United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, MONDAY, OCTOBER 12, 1998 No. 144

Senate

(Legislative day of Friday, October 2, 1998)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Five hundred and six years ago, after 34 days at sea, Christopher Columbus sighted land. The sailors on his three ships were near committing a mutiny. In Europe, kings and courtiers scoffed and wise men called him a fool. In spite of the ridicule and the impossible odds, Columbus said, ''It was the Lord who put it into my mind; I could feel His hand upon me. All who heard of my project rejected it with laughter, ridiculing me. My hope is in the One who created and sustains me. He is an ever-present help in trouble. When I was extremely depressed, He raised me up with His right hand, saying, 'O man of little faith, get up, it is I; do not be afraid.'''

Let us pray.

NOTICE

If the 105th Congress adjourns sine die on or before October 14, 1998, a final issue of the Congressional Record for the 105th Congress will be published on October 28, 1998, in order to permit Members to revise and extend their remarks.

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

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

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

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

Members of the House of Representatives' statements may also be submitted electronically on a disk to accompany the signed statement and delivered to the Official Reporter's office in room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

JOHN W. WARNER, *Chairman.*

NOTICE

Effective January 1, 1999, the subscription price of the Congressional Record will be $325 per year, or $165 for 6 months. Individual issues may be purchased for $2.75 per copy. The cost for the microfiche edition will remain $141 per year; single copies will remain $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

MICHAEL F. DiMARIO, *Public Printer.*

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

Printed on recycled paper.

Almighty God, Sovereign of history, we praise You for the courage that You gave to Christopher Columbus over five centuries ago. Grant us an explorer's heart, intent on discovering and doing Your will. Overcome our fears; give us hope and vision. May we press on in spite of the cautious voices that would distract us from our calling to follow Your voice. As Columbus followed Your vision, help us to be faithful and obedient to Your vision for our Nation. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. This afternoon, the Senate will begin a period of morning business. Following morning business, the Senate will consider any legislation that may be cleared by unanimous consent only. It is expected that the House will send over a 2-day continuing resolution that will keep the Government operating until midnight Wednesday. That will allow us to continue our negotiations on the omnibus appropriations bill.

I can report that we have been meeting, of course on Sunday afternoon, and we have been meeting this morning, and we are back in sessions now between the House, the Senate and the administration. I think some progress is being made. It is, as most negotiations of this type, forward two, back one. A lot of the appropriations work has been done. We are now talking about language problems and also beginning to consider the supplemental appropriations final composition.

As a reminder to all Members, it is hoped that the remaining legislation of the 105th Congress can be cleared by unanimous consent. However, if a rollcall vote is needed on the omnibus bill, all Members will be given ample notice in order to plan their schedules accordingly. It would appear to me at this time that there probably would not be—well, there will not be any recorded votes on any subject other than the omnibus bill, and that it may not occur until sometime Wednesday. We would look at the possibility of Wednesday morning, but it could be Wednesday afternoon. I think it will be a physical situation at that time, just physically getting the work done and allowing everybody to review it to make sure it is as we had agreed it would be. If there develops here in the next 3 or 4 hours the possibility that there could be a final vote Tuesday afternoon late, we will immediately notify all Members. But it appears that if a vote is required, it will probably be sometime during the day Wednesday, at least as things now stand.

I thank my colleagues for their patience and their assistance.

1999—THE YEAR OF AVIATION

Mr. LOTT. Mr. President, despite the fact that the Senate passed S. 2279, the Wendell H. Ford National Air Transportation System Improvement Act of 1998, it looks like next year will be the year for aviation. This is disappointing, since S. 2279 promised to bring much needed air service to underserved communities throughout the Nation—a promise that will be delayed.

The first session of the 106th Congress should prove to be an important year for our Nation's air passengers. My top aviation policy priority remains to increase regional jet competition and flight service to smaller markets. Most Americans do not live in ''Hub'' cities and thus do not benefit from the range of choices and concentration of air service options. I look forward to working with my colleagues, on both sides of the aisle, and on the Commerce Committee to insure that rural and underserved communities receive adequate air transportation with improved flight service and more affordable airline tickets.

Commerce Committee Chairman MCCAIN has been a tremendous help. He understands the needs of underserved markets, and fully appreciates that adequate and affordable air service is a vital economic development issue for smaller cities. He too wants to improve the quality and quantity of flights originating from smaller airports. He gets it. I look forward to working with the chairman to build upon the principles set forth in the Ford Act.

Senator SLADE GORTON of Washington, chairman of the Subcomittee on Aviation, has provided pivotal guidance and has been instrumental in bringing focus to the many aspects of aviation. His inclusive and enthusiastic approach has engaged all who work with him.

Additionally, Senator BILL FRIST proved to be a great asset and a very effective advocate for the rural aviation community during this past session. His hard work brought small and underserved communities closer to receiving much needed public policy changes for flight service improvements. I look forward to looking with him in the next Congress to insure that small town America's aviation interests are met.

Aviation policy always effects the management and administration of local airports. Mr. Dirk Vanderleest of the Jackson International Airport is one outstanding Mississippi airport director that counseled me on the needs of small and under served markets. His wisdom is cherished, and his efforts to push Mississippi's aviation priorities are appreciated.

Mr. Gene Smith of the Golden Triangle Regional Airport in Columbus also counseled me on Mississippi's aviation needs. He served as a member of the National Civil Aviation Review Commission and distinguished himself as a supporter for regional jet air transportation. I hope the recommendations made by Mr. Smith and the other Commissioners are not overlooked in the next Congress. I look forward to his continued input in our Nation's future aviation policy discussions.

Next year will be a watershed year for aviation policy. Quality air service for all Americans should be the focus of any aviation legislation. Quality air service is good for economic development, and it is good for Americans in the 21st Century.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. COATS). Under the previous order, there will now be a period for the transaction of morning business.

The Senator from Massachusetts, under the previous order, has 15 minutes.

Mr. KENNEDY. I thank the Chair.

COLUMBUS DAY

Mr. KENNEDY. Mr. President, I wish to pay tribute to the Chaplain for his very fine prayer in opening the Senate today. I think Christopher Columbus would be proud of us. We are doing the business of the Nation that he discovered, and we honor Italian Americans today for all of their contributions.

I don't think there is a place in the Nation where the cause for celebration is more lively or more deeply felt than in my State of Massachusetts, where sons and daughters of Italian immigrants have made such an extraordinary contribution in so many different aspects of life. We honor those brave Italian Americans who faced the seas and struggled for their existence, for their deep-seated commitment to family and to their religion and for their sense of optimism and hope in coming here to the United States. I think we honor them best by being about the business of working families today on Columbus Day and in the final hours of this Congress.

Mr. President, I would like to reserve about the last minute and a half of my time, if I might.

THE EDUCATION PRIORITY

Mr. KENNEDY. Mr. President, I wish to address the Senate briefly this afternoon on an issue of which the President, Senator DASCHLE, and Congressman GEPHARDT, and other members of Congress, have spoken on so many different occasions, and most particularly during the last several days—the negotiations on appropriations which are taking place, even as we meet here this afternoon, on whether we are going to give the education the priority that it deserves. I believe families all over this country want us to get education funding high priority.

Families across the country want the federal government to be a helping hand in improving public schools. This year, the nation will set a new record for elementary and secondary school enrollment. The figure has reached an all-time high of 53 million students—500,000 more students than last year. Communities, states, and Congress must work together to see that these students receive a good education.

Local communities are doing the very best they can to keep up with the increasing demand for good facilities and high academic standards. States are helping. But the issue today is whether we at the Federal Government are going to be a partner in helping to improve public schools for communities and families across the country. I believe we must be a strong education partner. The President believes we must be a strong education partner. We are very hopeful that the final negotiation allocate scarce resources to strengthening the education of the children of the nation.

Mr. President, we know at the outset that money in and of itself is not the answer, but it is a pretty clear indication about what a nation's priorities are. If we look over what the budget was for 1998, we will see that only 2 percent of the Federal budget was actually appropriated in for education. I think most Americans would believe that that percentage ought to be a great deal higher. I certainly do. The President does.

I rise this afternoon to commend the President for making the case he has made in ensuring that in this final funding agreement, we give high priority to education. Some may wonder why we have to be concerned about federal support for education?

I want to review just for a few moments, Mr. President, the decision that was made by the Republican leadership in the House of Representatives in the earlier part of the year that shows why we have to stay here and fight for education funding. If Americans are wondering why the President continues to make statements about the importance of education, let's just review for a few moments how Republicans in the House of Representatives cut funding for education in June of this year. They cut $421 million below the President's request for title I.

Now, it is important to try to understand what the title I program is. The role of the Federal Government in education is to target the children in our country that need the most help. We have made a commitment to children from economically distressed families that they would get extra help in order to help them increase their academic achievement. We can see the need reflected in a wide variety of indicators. In reading, for example, 40 percent of fourth graders are reading below grade level. We decided as a nation that we would give extra help in reading, math, and other academic subjects, to those children who would qualify. That has been a time-honored program. An increase in support for the program was in the President's budget and it was paid for. But our Republican friends decided to cut the program by $421 million below President Clinton's request. I think that cut was a mistake, but that was a decision made by the House of Representatives.

Then, the cut a time-honored piece of legislation known as the Eisenhower Teacher Training Program—a program that helps teachers upgrade their skills so they will be more effective teaching science and math—by $50 million below last year. I believe very strongly that one of our main objectives as a nation should be to have a well-qualified teacher in every classroom in this country. The Eisenhower Teacher Training Program has played a very important and significant role in helping communities meet that goal. Nonetheless, that program was significantly cut back.

I think all of us understand there are political leaders—Members of Congress, those who are running for Governor, those who are running in local communities—who are talking about the importance of new technology in their schools.

We in Massachusetts were 48th out of 50 States in access to the Internet just 4 years ago. Then, in Massachusetts, we formed what was called Net Day, a cooperative effort between the private sector and the public sector, to improve children's access to technology. Now Massachusetts ranks 10th in the country in schools wired to the Internet. That was done by a cooperative effort of the software industries, labor, educators, business and communities. 50 miles of cable were laid down in Boston, voluntarily. All of the people who helped wire those schools understand the importance of having new technology and having Internet access.

Therefore, it is difficult for me to understand why, the House of Representatives cut education technology programs by $137 million below the President's program, and zeroed out the Star School Program, which brings distance learning to rural and underserved communities.

With the school budgets being cut back, critical programs are often eliminated such as music, the arts, and health programs. In addition, rural and underserved communities often have difficulty finding qualified math and science teachers. So, we developed a Star School Program so that all communities would have access to the best teachers who would be able to enter those schools through satellite. It was an overwhelming success. It has been evaluated and reevaluated and it has been one of the most effective programs that we have, particularly in rural areas —in urban areas as well, but particularly in rural areas. But the Star Schools program was zeroed out.

They even cut support for after-school programs. After-school programs have an important impact on providing children opportunities for constructive activities, such as doing their homework with the assistance of a tutor. It also benefits families because when children go home and see their parents who have been working hard all day, the parents will not be in the situation where they must say, ''Go upstairs and do your homework,'' but they might have some quality time with their children.

After-school programs also help keep children safe, drug-free and out of trouble. We know that juvenile crime peaks in the after-school hours between, 3 p.m. to 8 p.m. By developing after-school programs, we enhance education but we also have a dramatic reduction in juvenile crime and delinquency. The 21st Century Community Learning Center program is a modest program to help create models for other communities in the best practices for after-school programs. But, the Republicans cut the program by $140 million below the President's level.

Beyond that, Republicans in the House eliminated the Summer Jobs Program. A program that provides summer jobs for children who are in some of the most difficult educational and economic situations. A program that is a lifeline in so many communities across this country. Yet they zeroed it out—they didn't' just cut it by a quarter, or cut it in half, or cut it by three-quarters, but they eliminated it.

If you go to Chicago—and I see our friend, Senator DURBIN, from Illinois, who is an expert about this—to find out what is being done to reform their schools, you will find that they are providing academic enrichment and work experiences to children during the summer vacation. But, the Republicans zeroed out every single nickel for the Summer Jobs Program.

If you are asking, as we have heard the Speaker asking and the Republican leader asking, Why should we be suddenly so concerned about education? We need to be concerned because families across the nation want us to help improve education, but instead, Republicans cut the title I program that help the neediest children. They cut the Eisenhower Teacher Training Program. They eliminated the Summer Jobs Program. They cut $130 million from the technology programs for schools. They cut the afterschool program. That is why these hours are important; they make a difference.

The President has proposed that we make needed investments in reducing class size and modernizing our schools. He is making that speech against a background of a GAO report that schools have $112 billion in repair and modernization needs that they cannot address.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I ask for an additional minute and a half.

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

Mr. KENNEDY. We ought to be doing all we can to repair and modernize the nation's public schools.

What kind of message are we sending to every child in America who goes to a school with leaking pipes, exposed wiring, broken windows, faulty heating systems, and no air conditioning? The message we are sending to every child is, they don't make a difference, they don't count.

We believe, and the President believes, that the children count, and it is important to provide them with safe, modern schools. We are here in these final days, to make sure that, unlike the Republican judgment that was made in the House of Representatives in June of this past year, any budget that is going to bear the President's signature or have our vote is going to make these needed investments in education that are essential for every working family in this country.

Mr. SARBANES. Will the Senator yield for a question?

Mr. KENNEDY. I will be glad to yield.

Mr. SARBANES. Will the Senator agree with me that with this emphasis on the global economy, if we don't educate our children to the fullest measure of their capacity, we are not going to be able to compete internationally? It has assumed a dimension now that we have never confronted before in terms of our economic survival in the world economy.

Mr. KENNEDY. The Senator is absolutely correct. By every kind of indicator of which countries are going to continue to survive and prosper in a world economy, education is the linchpin for these initiatives.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

EDUCATION

Mr. GORTON. Mr. President, it has been interesting to listen to the Senator from Massachusetts beating so industriously upon a dead horse. But the issue before the Congress, I suspect, in these last few days is not going to be on the level of support that the Congress and our appropriations bill provides for the education of our children in all 50 States across the country.

The debate now between the President and the leadership who are working on this budget is over who gets to spend it. The President believes, and the Senator from Massachusetts has outlined in his remarks a whole series of categorical aid programs—money for this specific program, money for that specific program—each of which carries with it its own bureaucracy here in Washington, DC, and, generally speaking, a bureaucracy of the State and always administrators in each school district to fill out all of the forms and to make all of the applications for assistance from the Federal Government. To that extent, an individual school district is lucky if 60 cents or 70 cents out of every dollar supposedly devoted by the Federal Government to education, in fact, ever gets to the classroom and to the students.

No, the battle in these last few days is not going to be over whether or not we shouldn't supply perhaps another billion dollars or more than a billion dollars above what we are already appropriating for the education of our children. It is going to be over whether or not we trust the teachers, the parents, the principals, the superintendents, the elected school board members and thousands of school districts across the United States to determine how that money can be most effectively spent on their students.

Mr. CRAIG. Will the Senator from Washington yield?

Mr. GORTON. He will.

Mr. CRAIG. About a year ago, the Senator from Washington came to the floor and offered an amendment that would dramatically change the way money flows out of Washington back to local schools, local units of education. And as I remember, there was a resounding vote here on the floor in favor of that.

Mr. GORTON. The Senator from Idaho exaggerates a little bit. It was a winning vote; it wasn't quite resounding.

Mr. CRAIG. It was a dramatic vote in the sense that Senators were voting their conscience about where the public wanted the educational dollar to go, not to get bound up in the Federal bureaucracy and have a lot of it spun off here, as the President apparently would want, but for that money to move right back to local units of education. Is that not true, and was that not the goal of this Congress?

Mr. GORTON. This Senate voted for just such a program last year. This Senate voted for just such a program this year. This Senate did so, I am convinced, because while the Federal Government, in spite of all of the speeches on the floor of the Senate and of the House of Representatives, comes up with only about 7 or 8 percent of the money that is spent in our schools that are, of course, primarily locally and State-operated, it comes up with 50 or 60 percent of the rules and regulations that must be met by our school districts, by hiring administrators, not teachers, people to fill out forms and read Federal regulations rather than librarians and new equipment for our students.

