needed services and relief to families amid times of tremendous personal loss.

Mr. Speaker, Reverend Spears is a great example of leading a church in serving its community beyond the pulpit and directly into the community. However, while I join many of my constituents in thanking him for his leadership and service at Progressive Baptist Church, I am happy to say that he will not be removing himself from the community. He does not plan to leave behind his work. Fortunately for our children, he is committed to helping them become active citizens. As he mentioned, “I’m still making a point of helping young people make citizens out of themselves.”

Mr. Speaker, I am both grateful to Reverend Spears’ 52 years of service at Progressive Baptist and his commitment to continue to serve our community. On behalf of my constituents from the 30th Congressional District, I wish him success in his future endeavors.

HONORING SALLY JAMESON
HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 19, 1999
Mr. HOYER. Mr. Speaker, I rise today to acknowledge the appointment of my good friend, Mrs. Sally Jameson as executive director of the Charles County Chamber of Commerce.

For the past 6 years, Sally has been affiliated with the Charles County Chamber of Commerce; 5 of those years she served the Legislative Committee.

Prior to her appointment, Sally was the director of the Waldorf Jaycee Community Center since it opened in 1992. Today, it has evolved as a focal point for Charles County and is currently undergoing expansion.

Mr. Speaker, she is working with the Charles County public school system on a student exchange with students in Waldorf, Germany, and with the Charles County commissioners on a twin-city establishment between Waldorf, MD and Waldorf, Germany.

Sally is a life-long resident of Charles County and resides in Bryantown with her husband, Gene and two children, Donnie and Michelle.

Mr. Speaker, I am convinced that Sally will be a tremendous asset to the Chamber of Commerce and southern Maryland. I am proud to be her Representative in Congress and ask you and the remainder of my colleagues to join with me in acknowledging the appointment of this fine American.

THE 40TH ANNIVERSARY OF THE KNOX MINE DISASTER
HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 19, 1999
Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues the fortieth anniversary of an infamous day in Pennsylvania’s Eleventh Congressional District, the Knox Mine Disaster. This Sunday, a state historical marker will be unveiled to commemorate the tragedy. I am pleased to have been asked to participate in this event.

January of 1959 brought unseasonably high temperatures and drenching rains to the Wyoming Valley. The Susquehanna River began to surge wildly and reached near flood stage by the evening of January 21. Most area residents were worried about their homes and businesses and gave little thought to the potential disaster underground. Miners at the Knox Coal Company’s River Slope mine in Luzerne County had expressed fears for weeks about the conditions at the mine, but their complaints fell on deaf ears. On the morning of January 22, seventy-five miners headed for work in the May Shaft and six miners headed to the River Slope. The six laborers soon summoned a veteran miner to hear the shrill cracking sounds of the ceiling props. As he stepped into the mine to investigate, the roof of the mine gave way and water poured into the mine. The miners scrambled out of the mine to safety and quickly reported the flooding to mine officials who ordered evacuation of all adjoining shafts.

Thirty-three of the miners quickly escaped the churning waters as the river took over the mine, but forty-five men remained trapped below as the river swirled into the breach. Thirty-three miners eventually made their way up the abandoned air shaft located a few hundred feet upriver from the breach. Twelve men remained missing.

Mr. Speaker, hope for these twelve brave miners endured for several days as family members kept vigil on the river bank. Eventually, the mine was back in the mine and the officials had no choice but to end the rescue attempt. Each of the survivors had his story of escape and told the stories of those who did not.
Mr. Speaker, the Knox Mine Disaster was the beginning of the end of anthracite coal mining in Northeastern Pennsylvania. Officials eventually discovered the company had illegally dug beneath the river bed which extended far beyond legal mining boundaries. No proper surveying had been done and although industry standard was thirty-five feet of rock cover, the miners had followed company orders and quarried up to a mere six feet below the river. Knox Coal Company had ignored orders from federal inspectors to cease operations. Federal company officials were indicted. Although deep mining continued in the Northeast into the 1970’s, the high cost of resulting new safety regulations coupled with declining demand eventually ended deep mining in the northern coal field.

Mr. Speaker, the Knox Mine Disaster is a turning point in the history of Northeastern Pennsylvania. The image of the grieving families huddled along the banks of the river, exhausted survivors climbing out of the earth and huge train cars being heaved into the whirlpool is still fresh in the minds of most of the area’s residents. The disaster is commemorated in the local press every year and the Commonwealth of Pennsylvania will dedicate a historical marker this year. I join with the families of both the victims and the survivors of this horrible disaster in commemorating their bravery and remembering their sacrifice.

REFORM OF THE MINING LAW OF 1872

HON. NICK J. RAHALL II
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 19, 1999

Mr. RAHALL. Mr. Speaker, today it is my privilege to introduce, once again, comprehensive legislation to reform the Mining Law of 1872. I am pleased to note that the distinguished gentleman from California, GEORGE MILLER, and PETER DEFAOZI of Oregon are joining me in introducing this measure.

Some may view the introduction of this legislation as a exercise in futility. They are those who benefit from the production of valuable hardrock minerals from certain federal lands without payment of either rent or royalty to the American public. They are those who benefit from the hodgepodge of minimal regulation governing the reclamation of these lands and the lack of suitable environmental safeguards to protect the American public. Yet others, observers view the introduction of this measure as a ray of hope for those who are concerned that in the last year of the 20th Century the United States still actually allows multinational conglomerates to mine gold, silver and copper from our federal lands for free. They are those, countless citizens, who live in the vicinity of these operations, who must contend with marred landscapes and polluted streams. And all of us must wonder, is this the type of legacy we wish to leave to future generations?

The Mining Law of 1872 today is an anachronism that will not die. Enacted in an era when the policy of the United States was to populate the West partially by making free land and free minerals available to those who would brave an unsettled and wild region, it has resisted substantial reform despite countless attempts to modernize it and make it responsible to more current policies governing the management of our public domain.

The bill we are introducing today is the very same which passed the House of Representatives by a three-to-one margin during the 103rd Congress. Reintroduced during the 104th and 105th Congresses, it was held hostage by the Resources Committee. Even under a Republican majority, I remain convinced that if allowed to proceed to the House floor, this bill would make something similar to it would pass the full House of Representatives.

The issue of insuring a fair return to the public in exchange for the disposition of public resources, and the issue of properly managing our public domain lands, is neither Republican nor Democrat. It is a matter that makes good sense if we are to be good stewards of the public domain and meet our responsibilities to the American people. This means that the Mining law of 1872 must be reformed.

A TRIBUTE TO JAMES W. HOLLAND

HON. PETER J. VISCosky
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 19, 1999

Mr. VISCosky. Mr. Speaker, it gives me great pleasure to pay tribute to an outstanding citizen of Indiana’s 9th Congressional District, James W. Holland. On Saturday, January 16, 1999, Mr. Holland, along with his friends and family, will celebrate his retirement and honor his five decades of public service. The celebration will take place at Marquette-on-the-Lagoon in Gary, Indiana.

In 1943, James Holland graduated from Rock Island High School in Illinois. After earning a Bachelor of Science degree in Education from Northwestern University in 1950, he continued his education at Valparaiso University, completing a Master’s degree in Liberal Studies. From 1951 through 1958, he taught twelfth grade Government and Economics in Gary. In 1968, Mr. Holland became the executive for the City of Gary Model Cities Program. Subsequently, as Principal Associate of Jacob’s Company, he authored administrative manuals that became the national standard for the Model Cities Program. Mr. Holland devised and established basic Model Cities structures for 15 cities, which led to lengthy on-site consultations in major United States cities. In 1980, he was one of twenty Fellows selected annually from hundreds of nominees to attend the Harvard University Fellow Program for Senior Executives. Additionally, he served as Deputy Mayor of the City of Gary from 1976 through 1988. As Deputy Mayor, he super-

HONORING THE FIELDING INSTITUTE

HON. LOIS CAPPS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 19, 1999

Mrs. CAPPS. Mr. Speaker, I rise to pay tribute to the Fielding Institute. The Fielding Institute has been a leader in distance learning for mid-career professionals since it was founded in Santa Barbara, California in 1974.

With the development of a revolutionary “Learning Community” concept that provides lifetime learning opportunities for its scholars, the Fielding Institute has maintained its leadership in the field.

The Institute has built an outstanding reputation for its graduate programs, including doctoral programs in Clinical Psychology, Human and Organizational Development and Educational Leadership and Change and a masters program in Organizational Design and Effectiveness.

Their approach offers highly effective, customized, professionally rich and interactive learning processes, along with significant possibilities for learning created by emerging electronic technologies.

In providing a graduate learning experience using technology that is uniquely tailored to the professional and personal needs of adult learners, the Fielding Institute has been at the forefront of the distance learning movement.