It was our attempt last year, and has been our attempt this year, and I hope and trust will be our policy when we finish an appropriations bill in a few days, that we trust the people in the States and in our communities and in our schools to come up with better judgments about the varying priorities of their students than can President Clinton or a Department of Education bureaucracy here in Washington, DC.

The thrust of the point that I have been attempting to make for a couple of years now is just exactly that: Where should this money be spent? Are we the experts here in this body on how each of 14,000 school districts should go about educating its children? Or is the true expertise in those school districts themselves?

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the Senator from Kentucky is recognized to speak for up to 15 minutes.

Mr. SARBANES. Mr. President, will the Senator yield me just 2 minutes?

Mr. FORD. Mr. President, I would like to give everybody some time, but I don't have but 15 minutes myself.

Mr. President, I ask unanimous consent that I might have 20 minutes so I can yield to the Senator from Maryland.

The PRESIDING OFFICER (Mr. GORTON). Is there objection?

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Will the Senator restate his unanimous consent request?

Mr. FORD. I say to my friend from Idaho, I have 15 minutes. The Senator from Maryland would like to have a couple of minutes. I ask my time be extended so I can give him up to 5 minutes.

Mr. CRAIG. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kentucky is recognized.

Mr. FORD. I yield 5 minutes to my friend from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

A PARTNERSHIP IN EDUCATION

Mr. SARBANES. Mr. President, I want to say in view of the comments that were just made, the Eisenhower Program, I ask the Senator from Massachusetts, that dealt with math and science as I understand it?

Mr. KENNEDY. The Senator is correct.

Mr. SARBANES. That was a program that we put into place during the Eisenhower administration.

Mr. KENNEDY. The Senator is correct.

Mr. SARBANES. As I recall, it was done on an overwhelming bipartisan basis.

Mr. KENNEDY. The Senator is correct again.

Mr. SARBANES. It was designed to improve the quality of math and science teachers in the classroom. Now we are being told we are trying to direct where the funds should go. The first point I want to make is that this has a long pedigree coming right from the Eisenhower administration.

Mr. DURBIN. Will the Senator yield?

Mr. SARBANES. Yes, I will yield to the Senator.

Mr. DURBIN. I think it is very interesting. The comments made by the Senator from the State of Washington suggested an enormous percentage of the funds which were being appropriated at the Federal level were spent on administration. I have in my hand an April 1998 report by the Secretary of Education that was requested by appropriators from Congress that is based on data from States, the Coopers & Lybrand financial analysis model, and GAO reports, completed this summer, which I think should be part of the RECORD on this debate, and it says:

> One-half of 1 percent of the Federal funding for elementary and secondary education programs is spent on Federal administration.

One-half of 1 percent.

> States retain on average an additional 2 percent. The remaining 97.5 percent goes to local school districts.

End of quote from the report. To suggest that it is 50 to 60 percent cost of administration really doesn't square with the facts given us in this report.

> Across more than 20 major State formula programs, States, in fiscal year 1995, retained an average of only 4 percent of the money at the State level; they distributed the remaining 96 percent to school districts and other recipients, such as colleges and universities. For the program under the Elementary and Secondary Education Act, the percent retained at the State level was even lower—about 2 percent. For Title I, the largest Federal elementary and secondary program, States retain only about 1 percent of the funds. . .
>
> The Department uses a very small portion of our appropriation for Federal administration. In fiscal year 1999, we will expend only about $87 million to administer some $20 billion in elementary and secondary programs; these funds come from a separate Program Administration budget account, not from funds appropriated for grants to States or school districts. Even with the addition of related research, leadership, and operations costs, the Department spends only the equivalent of about 0.5 percent of elementary and secondary funds for Federal administration.

Mr. SARBANES. I thank the Senator for his intervention. That is a very important point. Because the critics stand up and say it is all going to administration. Now we learn 2.5 percent of it, Federal and State, as I understand it from the Senator, is going to administration. I think we need to underscore that.

I want to come back to this notion that we are trying to direct where the money should go and somehow that is a departure from past practice or hasn't in the past, at least, had strong bipartisan support.

It is clear that math and science is one of the critical areas. I earlier asked the Senator, wasn't this whole education emphasis important to the U.S. competitive role in the world economy. We can look at what other countries are doing, and we know the kind of investments they are making in math and science. We started with the Eisenhower administration, and that, I think, was at the time of Sputnik that that program was energized to try to improve the quality of math and science. We had some successes, but there has been a relapse, there has been a lapse back, and one of the programs that was cut, as I understand it from the Senator from Massachusetts, and which he is emphasizing we need to restore, is this program to improve the quality of the math and science teachers in the schools all across our country. Is that correct?

Mr. KENNEDY. Yes, absolutely correct.

Mr. SARBANES. Mr. President, it seems to me—and the other program, I take it, is we have a deterioration in the physical quality of many of our public schools in the Nation. Young children are going to school in circumstances that no one would tolerate. In fact, I understand some of these schools do not meet ordinary building standards. And there are serious problems in that regard.

Once again, we are trying to emphasize a program. Of course, another aspect of what the President is pushing for is more teachers in the classrooms so we can have smaller class sizes, which most people agree is extremely important in the lower grades where we are trying to teach reading and we first introduce young people into their education.

In fact, I ask the Senator, what is the situation with respect to overcrowded classrooms across the country?

Mr. KENNEDY. The Senator is quite correct in his general summation of the approach of the President. And that is: One, to have smaller class sizes; two, to upgrade and modernize schools; three, to have an effective after-school program; four, to enhance the quality of teaching in the classroom; five, to ensure that we are going to have access to the new technology and that that is going to be available in the public schools so these children are going to be able to move ahead; six, to raise academic standards for all children; and then seven, to try to get the encouragement to those students to go on to higher education.

That is all part of the partnership, among the local community, the States, and the Federal Government. This is not just a singular effort; this is a partnership. And when you eliminate the Federal assistance in that partnership, you undermine critical support for improving education that is so important to families and their children.

Mr. SARBANES. If I recall the chart that the Senator earlier displayed on juvenile crime, it peaks in the hours I think between about 3 and 8 p.m., which makes the after-school programs extremely important.

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. SARBANES. I thank the Senator.

The PRESIDING OFFICER. The Senator from Kentucky has 15 minutes.

Mr. FORD. I yield the floor, Mr. President, and will take my time later because some here need to go ahead. I am happy to yield.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska has up to 30 minutes under the previous order.

NATIONAL SECURITY AND INFORMATION TECHNOLOGY

Mr. KERREY. Mr. President, in the last 15 years America has been invaded by what has been known as information technology. Like the body snatchers of ''Alien'' that penetrated deep into the human body, computers and communication technologies have penetrated deep into our lives. Unfortunately, the ''Alien'' metaphor may not be apt since for the most part we have invited this force into our homes.

We invited these technologies into our homes and our businesses because they allowed us to do things faster, to do things better and to do things cheaper. Among other things these technologies have reduced the cost of running a home, made our businesses more competitive, opened new markets by bringing buyers and sellers closer together, and expanded the horizons of our students not to mention adding entertainment value to our lives.

The good news of computer and associated communication technology have been offset by our growing dependence. To see how much we are dependent one need only look at the high level of concern surrounding the Y2K problem. Computer software is written so that at a second after midnight on January 1, 2000, while hundreds of millions of humans will be celebrating the end of an old millennium and the beginning of a new, our computers will act as if it is January 1, 1900. To the machines this will be the equivalent of day light saving century.

To some this is the beginning of a humorous and good news story: No income tax, a chance to correct the terrible mistakes of the past 100 years, and so forth. However, for those who operate our banking, emergency response, air traffic control, and power systems this will be nothing to laugh at. So dire are the predictions of some who understand how dependent on computers and software we have become that they talk as though they are storing up food and medical supplies just in case.

None of this would have happened if the century had ended 20 years earlier because computers, chips, and microprocessors were not yet running things. Twenty years ago I was hearing people tell me about how computers were

going to change the world. It would be 5 more years before I had my first personal computer: an Apple IIE. In 1983 portable computers were available to those with strong backs or a fork lift. E-mail was in its infancy. The internet was 10 years away from its grand opening to the public. Software was built into mainframes and was available to those who knew how to navigate the procession of prompts and confusing signs. Speed was a snail's pace. Capacity was like a rain drop in the desert.

Mr. President, what happened in the past 20 years is that we were thirsty for the things a computer could do for us. Rapid and accurate calculations enabled even small businesses to get costs under control. Personal computers empowered us. Desk tops enabled us.

Lap tops liberated. Decision making - once driven from the top down by men and women with MBA degrees—has been distributed outward and downward.

Mr. President, now, any PC or Macintosh with average speed and power with state of the art connectivity makes its user a publisher, broadcaster, editor, opinion maker, and analyst of large amounts of previously confusing data.

Advances in computer and telecommunications technology have spurred change and growth in our economy. These changes have generated wealth and jobs by creating new businesses and destroying old ones. Market oriented businesses have had to adjust or perish. Public institutions, because of the nature of democracy—in other words, Majority rules but narrow interests win elections—have been changing much more slowly.

Slowly but surely the work of transferring knowledge from a teacher to a student is being done with the assistance of computers, software, and new systems where new skills are needed.

The vision of this 1998 IRS Restructuring and Reform Act is that this agency will move from a paper to an electronic world. The National Imaging and Mapping Agency—a consolidated combat support agency—will in a few years talk about maps as those things we used in the good old days back when dinosaurs roamed the Earth.

In fact, nowhere are the changes of the computer age more pronounced than in our military and intelligence gathering forces, which is what I choose to discuss on the floor today. Computers and communication technologies have made America's fighting forces stronger and more effective. We should be proud of the men and women who have trained and prepared themselves to take advantage of these new tools.

However, we also need to be alert to a hard truth: With strength comes vulnerabilities. Just as Achilles was held by his heel as he was dipped in the potion that made him unbeatable, we need to be alert to those small spaces where a determined enemy could do us great harm.

If we are to maintain our economic success and provide the security our citizens expect and deserve, we must as a nation turn to address our weaknesses.

The ability of people to use information technology to reach into our homes and to amass vast amounts of personal data threatens our sense of privacy. The omnipresence of this technology has caused our society to develop a dependency on silicon chips and the wires that connect them. And, the connectivity that now brings us so many benefits may also be a vulnerability that nations and terrorists could use to threaten our security.

We have been blessed by our dominance in high-technology industries and in our society's acceptance of new information technology. Information systems are the backbone of America's telecommunications and electrical power grids, banking and finance systems, our transportation systems, broadcast and cable industries, and many other businesses besides. They have helped American workers become more productive, have brought new efficiencies in the use and distribution of resources, and have helped our Nation grow to be the most advanced and competitive economy in the world.

We owe a large part of that success to the ingenuity, perseverance, and vision of America's information technology companies and their employees. The story of how computer companies started in garages can grow into multibillion dollar corporations is almost legendary. An industry virtually nonexistent twenty five years ago has brought enormous wealth and opportunity to thousands of Americans.

Mr. President, information technology has transformed our Nation's economy, and, as we enter into the 21st century, our Nation's livelihood will depend on continued development of this industry. But the wonder of this technology is how its success has brought extraordinary changes to other aspects of our lives.

Modern information technologies provide us with unheard-of opportunities in education, business, health care, and other life-enriching areas. Information technology empowers people to continue their educations and upgrade their skills throughout life. Education no longer ends at the schoolhouse door. In addition, new technologies are extending lifesaving medical care to remote rural areas and promoting healthy communities across the country. These new avenues to information better inform our electorate, and the improved means of communication make it far easier for individual citizens to express their views to the general public and to their elected representatives.

In combination, these technological benefits allow people—both young and old—to develop new skills, explore new interests, and improve their lives.

America's technological strength is the envy of nations around the globe. But that strength, if not understood and protected, may also be our Achilles' heel.

We have been blessed this year with a number of warnings about this grave and far-reaching threat. We have been blessed with warnings about the interdependence of our information infrastructures, the interlocking network that can make local hospitals and airports victims just as easily as multinational corporations and media conglomerates. We need to heed the warning and respond to this danger.

Just a few weeks ago, the media reported that the electronic mail programs the vast majority of Americans use had vital, hidden flaws.

Simply opening an e-mail message could unleash a malicious virus and allow that virus to freeze your computer, steal data, or erase your hard drive. I realize there are some people in the United States—many of them here in the Senate—who still do not use e-mail. But our society today relies upon electronic mail for use in Government and commercial communications, for business management and project coordination, and personal entertainment and missives. A malicious person could potentially have used these flaws to blackmail people or companies, to disrupt Government and commercial activity, or to sabotage civilian or military databases.

Just a few months ago, one satellite orbiting more than 22,000 miles above the state of Kansas began tumbling out of control. It was the worst outage in the history of satellites. By conservative estimates, more than 35 million people lost the use of their pagers, including everyone from school children and repairmen to doctors, nurses, and other emergency personnel.

All of that was the result of one small computer on a satellite 22,000 miles into outer space.

Earlier this year, we were in the middle of a very tense standoff with Saddam Hussein. And we were able to track an attack on the Pentagon's computer system to a site in the Middle East, in the United Arab Emirates. There was a legitimate question at the time: Was this an act of war? Was it a terrorist? Or was it, as it turned out to be, teenage hackers inappropriately and illegally using their home computers? The implications of an effective attack against our military's information systems would be devastating during a time of crisis. This attack failed, but will we be as fortunate in the future?

I do not think these incidents are a statement about software companies, the satellite industry, or teenage computer aficionados.

These incidents are a warning—loud, clear, and wide—about the dependence of the American economy and the American people on information technology. Our use of information technology has helped us achieve and maintain our status as the world's strongest

nation. But our dependence on information technology also brings exploitable weaknesses that, like the Lilliputians to the giant Gulliver, may enable our weaker adversaries to cause great damage to our nation.

In Jonathan Swift's tale, the Lilliputians used their mastery of mathematics and technology to defeat their much more powerful adversary Gulliver. Today, weaker adversaries may use their mastery of information technology to invade our privacy, steal from our companies, and threaten our security.

The revolution in Information Technology has propelled the United States to an unparalleled position in the global economy. The principles of freedom and democracy that we champion are ascendant throughout the world.

We have the world's largest economy, and we trade more than any other nation. Our military strength, in conventional and nuclear terms, is greater than that of any other nation. In short, we are the sole remaining superpower in the world.

And yet, we still find ourselves vulnerable to individuals or groups—terrorists, criminals, saboteurs—who have a fraction of the manpower, weaponry, or resources we possess. In many ways, we are a technological Gulliver. America's massive shift toward an economy that is based on information technology has been a mixed blessing. Because we have the most complex, multifaceted economy, we are a multifaceted target.

And our strategic vulnerability has risen hand-in-hand with our economic power. Like the Lilliputians, there are people who have used the principles of mathematics and science to master technology.

They are so small in scale compared to the threats that we usually see that we have to strain our eyes just to identify them and figure out what they are doing. Gulliver, if you recall, did not win his freedom with a single act or weapon. He used a combination of things: sometimes he used his power, sometimes he used wit, and he learned from his experience how to deal with his adversaries.

Mr. President, Congress urgently needs to establish a bipartisan agenda designed to create more economic opportunities in technology and to close our vulnerabilities. The following is my attempt to suggest what is needed:

1. We need more competition, not less. Congress passed the Telecommunications Act of 1996 with the hopes of increasing competition and improving access to communications technologies. Unfortunately, competition has not developed on the scale anticipated when the Act was passed.

Nearly 3 years after the Act, most telecommunications customers lack the ability to simply switch telephone companies. In 1999 I hope Congress will make changes in the law needed to bring the benefits of competition - lower prices and higher quality - to the American household.