And to Mr. Speaker, I would like to commend the Fielding Institute. They have provided 25 years of service and outstanding graduate learning opportunities to the scholars of California, the United States and the world.
TRIBUTE TO THE AMERICAN HONDA MOTOR CORPORATION

HON. BRAD SHERMAN
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 19, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the American Honda Motor Corporation and Mr. Eric Conn, Senior Vice President, for establishing the “Honda Player of the Year Award.”

This is the eighth year that American Honda has recognized the most outstanding professional soccer player in the United States to defend the colors of our country as chosen by 200 members of the press from the United States and abroad.

In addition, American Honda, recognizing the importance of our youth, designated the American Youth Soccer Organization (AYSO), as a beneficiary of their fine program.


The 1998 awards finalists included Kasey Keller, Eddie Pope, and Cobi Jones.

The winner received a New Honda Accord EX and $5,000, the latter donated to AYSO on his behalf.

It is because of the awareness and dedication of responsible corporate entities in our country, exemplified by the American Honda Motor Corporation, that today’s true role models can become more well known.

Please join me in saluting the very important contribution to excellence made by American Honda.

ON ENTERING A LETTER TO THE HONORABLE DAVID DREIER ABOUT THE DELEGATE VOTE

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 19, 1999

Ms. NORTON. Mr. Speaker, today I rise to correct an erroneous statement by my good friend and colleague from California, concerning the constitutionality of the Delegate vote in the Committee of the Whole. On January 6, 1999, the gentleman from California, Mr. Dreier, made the remark concerning the Delegate vote in response to my statement on withdrawal of my right to vote in the Committee of the Whole, despite the fact that D.C. residents alone among American citizens pay federal income taxes while lacking full representation in the Congress. He said that a federal court had settled the constitutionality of the Delegate vote against the District. As my letter points out, the opposite is in fact the case. Both the District Court and the Court of Appeals for the District of Columbia have ruled that the Delegate vote is constitutional. The text of the letter follows:


Hon. David Dreier
Member, U.S. House of Representatives, Cannon H.O.B., Washington, DC.

Dear Dave: I am writing to point out an error in your statement on the House Floor, as recorded in today’s CONGRESSIONAL RECORD that “in 1993 a Federal judge found a House rule change to allow Delegate voting in the Committee of the Whole could be unconstitutional, so that clearly was addressed at that time.” I did not realize that you were unaware that the opposite is the case. Both the U.S. District Court and the U.S. Court of Appeals for the District of Columbia have found that Delegate voting is constitutional. In Michel v. Anderson, 817 F.Supp. 126 (D.D.C. 1993), and subsequently on appeal in Michel v. Anderson, 14 F.3d 203 (D.C.Cir. 1994) the courts that heard the case found that the House is the sole arbiters of its own rules and that it could amend its rules to allow Delegate voting. I assure you that I would have never have been so reckless as to take to the floor and argue for something already declared unconstitutional by the courts. Delegate voting was originally applicable to all Delegates and included jurisdictions whose residents do not pay federal income taxes. After the vote was withdrawn, several Members, including some on your side, indicated they would support the vote in the Committee of the Whole for District residents because of our federal income tax paying status. Given the fact that there must be a revote if the Delegate vote proves decisive in the Committee of the Whole, it seems needless at this juncture for a Congress that regards taxes as a priority, to deny this vote, harmless to your side, to Americans who are third per capita in federal income taxes. If, as I believe, the constitutional matter has been cleared up, I hope that you will have occasion to reconsider the Committee of the Whole vote for the District residents.

Best personal regards. Sincerely,

Eleanor Holmes Norton.

CONGRATULATIONS TO MS. RUTH COLLINS

HON. EDDIE BERNICE JOHNSON
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 19, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I congratulate Ms. Ruth Collins Sharp Altshuler, national recipient of the Outstanding Philanthropist Award for 1998. Ms. Collins has recognized the most understanding professional and inspirational leader is lost so early in life. Meghan touched so many people in her short time with us and set an example that will shine forth for all to see, even in her absence.
I join with the University of Maryland community in expressing my sorrow in the loss of a visionary leader and an admired human being. May God bless those she left behind.

IN HONOR OF MONSIGNOR MASAKOWSKI
HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 19, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to bring a momentous occasion to the attention of my colleagues—the Centennial Celebration of the St. John the Baptist Church in Larksville, Pennsylvania. On Sunday, January 24, the community will gather to commemorate this anniversary and I am pleased to have been asked to participate. His Excellency, the Most Reverend James C. Timlin, D.D. of the Archdiocese of Scranton will celebrate a Mass of Thanksgiving to begin the festivities.

The church was founded by a group of Polish immigrants, mostly peasant farmers from Galicia, who settled in the Wyoming Valley to work in the coal mines. Toward the end of 1898, a group who had been attending another local church, decided to construct a Polish Roman Catholic Church in Larksville. They formed a committee to meet with the Bishop and obtained permission to begin construction. A wooden frame church was completed in December 1898 with Reverend R.A. Nowicki as Pastor. The church was officially dedicated in February 1899.

A school and parish meeting hall were constructed soon after and the parish continued to grow. On December 18, 1919 tragedy struck the parish when fire destroyed the church, school, and part of the rectory. The sturdy immigrant parish was not to be discouraged and quickly began the task of rebuilding.

Under the leadership of Reverend Paul A. Kopicki, construction of a new St. John the Baptist Church began in May of 1920. On December 25, 1920, the new church was dedicated at midnight mass.

The new church was reborn spiritually as well, with Father Kopicki starting the parish picnic, minstrel shows, and children's talent shows. A choir was formed under the leadership of Benjamin Jachimowicz. By 1928, the church had a new rectory and by 1935, a new school was opened. The school, which was run by Bernadine nuns, closed in 1959 due to a shortage of teachers and lack of space.

Mr. Speaker, the list of priests who have been spiritual leaders of St. John’s is lengthy. On September 1, 1934, my good friend Father John Masakowski became the twelfth pastor of the church. Father John is from my hometown of Nanticoke and brought years of experience and wisdom to St. John’s. Father Masakowski reinstated the now-famous parish picnic and renovated the interior of the church. He reorganized the church societies and had a grotto constructed to Our Lady of the Pines in the church park. In 1990, Father John was made Monsignor, much to the pride of his faithful parishioners. This year, they will celebrate his Golden anniversary of ordination.

Mr. Speaker, I am proud to call friends. I am pleased to have this opportunity to bring the history of this proud and thriving parish to the attention of my colleagues. The history of the church is a testament to their dedication and perseverance. I congratulate Monsignor Masakowski and the congregation on this momentous milestone.

IT IS TIME TO CHANGE THE STATUS OF PERSIAN GULF EVACUEES
HON. NICK J. RAHALL II
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 19, 1999

Mr. RAHALL. Mr. Speaker, two years ago, during the 105th Congress, I considered it a duty to introduce private relief legislation on behalf of 62 families who were air-lifted out of Kuwait during Iraq’s invasion of that country. These families were brought out of Kuwait involuntarily, most without the opportunity to bring private belongings or assets with them. Nearly all have children who are U.S. citizens. As indicated by their having been cleared by the INS and the FBI, the Persian Gulf Evacuees [PGEs] are shown to be professionals who are gainfully employed, none of whom have become wards of the States in which they live, received welfare assistance, or otherwise broken any U.S. laws while in the United States.

Because of their actions in Kuwait at great risk to themselves, to provide safe harbors of Americans trapped that country during Saddam Hussein’s attack, these Persian Gulf evacuees deserve our utmost respect and gratitude.

I urge my colleagues to take note of this private relief bill, because the Persian Gulf evacuee families are scattered all over the United States, and one or more families may live in your Congressional District, and they need your support to help get the bill out of committee and enacted into law.

President George Bush, in air-lifting them out of Kuwait during those perilous days just prior to U.S. Military intervention, did so to protect their lives. He gave the evacuees five years of “safe harbor” in the United States during which time the evacuees made every effort to adjust their status to that of permanent immigrant. After President Bush left office, President Clinton extended their stay here for an additional two years.

At the time of the air-lift, more than 2,000 individuals were involved; during the intervening years 62 individuals and families have “adjusted” their status and have gained permanent immigrant status in the United States where, as I have said, they are self-supporting and have brought no financial burden upon the United States for their care and keeping.

These 62 remaining individuals and families have not had their status adjusted in the intervening years because many of them ran into barriers between themselves and the Immigration and Naturalization Service [INS] that kept appropriate interviews from being conducted with the evacuees and further kept the FBI from starting and completing necessary background checks on the evacuees to assure they had committed no crimes while in the United States.

Today, I have reintroduced a Private Relief Bill naming 62 individuals and families who are known as Persian Gulf evacuees [PGEs] and I urge my colleagues to join with me to serve those evacuees who may live in your Congressional District to ensure appropriate action is taken this year to grant them permanent immigrant status in the United States.

IN HONOR OF JUDGE MARILYN MORGAN
HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 19, 1999

Ms. LOFGREN. Mr. Speaker, I rise to honor a true humanitarian and an outstanding member of my hometown community of San Jose, California.

Judge Marilyn Morgan has served on the United States Bankruptcy Court with honor and distinction for over ten years. She acknowledges her exemplary service on the bench, as well as her prior service as an attorney and trustee, the consumer bankruptcy community of Division 5 of the Northern District of California is honoring Judge Morgan with the Fresh Start Award. This honor is given to those who have provided outstanding leadership on issues concerning the bankruptcy system and those who strive to improve it. The Fresh Start award also honors those who have worked hard to maintain equity, integrity, fairness and compassion in the system. Judge Morgan is a shining example of the best in our judicial system.

Judge Morgan demonstrated her commitment to fairness and justice even before pursuing her career in the field of law by working in the civil rights movement in Atlanta with (now Congressman) John Lewis and others.

Prior to serving on the bench, Judge Morgan practiced law in San Jose, and was always mindful of the needs of our community. She provided pro-bono legal assistance to underserved members of our community and served as secretary of the Pro-Bono Project. Judge Morgan represented both debtors and creditors in chapter 7 and chapter 13 cases. She also found time to serve as a Chapter 7 trustee, and in that capacity was a founder and officer of the National Association of Bankruptcy Trustees (NABT).

As an expert on bankruptcy law, Judge Morgan has participated as a panelist or moderator at seminars conducted by groups such as the Norton Institute, the American Law Institute-American Bar Association, and the National Association of Consumer Bankruptcy Attorneys. She also served as a panelist before the National Bankruptcy Review Commission as it studied the need for bankruptcy reform.

While practicing law, Marilyn Morgan participated in the activities of several professional associations, serving as President and Treasurer of the Santa Clara County Bar Association and as a trustee of the Santa Clara County Law Related Education Committee, to name a few. She is an active member of the National Conference of Bankruptcy Judges. In addition, she has been an officer or director of many community organizations in San Jose, including the Rotary Club of San Jose, the American Red Cross and the Downtown YMCA.
Judge Morgan has shown leadership on many issues of concern to the bankruptcy community in San Jose. She was instrumental in the creation of the Chapter 13 subcommittee which has provided a valuable forum for communications between the Bench and the Bar, as well as a vehicle to elevate the practice of law.

On January 14, 1999, Judge Morgan received the Fresh Start Award. I ask my colleagues to join me in congratulating Judge Morgan for receiving such a special award. She is to be commended for her efforts to improve the consumer bankruptcy system in her community.
Résumé of Congressional Activity

OF THE ONE HUNDRED FIFTH CONGRESS

This table gives a comprehensive résumé of all legislative business transacted by the Senate and House from January 3, 1997 through October 21, 1998.

<table>
<thead>
<tr>
<th></th>
<th>FIRST SESSION</th>
<th></th>
<th>SECOND SESSION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Senate</td>
<td>House</td>
<td>Total</td>
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<tr>
<td>Days in session</td>
<td>153</td>
<td>132</td>
<td>...</td>
</tr>
<tr>
<td>Time in session</td>
<td>1,093 hrs., 07′ 1,003 hrs., 42′</td>
<td>...</td>
<td>1,095 hrs., 05′ 997 hrs., 42′</td>
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<tr>
<td>Congressional Record:</td>
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<td>Pages of proceedings</td>
<td>12,724</td>
<td>10,963</td>
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<td>Extensions of Remarks</td>
<td>2,425</td>
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<tr>
<td>Public bills enacted into law</td>
<td>49</td>
<td>104</td>
<td>153</td>
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<tr>
<td>Private bills enacted into law</td>
<td>1</td>
<td>3</td>
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<tr>
<td>Bills in conference</td>
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<tr>
<td>Measures passed, total</td>
<td>385</td>
<td>544</td>
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<tr>
<td>Senate bills</td>
<td>121</td>
<td>50</td>
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<td>House bills</td>
<td>101</td>
<td>243</td>
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<tr>
<td>Senate joint resolutions</td>
<td>5</td>
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<td>House joint resolutions</td>
<td>17</td>
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<tr>
<td>Senate concurrent resolutions</td>
<td>30</td>
<td>13</td>
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<td>House concurrent resolutions</td>
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<td>46</td>
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<tr>
<td>Simple resolutions</td>
<td>93</td>
<td>170</td>
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<tr>
<td>Measures reported, total</td>
<td>*248</td>
<td>*374</td>
<td>622</td>
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<td>Senate bills</td>
<td>159</td>
<td>4</td>
<td>163</td>
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<td>House bills</td>
<td>32</td>
<td>244</td>
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<td>2</td>
<td>1</td>
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<td>House joint resolutions</td>
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<td>Senate concurrent resolutions</td>
<td>13</td>
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<tr>
<td>House concurrent resolutions</td>
<td>2</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>Simple resolutions</td>
<td>38</td>
<td>105</td>
<td>...</td>
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<tr>
<td>Special reports</td>
<td>22</td>
<td>13</td>
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<td>Conference reports</td>
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<td>Measures pending on calendar</td>
<td>111</td>
<td>40</td>
<td>151</td>
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<td>Measures introduced, total</td>
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<td>3,728</td>
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<tr>
<td>Bills</td>
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<td>3,088</td>
<td>4,656</td>
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<td>Joint resolutions</td>
<td>39</td>
<td>106</td>
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<td>Concurrent resolutions</td>
<td>70</td>
<td>200</td>
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<td>Simple resolutions</td>
<td>163</td>
<td>334</td>
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<td>Quorum calls</td>
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<td>13</td>
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<td>Yeas-and-nays votes</td>
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<td>285</td>
<td>583</td>
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<td>...</td>
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<td>...</td>
</tr>
<tr>
<td>Bills vetoed</td>
<td>...</td>
<td>3</td>
<td>...</td>
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<tr>
<td>Vetoes overridden</td>
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</tbody>
</table>

* 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

#### First Session

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Total</th>
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<tbody>
<tr>
<td>Total nominations received</td>
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<tr>
<td>Total confirmed</td>
<td>25,576</td>
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<tr>
<td>Total unconfirmed</td>
<td>237</td>
</tr>
<tr>
<td>Total withdrawn</td>
<td>13</td>
</tr>
<tr>
<td>Total returned to the White House</td>
<td>2</td>
</tr>
</tbody>
</table>

#### Second Session

Civilian nominations, totaling 460 (including 124 nominations carried over from the First Session), disposed of as follows:

- Confirmed: 319
- Withdrawn: 24
- Returned to White House: 114

Civilian nominations (FS, PHS, CG, NOAA), totaling 1,532 (including 86 nominations carried over from the First Session), disposed of as follows:

- Confirmed: 1,526
- Returned to White House: 6

Air Force nominations, totaling 6,091 (including 21 nominations carried over from the First Session), disposed of as follows:

- Confirmed: 6,087
- Returned to White House: 4

Army nominations, totaling 5,481 (including 2 nominations carried over from the First Session), disposed of as follows:

- Confirmed: 5,478
- Returned to White House: 3

Navy nominations, totaling 5,051 (including 4 nominations carried over from the First Session), disposed of as follows:

- Confirmed: 5,045
- Returned to White House: 6

Marine Corps nominations, totaling 1,847, disposed of as follows:

- Confirmed: 1,847

#### Summary

<table>
<thead>
<tr>
<th>Category</th>
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</thead>
<tbody>
<tr>
<td>Total nominations carried over from the First Session</td>
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</tr>
<tr>
<td>Total nominations received this session</td>
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<tr>
<td>Total Confirmed</td>
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<tr>
<td>Total Withdrawed</td>
<td>27</td>
</tr>
<tr>
<td>Total Returned to the White House</td>
<td>133</td>
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</table>
S. 1754 105-302
S. 1759 105-231
S. 1800 105-232
S. 1883 105-239
S. 1892 105-300
S. 1900 105-186
S. 1976 105-301
S. 2022 105-251
S. 2097 105-188
S. 2099 105-328
S. 2106 105-329
S. 2112 105-241
S. 2129 105-380
S. 2143 105-233
S. 2193 105-330
S. 2206 105-285
S. 2232 105-356
S. 2235 105-302
S. 2241 105-364
S. 2246 105-343
S. 2272 105-365
S. 2287 105-394
S. 2285 105-341
S. 2316 105-204
S. 2344 105-228
S. 2392 105-271
S. 2427 105-345
S. 2432 105-394
S. 2468 105-307
S. 2505 105-369
S. 2506 105-346
S. 2550 105-247
S. 2553 105-200
S. 2554 105-270
S. 2603 105-379
S. 2615 105-188
S. 2624 105-278
S. 2661 105-347
S. 2673 105-322
S. 2682 105-394
S. 2691 105-379
S. 2693 105-286
S. 2720 105-247
S. 2722 105-370
S. 2822 105-394
S. 2960 105-313
S. 2964 105-180
S. 3022 105-276
S. 3096 105-300
S. 3102 105-203
S. 3127 105-232
S. 3178 105-326
S. 3223 105-200
S. 3227 105-210
S. 3279 105-325
S. 3283 105-246
S. 3286 105-184
S. 3296 105-304
S. 3327 105-276
S. 3337 105-257
S. 3356 105-303
S. 3363 105-186
S. 3428 105-328
S. 3469 105-274
S. 3475 105-189
S. 3502 105-354
S. 3506 105-279
S. 3517 105-268
S. 3545 105-237
S. 3546 105-186
S. 3556 105-293
S. 3567 105-182
S. 3571 105-379
S. 3587 105-304
S. 3602 105-323
S. 3618 105-202
S. 3623 105-240
S. 3633 105-370
S. 3658 105-276
S. 3679 105-293
S. 3686 105-245
S. 3687 105-316
S. 3717 105-213
S. 3718 105-313
S. 3729 105-241
S. 3738 105-355
S. 3744 105-287
S. 3745 105-393
S. 3750 105-234
S. 3751 105-222
S. 3769 105-284
S. 3783 105-214
S. 3789 105-269
S. 3795 105-296
S. 3820 105-237
S. 3821 105-357
S. 3821 105-327
S. 3822 105-325
S. 3823 105-332
S. 3824 105-175
S. 3825 105-290
S. 3826 105-176
S. 3827 105-358
S. 3828 105-307
S. 3829 105-249
S. 3830 105-335
S. 3831 105-336
S. 3832 105-317
S. 3833 105-355
S. 3834 105-292
S. 3835 105-319
S. 3836 105-266
S. 3837 105-174
S. 3838 105-261
H. Res. 102 105-175
H. Res. 113 105-201
H. Res. 128 105-240
H. Res. 131 105-258
H. Res. 133 105-298
H. Res. 134 105-254
H. Res. 135 105-257
H. Res. 136 105-260
H. Res. 137 105-273
H. Res. 138 105-350

BILLS ENACTED INTO PUBLIC LAW (105TH, 2D SESSION)

BILLS VETOED


H. R. 2709, to impose certain sanctions on foreign persons who transfer items contributing to Iran’s efforts to acquire, develop, or produce ballistic missiles. Vetoed June 23, 1998.

H. R. 2646, to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes. Vetoed July 21, 1998.


HISTORY OF BILLS ENACTED INTO PUBLIC LAW

(105th Cong., 2d Sess.)
<table>
<thead>
<tr>
<th>Title</th>
<th>Bill No.</th>
<th>Date introduced</th>
<th>Committee</th>
<th>Date Reported</th>
<th>Report No.</th>
<th>Page of passage in Congressional Record</th>
<th>Date of passage</th>
<th>Public Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>To authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRINCE NOVA, and for other purposes.</td>
<td>S. 1349</td>
<td>Oct. 30, 1997</td>
<td>CST</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>To provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes.</td>
<td>S. 1564</td>
<td>Nov. 13, 1997</td>
<td>IR</td>
<td></td>
<td></td>
<td>H 8 S 12706</td>
<td>Jan. 27, 1998</td>
<td>Nov. 13, 1997</td>
</tr>
<tr>
<td>To reauthorize the Sea Grant Program .........</td>
<td>S. 927</td>
<td>June 17, 1997</td>
<td>CST</td>
<td></td>
<td></td>
<td>H 403 S 12516</td>
<td>Nov. 13, 1997</td>
<td>Mar. 6, 1998</td>
</tr>
<tr>
<td>To designate the post office located at 194 Ward Street in Patterson, New Jersey, as the “Larry Doby Post Office”.</td>
<td>S. 985</td>
<td>June 27, 1997</td>
<td>GRO GA</td>
<td></td>
<td></td>
<td>H 528 S 10778</td>
<td>Nov. 13, 1997</td>
<td>Mar. 6, 1998</td>
</tr>
<tr>
<td>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.</td>
<td>H.R. 3116</td>
<td>Jan. 28, 1998</td>
<td>BFS</td>
<td></td>
<td></td>
<td>H 512 S 1539</td>
<td>Mar. 6, 1998</td>
<td>Mar. 20, 1998</td>
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<tr>
<td>To designate the Federal building located at 61 Forsyth Street SW., in Atlanta, Georgia, as the “Sam Nunn Atlanta Federal Center”.</td>
<td>S. 758</td>
<td>May 16, 1997</td>
<td>Jud GA</td>
<td>Nov. 8, 1997</td>
<td>147</td>
<td>H 1257 S 12692</td>
<td>Mar. 18, 1998</td>
<td>Nov. 13, 1998</td>
</tr>
</tbody>
</table>
To consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

To provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

To provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District and the Fabens Independent School District.

To direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes.

To authorize the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia, and for other purposes.

To amend title 18, United States Code, with respect to scanning receivers and similar devices.

Making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes.

Expressing the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern State of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel.

To amend chapter 51 of title 31, United States Code, to allow the Secretary of the Treasury greater discretion with regard to the placement of the required inscriptions on quarter dollars issued under the 50 States Commemorative Coin Program.

To extend certain programs under the Energy Policy and Conservation Act.

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

To redesignate the Federal building located at 717 Madison Place, NW., in the District of Columbia, as the “Howard T. Markey National Courts Building”.