2. We need a special effort to make technology a part of our educational system. More money should be appropriate for research and training. Regulations need to be written so the market can offer curricula-relevant courses to students in the home and school. We need to settle the disputes surrounding the E-Rate so our school boards can plan and budget accordingly.

3. We need bipartisan agreement on how to protect privacy and security. The encryption debate has hobbled our efforts to write laws that enable our law enforcement and national security agencies to carry out their mission of keeping Americans safe while harnessing the power of the market to increase security and privacy.

Any discussion of security on-line must inevitably involve encryption issues. Over the past five years, the debate over encryption policy has pitted law enforcement, national security, privacy, and commercial interests against one another. Yet, all these interests would agree that providing security in our public networks is essential to fully exploit the potential of information technology.

Personal privacy in the digital world should not suffer at the hand of unreasonable export laws. Therefore, Congress should take action in the coming year to remove export restrictions on encryption products of any strength. I am confident that through cooperation between Government and industry, encryption can be exported without compromising the legitimate needs of law enforcement and national security. A compromise can be crafted if all parties, both private and public, are willing to work together to solve the common goal of maintaining America's national security in the new digital age.

4. We should create in law a panel consisting of members of Congress, Administration officials, and leaders in high-technology industries to address the implications of information technology on our society and our security. We should also create a new national laboratory for information technology that will both perform research in this field and serve as a forum for further discussions of the issues arising from information technology.

Mr. President, it is this fourth idea—a new panel and a new laboratory—that I would like to discuss today. Why do we need this?

We need this, for starters, because the new threat of information warfare requires a new paradigm in which the military must rely like never before on other organizations and institutions to achieve success.

Even if all of the information safeguards for the Defense Department's data, equipment, and operations were airtight, that would not be adequate. Currently, more than 95% of all wide-area defense telecommunications travel on commercial circuits and networks. And it would be impossible to replicate that type of capability on our own.

Should an electronic attack come, it will likely not be aimed just at military targets, but at civilian sectors as well. It is not simply that the private sector relies on the military. The military relies on the private sector.

That is one reason we as a government cannot afford to ignore the defense of the public and private sector infrastructure: We cannot do our most basic job—protecting national security—without that.

In this new world of technology, if one of us gets tripped, we all risk a fall.

Our Government, as it is now organized, can scarcely cope with these new challenges. We need to address the development and vulnerability of the American information infrastructure now. The regulatory frameworks established over the past 60 years for telecommunication, radio and television may not, in fact, most likely will not, fit the Information Economy. Existing laws and regulations should be reviewed and revised or eliminated to reflect the needs of the new electronic age.

As a government, we need to reassess the areas of responsibility of our different parts, and the lines of authority that connect them, to ensure we are best organized to face this threat.

More than two dozen federal agencies have either jurisdiction or a direct interest in the regulation of information technology as it applies to national security or electronic commerce. The Congress is no better off. In Congress, some 19 committees are responsible for legislation on the same issues.

The Government has much to offer, through our understanding of security concepts and technology, along with the vulnerabilities of information technology and systems. We are strongly committed to share this knowledge with the private sector. Such partnerships are crucial, but there are some pitfalls, and we will need to build a balanced approach. For example: We have to be careful not to give the impression that Government wants to increase its involvement in the day-to-day operations of individual businesses.

This is not at all the case, and few things will drive the private sector away like the potential for more Government intrusion and regulation.

''Government Knows Best'' is not the message we want to send.

As a general principle, Government should step in only when problems exceed the capabilities of the private sector and the remedies of the marketplace. However, in cases where there are no reasonable business reasons for companies to make preparations, such as to counter a coordinated, simultaneous attack against multiple infrastructures, then Government should be prepared to provide economic incentives and support.

A natural market exists for security and, ultimately, that will be our best course of action: a solution that combines the entrepreneurial strength and energy of the private sector with the national mission of the Government.

One cannot overstate how important it is to get the Government-industry relationships right, because without them as a foundation, the value of all other efforts will be significantly diminished. A fundamental challenge in many cases is getting information about vulnerabilities and threats itself, and this simply cannot be done without the foundation of public-private sector information sharing. We cannot solve this by unilateral Government efforts. We have to move together to solve it.

Mr. President, it is no surprise that both the Government and private sector are finding this difficult and complicated and frustrating. To combat cyber attacks—whether by terrorists, spies, disgruntled employees, pranksters—one needs both technical sophistication and cooperation among numerous companies, agencies and nations.

It is going to be imperative for the protection of our information infrastructure that the private sector, national security officials, and law enforcement work together—not just on this issue, but on issues for the future.

Many fear these discussions would lead to Government intrusiveness and abuse of power. Americans have always had a healthy skepticism towards Government power and our Constitution sets strict limits on what Government can and cannot do. We are a strong and vibrant nation directly because we enjoy rights of free speech, free assembly, and against unreasonable searches and seizures. Information technology can allow us greater exercise of those rights. When we examine the security of information technology, these rights must remain our guiding principles, and our Government policies should reflect them.

We must get past the suspicion between the private sector and Government and move forward. The information infrastructure is vital to America's defense and to America's economy and we cannot preserve one without protecting the other.

Here we need two things: First, we need a mechanism that transcends narrow organizational politics to bring consensus; and, secondly, we need a facility for advanced research into information technology protection that also provides a venue for constructive and ongoing dialog with industry, the Government, and academia.

I believe Congress should act as soon as possible to create a blue-ribbon panel of top federal officials, key leaders from Capitol Hill, and experts from the high-technology field to address the issues of information assurance, infrastructure protection, and encryption that cut across committee lines. We need to have a panel that can speak with authority on both politics and policy.

From the White House, we need to see a commitment of time, attention, and resources at the highest levels.

Cabinet officers need to play an active role in shaping the solutions that are going to emerge from such a panel. These issues are complicated and they have far-reaching implications, so at the end of the day we need to have leaders in their respective areas—Cabinet and Cabinet-level officials—who are prepared to forge the necessary compromises and make the case to industry and to the public. Congress needs to take a similarly pragmatic approach. Committee chairpersons, with their expertise in different areas and institutional memory, need to be on this panel and give it all the attention they would a piece of legislation. But in addition we need to acknowledge the politically charged nature of these issues and be prepared to deal with them. So I propose that we not only have representatives by issue area, but representatives who are designated to speak for each major faction in the Congress: a representative of the majority in the Senate, and one for the House, a representative of the minority in the Senate, and one for the House, and representatives of the legislative caucuses that have an interest.

Clearly Government cannot do this alone. We need the perspective, the insight, and the vision of experts who are part of the developments in the information technology field and who can predict on the basis of that experience where technology is going. We need their expertise and a willingness to work with their government, for otherwise this problem will only grow worse. The panel I envision must therefore have a strong component of private sector experts devoted both to the advancement of technology and to the security of our country.

The complement to this Congressional panel should be a forum where Government, industry, and academic officials can work on these problems in a systematic, confidential, and dispassionate way. I propose that we learn from our experience and look to those models of industry-and-Government cooperation that have worked in the past.

We can learn from agencies like the National Safety Transportation Board, DARPA, and other federally funded research and development centers. Specifically, Congress should pass legislation that would enable the President to create a new national laboratory and research facility to address information infrastructure protection. The role and mission of such an organization would be to target those specific areas that are now suffering from sporadic, contradictory, or insufficient attention.

We must have a structure that can address the entire range of national security planning and execution—in other words, threat assessment and evaluation, development of requirements, R&D, acquisition and procurement, development of strategy and the conduct of operations across the entire spectrum, from large-scale conflict to peacekeeping and operations other than war. But this center would also help develop techniques, policies, and procedures to make civilian and commercial information technologies secure.

To accomplish that mission, the information technology laboratory would have to: Support research and development by industry or Government-industry consortiums that aims to protect our privacy, shield our commercial interests, and defend our nation against information technology threats; ensure that there is a secure conduit for the exchange of information about security threats; provide a forum for developing and managing responses and contingency plans, both directly and in cooperation with a national command authority.

The Information Technology Laboratory would be funded through annual appropriations as a Federally Funded Research and Development Center. But it should also be able to establish fee-based contracts with agencies of federal, state, and local government as well as universities for specific services so that budget costs could be kept to a minimum.

The Information Technology Laboratory could also contract with private industry to do research and development, while taking special precautions to protect the confidentiality of proprietary data or information. The laboratory would also report annually to the appropriate oversight committees in Congress and the President.

In just four years from now, knowledge and information workers will make up one third of all the workers in our multi-trillion dollar economy. We can create a safe corridor for their passage to the next century. Or we can continue to talk past each other while the Information Superhighway attracts more and more robbers and frauds and terrorists.

We need to come to this task with a clear sense of purpose and full understanding of the urgency involved. America has gained much from information technology, and stands to gain much more as these systems mature. Our future depends on the success of this technology.

But that success and our security depend on finding the policies and practices that will identify and correct vulnerabilities before they are exploited. Together, I am certain we can address this problem. In a noble but imperfect democracy such as ours, answers are not impossible, they are only impending. I look forward to working with my colleagues to face this challenge. I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

UNANIMOUS-CONSENT AGREEMENT—CONTINUING GOVERNMENT FUNDING

Mr. CRAIG. Mr. President, on behalf of the majority leader, I have a couple of unanimous-consent requests.

I ask unanimous consent that when the Senate receives from the House legislation providing for continued Government funding until midnight on Wednesday, October 14, the resolution be considered agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, Mr. President, and I am sure I won't. Let me check for just a moment.

Mr. CRAIG. Mr. President, I believe it has been cleared with the other side.

Mr. FORD. Mr. President, I do not object.

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

EXTENSION OF MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that morning business be extended until 4 p.m. today, with Senators permitted to speak therein for up to 5 minutes each.

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

Mr. CRAIG. Mr. President, with that, I will continue now and speak in morning business for 5 minutes.

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

EDUCATION

Mr. CRAIG. Mr. President, a great deal has been talked about here this afternoon as to what this Congress and our President will do on the issue of education. I am, once again, pleased to see our President engaged and spending time talking about education. He spent so much time skipping class and trying to avoid detention that he failed to learn about what Republicans and the majority here in Congress have been doing on behalf of education for the last good many months.

It is with that in mind that I would like to, for a few moments, talk about what we have done and what is being done. I am pleased that the President is once again engaged. We finally got his attention in the last week. He is staying in the White House and trying to work with us to resolve some of these issues. That is important. It is time that Congress adjourn, but most important, we must finish our work before we go.

The President did come home on occasion to veto a few bills this year, but he seems to have forgotten them. He seems to have forgotten the Coverdell A+ education bill that he vetoed, which would have provided educational savings accounts, would have allowed parents to set aside $2,000 a year per child for educational expenses, and teacher testing and merit pay would reward teachers for their performance in the classroom. That was part of the bill that he vetoed. It also included dollars to the classroom, which would put money directly from the Federal Government into helping students instead of the bureaucrats. It is interesting that my colleagues on the other side, a few moments ago, introduced information about what GAO said. Let me tell you what the Federal Government said, what the Department of Education said about its own problems with paperwork and the burning up of valuable educational dollars. The U.S. Department of Education estimates that it takes approximately 48.6 million paperwork hours—the equivalent of almost 25,000 employees working 40 hours a week for a full year—to complete the paperwork involving the administration of the Federal education programs. The Senator from Washington spoke about the amount of time that local units of education use filling out the paperwork.

In my State of Idaho, as is true in Iowa, Ohio or any other State across the Nation, 50 percent of its paperwork burden is directly related to the 5 percent of the money that it gets. What happened? The President vetoed it. He came home, focused for a few moments, vetoed it, and left town again.

What about the tax regarding the College Tuition Program, encouraging parents to save for their child's college education? That, too, was vetoed by the President.

So when this President stands up and says, ''I want billions of dollars more for education,'' what he is saying is, ''I want billions of dollars more here in Washington to be run through a Federal system to be directed out for education,'' while this Senate voted, by a majority, to do quite the opposite—to literally turn the public loose to fund education without Federal strings.

Eighty-four percent of Federal elementary and secondary education funds are used for instruction, according to the April 1998 report by the U.S. Department of Education. What happened to the other percentage? Let's see. I guess that would be 16 percent. What happened? Overhead and administration. That is what it cost to get the money out.

You see, there is a game played in this town. It is how big you can build the agency and how many times you can roll the paper before you send the money out.

That is exactly what this Congress tried to avoid. That is exactly what we did avoid with legislation passed by this Senate and passed by the House and vetoed by this President.

Now that we are attempting to adjourn our Congress, just in the last few days the President is home back in school, not avoiding classes, and he is trying to spend, or spin his story about education.

Mr. President, why did you veto all of these productive pieces of legislation that were passed by a majority, a bipartisan majority, in Congress? Why did you veto legislation that, when polled, well over 60 percent of the American people said it gave more power to the family, to the parent, to the local education school board? That is what America wants. They don't want 100,000 federally paid-for teachers and a bureaucracy to go along, and over 20 percent of the money staying right here to be spent on thousands and thousands of hours of paperwork.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky still has his 5 minutes.

Mr. FORD. I thank the Chair very kindly. I appreciate it very much.

RETIREMENT OF SENATE COLLEAGUES

Mr. FORD. Mr. President, as the 105th Congress comes to a close, I want to take a moment to say thank you to my fellow colleagues who, like me, will be retiring this year.

I came to the Senate in 1974 with Senators GLENN and BUMPERS. It was a different time, when campaigns were still won by going door to door, when the Senate itself was much more open to compromise and bipartisanship.

Despite the changes in the Senate, Senator BUMPERS has continued to be a voice for his State, never giving up the fight for something in which he believed. And when the Senate itself began to listen, they began to respond. In fact, after fighting 19 years to reform the National Parks concessions operations, he finally won approval of the legislation on last Thursday.

And while it's true the Senate long ago lost its reputation as a place of eloquent debate, my colleague from Arkansas has proven time and again the power of words with his skillful oratory, whether the issue was arms control, education or balancing the budget. In all my years here in Washington, I was never so moved as I was by a speech he gave on preserving the Manassas, Virginia, Civil War Battlefield. He not only changed votes, but he reminded his colleagues and the American people that our greatest strength lies in our ability to give voice to our beliefs and to our constituent's concerns.

Like Mark Twain who came into this world with Halley's comet and left this world with the return, Senator GLENN came into the public eye with his historic orbit around the earth and he will close out his public career with another historic flight into space. In between, he's demonstrated over and over that he's truly made of the ''right stuff.''

As the ''Almanac of American Politics'' wrote, he is ''the embodiment of the small town virtues of family, God-fearing religion, duty, patriotism and hard work . . .''. And over the years, he has brought the same fight and determination that made him a brilliant fighter pilot to his efforts to expand educational opportunities, increase funding for scientific research, to clean up nuclear waste sites, promote civil rights and to make our government more efficient.

Despite their long list of contributions in the Senate, perhaps their greatest contributions to this nation are still to come. Senator BUMPERS has talked about going back to Arkansas to teach and Senator GLENN has said once he gets back down to earth, he'll work to steer young people toward public service. I can't think of a greater honor than to say I've served alongside these two men and shared their vision of a better America.

I also want to thank my two retiring colleagues on the other side of the aisle. We may not have always agreed on which road to take, but I believe we always shared a deep commitment to our country and its betterment. Whether you agree or not with Senator COATS' position on the issues, everyone in this chamber will agree he's willing to roll up his sleeves and do the hard work necessary to accomplish his goals. He's brought the same tenacity to the Senate that found him at three percent in the polls when he began his first congressional bid and had him winning by 58 percent on election day. He got that win the old-fashioned way, organizing block by block and pressing his case one-on-one.

Senator KEMPTHORNE has only been a part of this institution for just one term, but he has already proven that he can work with his colleagues to pass laws, like the unfunded mandates bill, in a place where it's often easier to move mountains than a piece of legislation. The Safe Drinking Water Act of 1996 was a perfect example of his ability to bring together scientists, activists on both sides of the issue, and public health experts to craft legislation that each one had a stake in seeing succeed. So while he may have spent just a short while in these Halls, he demonstrated that it is only through compromise that we can achieve solutions in the best interest of the nation.