<table>
<thead>
<tr>
<th>Title</th>
<th>Bill No.</th>
<th>Date introduced</th>
<th>Committee</th>
<th>Date Reported</th>
<th>Report No.</th>
<th>Page of passage in Congressional Record</th>
<th>Date of passage</th>
<th>Public Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>To extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.</td>
<td>H.R. 1847</td>
<td>June 10, 1997</td>
<td>Jud</td>
<td>June 26, 1997</td>
<td>H 4868</td>
<td>S 12426</td>
<td>July 8, 1997</td>
<td>183</td>
</tr>
<tr>
<td>To ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes.</td>
<td>S. 1150  (H.R. 2534)</td>
<td>Sept. 5, 1997</td>
<td>Agr</td>
<td>Sept. 5, 1997</td>
<td>S 11376</td>
<td>July 29, 1997</td>
<td>June 23, 1997</td>
<td>184</td>
</tr>
<tr>
<td>To establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.</td>
<td>H.R. 3811</td>
<td>May 7, 1998</td>
<td>Jud</td>
<td>June 5, 1998</td>
<td>H 3065</td>
<td>S 5734</td>
<td>June 5, 1998</td>
<td>185</td>
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<tr>
<td>To extend the deadline under the Federal Power Act for the construction of a hydroelectric project in the State of New York, and for other purposes.</td>
<td>S. 2009</td>
<td>May 12, 1998</td>
<td>IA</td>
<td>June 5, 1998</td>
<td>S 6127</td>
<td>June 24, 1998</td>
<td>July 7, 1998</td>
<td>186</td>
</tr>
<tr>
<td>To extend the deadline under the Federal Power Act for the construction of a hydroelectric project in the State of Washington, and for other purposes.</td>
<td>H.R. 651</td>
<td>Feb. 6, 1997</td>
<td>Com</td>
<td>Nov. 4, 1997</td>
<td>H 829</td>
<td>July 14, 1998</td>
<td>July 14, 1998</td>
<td>187</td>
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<tr>
<td>To extend the deadline under the Federal Power Act for the construction of a hydroelectric project in the State of Washington, and for other purposes.</td>
<td>H.R. 652</td>
<td>Feb. 6, 1997</td>
<td>Com</td>
<td>Nov. 4, 1997</td>
<td>H 830</td>
<td>July 14, 1998</td>
<td>July 14, 1998</td>
<td>188</td>
</tr>
<tr>
<td>To extend the deadline under the Federal Power Act applicable to the construction of the Auxiliary Hydroelectric Project in New York, and for other purposes.</td>
<td>H.R. 848</td>
<td>Feb. 26, 1997</td>
<td>Com</td>
<td>Nov. 4, 1997</td>
<td>H 3585</td>
<td>July 14, 1998</td>
<td>July 14, 1998</td>
<td>189</td>
</tr>
<tr>
<td>To extend the deadline under the Federal Power Act for the construction of the Bear Creek hydroelectric project in the State of Washington, and for other purposes.</td>
<td>H.R. 1184</td>
<td>Mar. 20, 1997</td>
<td>Com</td>
<td>Nov. 4, 1997</td>
<td>H 3586</td>
<td>July 14, 1998</td>
<td>July 14, 1998</td>
<td>190</td>
</tr>
<tr>
<td>To extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.</td>
<td>H.R. 1217</td>
<td>Mar. 21, 1997</td>
<td>Com</td>
<td>Nov. 4, 1997</td>
<td>H 3587</td>
<td>July 14, 1998</td>
<td>July 14, 1998</td>
<td>191</td>
</tr>
<tr>
<td>To extend the deadline under the Federal Power Act for the construction of the Bear Creek hydroelectric project in the State of Washington, and for other purposes.</td>
<td>S. 2282</td>
<td>July 9, 1998</td>
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<td></td>
<td></td>
<td></td>
<td>July 14, 1998</td>
<td>192</td>
</tr>
<tr>
<td>To validate certain conveyances in the City of Tulare, Tulare County, California, and for other purposes.</td>
<td>H.R. 960</td>
<td>Mar. 5, 1997</td>
<td>Res</td>
<td>July 8, 1997</td>
<td>H 4854</td>
<td>July 14, 1998</td>
<td>July 14, 1998</td>
<td>193</td>
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<td>Date</td>
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<td>Committee</td>
<td>Action</td>
<td>Number</td>
<td>Committee</td>
<td>Action</td>
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</tr>
<tr>
<td>January 19, 1999</td>
<td></td>
<td><strong>To amend the Public Health Service Act to revise and extend the bone marrow donor program, and for other purposes.</strong></td>
<td>H.R. 2202</td>
<td>Com</td>
<td>May 18</td>
<td>1998</td>
<td>H 3425</td>
<td>May 19, June 24, July 16, 1998</td>
</tr>
<tr>
<td>Nov. 7, 1997</td>
<td>H.R. 2864</td>
<td><strong>To require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements.</strong></td>
<td>Mar. 17, 1998</td>
<td>EEO</td>
<td>444</td>
<td>H 1176</td>
<td>Mar. 17, June 24, July 16, 1998</td>
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<td>Nov. 12, 1997</td>
<td>H.R. 3025</td>
<td><strong>To establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.</strong></td>
<td>May 22, 1998</td>
<td>Agr</td>
<td>554</td>
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<td>June 16, June 24, July 16, 1998</td>
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<td>Jan. 28, 1998</td>
<td>H.R. 3130</td>
<td><strong>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.</strong></td>
<td>Feb. 27, 1998</td>
<td>WM</td>
<td>422</td>
<td>H 877 S 3183</td>
<td>Mar. 5, April 2, July 16, 1998</td>
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<td>May 8, 1997</td>
<td>S. 731</td>
<td><strong>To extend the legislative authority for the construction of the National Peace Garden memorial, and for other purposes.</strong></td>
<td>Oct. 31, 1997</td>
<td>Res</td>
<td>362</td>
<td>40</td>
<td>H 10806 S 7318</td>
<td>Nov. 13, July 11, July 16, 1998</td>
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<td>May 15, 1997</td>
<td>H.R. 1635</td>
<td><strong>To establish within the United States National Park Service the National Underground Railroad Network to Freedom program, and for other purposes.</strong></td>
<td>June 3, 1998</td>
<td>ENR</td>
<td>559</td>
<td>H 4294</td>
<td>June 9, June 25, July 21, 1998</td>
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<td>July 15, 1998</td>
<td>S. 2316</td>
<td><strong>To require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride.</strong></td>
<td>July 20, 1998</td>
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<td>April 14, 1997</td>
<td>H.R. 1316</td>
<td><strong>To amend chapter 87 of title 5, United States Code, with respect to the order of precedence to be applied in the payment of life insurance benefits.</strong></td>
<td>June 18, 1997</td>
<td>GRO GA</td>
<td>134</td>
<td>H 4232</td>
<td>June 24, June 25, July 22, 1998</td>
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<td>Oct. 21, 1997</td>
<td>H.R. 2676</td>
<td><strong>To amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Services, and for other purposes.</strong></td>
<td>Oct. 31, 1997</td>
<td>WM NO R</td>
<td>364</td>
<td>174</td>
<td>H 10046 S 4520</td>
<td>Nov. 5, May 7, July 22, 1998</td>
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<td>April 10, 1997</td>
<td>H.R. 1273</td>
<td><strong>To authorize appropriations for fiscal years 1997 and 1998 for the National Science Foundation, and for other purposes.</strong></td>
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<td>110</td>
<td>H 1818 S 4664</td>
<td>April 24, May 12, July 29, 1998</td>
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<td>April 24, 1997</td>
<td>H.R. 1460</td>
<td><strong>To allow for election of the Delegate from Guam by other than separate ballot, and for other purposes.</strong></td>
<td>June 5, 1997</td>
<td>Res ENR</td>
<td>253</td>
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<td>H 7649</td>
<td>Sept. 23, July 17, July 29, 1998</td>
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<td>July 15, 1997</td>
<td>H.R. 2165</td>
<td><strong>To extend the deadline under the Federal Power Act applicable to the construction of PECO Project Number 3862 in the State of Iowa, and for other purposes.</strong></td>
<td>Sept. 26, 1997</td>
<td>Com ENR</td>
<td>273</td>
<td>237</td>
<td>H 10944</td>
<td>Nov. 13, July 17, July 29, 1998</td>
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<td>To extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 9248 in the State of Colorado, and for other purposes.</td>
<td>H.R. 2217</td>
<td>July 22, 1997</td>
<td>Com</td>
<td>May 6, 1998</td>
<td>July 2, 1998</td>
<td>House 105- 509 Senate 105- 238 House 105- 3034 Senate 105- 1998</td>
<td>May 12, 1998</td>
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<td>To extend the time required for the construction of a hydroelectric project.</td>
<td>H.R. 2841</td>
<td>Nov. 6, 1997</td>
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<td>May 6, 1998</td>
<td>July 2, 1998</td>
<td>House 105- 510 Senate 105- 239 House 105- 3025 Senate 105- 1998</td>
<td>May 12, 1998</td>
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<td>To require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.</td>
<td>S. 318</td>
<td>Feb. 12, 1997</td>
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<td>Oct. 31, 1997</td>
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<td>House 105- 129 Senate 105- 12410 Senate 105- 1998</td>
<td>July 14, 1998</td>
<td>216</td>
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<td>To designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the &quot;Carl B. Stokes United States Courthouse&quot;.</td>
<td>H.R. 643</td>
<td>Feb. 6, 1997</td>
<td>TI</td>
<td>July 31, 1997</td>
<td>July 22, 1997</td>
<td>House 105- 231 Senate 105- 7711 Senate 105- 1998</td>
<td>July 31, 1998</td>
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<td>To amend the Federal Credit Union Act to clarify existing law and ratify the long-standing policy of the National Credit Union Administration Board with regard to field of membership of Federal credit unions.</td>
<td>H.R. 1151</td>
<td>Mar. 20, 1997</td>
<td>BFS</td>
<td>Mar. 30, 1998</td>
<td>May 21, 1998</td>
<td>House 105- 472 Senate 105- 193 House 105- 1885 Senate 105- 1998</td>
<td>April 1, 1998</td>
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<td>To consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.</td>
<td>H.R. 1385 (S. 1186)</td>
<td>April 17, 1997</td>
<td>EEO</td>
<td>May 8, 1997</td>
<td>Oct. 15, 1997</td>
<td>House 105- 93 Senate 105- 109 House 105- 2860 Senate 105- 4266 Senate 105- 1998</td>
<td>May 16, 1998</td>
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<td>To provide that certain volunteers at private non-profit food banks are not employees for purposes of the Fair Labor Standards Act of 1938.</td>
<td>H.R. 3152</td>
<td>Feb. 4, 1998</td>
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<td>House 105- 129 Senate 105- 12410 Senate 105- 1998</td>
<td>June 25, 1998</td>
<td>221</td>
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<td>To designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the &quot;Steve Schiff Auditorium&quot;.</td>
<td>H.R. 3731</td>
<td>April 23, 1998</td>
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<td>House 105- 129 Senate 105- 12410 Senate 105- 1998</td>
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<td>H.R. 1085</td>
<td>Mar. 17</td>
<td>Jud</td>
<td>Oct. 21</td>
<td>July 16</td>
<td>326</td>
<td>To revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, “Patriotic and National Observances, Ceremonies, and Organizations.”</td>
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<td>H.R. 3504</td>
<td>Mar. 19</td>
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<td>May 13</td>
<td>July 22</td>
<td>533</td>
<td>To amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts and to further define the criteria for capital repair and operation and maintenance.</td>
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<td>H.R. 4237</td>
<td>July 16</td>
<td>GRO</td>
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<td>July 30</td>
<td>225</td>
<td>To amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to revise the revenues and activities covered under such Act, and for other purposes.</td>
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<td>S. 2344</td>
<td>July 22</td>
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<td>Aug. 3</td>
<td>227</td>
<td>To amend the Agricultural Market Transition Act to provide for the advance payment, in full, of the fiscal year 1999 payments otherwise required under production flexibility contracts.</td>
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<td>H.R. 765</td>
<td>Feb. 13</td>
<td>Res</td>
<td>ENR</td>
<td>July 14</td>
<td>179</td>
<td>To ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.</td>
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<td>H.R. 872</td>
<td>Feb. 27</td>
<td>Jud</td>
<td>Com</td>
<td>May 22</td>
<td>549</td>
<td>To establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.</td>
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<td>S. 1759</td>
<td>Mar. 13</td>
<td>Jud</td>
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<td>Aug. 3</td>
<td>230</td>
<td>To grant a Federal charter to the American GI Forum of the United States.</td>
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<td>S. 1800</td>
<td>Mar. 19</td>
<td>TI</td>
<td>EPW</td>
<td>July 14</td>
<td>619</td>
<td>To designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the “Joseph P. Kinnery United States Courthouse.”</td>
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<td>S. 2143</td>
<td>June 9</td>
<td>Jud</td>
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<td>Aug. 3</td>
<td>231</td>
<td>To amend chapter 45 of title 28, United States Code, to authorize the Administrative Assistant to the Chief Justice to accept voluntary services, and for other purposes.</td>
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<td>H.R. 3824</td>
<td>May 11</td>
<td>Sci</td>
<td>CST</td>
<td>July 27</td>
<td>574</td>
<td>Amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft.</td>
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<td>S. 1883</td>
<td>Mar. 31</td>
<td>Res</td>
<td>EPW</td>
<td>July 24</td>
<td>263</td>
<td>To establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.</td>
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<td>Title</td>
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<td>To amend the Fish and Wildlife Act of 1956 to direct the Secretary of the Interior to conduct a volunteer pilot project at one national wildlife refuge in each United States Fish and Wildlife Service region, and for other purposes.</td>
<td>H.R. 1856</td>
<td>June 10, 1997</td>
<td>Res EPW</td>
<td>Oct. 21, 1997</td>
<td>329</td>
<td>9965</td>
<td>Nov. 4, 1997</td>
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<tr>
<td>To authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System, and for other purposes.</td>
<td>S. 1695</td>
<td>Mar. 2, 1998</td>
<td>Res ENR</td>
<td>Sept. 9, 1998</td>
<td>697</td>
<td>244</td>
<td>Sept. 18, 1998</td>
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**January 19, 1999**