So Mr. President, let me tell my fellow retirees what a privilege it has been to serve with you over the years and how grateful I am for your commitment to public service and the American people.

FAREWELL TO THE SENATE

Mr. FORD. Mr. President, I want to make a few brief remarks, share a few thoughts, and express my heart felt thanks to a number of individuals who have made my life in the Senate a little bit easier and a little bit more enjoyable than it otherwise would have been.

I have been privileged to serve in this body since December 28, 1974. As I look back, it is amazing how much progress we have made as a country during that period. The average life expectancy in this country has increased by 4 years. The average per capita income after adjusting for inflation, has risen 40 percent during this time period. The portion of adults with at least a high school diploma has risen from about two-thirds of adults to more than four-fifths. The percentage of adults with at least a bachelor's degree has risen from 14 percent to 25 percent.

So we are living longer and healthier lives, we are wealthier, and we are better educated.

And the quality of life has improved in many other ways as well. We have an almost unlimited ability to communicate. The developments with computers in recent years have been almost breathtaking. Children understand computers at an early age—often before they even start school. The percentage of homes with computers keeps rising. We have cell phones and laptops and cable TV and satellite dishes and fax machines. Our access to information is better and faster than ever.

We have opportunities to travel more, live in bigger homes, and eat more nutritious meals. We spend more on entertainment than ever.

But Mr. President, our challenges are probably greater than ever.

I entered the Senate at the beginning of a period of deep cynicism and distrust of government, having just come through the Vietnam war and Watergate. We have always had a very healthy distrust of government in this country, but 1974 was an especially troublesome time. And I have witnessed a fascinating national debate on the role of government during the period since. The cynicism from Watergate evolved into a crisis of confidence in our country, and a growing feeling by some through the 1980's that government was the major source of many problems in our society, not the solution.

But the debate of the role of government has continued to evolve. I think we are at the point today where there is a fairly broad consensus among Americans about certain aspects of government.

There is a consensus about certain things that Americans want from their government—a strong defense, the best educational system in the world, managing the economy in an efficient way, including balanced budgets, low inflation, low interest rates, low unemployment, and the least amount of taxation and regulation possible. Americans want fair rules in the workplace and the marketplace, from family leave to fair trade to basic consumer protection. They want an adequate infrastructure to sustain a successful and growing economy. And they expect minimal safety and health protections, from law enforcement to food and drug safety to providing health care for the elderly and the poor.

I have found that almost all of my colleagues want these things as well. We often differ on the best approach, or the best philosophy, for meeting these goals and providing what our constituents want, but we are all basically after the same things.

Some of my colleagues on the other side of aisle still use the rhetoric from the 1980's about being for lower taxes and smaller government. Who could be against that? But most of these same colleagues are also for all of the things I just mentioned. They would agree with me that these are all things that our constituents demand and expect us to address. We all want the smallest government possible, but we want government to deliver on all of these things. So it is a challenge for all of us.

And the future challenges for the next Congress and beyond will be even more complex. I mentioned earlier that we are living longer. The standard retirement age has not gone up since I came to the Senate. In fact, the average private sector retirement age has gone down. But we live longer. The percentage of the population age 65 and older is up to about 13 percent today, and is projected to continue to grow. During my tenure in the Senate, I have seen federal spending on Social Security grow from $64 to $380 billion. I have seen Medicare spending increase from $13 to $220 billion. And roughly half of Medicaid spending, which has gone from $7 to $100 billion in the budget, is attributable to nursing home care. These three areas alone—Social Security, Medicare, and Medicaid—have gone from about 25 percent of the total budget to roughly 42 percent of the total budget. Without question, the major budget issue in the next few years is how we deal with the costs associated with the elderly.

And it is a quality issue as well. Many of the same trends which are currently affecting managed care in the private sector will certainly affect the quality of medical care received by the elderly. I wish we had made more progress in these areas before my time in the Senate expired. I wish my colleagues well in addressing these issues and urge them to do so earlier rather than later. I know many colleagues share my sentiments.

The other area I would urge my colleagues to address is the financing and operation of campaigns. Here is an area that has changed dramatically during my 24 years. When I announced my retirement from the Senate, I mentioned the two ''M's,''—Money and Meanness—as major reasons why I chose not to run again. Now that we are in the midst of the current campaign season, I believe even stronger about this issue. As reported in the newspaper yesterday, PACs have collected almost $360 million in the last 18 months. We all like to say that the money does not influence how we vote and how we think, but, truthfully, it is a matter of degree. There needs to be a stronger ethic of avoiding even the appearance of a conflict of interest. We need more of that in politics—much more of it. Senators who solicit campaign contributions and then within a very short period of time are casting votes and making decisions on matters which greatly affect both the contributors and the Senator's constituents place themselves in very difficult situations. It goes to the heart of our system of Democracy, and whether it works or

will continue to work. There has got to be a better way. There are also a lot of ideas around here on how to make a better way. I can only hope some of these ideas are translated into law in the very near future.

So, Mr. President, I wish may colleagues well. I will miss the institution dearly. I will miss the daily interaction with my colleagues, many of whom have become such dear friends to me. Let me thank you for your friendship. And lastly, let me thank staff. My personal office staff, both here and in the state offices, have been like family to me. I have tried to treat them that way, and it has been mutual. The committee staff and floor staff I have been privileged to work with over the years have all been great to me as well—they make this place run and make us all look good from time to time. I thank them all for their support and service to our country. This country would not be nearly what it is without office, committee and floor staff. As I leave the Senate, please know that I will keep you all in my thoughts and prayers, and wish all of you good luck and happiness in the years to come.

Mr. President, for perhaps the last time, I yield the floor.

Mr. DORGAN. Mr. President, will the Senator from Kentucky yield for a moment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BURNS. Mr. President, if the Senator from North Dakota wants to be recognized, very shortly I have to take the Chair and I want to make my statement.

Mr. DORGAN. I wonder if I might ask unanimous consent to speak for 1 minute.

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

SENATOR WENDELL FORD

Mr. DORGAN. I did want to say, having listened to the Senator from Kentucky, my expectation is that virtually every Member of this Senate, Republican and Democrat alike, shares my feelings about the Senator from Kentucky. He is tough, he is honest, he gets things done in the Senate, and we are going to miss him a great deal.

I know the Senator from Montana feels that way, as does the Senator from Texas. Some of our other colleagues are not here. But one of the privileges of serving in this body is serving with some of the best men and women I have ever had the opportunity to work with in my life, and I count among that group the Senator from Kentucky, Senator FORD.

I would like to say, as he leaves the Senate, I thank him for his public service to our country. He, because he served in this body, has contributed to the well-being of America. We are going to miss him a great deal. I expect he will not be going far. I know he is going fishing, and I know he is going to be involved in public service in his own way, dealing with educating young people about civic responsibilities and about government. I just want to say he has contributed a substantial amount of service to his country and we are deeply indebted to him for it.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I associate myself with those words. We hate to see Senator FORD go.

I ask unanimous consent, after I make a short statement, that my colleague from Texas may follow me because he picks up on the same idea. I have to assume the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BURNS. I thank the Chair and I thank my colleague on the other side.

EDUCATION

Mr. BURNS. Mr. President, as we started to hear this debate this morning, and talking about different ways of accomplishing things here on a nonpartisan basis, it started off a little on the partisan side. Education is very dear to the hearts of all of us because all of us, probably, have had a connection with kids and so have been involved in education. I still have one going to school. But to hear the other side talk, we have done nothing about that.

You know, we have increased the funds for special education since the Republicans took over in 1994.

We passed education savings accounts that would empower parents to make choices for their own children with regard to books and computers and this type stuff. That was a bad idea to the President. He vetoed it. I guess he wants to empower bureaucracy rather than empower parents.

We passed the opportunity scholarships, a highly popular program here in Washington, DC, that would allow parents more choice of where to send their kids to school. That was vetoed.

We passed a $2.74 billion education bill for classrooms, and we guaranteed that 95 percent of it would get to kids. That met with stiff opposition from the President.

Encouraging States to implement teacher testing and merit pay, what is wrong with that? That got vetoed by the President.

Strengthening safe schools, the antigun program—that was vetoed.

Tax relief to employers who provide workers education assistance, folks we are retraining in this rapidly changing world of technology? Vetoed by the President.

I have to look and say all at once: 2 plus 2 is not making 5, when we start talking about education and who wants to do what for whom.

I just noticed here, earlier this year my good friend from Massachusetts said we have ''a relationship with Federal, State, and local community levels in terms of education; it is a partnership.'' Tell me how good this partnership is. The Federal Government only provides 7 percent of the money but 50 percent of the paperwork. That should not surprise you a lot if you have been around government at any time.

In 1969, our expenditure was $68 billion; in 1996, it was $564 billion; and yet even by their own admission, education continues to struggle and go down. That is the point I wanted to make here. I would say whenever we start looking at education, the answer lies in the realization that you cannot kill or do away with an idea. Ideas rule the world. The only way you get rid of a bad idea is with a better one. I think we have come up with some awfully good ideas.

I yield to my friend from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I wanted to give our colleague who has to preside an opportunity to speak first. I thank him for arranging for me to be recognized.

SENATOR WENDELL FORD

Mr. GRAMM. Mr. President, I am sorry our colleague from Kentucky has left the floor. I would like to add my voice to those who thanked him for his service. In an era where there are so many cellophane politicians, when there are so many people in public life who talk like newscasters but you can never quite tell what they are talking about when they get through speaking, I think WENDELL FORD has been a welcome relief from that. He is a politician who has texture. When he speaks you may think he is wrong—which I often do—but you never question the fact that he is sincere, and when he speaks you know what he is talking about. I find the longer I serve in this great Senate, the more respect I have for people who stand for something and who speak up for it and who say what they think.

EDUCATION AND THE BUDGET DEBATE

Mr. GRAMM. Mr. President, I wanted, today, to come over and talk about education. I have come back to town to help in some of these negotiations to try to complete the session, but upon hearing Senator KENNEDY this morning, I felt compelled to come over and speak. I have several ideas I want to talk about. I would like to first talk about why we are talking about education. Here we are, 2 days before the session ends. In fact, as of last Friday, in the budget negotiations, no one at the White House had brought up education at all. Why suddenly do we have the focus on education?

I would like to explain why this focus has come about and what I think it is trying to hide. I would like to talk about Senator KENNEDY's education proposals. I would like to talk about the budget debate we have before us. I

would like to talk about the failure of our current system. And then I would like to talk about how we ought to change it. That is an awful lot of subjects, but having listened to Senator KENNEDY, I feel compelled to speak a little on this subject.

I would say this is a subject I know something about. I taught for 12 years at Texas A&M prior to coming to Congress. In fact, I often say that I taught economics for 12 years at Texas A&M and I have been teaching it in Washington, now, for 20 years. You will not be surprised to hear me say my students at Texas A&M were a lot smarter than the students I have now. And, also, they were a lot more interested in learning. I say that partially in jest.

So when I talk about education, it is something I know something about, because I have had the great experience of people calling me ''Teacher.'' I don't know of any title—maybe ''Rabbi,'' maybe ''Preacher,'' maybe ''Mr. President''—but there are not many titles that are more important than being called ''Teacher.''

First of all, I want to remind everybody, we were busy negotiating on the budget all last week and up through Friday nobody raised the education issue. And why should they? The President, in his fiscal year 1999 education appropriation, requested $32 billion. In the spending bill that we currently have pending in the Senate, we provide $32 billion. So it was not surprising that after a week's negotiation in trying to come together on this budget, there had been relatively little discussion about education, because the President had proposed $32 billion of spending, we had provided $32 billion, and while I am going to talk a little bit about the differences of how we provide it, the basic point was, this was not a budget issue.

But over the weekend, in his radio show, and then as his representatives appeared on television on Sunday, suddenly the administration has opened a massive new education front. They are saying this Congress has not done enough for education, they are unhappy about what the Congress has done in education, and they want more. Why is this happening? Sadly, I am here to tell you that it is a smokescreen to cover up a robbery. There is a robbery underway on Capitol Hill right now. The working men and women of America are in danger of having $25 billion stolen from them this year and in the last week of Congress.

I have to say, in a city which is marked by cynicism, it is one of the most cynical acts that I have ever observed. I want to be especially critical of the President of the United States on this issue, something I have not made a habit of doing.

The President, in his State of the Union Address—the Presiding Officer was there, and I am sure if the American people remember anything any political figure has said about anything other than scandal this year, they will remember that the President, in his State of the Union Address—I ask unanimous consent for 25 additional minutes.

The PRESIDING OFFICER (Mr. BURNS). Is there objection?

Mr. DORGAN. Reserving the right to object, the Senator from Illinois is waiting to speak. I, by consent, am waiting to speak as well. That brings it to 30 minutes the total requested by the Senator from Texas?

Mr. GRAMM. Excuse me, I didn't hear, Mr. President.

Mr. DORGAN. Will that bring to 30 minutes the time requested by the Senator from Texas?

Mr. GRAMM. I didn't request any time. I don't know where the 5 minutes came from.

Mr. DORGAN. I thought I heard the Senator request 25 additional minutes.

Mr. GRAMM. I was told by the Chair there was 5 additional minutes. I don't know if the world comes to an end—

Mr. DORGAN. I have no objection. I thought he asked for 25 additional minutes. I have no objection to 5 additional minutes.

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

Mr. GRAMM. Going back to my robbery occurring on Capitol Hill, the reason it seems to me we are suddenly discussing something that was not an issue all last week is because there is a real issue now that the White House doesn't want to talk about, and that real issue is that we are in the process of seeing a demand from the White House that the Congress spend $25 billion that was never in the President's budget.

Many of you will remember in the State of the Union Address when the President stood up and said, ''Save Social Security first; save every penny of the surplus; don't spend any of it; don't give any of it back in tax cuts; save Social Security first.'' Quite frankly, Mr. President, I thought it was a good idea.

I have opposed efforts by some in my own party to go ahead and cut taxes now rather than waiting until next year when we can fix Social Security, I believe, permanently and then debate a tax cut. But what happened is that in January, February, March and all through the spring, the President said, don't increase spending and don't cut taxes. Then suddenly during the summer, his message started to change, which was the first giveaway. The message suddenly became: Don't cut taxes, and he stopped talking about spending.

Now the President is demanding in the final days of this session that we spend an additional $20 billion to $25 billion, every penny of which would come out of the surplus, and every penny of which would come out of Social Security. So a President who threatened to veto a tax cut that would have taken $6.6 billion away from the surplus is now demanding that Congress, as a price to be able to finish business and adjourn, spend an additional $25 billion.

We had a surplus for the first time since 1969 as of October 1. Today is October 12, and so far, if the President's requests are met, we are spending an additional $2 billion a day. In other words, this is going to be the shortest recorded surplus in American history, and I am concerned about it.

Let me talk a little bit about education, since the President has raised the subject. First of all, in Senator KENNEDY's remarks today, we heard the same old song that people have sung in Washington since 1960. That basic siren song is: If we just had a little more money, we could make it work; that the only thing wrong with education in America is we don't have enough money, and if we spent more money and we let Washington tell you how to spend it, everything would be great.

Let me just review a few facts and figures in response to Senator KENNEDY.

First of all, in 1969, we spent $68.5 billion on education in America. Today, we are spending $564.2 billion on public education, K through 12.

What has happened during that period? As spending has grown almost 1,000 percent, SAT scores have stagnated, reading scores have declined and American students have moved from the top of the list in math and science to either the bottom or near the bottom in both math and science. Today, American students on international tests rank last in physics; they rank next to last in mathematics.

When you look at those scores you say, ''Well, if we just had more money, we could change that.'' But I remind my colleagues, we have increased spending during the period where these scores have plummeted from $68.5 billion to $564.2 billion.

One of our problems is we spend the money so inefficiently. Listen to these numbers: For every dollar we spend on education in Washington, DC, 15 cents never gets out of Washington; 15 cents stays here in our massive Federal bureaucracy; 48 cents ends up going to bureaucrats between here and the classroom; and 37 cents out of every dollar we spend in the name of education in Washington, DC, actually gets to the classroom for actual instruction, providing facilities, or providing that teacher in that classroom.

No wonder that we rank last in physics and next to last in mathematics when our current program, which Senator KENNEDY helped build and which he loves, gets 37 cents out of every dollar we spend in Washington into the classroom.

We are hearing today that what we really need to do is we need to do something about class size.

First of all, I think it is obvious to anybody that you would rather your child be in a small class than a big class. But if you can see this chart, what has happened since 1960 is that class sizes have gone down dramatically.

The pupil-teacher ratio for public K through 12 education was 25.8 to 1 in 1960 when SAT scores were close to their maximum they ever achieved. In 1996, there was 17.1 to 1 or, in other words, a 51-percent decrease compared to today s level.

I think lowering the class size is a wonderful thing, but I simply point out that contrary to all the rhetoric about how perfect the world would be if it were lowered, we have lowered it by 51 percent in the last 36 years, and the net result has been a dramatic decline.

Is the Senator telling me that my 25 minutes is up?

The PRESIDING OFFICER. Five minutes.

Mr. GRAMM. I asked for 25 minutes.

The PRESIDING OFFICER. Under the previous order, it was limited to 5 minutes.

Mr. GRAMM. I ask unanimous consent that I may have an additional 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRAMM. Mr. President, my point is that while declining pupil-teacher ratio is a wonderful thing, and we would all like to have our own children given the maximum instruction in the most intense way, the plain truth is that in the last 36 years, we have had a dramatic decline in the ratio of pupils to teacher while results have declined.

This gets me to what the real debate is on education. Obviously, the real debate is not money. The President requested $32 billion; the Senate bill provides $32 billion. The debate is about who is going to spend the money. Republicans have proposed something that sounds revolutionary in Washington, but in America it sounds eminently reasonable; and that is, except for that money which is targeted to things like special education, we want to give the bulk of the money directly to school systems so that local teachers, local administrators and local school boards can set priorities for using money, so that if in my hometown of College Station we think the answer is a lower pupil-teacher ratio, we can use the money for that purpose; if we think the answer is something else, we can use it for that purpose.

Another thing we are hearing about is building schools. I know our dear colleague who is presiding said that a bad idea never dies, that you can't kill an idea with facts. And I understand this will not kill that idea. We will be talking about it for the next 10 years. But I want to point out something which shows, I think clearly, why the Federal Government should not be setting policy where we have Members of the Senate voting for education policy in schools we have never put our foot in, children we have never personally met, families where we do not know their situation.

What I have here is the population of enrollment in K through 12. I do not want to draw on this chart which I got from somebody else, but I want you to look right here where we are in 1998. We have just come off a very rapid increase in students, but we are now in a period where the population of students in K through 12 is flattening out.

Doesn't it strike you as interesting that we are talking about the Federal Government mandating that local communities spend more of our money and theirs on schools at the very time where it is clear that in the past 10 years our problem has been school construction, but as we look at the future it is obvious that the population of students is beginning to flatten out? That is typical of the Federal Government. That is what happens when you have people in Washington setting education policy for students in College Station—when only two Members of the Senate have ever been in a school in College Station, and they are the two Senators from Texas.

What is the difference between what the President wants to do and what the Congress wants to do? The biggest difference is, the Congress wants to spend the same $32 billion but let local school boards, local parents, local teachers decide—do they want to build more schools, do they want to do something about the pupil-teacher ratio, do they want to buy computers. We want them to decide.

Finally, let me put this chart up here and just remind anyone who is interested in this debate that this Congress has been very active on education matters, that, first of all, we have the $32 billion appropriation bill—the same amount the President asked for; it is just spent differently. More of it is spent locally and not in Washington. We happen to believe that is better. The President thinks it is not better.

But rather than debating us on the issue—because I am sure someone at the White House has done a poll or focus group and they have discovered what we know, and that is, parents in College Station think they know a little bit more about their children's needs than we know in Washington—so rather than debate those, the President is now saying that we are shortchanging education.

The truth is, we have provided every penny the President asked for, roughly $32 billion—both the request and appropriation—it is just that we are letting local school boards and local teachers spend it. The President would spend it here in Washington.

But finally, before my time runs out again, I remind my colleagues that we have done quite a bit on education in this Congress. First of all, we passed a bill that provided education savings accounts which let parents set aside up to $2,000 a year which they could use for tutors, they could use to send their children to summer school enrichment programs, they could use for after-school programs; and, yes, if they chose to send their children to parochial or private schools, they could do it. And what happened? Vetoed by the President. It did not represent the teachers union agenda and so the President vetoed it.

We provided literacy funding. The President vetoed it.

We had a merit pay system for teachers. Can you imagine paying good teachers better than we pay bad teachers? Can you imagine having a system where you would actually pay a teacher more if they did a better job of teaching? Well, we could imagine it, but the President and the teachers union could not imagine it, nor could they tolerate it, so the President vetoed it.

We provided a school choice system for low-income families so that working families in cities like Washington could do what President Clinton did, and that is, they could choose to send their children to private schools if they chose to. But the President vetoed it.

We provided tax relief for parents whose kids used a State prepaid tuition plan. This is one of the most exciting new developments around the country where if you want your child to go to Texas A&M—that is your dream—you have to do two things: One, you set up a program and you pay in advance and pay off the tuition, and, obviously, you get a big discount if you start when your child is 6 months old or before they are born; and the second thing they have to do is get in. But we had a system to make it easier for working parents who had the big dream to realize it. The President vetoed it.

We had a system for tax relief for employer-provided education assistance. Employers all over the country are saying, ''Our kids do not have the skills we need.'' So we had a better idea in Congress. We said, OK, if you want to send your employees back to school, to junior college or technical school, or to the University of Missouri, or anywhere, you can do it on a tax-free basis because you are investing in the future of America. And guess what? The President vetoed it.

And finally, our major initiative of this Congress—for the first time since I have been in Congress, we have been successful in doing something that I came to Congress to try to do, and that is, to get the Federal Government out of the business of dictating education policy to local school boards. We, for the first time ever, passed a provision that would allow local school boards to take the money and spend it as they believed to be in the interest of their children.

Maybe people in Washington know better about what children should do and take; but it is interesting, when you ask them, ''Well, if you know so much about kids in the elementary school at College Hills in College Station in the first grade class, tell us their names,'' they don't know them. But they think they know an awful lot about what should be done.

We believe that local people should set priorities. We passed a bill to do

that. The President threatened to veto it.

So my final message is, Mr. President, first of all, your administration did not even raise education until Friday. We have been negotiating for a week. This is a ruse to cover up an effort by this administration to bust its own budget and to spend Social Security money. That is what this is about.

Secondly, the President proposed $32 billion for educational appropriations. We have provided $32 billion for education, but we have provided it so that local school districts make more decisions and Washington makes fewer.

So if the President wants to debate, let's debate about the real issue. The real issue is not how much money is spent, it is who is doing the spending.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, am I correct in assuming I am recognized under the previous unanimous consent order?

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

THE BUDGET AND PRIORITIES

Mr. DORGAN. Mr. President, I listened with interest to the Senator from Texas. He is always interesting in his presentations. During my presentation, I will take issue with a number of the comments he has made.

At the start, I want to indicate it is not, in my judgment, the case that this issue of education has just recently been raised in recent days. The last few days, certainly, have included a lot of references to education by the President and by others, but going back to January and February of this year, the President and Members of Congress on this side of the aisle were pushing very hard for education changes that we think would strengthen the school systems and strengthen opportunity for education for all children in this country.

I want to speak more generally, first, and then I will address a couple of those issues. I am enormously disappointed that we come to the middle of October in this session of Congress, the 105th Congress, and find that at the end of this long, arduous Congress, we have half a dozen, maybe a dozen people somewhere in a room—Lord only knows where the room is—negotiating a third to half of the Federal budget in appropriations bills that the Congress didn't get completed.

First of all, in this year, the Congress passed no budget. It is the first time, as I understand it, since 1974—no budget. The requirement is that the Congress shall pass a budget by April 15. This Congress didn't pass a budget. This Congress, by its inaction, said, no, we don't think there ought to be a budget. That is No. 1.

No. 2, because the Congress didn't even bother to pass a budget, it didn't pass a good number of its appropriations bills. So we came to the end of the fiscal year, months after when the appropriations bills should have been completed, many months after the budget should have been passed, and the Congress had to pass a continuing resolution to keep the government operating. Then we have this closed-door bunch of folks in a room making deals on how to resolve these final issues.

During this Congress, at a time when no budget was enacted and a good many appropriations bills were not completed, the Congress said no to campaign finance reform, not once, not twice, a good number of times. No, we don't want to do campaign finance reform. They said, no, we don't want to do HMO or a Patients' Bill of Rights reforming the managed care system and providing certain rights to patients in this country. They said no to tobacco reform, don't want to do that; no to the education proposals offered in the President's budget calling for reduction in class size.

Incidentally, I take issue with the charts used moments ago, and I guess most parents who have kids in school will take issue with that chart, suggesting somehow that classroom sizes are decreasing rather than increasing. I think most parents understand that is not the case in their schools. It is not unusual for kids to be going to school with 22, 24, 28, 30 children in their class. The question is, Does that make a difference? Does it make a difference for a teacher when there are 15 in the class versus 30 in the class? Does it make a difference in terms of the personal attention a teacher can devote to children with 30 kids in a class versus 15 to 18? The answer is, of course.

This Congress, in passing no budget and missing most of its appropriations bill, said no to campaign finance reform, no to tobacco, no to Patients' Bill of Rights, no to the education proposal offered by the President on school construction and reduction in class size.

In the old western movies you will recall the folks that rode themselves into a box canyon, took their hat off and scratched their heads wondering why they were being attacked on all sides. Because they road into a boxed canyon is why they are under attack. That is exactly what happened in this Congress.

Is it surprising that a Congress that doesn't pass a budget and doesn't finish its appropriations bills finds itself today, on Monday, October 12, in a situation where we are scrambling, trying to figure out who is doing what with whom, to determine what kind of spending we have in dozens and dozens and dozens of areas? Does it surprise anybody we have this kind of a mess at the end of this session? I don't think so.

The previous speaker just spoke of a robbery. He used the term ''robbery'' to describe the amount of money that some are proposing to be offered to deal with certain education issues. I personally think it is a significant and exciting and wonderful investment in the young children of our country to invest in education. That is not a robbery. That is a remarkably effective investment for this country.

Investment in health care is not a robbery. That is a remarkable investment for the people of this country.

How about for family farmers? Part of this debate is what we do for family farmers in the middle of a farm crisis. No one should think that would be a robbery, to take some funds during the middle of a farm crisis and say to family farmers when prices collapse and you are down and out, we want to give you a helping hand to help you up and help get you through this tough time. That is the issue here. The issue is what are our priorities?

Let me give an example of a robbery. Yes, there are robberies taking place. I understand there is a tax extender bill that some in Congress are trying to slip in, another $500 million little tax incentive for some of the biggest economic interests to move their jobs overseas, make it a little sweeter deal. We have a perverse incentive in our Tax Code to say if you want to move American jobs overseas, we will pay you for it, we will give you a tax break. Just take those good old American jobs, shut your plants, move them overseas, and we will give you a tax break. Talk about perversity. We have people working to try to juice that up, increase the tax break. That is a robbery. It robs America of jobs it needs, it robs us of the revenue we ought to have to invest in kids and invest in health care.

The point is, priorities. What are our priorities? What do we think is important? At the start of this century, if you lived in America you were expected to live an average of 48 years of age. Almost 100 years have elapsed and now if you live in this country you are expected, perhaps, to live to be 78. Forty-eight to 78—30 years added to the lifespan of the average American. Is that success? Yes, I think so. You could solve all the Social Security problems and all the Medicare problems, all the financing of those issues could be solved if you simply take the life expectancy back to the 1940s or the 1920s or the 1900s. However, for a range of reasons, life expectancy has increased dramatically in our country in one century.

We have invested an enormous amount in health care research, National Institutes of Health. I am one, and some of my colleagues have joined me, who wants to increase the investment in health research. We know 50 years ago if someone had a bad heart, bad knee, bad hip or cataracts, they wouldn't be able to see, they wouldn't be able to walk, and they would probably die after a heart attack. Now they have knee surgery, get a new hip, get their heart muscle and arteries unplugged, have cataract surgery, and they come to a meeting in that small

town and feel like a million dollars. All of that is possible because of research, an expenditure in health care in this country. It is remarkable. It has been remarkably effective. The same is true with education.

My colleague from Illinois is going to follow me on the floor. He will remember—and I have told my colleagues this on previous occasions—he will remember Claude Pepper, who served with us in the U.S. House. The first time I went to Claude Pepper's office, I saw two pictures behind his chair. One was Orville and Wilbur Wright making the first airplane flight; it was autographed to Claude Pepper. Orville autographed the picture before he died. And then a photograph of Neil Armstrong standing on the moon, and that photograph was autographed to Congressman Pepper.

I thought, what is the interval between leaving the ground to fly, and flying to the moon? What is that interval? It is the most remarkable investment in human potential and in education compared to anywhere else on Earth. All of the kids that went to our school, that became the best scientists, the best engineers, the best at whatever they could be the best at, and we discovered we could develop the technology, through research, to learn how to fly, learn how to fly all the way to the moon. And standing on everyone's shoulders with accomplishment after accomplishment, we have now understood that virtually anything is possible. That comes from massive investment in education. That is what the interval in the two pictures told me—that investing in America's children in education has paid dividends far beyond our wildest imagination.

That is why I come here today.

Let me make one additional point with respect to family farmers. I have talked about investment in health care and education. Investment in America's family farmers is also one of the best investments our country has ever made. We have the best food in the world for the lowest percent of disposable income anywhere on the Earth. Who produces that food? A lot of families living out there in the country, by themselves, taking risks that almost no one else takes—the risk that they might lose everything they have, this spring, this summer, this fall if a seed doesn't grow, or if a seed grows and is destroyed by nature, or if it grows and is not destroyed and they harvest it and take it to the elevator and it is worth nothing. These family farmers just inherit, by the nature of what they do, the most significant risk you can imagine.

That is why this country, for 60 or 70 years, has said we want to try to help farmers when we have these price depressions, we want to build a bridge to help them over the price valleys. That is what this fight has been about in recent days here in Congress. That is what the President's veto is about—about trying to get this country to say, during a time of severe crisis in family farming, during a time of abject price collapse, where the price of wheat has gone down 60 percent in 2 years—our farmers in North Dakota have lost 98 percent of their income in 1 year alone. Ask yourself, in any city, on any block, any occupation, what would happen to you if you lost 98 percent of your income? Would you be in a severe crisis? Despite that, what do we do about that? Can we extend a helping hand? Can we say, during these tough times, that we want to help you over this valley because we want you in our future?

Family farmers matter to this country. If we lose family farmers, we will have lost something about ourselves that is very important—broad-based economic ownership, with families living on the land and producing America's foodstuffs. That is what the fight is about. I am not saying one side is all right and the other side is all wrong. But I am saying to those who say that farmers aren't worth it at this point, just let them float in some mythical free market, that we just don't have the money, or those who perhaps would say if you use the money to save family farmers, it is ''robbery''—I don't understand that.

This, after all, is about priorities. What are our priorities? What is important to us? A hundred years from now, everybody in this room will likely be dead. The only way anybody might determine about our value system as a people is to look at how we chose to spend our resources. What did we think was important? Education? Family farmers? Did we think it was important to deal with health care? What were our priorities?

President Clinton, at the start of this year, asked for the education priorities dealing with school construction and class size. He asked, at the start of this year, to deal with health care issues—Medicare, managed care, and the Patients' Bill of Rights. He asked, at the start of this year, for a tobacco reform bill. He asked, at the start of this year, for campaign finance reform.