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<td>To authorize appropriations for fiscal year 1999 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.</td>
<td>H.R. 3694</td>
<td>April 21 1998</td>
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<td>May 7 1998</td>
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<td>To provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the Monument, and for other purposes.</td>
<td>H.R. 1659</td>
<td>May 16 1997</td>
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<td>Sept. 11 1997</td>
<td>704 1998</td>
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<td>To provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management activities for that unit of the National Forest System.</td>
<td>H.R. 2886</td>
<td>Nov. 7 1997</td>
<td>Res ENR</td>
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<td>281</td>
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<td>To authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management.</td>
<td>H.R. 3796</td>
<td>May 5 1998</td>
<td>Res ENR</td>
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<td>To amend the provisions of title 17, United States Code, with respect</td>
<td>S. 505</td>
<td>Mar. 20, 1997</td>
<td>Jud</td>
<td>Mar. 18, 1998</td>
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<td>To designate a Federal building located in Florence, Alabama, as the</td>
<td>S. 1298</td>
<td>Oct. 20, 1997</td>
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<td>May 21, 1998</td>
<td>5580</td>
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<td>To provide that a person closely related to a judge of a court</td>
<td>S. 1892</td>
<td>Mar. 31, 1998</td>
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<td>To authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.</td>
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<td>To amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.</td>
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<td>1997</td>
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<tr>
<td>To require that the Office of Personnel Management submit proposed legislation under which group universal life insurance and group variable universal life insurance would be available under chapter 87 of title 5, United States Code, and for other purposes.</td>
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<tr>
<td>H.R. 2807</td>
<td>Nov 4</td>
<td>Res</td>
<td>Apr 28</td>
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<tr>
<td>Nov. 13</td>
<td>1997</td>
<td>495</td>
<td>April 28</td>
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<tr>
<td>To amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.</td>
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<td>H.R. 3055</td>
<td>Nov 3</td>
<td>Res</td>
<td>Sept. 11</td>
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<td>Nov. 13</td>
<td>1997</td>
<td>708</td>
<td>Oct. 12</td>
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<td>1998</td>
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<tr>
<td>To deem the activities of the Miccosukee Tribe on the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National Park, and for other purposes.</td>
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<td>H.R. 3494</td>
<td>Mar 18</td>
<td>Jud</td>
<td>June 3</td>
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<td>Mar. 18</td>
<td>1998</td>
<td>557</td>
<td>June 11</td>
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<td>1998</td>
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<tr>
<td>To amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.</td>
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<td>H.R. 3528</td>
<td>Mar 23</td>
<td>Jud</td>
<td>April 21</td>
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<td>Mar. 23</td>
<td>1998</td>
<td>487</td>
<td>April 21</td>
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<tr>
<td>To provide a comprehensive program of support for victims of torture.</td>
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<td>H.R. 3687</td>
<td>April 1</td>
<td>Res</td>
<td>Sept. 25</td>
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<td>Apr. 1</td>
<td>1998</td>
<td>410</td>
<td>Aug. 7</td>
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<tr>
<td>To provide for an exchange of lands located near Gustavus, Alaska, and for other purposes.</td>
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<td>H.R. 3903</td>
<td>May 19</td>
<td>Res</td>
<td>Sept. 11</td>
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<td>May 19</td>
<td>1998</td>
<td>706</td>
<td>Sept. 15</td>
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<td>To amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.</td>
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<tr>
<td>H.R. 4151</td>
<td>June 25</td>
<td>Jud</td>
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<tr>
<td>To provide administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon.</td>
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<td>H.R. 4309</td>
<td>July 22</td>
<td>IR</td>
<td>Sept. 14</td>
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<td>July 22</td>
<td>1998</td>
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<td>To authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.</td>
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<td>To establish a cultural and training program for disadvantaged individuals from Northern Ireland and the Republic of Ireland.</td>
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<td>H.R. 4337</td>
<td>July 27</td>
<td>Res</td>
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<td>July 27</td>
<td>1998</td>
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<td>Sept. 28</td>
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<td>Date introduced</td>
<td>Committee</td>
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<tr>
<td>To amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the former Yugoslavia.</td>
<td>H.R. 4660</td>
<td>Oct. 1, 1998</td>
<td>IR</td>
</tr>
<tr>
<td>To amend the Federal Food, Drug, and Cosmetic Act to clarify the circumstances in which a substance is considered to be a pesticide chemical for purposes of such Act, and for other purposes.</td>
<td>H.R. 4679</td>
<td>Oct. 2, 1998</td>
<td>Com</td>
</tr>
<tr>
<td>To establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.</td>
<td>S. 231</td>
<td>Jan. 29, 1997</td>
<td>Res</td>
</tr>
<tr>
<td>To dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.</td>
<td>S. 890</td>
<td>June 12, 1997</td>
<td>ENR</td>
</tr>
<tr>
<td>To amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.</td>
<td>S. 2094</td>
<td>May 20, 1998</td>
<td>Res</td>
</tr>
<tr>
<td>To expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes.</td>
<td>S. 2106</td>
<td>May 21, 1998</td>
<td>ENR</td>
</tr>
<tr>
<td>To require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the birth of Thomas Jefferson, and to redesign the half dollar circulating coin for 1997 to commemorate Thomas Jefferson, and for other purposes.</td>
<td>H.R. 678</td>
<td>Feb. 11, 1997</td>
<td>BFS</td>
</tr>
<tr>
<td>To provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors between 16 and 18 years of age who engage in the operation of automobiles and trucks.</td>
<td>H.R. 2327</td>
<td>July 31, 1997</td>
<td>EEO</td>
</tr>
<tr>
<td>To provide for the exchange of certain lands within the State of Utah.</td>
<td>H.R. 3830</td>
<td>May 12, 1998</td>
<td>Res</td>
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<tr>
<td>Number</td>
<td>Date</td>
<td>Introduction</td>
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<tr>
<td>H.R.</td>
<td>3874</td>
<td>To amend the Child Nutrition Act of 1966 to make improvements to the special supplemental nutrition program for women, infants, and children and to extend the authority of that program through fiscal year 2003.</td>
<td>633</td>
</tr>
<tr>
<td>(S. 2286)</td>
<td>May 14</td>
<td>1998 EEO</td>
<td></td>
</tr>
<tr>
<td>H.R.</td>
<td>4259</td>
<td>To allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes.</td>
<td>700</td>
</tr>
<tr>
<td>H.R.</td>
<td>4655</td>
<td>To establish a program to support a transition to democracy in Iraq.</td>
<td>336</td>
</tr>
<tr>
<td>S.</td>
<td>1021</td>
<td>To amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.</td>
<td>243</td>
</tr>
<tr>
<td>S.</td>
<td>1722</td>
<td>To amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.</td>
<td>340</td>
</tr>
<tr>
<td>S.</td>
<td>2285</td>
<td>To establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women.</td>
<td>396</td>
</tr>
<tr>
<td>S.</td>
<td>2240</td>
<td>To establish the Adams National Historical Park in the Commonwealth of Massachusetts, and for other purposes.</td>
<td>404</td>
</tr>
<tr>
<td>S.</td>
<td>2246</td>
<td>To amend the Act which established the Frederick Law Olmsted National Historic Sites in the Commonwealth of Massachusetts by modifying the boundary and for other purposes.</td>
<td>405</td>
</tr>
<tr>
<td>S.</td>
<td>2413</td>
<td>Prohibiting the conveyance of Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona unless the conveyance is made to the town of Pinecap-Lakeside or authorized by Act of Congress.</td>
<td>384</td>
</tr>
<tr>
<td>S.</td>
<td>2427</td>
<td>To amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.</td>
<td>354</td>
</tr>
<tr>
<td>S.</td>
<td>2505</td>
<td>To direct the Secretary of the Interior to convey title to the Tunison Lab Hagerman Field Station in Goding County, Idaho to the University of Idaho.</td>
<td>354</td>
</tr>
<tr>
<td>S.</td>
<td>2561</td>
<td>To amend the Fair Credit Reporting Act with respect to furnishing and using consumer reports for employment purposes.</td>
<td>347</td>
</tr>
<tr>
<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
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<tr>
<td>To authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes.</td>
<td>S. 538</td>
<td>April 9 1997</td>
<td>Senate</td>
</tr>
<tr>
<td>To authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a non-profit corporation, in the planning and construction of the water supply system, and for other purposes.</td>
<td>S. 744</td>
<td>May 14 1997</td>
<td>House Senate House Senate</td>
</tr>
<tr>
<td>To amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.</td>
<td>S. 1260</td>
<td>Oct. 7 1997</td>
<td>Com BHUA</td>
</tr>
<tr>
<td>To amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States from Mexico.</td>
<td>H.R. 3633</td>
<td>April 1 1998</td>
<td>Jud</td>
</tr>
<tr>
<td>To establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes.</td>
<td>H.R. 3723</td>
<td>April 23 1998</td>
<td>Jud</td>
</tr>
<tr>
<td>To require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.</td>
<td>H.R. 4501</td>
<td>Aug. 6 1998</td>
<td>Res Agr</td>
</tr>
<tr>
<td>To extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.</td>
<td>H.R. 4821</td>
<td>Oct. 13 1998</td>
<td>Jud</td>
</tr>
<tr>
<td>To amend the Native American Programs Act of 1994 to extend certain authorizations, and for other purposes.</td>
<td>S. 459</td>
<td>Mar. 18 1997</td>
<td>Res IA</td>
</tr>
<tr>
<td>To amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property, and for other purposes.</td>
<td>S. 1718</td>
<td>Mar. 5 1998</td>
<td>Res ENR</td>
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<tr>
<td>Number</td>
<td>Date</td>
<td>Bill No.</td>
<td>Description</td>
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<tr>
<td>S. 2241</td>
<td>June 26</td>
<td>Res ENR</td>
<td>To provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes.</td>
</tr>
<tr>
<td>S. 2272</td>
<td>July 8</td>
<td>Res ENR</td>
<td>To amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana.</td>
</tr>
<tr>
<td>S. 2500</td>
<td>Sept. 18</td>
<td>Res ENR</td>
<td>To provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for other purposes.</td>
</tr>
<tr>
<td>H.R. 4100</td>
<td>June 23</td>
<td>VA</td>
<td>To provide for compassionate payments with regard to individuals with blood-clotting disorders such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.</td>
</tr>
<tr>
<td>S. 2273</td>
<td>Feb. 25</td>
<td>Res TI</td>
<td>To amend Title 18, United States Code, to provide for the mandatory testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into contact with corrections personnel and notice to those personnel of the results of the tests and for other purposes.</td>
</tr>
<tr>
<td>H.R. 2263</td>
<td>July 25</td>
<td>NS</td>
<td>To authorize and request the President to award the congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.</td>
</tr>
<tr>
<td>S. 3267</td>
<td>Feb. 25</td>
<td>Res TI</td>
<td>To direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea.</td>
</tr>
<tr>
<td>S. 1132</td>
<td>July 31</td>
<td>Res ENR</td>
<td>To modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.</td>
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<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
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<td>To amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.</td>
<td>S. 1733</td>
<td>Mar. 10, 1998</td>
<td>Agr</td>
</tr>
<tr>
<td>To amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes.</td>
<td>H.R. 633</td>
<td>Feb. 6, 1997</td>
<td>IR GRO</td>
</tr>
<tr>
<td>To authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.</td>
<td>H.R. 2204 (S 880)</td>
<td>July 21, 1997</td>
<td>TI CST</td>
</tr>
<tr>
<td>To provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.</td>
<td>S. 391</td>
<td>Mar. 4, 1997</td>
<td>IA</td>
</tr>
<tr>
<td>To provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.</td>
<td>S. 1525 (H.R. 3046)</td>
<td>Nov. 12, 1997</td>
<td>Jud Jud</td>
</tr>
</tbody>
</table>
To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.


To amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.


To reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.


To support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.


NOTE.—The bill in parentheses is a companion measure.
Tuesday, January 19, 1999

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity for the One Hundred Fifth Congress.

Senate and House met in Joint Session and received the President’s State of the Union Message.

Senate

Chamber Action

Routine Proceedings, pages S303–S496

Measures Introduced: Two hundred forty-nine bills and fifteen resolutions were introduced, as follows: S. 2-250, S.J. Res. 1-7, S. Con. Res. 1, and S. Res. 19–25.

Pages S337–45

Measures Passed:

Committee Renamed: Senate agreed to S. Res. 20, to rename the Committee on Labor and Human Resources the Committee on Health, Education, Labor, and Pensions.

Page S477

Congratulating University of Tennessee Volunteers: Senate agreed to S. Res. 21, congratulating the University of Tennessee Volunteers football team on winning the 1998 National Collegiate Athletic Association Division I-A football championship.

Pages S477–78

Impeachment of President Clinton: Senate, sitting as a Court of Impeachment, resumed consideration of the articles of impeachment against William Jefferson Clinton, President of the United States, taking the following action:

Pages S483–95

White House Counsel Presents President’s Case: Pursuant to S. Res. 16, agreed to on January 8, 1999, the President’s counsel made their presentation against the articles of impeachment.

Pages S484–95

Senate will continue to sit as a Court of Impeachment on Wednesday, January 20, 1999.

Joint Session—Escort Committee: The President of the Senate was authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States to the House Chamber for a Joint Session.

Page S478

Messages From the President: Senate received the following message from the President of the United States:

Transmitting the State of the Union Address; ordered to lie on the table. (PM-1) Pages S330–35

Nominations Received: Senate received the following nominations:

Cheryl Shavers, of California, to be Under Secretary of Commerce for Technology.

Captain Evelyn J. Fields, NOAA for appointment to the grade of Rear Admiral (O-8), while serving in a position of importance and responsibility as Director, Office of NOAA Corp Operations, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 853u.

Routine lists in the Foreign Service, Public Health Service.

Pages S495–46

Communications:

Pages S335–37

Statements on Introduced Bills:

Pages S345–S476 (continued next issue)

Additional Statements:

(See next issue.)

Adjournment: Senate convened at 9:30 a.m., and adjourned at 10:31 p.m., until 11 a.m., on Wednesday, January 20, 1999. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S483.)

Committee Meetings

(Committees not listed did not meet)

SOCIAL SECURITY REFORM

Committee on the Budget: Committee held hearings on Social Security reform issues, including treatment of
the postwar generation, privatization, and Old Age, Survivors, and Disability Insurance program, receiving testimony from Jagadeesh Gokhale, Federal Reserve Bank of Cleveland, Cleveland, Ohio; Andrew A. Samwick, Dartmouth College, Hanover, New Hampshire; Don K. Keboeiaux, First Financial Capital Corporation, Houston, Texas; and Henry J. Aaron and Gary Burtless, both of the Brookings Institution, Washington, D.C.

Hearings continue on Friday, January 22.