Sadly, we now come to the 12th hour and we have a bunch of folks sitting in a room somewhere trying to negotiate probably a third of the Federal budget, or a third of the Federal spending, by themselves. I just think that is a terrible way for Congress to conduct its affairs. My hope is that when all of these fights are done and the dust has settled, we will have achieved a result that says the priorities for us at this point are to try to save family farmers during a time of crisis, the priorities for us are to invest in our kids and our schools, and the priorities for us are to decide that, in the future, we ought to do our work in Congress the way the law describes. Let's pass a budget, pass some bills, do the regular order, and not end up another session the way this session appears to be ending.

Mr. President, I know that the Senator from Illinois is waiting to speak. Let me also say, as I conclude, that the Senator from Illinois has been very active on the issue of tobacco legislation, as well as education issues. I think he has been a remarkably effective addition to the U.S. Senate. It has been my pleasure to serve with him in the 105th Congress.

I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to address the Senate for 20 minutes.

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

THE 105TH CONGRESS

Mr. DURBIN. Mr. President, let me say at the outset to my friend from North Dakota, whom I served with in the House of Representatives, he has been not only our floor manager of debate during the course of this 105th Congress, but he has also been an active leader for his State. The leadership he showed along with Senator CONRAD, as well as Senators DASCHLE and JOHNSON of South Dakota, during the crisis that faced their States earlier when they dealt with floods and fires—it seems like all the furies at once—was the type of leadership that is extraordinary, and I thank him for that.

I know we are going to have even more discussion in the days ahead about the current agricultural crisis in his State. I see his colleague, Senator CONRAD, on the floor and I know that they are going to carefully monitor the debate going on now about an omnibus spending bill to try to do their best to help struggling farmers in their State—and, I add, in my State of Illinois, which has its own share of difficulties.

I have brought to the floor here a volume, which those of us in the Senate know very well, and perhaps those in the gallery may recognize, and those at home may find new. It is ''The History of the U.S. Senate'' compiled by one of our colleagues here, Senator ROBERT BYRD. He is the preeminent Senate historian. He has written this history to try to capture what the Senate means and what it has meant to the United States. I have seen it several times, and I have read portions of it. I am determined that I am going to finish it from cover to cover soon. I looked through it to try to remember if there was another Senate that you could point to that was parallel to what we are seeing here today.

This is the conclusion of my first 2 years in the U.S. Senate, representing my home State of Illinois. Prior to that, I served for 14 years in the House of Representatives. I am no stranger to Capitol Hill, but I am a newcomer to this body. I am surprised that I stand here today on October 12, some 12 days into the new fiscal year, and say that we are still here. We were supposed to be gone, supposed to have finished our

work and gone home. Unfortunately, we have not.

As the Senator from North Dakota indicated, there is a great deal still being debated. The size and scope of this debate is mind-boggling—that we would be talking at this moment about still having unresolved questions concerning about a third to a half of the Federal budget that we appropriate.

How can we be in on October 12 still talking about these things? It is because several things have occurred, which are not historic and not in a positive way. This Congress, this House and this Senate, under Republican leadership, failed to pass a budget resolution for the first time in 24 years. So what? Well, the budget resolution is supposed to be the game plan—not the President's game plan, but Congress' game plan—of how we will spend money and reach certain budgetary goals, as well as policy goals.

I can recall, in the 16 years I have been on the Hill, that there were long and arduous and heated debates about our goals. We would get them out of the way and pass the budget resolution, usually around the date it was due, which is April 15. Does that date ring a bell with people in the gallery? We all meet our obligation to pay our taxes on April 15. Congress was supposed to meet its obligation to pass a budget resolution by April 15, but it failed. It has now failed for almost 6 months.

A great deal of blame has been assigned to the President for this mess that we are in today in the 105th Congress. But any honest appraisal suggests that the President had nothing to do with the budget resolution. That was Congress' responsibility. The President doesn't even sign it. It is a resolution, not a law. The House passes it, the Senate passes another, they come to conference and agree, and then set out to spend the money. And they never could agree. The Republican House and the Republican Senate could not reach an agreement between them, and here we are today. That is unfortunate. Eight to ten of our appropriations bills have not been passed.

We are still working on theories and concepts when we should be wrapping things up and going home. We are going to pass stopgap spending measures to try to keep the Government going while we reach an agreement that should have started back on April 15.

I would like to address a couple of specific issues which this 105th Congress has failed to address as well, not just the budget but other issues equally important.

Earlier this afternoon, Senator KENNEDY of Massachusetts spoke to education issues, as did Senator GRAMM of Texas, and, to no one's surprise, there is a big difference of opinion about what we should do, if anything, about education. I, frankly, think that we have a responsibility at the Federal level. Certainly, the vast resources invested in education come from State and local sources, but we invest some 6 to 7 percent at the Federal level for programs like title I. If your child is falling behind in the classroom, specialized tutoring is available through that Federal program and programs that are designed for disabled children. If you have a child who has a learning disability, a physical disability, some mental handicap, they may have a chance to come to a regular school and a classroom because of the Federal program. Vocational education, a critically important element, is one that I think we all understand is important for a lot of students who will never need to get a college degree but need a good job.

Federal expenditures—college loans, I wouldn't be standing here today without one. Frankly, I think that it is a good investment for all Americans. Yet, there are those who question whether or not there should even be a Department of Education.

In the senate debate in Illinois, the Republican candidate has said that he can't find the word ''education'' in the Constitution. He uses that for an argument that perhaps the Federal Government shouldn't be involved in it. I see it differently. I think the preamble to the Constitution about promoting the general welfare of America necessarily includes looking at education.

Think about the turn of the last century, from the 19th century to the 20th. And think about this for a moment. Between 1890 and 1910, in that 20-year period of time, on average in America we built one new high school every day for 20 years. What was going on? Was it a building by a Federal program? No. But it was a decision by States and localities that they were going to democratize education. So at the turn of the century, 10 percent of kids graduated from high school. By the 1930s, it was 30 percent. And now it is up over 90 percent. We have democratized education. What do we have to show for it?

Think about the comments of the Senator from North Dakota. Think about the dramatic progress we have made. Think about Orville and Wilbur Wright, and Neil Armstrong, to the return of JOHN GLENN from space. Incidentally, this is his desk right here—a man who serves in the Senate now, and on October 29 he will be launched into space again. We are all so excited about that prospect. But the fact that there is a space program and that we have come so far has a lot to do with education.

What will we do in the next century in terms of our investment in education? Will we step back and hope things will work out for the best, or will we show initiative?

President Clinton in his State of the Union Address in January of this year suggested an initiative that I think is a sensible one—100,000 new teachers. Can it make a difference? You bet it can. And 100,000 new cops across America has made a difference in communities from Cairo to Chicago in my home State of Illinois. And 100,000 new teachers would mean reducing class size until we can say that in K through 3, your child in the classroom will have no more than 17 classmates in the room. Ask any schoolteacher what the difference is between having 18 first graders and 30 first graders. It is dramatic.

A teacher spoke the other day here in the Capitol and said, ''There are days in my classroom of 30 kids when I don't get a chance to speak to each individual child in the course of the day.'' She says, ''I go home at night saddened because I have never really believed that you can educate a child unless you can connect personally.''

President Clinton says 100,000 new teachers. The Republicans in the Senate and the House have not honored that. Now it is a subject of debate.

The President suggested in his State of the Union Address reducing class sizes for the lower grades. I honestly believe that if we want to graduate quality high school graduates, quality college graduates, you have to start at the beginning—childhood development, K through 3, the basics, reading and writing and spelling so that kids get a good start.

That is the President's program. That is one of the things we are debating. It is one of the things that has been seriously overlooked by this Congress. In fact, the Republicans in Congress have cut the title I program, specialized tutoring, for kids who might fall back a grade. They have cut teacher training at a time when our teachers should, frankly, be getting more skills instead of fewer. They have cut the summer jobs program for kids.

I can tell you a lot of kids don't have a chance to work during the summer. They not only don't make a few bucks and don't have a work experience, but they are tempted to do the wrong thing instead of the right thing. And they have cut technology grants to students and schools that need them so they can bring in the right technology. That is one of the things this 105th Congress has failed to do.

They talk about crumbling schools. One of the earlier speakers said it is really not a problem that we ought to worry about.

Take a look at this chart. K through 12 enrollment is at an all-time high, and is continuing to rise over the next 10 years. Where are these kids going to go to school? Where are their classrooms? Unfortunately, a lot of the classrooms that currently exist are deficient.

This year K through 12 enrollment reached an all-time high, and continues to rise for the next 7 years. We need 6,000 new public schools by 2006 just to maintain the current class size. Due to overcrowding in schools, they are using trailers for classrooms, undermining discipline and increasing student morale.

What about those existing classrooms and these crumbling schools? On

this particular issue, I salute my colleague, Senator CAROL MOSELEY-BRAUN of Illinois, who has really taken the national initiative on this.

Look at the state of current schools in America. Fourteen million children learn in substandard schools. Seven million children attend schools with asbestos, lead paint and radon in the ceilings or the walls. Twelve million children go to school under leaky roofs. One-third attend classrooms without enough panel outlets and electric wiring for computers. If we do nothing about this, the burden will shift considerably to the property taxpayers across America.

But if we have a Federal initiative, as the President suggested, to build and repair 5,000 schools, it is going to help the kids prepare for our clear needs with more enrollment and to reduce the burden on local property taxpayers.

Let me mention a few other issues that have failed in this Congress. One of the current questions that is asked of most pollsters in almost every poll is, Does this candidate really care about you? It is an open-ended question. It is an invitation for the person who is being asked the question to really say, ''Well, I don't know if Senator so-and-so really cares about me. I would say no.'' Or yes, whatever it might be. I think the appropriate question for the 105th Congress is, Did the 105th Congress really care about you as Americans and American families? When it came to education, the cutbacks that I have talked about clearly are not responsive to the needs of many families trying to raise their children.

In the area of managed care reform, so that we would change health insurance to give doctors more say in treating us and our children, and those we love, so that hospitals would be able to make the right decisions for us medically rather than an insurance company, this Congress, this 105th Congress with the Republican leadership, failed to pass a Patients' Bill of Rights and managed care reform. For those families worried about quality health care, I am not certain that we have demonstrated that this Congress and this leadership in Congress cares about us.

An issue near and dear to me is the question of tobacco. I started this fight about 12 years ago when I banned smoking on airplanes, joining Frank LAUTENBERG of New Jersey in that effort. We had a chance this year, a historic opportunity because of the initiative of State attorneys general, to bring the tobacco companies and have them face their responsibility to the American people. We failed. We failed because 14 Republican Senators voted in an effort to stop us from having that happen.

That is a sad commentary, because while we languish in this body and cannot face our responsibilities to these tobacco companies, they continue to market and sell their products to our children. I have never in my life met a parent who has said to me, ''I have great news. My daughter came home last night and she started smoking.'' I have never met that parent. Maybe some day I will. Maybe some of the Senators in this body have met those parents. I have not.

As we have been unable to address this issue about tobacco companies, the number of American kids taking up smoking has risen 73 percent in the last 8 years. More than 1.2 million start smoking every day—kids under the age of 18—and are likely to be addicted, and one-third of them are likely to die because they did it. The rate of smoking—becoming smokers—is increasing. And this Senate turned its back and refused to take action to hold the tobacco companies accountable in their merchandising, their retailing and sales to kids—another failure of the 105th Congress.

Another one clearly is in the area of campaign finance reform. I mentioned managed care reform. Some insurance companies that don't provide good care didn't want to see managed care reform; they succeeded in the Senate. Certainly the tobacco companies didn't want to see us change the way that they sell their product, and they succeeded. Now take a look at the contributions in this campaign, find out which candidates receive the most money from just those two groups, for example, and you will find the same Senators who voted to kill the tobacco bill, voted to kill the Patients' Bill of Rights, will be the ones receiving the money.

We have tried on a bipartisan basis to pass campaign finance reform. This 105th Congress has failed. Nothing on education, nothing on managed care reform, nothing on tobacco reform, nothing on campaign finance reform, and no budget resolution, no effort to preserve Social Security or Medicare over the long term, no expenditures on behalf of the things that are critical for us.

This Congress has stepped away from its responsibilities. Some have called it the worst Congress that has ever served in this building. I am not certain I would go that far, although I searched Senator BYRD's history of the Senate to find a more ineffectual Senate, and I can't find one. But I will keep looking.

Another area where this Congress failed is when it comes to sensible gun control. Let's face it; the gun lobby holds sway in the Senate. Take a look at the rollcalls. Efforts that we have had by Senators BOXER and KOHL to require people to keep a trigger lock on their guns so that they are safely stored away from children failed on this floor. A bill which I introduced which held the owners of guns responsible to safely store their guns away from children was defeated.

I am not arguing about your right to own a gun here, but I say if you own one, for goodness sakes, store it safely away from the child. The kids who are showing up in these schools and opening fire on their classmates and teachers are kids who have brought guns from home, guns that didn't have a trigger lock, guns that weren't locked away, guns that became instruments of death in the hand of a child. When a 4-year old can reach into a grandmother's purse, pull out a loaded handgun and shoot another 4-year-old, as happened last year in America, it raises a serious question about whether that gun owner has accepted her responsibility to store that gun safely.

That radical notion of holding gun owners responsible for storing their guns safely is the law in 15 States and was defeated soundly in this Chamber because the gun lobby didn't want it. And the Brady law, which has stopped literally hundreds of thousands of convicted felons, people with a history of serious mental illness and the like, from buying guns expired, and as it expires the waiting period of 3 to 5 days to check on the background is going to go away in many States.

This Senate and this House of Representatives failed to respond. Does this Senate, does this House care about families across America? When you look at the litany here, frankly, there is not much to point to.

Some have suggested it is not an ineffectual Senate or Congress; it is a retrograde Congress—one that is moving back, and I think that is true. We have now reached that pinnacle where we are moving toward a real balanced budget, and having reached that pinnacle many in leadership on the Republican side can't think of a reason why they are here. And failing that, they have failed the American people time and again on education, on health care and protecting our children.

I hope that in the closing hours, in some room here in the Capitol where the negotiators are sitting together trying to work out their differences, they will at least listen carefully to the administration and to the Democratic side. We do need to do something about education before we leave, something about 100,000 teachers across America and smaller classroom sizes. I hope we will have more money for title I, more money for summer jobs, more money for teachers and technology grants.

It is not likely we are going to have a Patients' Bill of Rights. It is not likely we are going to have a tobacco bill. We are certainly not going to have campaign finance reform. But in 3 weeks the voters of this country get a chance to go to the polls. They get to look forward and decide what their vision of the 106th Congress will be—more of the same or new and different leadership.

I hope that they agree, as I do, there is an important national agenda, an agenda which should be served whether the leadership is Democrat or Republican. This 105th Congress will put its tail between its legs and go whimpering out of town, back to their States,

back to their districts to carry on the campaigns, but we squandered an opportunity here, an opportunity to lead, an opportunity to show that we truly care about families across America.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. NICKLES. Mr. President, will the Senator yield to me for 30 seconds?

Mr. ASHCROFT. Without losing the floor, I would be happy to yield to the majority whip.

CHANGE OF VOTE

Mr. NICKLES. Mr. President, on rollcall No. 295, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. NICKLES. I thank my colleague from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I thank the Chair.

THE WORST OF ALL OUTCOMES: CLINTON SPENDS THE SOCIAL SECURITY SURPLUS

Mr. ASHCROFT. Mr. President, I believe these are times in which anyone, anywhere would wish to live—times of boundless opportunity when distant horizons are brought near. Since the second year of Ronald Reagan's first term, America has seen her GDP climb every year but one. Our unemployment rate stands at a historic low. Poverty has dropped by more than ten percent. And our budget is in surplus for the first time in a generation.

For the first time since 1969, the federal government will run a surplus estimated to be $70 billion. It is a surplus that could allow us to do so much for so many. We could free American families from a debilitating tax burden or help the forgotten middle class keep more of what they earn with tax relief.

Beyond meaningful tax relief, the surplus offers another great potential—ensuring the long-term solvency of the Social Security Trust Fund.

The surplus is an opportunity for us to honor our commitment to the men who scaled the cliffs at Normandy and the mothers who sent their son to defend America's freedom halfway around the world. It is, Mr. President, a once in a lifetime chance for us to make the paper IOUs in the Social Security Trust Fund real—to pay our debts and keep our word. We can use the surplus to do this.

Unfortunately, the President and his apologists on Capitol Hill have a different plan. It is an attack given to platitudes rather than principle, an approach long on meaningless rhetoric and short on meaningful reform. It is a plan that calls for a return to the profligate spending of yesterday at the cost of a brighter tomorrow.

As I suggested last Monday on the Senate floor, since late September the President has submitted a series of requests to fund new ''emergency'' spending initiatives. And, because current law subjects discretionary spending to annual caps through FY 2002, this so-called ''emergency'' spending would increase the discretionary spending caps, decrease the budget surplus, and take money from the Social Security Trust Fund.

And what are the President's ''emergency'' spending requests? What are the eleventh hour developments that have made Social Security's solvency a low priority instead of a high one? The President is proposing that the equivalent of at least 24% of this year's surplus—$14.4 billion to date—be spent on a Bosnia deployment that is now four years old, government computer repairs, increased embassy security and a variety of other initiatives.

Now, I will be the first to concede that many of the President's requests constitute real and important funding issues. But emergencies? Mr. President, the lives of our elderly are too important for half-truths and doublespeak.

Social Security should not be betrayed by emergencies that are conjured up and have been anticipated for quite some time. The definition of an emergency is not something that we have known about for 4 years or 2 years or something that we are really trying to get money to spend in the last fiscal year and not in this one.

In his January 1998 State of the Union address, President Clinton made the following statement: ''What should we do with this projected surplus? I have a simple four word answer: Save Social Security first. . . . I propose that we reserve 100 percent of the surplus—that's every penny of any surplus—for Social Security.''

And just 10 days ago, the President repeated his demand again (October 2, 1998). ''I made it clear and I want to make it clear again. . . . We simply have to set aside every penny of it [the budget surplus], . . . to save Social Security first.''

Unfortunately, Mr. President, you can't have it both ways. We can't hide from the truth. More to the point, you can't save Social Security by wasting the surplus on mislabeled emergencies or more big spending. Even as I speak here, the President and his aides are working to see that our seniors' Social Security checks either are shipped overseas or squandered on more bureaucrats in Washington, DC, with more spending programs proposed for money to be shipped overseas or bigger bureaucracies here in the nation's capital. Tragically it is what Chairman Greenspan warned us about just weeks ago. Referring to whether the surplus should be spent, saved, or returned to the taxpayers, Greenspan said, ''. . . I am also, however, aware of the pressures that will exist to spend it, and that in my judgment would be the worst of all outcomes.''

Greenspan says, ''. . . the pressures . . . to spend it . . . would be the worst of all outcomes.''

Mr. President, if increased spending is labeled as ''emergency'' as an accounting gimmick in order to authorize us to spend the surplus, I will not be a party to it. Labeling the taxpayers' money ''emergency'' doesn't make it any less wasteful. Just because it is called emergency doesn't prevent it from adding government and adding bureaucracy. As was said by another, putting a sign on a pig and calling it a dog doesn't make the pig any less of a pig. And there is going to be plenty of pork in this ''Mother of All Pigs,'' that is coming to the Senate for its approval by way of a proposal for spending.

For example, the Wall Street Journal this morning reported that Labor, Health and Human Services and Education account for the single largest part of the Omnibus bill in terms of add-ons sought by the Administration. The President wants a total of $1.6 billion, including almost $1.2 billion for his ''class size'' initiative and another $182 million for a child care block grant.

Mr. President, all of this $1.6 billion dollars in increased education spending is paid for from the Social Security Trust Fund. The President has not offered one dime in spending cuts to pay for his ''priorities,'' which he has labeled as ''emergencies.''

What is equally as shocking is that the underlying Labor/HHS/Education appropriations bill is estimated to be about $4 billion over its spending allocation even before accounting for the extra money sought by the Administration this weekend.

The President should explain to the voters that his pledge to ''save every penny of any surplus'' was untrue. His promise to ''save Social Security first'' was just a slogan—offered during his State of the Union with a wink and a nod, and broken days later.

Only days after first promising to save the surplus, he submitted a budget to Congress calling for $150 billion in additional spending. And in the entire legislative year since the President made his pledge, he has done nothing to fix the Social Security problem—and far too much to fix the blame. He has wasted this entire year, just as he is proposing to waste our senior's Social Security checks on overseas deployments and projects.

If the President truly meant what he said about Social Security, he would propose real fixes instead of empty promises. If the President truly meant what he said about saving the surplus, he would not be trying to spend the taxpayer's money under the camouflage of bogus ''emergencies.''

This whole notion of false ''emergency'' spending is a dangerous ploy. It

puts the President of the United States in the position of the little boy who cried wolf. If and when we face a true emergency, we will be forced to fund it through this discredited process. And when that time comes, we will regret having engaged in this sleight-of-hand, in this legerdemain, in this charade. Words should have real meaning, Mr. President, and actions should have consequences. Two lessons we would do well to remember.

Mr. President, the normal appropriations process is what every American family does when they plan their spending for the upcoming week, or month, or year. Families measure how much they can afford to spend, and where they have to cut back. In some years, when there is an illness or a recession, they may have emergency savings that they use. Perhaps it is a rare occurrence—one they take only in extraordinary circumstances.

But think what would happen if families used their savings for non-emergencies—for a new car or a new dress. They would quickly find themselves unprepared for true emergencies.

The Federal Government should treat its emergencies the same way families do. Necessary but non-emergency problems should be addressed by achieving savings in lower priority federal spending programs.

The President's commitment to send troops to Bosnia was made 4 years ago. It is time to account for that in the normal appropriations process. The Year 2000 problem is a very real threat. But it is also a problem that we have known about for some period of time—since we do have calendars here in Washington. No, instead of anticipating the need and including it in the regular budget process, the President has chosen to ask for this kind of additional funding in the ''emergency'' category. The President is crying wolf and I only hope the Republican Congress has the good sense say, ''No.''

Mr. President, I don't agree always with what I read in the newspaper, but here's an editorial with which I do agree. ''Republicans rightly point out,'' the Christian Science Monitor recently noted, ''that there's a double standard here: It's OK for Clinton and the Democrats to propose spending $20 billion of the coming surplus for 'emergencies,' but when the GOP suggests returning some of it to taxpayers, that's a 'threat' to Social Security.'' (Christian Science Monitor editorial, September 28, 1998)

The Christian Science Monitor had it right in that editorial. And the double standard is even worse than the Monitor suggests. For when this $20 billion is spent, the money will be gone. Whereas if we had given it back to the taxpayer, at least we would have provided some measure of relief from the highest tax burden in the history of this republic—a helping hand to the forgotten middle class.

And that is the key question here. Who owns the surplus? President Clinton and the Democrat Party see the surplus as own private slush funds—money he can hoard with the shield of false promises, but spends whenever it suits them.

I would argue that the American people own the surplus. And it is time to give it back. As we have learned with all too great a frequency in recent years, if we leave the surplus in Washington, supposedly far-sighted bureaucrats will find a way to spend it.

For there is no end to the good Washington believes it can do with their brains and our money. This town specializes in spending.

I believe it is time for us to make the American people aware of the deceitful and dishonorable efforts to use the budget surplus on mislabeled emergencies and increased spending. I came to Washington 4 years ago to cut taxes and decrease government interference in our lives.

I also made a sacred commitment that I would protect and defend the Social Security Trust Fund. I intend, therefore, to oppose any effort to spend the elderly's Social Security checks on overseas deployments or the bureaucracy in Washington, D.C., and mislabeling those things as ''emergencies'' will not change my commitment or determination.

Mr. President, I yield the floor.

PRESIDING OFFICER (Mr. GRAMS). The Senator from North Dakota.

THE BUDGET

Mr. CONRAD. Mr. President, I rise today to respond to some of the things I have heard over the weekend, and now some of the things I have heard on the floor of the Senate. I heard over the weekend on some of the talk shows that the reason the Congress does not have its work done for the year, the new fiscal year which began October 1, is that it is the President's fault.

We have no budget resolution passed by this Congress. For the first time in 24 years, there has been a failure to pass a budget resolution. That budget resolution was due by April 15. The President plays no role in a budget resolution; that is the responsibility of this Congress. In fact, the President does not even have a chance to sign or veto a budget resolution. It is purely the responsibility of this Senate and the House of Representatives, and these bodies have failed in their responsibility, and they have failed for the first time in 24 years.

It is easy to blame the President for everything in this town, but when it comes to a failure to pass a budget resolution, it is not the President's fault. The fault lies right here, right here in the U.S. Senate and at the other end of this building in the House of Representatives. It was our responsibility to pass a budget resolution. It was our obligation to pass a budget resolution. That is the blueprint that is to be followed in order to coordinate all of the appropriations bills.

Little wonder, now that the new fiscal year has already started. The new fiscal year started October 1, and we don't have our work done. In fact, most of the appropriations bills have not been passed. That is not Bill Clinton's failure. That is not President Clinton's failure. That is the failure of this Congress.

I also heard colleagues assert that the President is proposing spending the surplus. That is not true. The President is not proposing spending the surplus. The new spending on education the President is proposing is to be fully offset. He is not spending the surplus on education. That additional spending will be paid for by reducing other spending. That is the President's proposal, not spending the surplus.

Then we hear assertions that the President is proposing spending the money on emergencies. Anybody who understands the budget rules of Congress understands that we set the budget rules and we say that if the money is for an emergency, it does not count in the normal budget process. Those are our rules. Now I hear my colleagues standing up and blaming the President. It is not his fault that we have said if it is emergency spending it is outside the normal budget process.

What are these emergencies? I heard a lot of talk moments ago that this is for bureaucrats in Washington. Wait a minute. What are the emergencies that have been designated by our own rules as emergencies?

First of all, money for the farm crisis that is occurring across America. If that is not an emergency, I don't know what is. We have had a series of natural disasters all across America, and much of this spending that the President has proposed as emergency spending is to respond to natural emergencies, natural disasters. That is exactly what we should do.

It doesn't stop there, because we also have a crisis in agriculture because of collapsed income. In my State, from 1996 to 1997, farm income dropped 98 percent. If that is not a disaster, I don't know what is. I will just say to my colleagues who say the disasters in agriculture are not emergencies, go ask your farmers and see what they say. I tell you, the farmers in my State say it is an emergency. They understand they have had extraordinary natural disasters, from the incredible drought in Texas and Oklahoma to the extraordinary wet conditions in my part of the country that has led to an outbreak of a disease called scab that has decimated the crops. That, according to our own budget rules, is an emergency, and when you have an emergency, it is outside the normal budget process. The President is not advocating spending the Social Security surplus, he is following the rules that we have laid down.

What are some of the other emergencies the President has asked us to

respond to? One is the terrorist bombing of our Embassies in Africa. The terrorist bombings, are those emergencies? Without question, they are. That is according to our own budget rules. That is not money for bureaucrats in Washington, that is money to respond to a terrorist attack on the United States of America, and, according to our own budget rules, rules that we set down, that is an emergency.

The President is not advocating spending the Social Security surplus. Interestingly enough, it is our colleagues on the other side of the aisle who proposed dipping into the surplus. It is our colleagues on the other side of the aisle who proposed a massive tax-cut scheme that would be spending the Social Security surplus, because every penny—every penny—of their tax cut schemes would have come out of the Social Security surplus—every penny. That is raiding Social Security, and the President stood up and said, ''No, you don't touch that money.'' He said to them not to touch it. He is not touching it. He is following the rules that we have laid down. Those are the facts.

When I look at the history of how we have gotten to where we are, I also have to respond to what I heard from some of my colleagues, that the Republican majority here is responsible for the first budget surplus in 30 years. Mr. President, here is the record on our budget deficits. This shows we have balance for the first time in 30 years. These are the deficits. We can see the deficits rose until, in the last administration, they reached $290 billion. In every year of this administration, the deficits have come down, so that this year we are showing a $70 billion surplus.

When our colleagues say that it is the Republicans who brought us to a balanced budget, I have to say, wait a minute, let's check the record, let's check the facts. In 1993, the President put before Congress a plan to dramatically reduce the deficit. The Democrats supported that plan. Not a single Republican voted for it—not one. Not one Republican in the House, not one Republican here in the Senate, voted for that deficit reduction plan—not one. Yet, that plan is the only plan in the 12 years I have been in the Senate that has worked. It was a 5-year plan to reduce the deficit. It cut spending and it raised taxes on the wealthiest 1.5 percent of the people in this country.

The Republicans say, yes, but we had a bipartisan budget deal in 1997 that we played a role in, and it is the reason that we balanced the budget. I will give my friends on the other side of the aisle some of the credit. It is true, they participated, along with Democrats. That was a bipartisan plan in 1997. This chart shows how much of the deficit reduction has come from the 1993 plan and how much of it has come from the 1997 plan. What you can see is that nearly 90 percent of the deficit reduction that has occurred flowed from the 1993 plan that not one single Republican voted for—not one. This part of the job has been done by the 1997 plan that was a bipartisan agreement. It accounts for about 15 percent of the total. Those are the facts.

When I hear my friends on the other side of the aisle beating their chests saying they are the ones who balanced the budget, wait just a minute; the action that has done most of the heavy lifting was done by Democrats, and Democrats alone, in 1993. In 1997, the balanced budget plan, the thing that finished the job off, was done by both parties walking hand in hand. Those are the facts.

The result of the economic policy that was put in place by the 1993 5-year plan has been one of the most successful economic plans ever adopted by this country. Again, not a single Republican voted for it. In fact, they said at the time—I remember so well because I am on the Budget Committee and I am on the Finance Committee, and I remember our friends across the aisle saying, ''If you pass this plan, it is not going to reduce the deficit, it is going to increase the deficit.''

Our friends across the aisle said, ''It won't reduce inflation, it will increase inflation.''

Our friends across the aisle said, ''If you pass this plan, it is going to crater the economy.''

Well, they were wrong on each and every count.

Here is what has happened in terms of economic growth: During the Clinton administration, it has average 3.9 percent; during the Bush administration, 1.3 percent; the Reagan administration, 3 percent; the Carter administration, 3.6 percent; the Ford administration, 0.9 percent; the Nixon administration, 3.6 percent; the Johnson administration, 5.3 percent.

In other words, this plan, this economic plan, has the highest level of private sector economic growth of any administration since the Johnson administration. Of course, in the Johnson administration the economy was fueled by a war. This is a peacetime expansion of an economy that has been remarkable and the strongest of any administration since the Johnson administration.

On job growth, the economic plan that we put in place in 1993 has produced now over 17 million jobs—17 million jobs. The Reagan administration, that administration, generated 8.7 million.

On real business productive investment, we see the highest rate of growth of any administration in decades—see real business productive investment growing at a rate of nearly 13 percent a year.

That is the economic record. You can see we passed the economic plan in 1993; it has been virtually straight up since that time.

That is not the only measure of economic performance. If we look at the inflation rate, we see that the inflation rate is now at its lowest in 33 years—lowest rate of inflation in 33 years.

If we look at unemployment, we see that unemployment is at the lowest in 28 years—again, largely a result of the economic plan put in place in 1993, without a single vote from the other side—not one. That economic plan has produced truly remarkable results.

If we look at interest rates, we can see, going back to 1977, we now have the lowest interest rates—measured as yield on a 30-year Treasury bond—the lowest in 20 years; under 5 percent for the first time in 20 years.

If we look at other measures of the economic plan that was put in place by this President, and with votes of the Democratic Party, we can see the effect on welfare caseloads. Welfare caseloads now—the percentage on welfare—are the lowest in 29 years. That was the successful welfare reform plan that we passed. And we passed a crime bill that has produced 5 years in a row of declining violent crime in America. That is the record.