House of Representatives

Chamber Action

Bills Introduced: 103 public bills, H.R. 323-425; 4 private bills, H.R. 426-429; and 18 resolutions, H.J. Res. 20-21, H. Con. Res. 11-18, and H. Res. 21-28, were introduced.

Reports Filed: The following reports were filed:

- Filed on January 2: Activities Report of the Committee on Small Business. 105th Congress (H. Rept. 105-849);
- Filed on January 2: Activities Report of the Committee on House Oversight, 105th Congress (H. Rept. 105-850);
- Filed on January 3: Report of the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China (H. Rept. 105-851); and
- H.R. 68, to amend section 20 of the Small Business Act and make technical corrections in Title III of the Small Business Investment Act (H. Rept. 106-1).

Members Sworn: Representatives Gallegly, Hoyer, Mollohan, and Stark presented themselves in the well and were administered the oath of office by the Speaker.

House Officers: Pursuant to H. Res. 1, Mr. Wilson S. Livingood, Sergeant at Arms, presented himself in the well and was administered the oath of office by the Speaker.

Oath of Office: Pursuant to H. Res. 12, Representative George Miller was administered the oath of office on Jan. 7, 1999 by Judge Ellen Sickles James, Retired.

Oath of Office: Pursuant to H. Res. 13, Representative Sam Farr was administered the oath of office on Jan 8, 1999 by Marc B. Poche, Associate Justice, Court of Appeal.

Morning Hour: Agreed by unanimous consent that on legislative days of Monday and Tuesday during the first session of the 106th Congress that the House shall convene 90 minutes earlier than the time otherwise established by order of the House solely for the purpose of conducting “morning-hour debate” except that on Tuesdays after May 4, 1999 the House shall convene for that purpose one hour earlier than the time otherwise established.

Adjournment Resolution: The House agreed to H. Con. Res. 11, providing that when the House adjourns today, it stand adjourned until 12:30 p.m. on Tuesday, February 2, 1999.

Suspension of the Rules: Agreed by unanimous consent that it be in order at any time on Wednesday, February 3, 1999, for the Speaker to entertain motions that the House suspend the rules, provided that the Speaker or his designee consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this request.


Committee Election: Agreed by unanimous consent that any references to the Committee on Government Reform and Oversight and the Committee on National Security in H. Res. 7 adopted on January 6, 1999, be changed to the Committee on Government Reform and the Committee on Armed Services, respectively. And, that the election of Mr. Dixon to the Permanent Select Committee on Intelligence by the adoption of H. Res. 7 be vacated.

Board of Regents of the Smithsonian: The Chair appointed the following to the Board of Regents of the Smithsonian Institution: Representatives Regula and Sam Johnson of Texas.

Official Advisors Re Trade Agreements: The Chair appointed the following to be accredited by the President as official advisors to the United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements.
during the first session of the 106th Congress: Representatives Archer, Crane, Thomas, Rangel, and Levin.

Permanent Select Committee on Intelligence: The Chair appointed the following members to the Permanent Select Committee on Intelligence: Representatives Lewis of California, McCollum, Castle, Boehlert, Bass, Gibbons, LaHood, and Wilson.

Clerk Designation: Read a letter from the Clerk wherein he designated Mr. Daniel F. C. Crowley, Deputy Clerk, to sign papers and do all other acts under the name of the Clerk in case of his temporary absence or disability.

Communication from the Committee on Ways and Means: Read a letter from the Chairman of the Committee on Ways and Means wherein he forwarded the Committee's recommendations for certain designations required by law for the 106th Congress: The Committee designated the following members to serve on the Joint Committee on Taxation: Representatives Archer, Crane, Thomas, Rangel, and Stark. The Committee recommended that the following members serve as official advisors for international conference meetings and negotiation sessions on trade agreements: Representatives Archer, Crane, Thomas, Rangel, and Levin.

Committee Resignation: Read a letter from Representative Cox of California wherein he requested a leave of absence from the Committee on Government Reform. Without objection, the resignation was accepted.

Recess: The House recessed at 2:50 and reconvened at 8:41 p.m.

Committee Resignation: Read a letter from Representative Miller of Florida wherein he resigned from the Committee on the Budget. Without objection, the resignation was accepted.

Committee Election: Agreed to H. Res. 21, electing Representatives Collins and Wamp to the Committee on the Budget.

Committee Election: Agreed to H. Res. 23, electing Representative Hill to the Committee on Agriculture; Representative Larson to the Committee on Armed Services; Representatives Pomeroy, Delahunt, Meeks of New York, Lee, Crowley, and Hoeffel to the Committee on International Relations; Representatives Weiner and Capuano to the Committee on Science; and Representatives Baird and Schakowsky to the Committee on Small Business.

Resignations and Appointments: Agreed that notwithstanding any adjournment of the House until Tuesday, February 2, 1999, the Speaker, Majority Leader, and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House.

State of the Union Address: President Clinton delivered his State of the Union address before a joint session of Congress. He was escorted into the House Chamber by a committee comprised of Representatives Armey, Watts of Oklahoma, Fowler, Dickey, Hutchinson, Gephardt, Bonior, Frost, Menendez, Berry, Snyder, and Senators Lott, Nickles, Thurmond, Stevens, Domenici, Warner, Daschle, Reid, Mikulski, Breaux, Berry, Dorgan, Torricelli, Murray, Rockefeller, and Durbin. The President's message was referred to the Committee of the Whole House on the State of the Union and ordered printed as a House Document (H. Doc. 106-1).


Quorum Calls—Votes: No recorded votes or quorum calls developed during the proceedings of the House today.

Adjournment: The House met at 2:00 p.m. and pursuant to H. Con. Res. 11, the House adjourned at 10:34 p.m. until 12:30 p.m. on Tuesday, February 2 for morning hour debate or, under the previous order of the House, until 2 p.m. tomorrow, unless the House sooner receives a message from the Senate transmitting its concurrence in H. Con. Res. 11.

Committee Meetings

COMMITTEE ORGANIZATION
Committee on International Relations: Met for organizational purposes.

COMMITTEE ORGANIZATION
Committee on Resources: Met for organizational purposes.
COMMITTEE MEETINGS FOR
WEDNESDAY, JANUARY 20, 1999

Senate

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: to resume oversight hearings to examine the status of government and industry efforts to prepare for Year 2000 computer compliance, 9:30 a.m., SD-192.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on International Finance, to hold hearings on proposed legislation authorizing funds for programs of the Export Administration Act, 10 a.m., SD-538.

Committee on the Budget: to hold hearings on Federal tax policy in the Year 2000, 10 a.m., SD-608.

Committee on Commerce, Science, and Transportation: business meeting to consider pending committee business; to be followed by a hearing on proposed legislation authorizing funds for the Federal Aviation Administration, Department of Transportation, 9:45 a.m., SR-253.

Committee on Environment and Public Works: business meeting to consider pending committee business and its rules of procedures for 106th Congress, 9:30 a.m., SD-406.

Committee on Finance: to hold hearings on the nomination of Susan G. Esserman, of Maryland, to be Deputy United States Trade Representative, with the rank of Ambassador, and other pending nominations, 10 a.m., SD-215.

Committee on Governmental Affairs: business meeting to consider pending committee business, 10 a.m., SD-342.

Committee on Health, Education, Labor, and Pensions: business meeting to consider its rules of procedure for the 106th Congress and its subcommittee membership, 9:30 a.m., SD-430.

Full Committee, to hold hearings on group health plan comparative information and coverage determination standards, 10 a.m., SD-430.

House

Committee on Agriculture, to meet for organizational purposes, 1:30 p.m., 1300 Longworth.

Committee on Armed Services, to meet for organizational purposes, 10 a.m., and to hold a hearing on the state of U.S. military forces, 1 p.m., 2118 Rayburn.

Committee on Banking and Financial Services, to meet for organizational purposes, 2 p.m., 2128 Rayburn.

Committee on the Budget, to meet for organizational purposes, 4 p.m., 210 Cannon.

Committee on Government Reform, hearing on Oversight of the Year 2000 Problem: Status of Federal, State, Local and Foreign Governments, 11:15 a.m., 2154 Rayburn.

Committee on International Relations, to hold a hearing on Human Rights in China, 10 a.m., 2172 Rayburn.

Committee on Ways and Means, to hold a hearing on the Outlook for the State of the U.S. Economy in 1999, 10 a.m., 1100 Longworth.

Subcommittee on Social Security, to meet for organizational purposes, 1:30 p.m., B-318 Rayburn.
Next Meeting of the SENATE
11 a.m., Wednesday, January 20

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 1 p.m.), Senate will continue to sit as a Court of Impeachment to consider the articles of impeachment against President Clinton.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, February 2

House Chamber

Program for Tuesday, February 2: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

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