When our friends want to talk about the record, they do not ever want to compare the results in the last three administrations. So maybe we should remind them of what the results were in the last three administrations.

This shows the Reagan administration record on deficits. When he came in, the deficit was about $80 billion. When he left, it was up to $150 billion. In between, it had gone up to over $200 billion a year in deficits.

When the Bush administration came in, the deficit was running about $150 billion a year. Before he was done, it was $290 billion a year.

Then the Clinton administration came in, and we passed the 1993 plan—again, without one single Republican vote—and each and every year of that 5-year plan the deficit has come down, until this year we have the first balanced budget in 30 years.

When I say it is the first balanced budget, let me just say that in Washington what they call a balanced budget is not what we call a balanced budget anywhere else in America. In Washington, they call a balanced budget one that counts the Social Security surpluses.

Here is another way of looking at what has happened. It shows that we have made dramatic progress. It also shows that we have not yet truly balanced the budget. The blue line shows what they talk about in Washington when they talk about the budget. But it is important to understand that it includes all of the revenue of the Federal Government and all of the expenditures of the Federal Government.

That would make some sense if some of the revenues were not coming from trust funds. And if you exclude the Social Security trust fund, what you see is much the same pattern; that is, a dramatic reduction in the deficits. But what you also find is that if you exclude the Social Security surplus, we still have a deficit this year of $35 billion.

Now, it is true, that is down dramatically from the last year of the Bush administration, when the true deficit, instead of being $290 billion, was really $341 billion if you excluded the Social Security surplus. But if you exclude the Social Security surplus this year, instead of having a $70 billion surplus, you have a $35 billion deficit.

Some economists say, well, you really ought to put it all together. Well, maybe that is why they are economists. I can tell you this: If you were running a company and you tried to take the retirement funds of your employees and throw those into the pot, you would be in big trouble because that is a violation of the law. It is called fraud. You cannot take the retirement funds of your employees, throw those into the pot, and say you have balanced your operating budget. But that is what is done with the Federal budget.

So I think it is important to understand that while it is true we have made enormous progress, we have come down dramatically with respect to the deficit, and in fact in terms of a unified budget, we are balanced for the first time in 30 years. If we did not count the Social Security surplus, we would still have a deficit of $35 billion.

Mr. President, let me just conclude by saying, the fact is, when I hear our colleagues say, No. 1, President Clinton is responsible for our failure to have a budget resolution, that is absolutely untrue. There is not a Member of this body who does not understand the President does not have one thing to do with the budget resolution. The budget resolution is just that—it is a resolution by both Houses of Congress. It is our responsibility to pass a budget resolution, and this Congress has failed.

For the first time in 24 years, there is no budget resolution. The Senate passed a budget resolution, but the Republicans in the House and the Republicans in the Senate could never agree, and so for months the appropriations bills were delayed. So here we are at the start of a new fiscal year—no budget, no appropriations bills, and we are sitting here wondering how it is going to end.

I think we know how it is going to end, Mr. President. It is going to end with a huge continuing resolution. There will probably be thousands of pages. There will probably be seven or eight appropriations bills all glommed into one package. And remember what Ronald Reagan said about that kind of process? He said in his 1987 State of the Union Address:

> . . . the budget process is a sorry spectacle. The missing of deadlines and the nightmare of monstrous continuing resolutions packing hundreds of billions of dollars of spending into one bill must be stopped.

Our Republican friends in the House and the Senate must not have been listening to former President Reagan, because they have not stopped it. In fact, what they have done is, every year for the last 3 years that they have been in control of this Senate and the House, that is exactly what they have done. They failed to do their work on time and, instead, they have handed us a stack of thousands of pages in a continuing resolution, with no time to review.

And Ronald Reagan said the very next year, on February 18 of 1988, in his budget message:

> As I have stressed on numerous occasions, the current budget process is clearly unworkable and desperately needs a drastic overhaul. Last year, as in the year before, the Congress did not complete action on a budget until well past the beginning of the fiscal year. The Congress missed every deadline it had set for itself just 9 months earlier.

He could have been referring to this Congress, because this Congress has failed to meet every single budget deadline. In fact, for the first time in 24 years, they have produced no budget. Our colleague across the aisle was talking about how a family operates. I do not know many families that never bother to come up with a budget, but that is what has happened here under the leadership of our friends on the other side of the aisle. For the first time in 24 years, there is no budget—none. That is their failure, not the President's failure. It is their failure.

President Reagan went on to say that Congress missed every deadline. He said, ''In the end, the Congress passed a year-long 1,057-page omnibus'' appropriations bill with an accompanying conference report of over 1,000 pages and a reconciliation bill over 1,100 pages long.

President Reagan said:

> Members of Congress had only 3 hours to consider all three items. Congress should not pass another massive continuing resolution [President Reagan said in 1988.]

He went on to say:

> —and as I said in the State of the Union Address, if they do, I will not sign it.

What a difference 10 years makes. Ten years ago, a Republican President said there should not be passed another continuing resolution. But here we are with a Republican-controlled Congress who has failed to even write a budget. That is the most basic responsibility of any Congress, to write a budget. This Congress, under Republican control, has failed in that most basic duty for the first time in 24 years. Why? Because the Republicans in the U.S. Senate who did pass a budget resolution—we passed it on a bipartisan basis—could never get together with the Republicans in the House of Representatives. So what we have is a colossal failure.

I don't know how else to say it, but this is mismanagement on a grand scale. I hope people will remember what the record is because it does make a difference. America has enjoyed unprecedented prosperity in the last 5 years, prosperity that I believe came in significant part because of an economic plan that was passed in 1993, the 5-year budget plan, that actually did the job. It reduced the budget each and every year. I will show the comparison chart again.

It reduced the budget each and every year since it was passed. When President Bush left town, he had a $290 billion deficit. If you weren't counting Social Security surpluses, it was even worse than that; it was $341 billion. Let's talk on a unified basis for a moment because that is how the press always reports it. Clinton came in and each and every year after we passed that 1993 plan, the deficit has come down. So now we have a $70 billion surplus.

Again, I am quick to say I don't consider this a surplus because it is counting the Social Security surplus. Nonetheless, dramatic progress has been made in reducing the deficit. That has given rise to the strongest economy in almost anyone's memory.

Our friends on the other side who are now in control are responsible for a dramatic failure, a failure to write a budget for the United States of America. The result is, here we are, the new fiscal year has started, we have no budget, half the appropriations bills aren't done, they will all be rolled into a stack of paper that will be probably 3 feet high, it will be slammed on our desks, and we will be told to vote on it 3 hours later.

What a way to govern. What a way to manage.

It is not Bill Clinton's fault that no budget was written here. A budget resolution is the distinct responsibility of the Congress. This Congress has failed.

I yield the floor.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

The PRESIDING OFFICER. Under the previous order, H.J. Res 134, received today from the House, is deemed as passed.

The joint resolution (H.J. Res. 134) was considered read the third time and passed.

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

The PRESIDING OFFICER (Mr. JEFFORDS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HOUSE-PASSAGE OF THE DIGITAL MILLENNIUM COPYRIGHT ACT CONFERENCE REPORT

Mr. HATCH. Mr. President, last Thursday the Senate approved, by unanimous consent, the conference report on H.R. 2281, the Digital Millennium Copyright Act (DMCA). I rise today to laud the House's action in adding its vote of approval to that of the Senate. The bill now goes to the President, who I expect will move

swiftly to sign this important legislation into law.

As I said last Thursday, and on many other occasions, I believe the DMCA is one of the most important pieces of legislation to be considered by Congress this year, even in recent memory. It has been over twenty years since such significant copyright law reforms have been enacted in this country, and this vote has come at a critical juncture in our nation's transition to a ''digital millennium.''

But all this would not have happened without the critical support of countless parties who have come together in negotiations to refine the bill and reach a compromise that best promotes American interests at home and abroad. Once again, I want to thank all of the conferees who participated in bringing this legislation to closure.

In particular, I want to recognize the efforts of my counterparts on the Senate side, Senator LEAHY and Senator THURMOND. I also want to convey my appreciation for the dedicated efforts of Congressman HENRY HYDE, the distinguished Chairman of the House Judiciary Committee, Congressman JOHN CONYERS, the distinguished Ranking Member of the House Judiciary Committee, and Congressman HOWARD COBLE, the distinguished Chairman of the House Subcommittee on Courts and Intellectual Property. They have been committed to seeing this bill through from the start and have been wholly undeterred by other pressing business that has occupied the House Judiciary Committee in recent weeks. I also want to recognize Congressman TOM BLILEY, the distinguished Chairman of the Commerce Committee, for his willingness to consider the Senate's views objectively and dispassionately.

In addition, I want to acknowledge once again the hard work done by staff. In particular I want to recognize the efforts of Manus Cooney, Edward Damich, and Troy Dow of my staff, whose long hours and tireless efforts were key to guiding this bill through every stage of the legislative process. Bruce Cohen, Beryl Howell, and Marla Grossman, of Senator LEAHY's staff, likewise provided invaluable assistance on all levels. I also want to thank Garry Malphrus of Senator THURMOND's staff for his work in conference, as well as Paul Clement and Bartlett Cleland of Senator ASHCROFT's staff for their invaluable assistance in reaching key compromises in the Judiciary Committee. Finally, I want to thank the House staff, including Mitch Glazier, Debra Laman, Robert Raben, David Lehman, Bari Schwartz, Justin Lilley, Andrew Levin, Mike O'Rielly, and Whitney Fox.

I also want to recognize the long hours and persistent dedication of the many people who engaged in hard-fought, but ultimately fruitful, private-sector negotiations on related issues. Many of the compromises embodied in this legislation would not have been reached without the support of these parties. For example, we would not be lauding the passage of a bill today at all were it not for the willingness of the copyright industries, Internet service providers, educators, libraries, and others in the fair use community to come together at the direction and under the supervision of the Judiciary Committee to arrive at a consensus position regarding standards for limiting the copyright infringement liability of Internet service providers.

Many other negotiations were conducted and agreements reached that made this legislation possible, including agreements between copyright owners and manufacturers of the consumer electronics devices that make the use of their works by the public possible. One such agreement reflects the understanding of the motion picture industry and consumer electronics manufacturers regarding standards for the incorporation of certain copyright protection technologies in analog videocassette recorders. This agreement was the basis for the new section 1201(k) of the Copyright Act, as added by the DMCA, which requires analog videocassette recorders to accommodate specific copy control technologies in wide use in the market today. I have received a letter from Mr. William A. Krepick, President and Chief Operating Officer of Macrovision Corporation—the producer of such copy protection technology—assuring me of his commitment to adhere to the spirit of this agreement by making such technology available on reasonable and non-discriminatory terms, which in some circumstances will include royalty-free licenses. I would ask unanimous consent that the text of this letter be incorporated in the RECORD immediately after my remarks.

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

(See Exhibit 1.)

Mr. HATCH. Mr. President, the DMCA is a remarkable bill that is the result of a remarkable process. By enacting this legislation in a timely fashion, the United States has set the marker for the rest of the world with respect to the implementation of the new WIPO treaties. As a result, the United States can look forward to stronger world-wide protection of our intellectual property and a stronger balance of trade as inbound revenues from foreign uses of our intellectual property continue to increase. I am pleased to have been a part of this great effort, and I look forward to the President's signing of H.R. 2281.

EXHIBIT 1

MACROVISION CORPORATION,
Sunnyvale, CA, October 7, 1998.

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: I am writing this letter to you in your capacity as Chairman of the Senate-House Conference Committee on the Digital Millennium Copyright Act of 1998. We understand that the Conference Committee is prepared to include in the final legislation to be reported to the Senate and House of Representatives a provision that requires that analog videocassette recorders manufactured and/or sold in the United States must conform to two analog copy control technologies certain aspects of which are proprietary to Macrovision Corporation. As you may know, Macrovision Corporation has been in business for 15 years providing various copy control technologies to help copyright owners protect their valuable intellectual property. We license various technologies to hardware manufacturers, including manufacturers of consumer electronics and various computer-based products, and to Hollywood movie studios and other independent video producers.

We are a small company and have worked very hard over the past two-and-a-half years to demonstrate to the consumer electronics, computer, and motion picture companies and industries that our copy control technologies offer the best solution to digital-to-analog copy protection for the DVD format, as well as in its traditional analog videocassette application. We have worked with the companies and industries to ensure that compatability and effectiveness are assured, and, as a result, our technologies have been required for use to provide protection of the analog outputs of DVD playback devices implementing the two encryption-based copy protection systems now in the market—the Content Scramble System (CSS) and DIVX.

We support the legislative proposals that are being considered by the Conference Committee, in the form of Subsection ''k'' and its corresponding legislative history as attached to this letter. We also recognize the unique position that such legislation provides to our technology and our company. Accordingly, we are writing to assure you and your colleagues on the Conference Committee that we will not abuse our position in our licenses for the technologies for which responses are being required by this legislation. Specifically, we are willing to assure you and the Committee that any licenses that may be necessary to implement these technologies will be offered on reasonable and non-discriminatory terms, as that phrase is commonly used and understood in industry standards processes. We will modify certain terms and conditions of our baseline analog copy control license agreements—and offer the same modifications to existing licensees—if this legislation is enacted in order to eliminate our contractual requirements that analog videocassette recorders manufactured in or sold in the United States respond to our technologies and that certain display device manufacturers ensure that their products are compatible with our technologies, in the sense of not displaying visible artifacts or distortions in the authorized playback of material protected using our analog copy control technologies. The first of these requirements will now be the subject of the statutory requirement that is the subject of the legislative provision.

The second requirement will now be the subject of an inter-industry forum on compatability issues, that will afford all interested parties an opportunity to work together to resolve such issues as they arise. We hasten to add that we do not expect such problems to arise, since our technologies have been proven to the satisfaction of the manufacturers that they do not cause problems, and we do not expect to make any material modifications to them in the future. Manufacturers already know what the technologies are and can test their products before finalizing their design. We commit to you and your colleagues that any changes that are made to our technologies will be the result of inter and intra industry consensus on the changes before they are made. Nevertheless, in order to reassure everyone involved, we are prepared to cooperate in the

inter-industry forum that is being established. We have been assured that this forum will be established within six months after passage of this legislation and will include equal representation from the consumer electronics, computer, and movie studio industries.

With regard to our licensing terms, we commit to you and your colleagues that we will from the date of enactment adhere to the following points—which are essentially reflective of our current licensing policies. First, as stated above, our proprietary analog copy protection technology will be offered on reasonable and non-discriminatory terms, as that phrase is used in the normal industry parlance. Second, in relation to certain specific circumstances:

(a) Manufacturers of consumer-grade analog VHS and 8mm analog video cassette recorders/camcorders that are required by the legislation to conform to our proprietary analog copy protection technologies (and any new format analog videocassette recorder that is covered by paragraph (1)(A)(v) of the legislation and thereby required to conform to our proprietary analog copy control technologies) will be provided royalty-free licenses for the use of our relevant intellectual property in any device that plays back packaged, prerecorded content, or that reads and responds to or generates or carries forward the elements of these technologies associated with such content;

(b) In the same circumstances as described in (a), other manufacturers of devices that generate, carry forward, and/or read and respond to the elements of these technologies will be provided with licenses carrying only modest fees (in the current dollar range of $25,000 initial payment and lesser amounts as recurring annual fees);

(c) Manufacturers of other products, including set-top-boxes and other devices that perform similar functions (including integrated devices containing such functionality), will be provided with licenses on reasonable and non-discriminatory terms, including royalty and other considerations.

In the absence of the specific attached legislative and explanatory language, Macrovision would not have made the above referenced commitments regarding our licensing terms and our contract clauses on VCR responsiveness and playability issues. We very much appreciate the work of you and your colleagues in helping to draft and, hopefully, ultimately enact this legislation. We also appreciate and acknowledge the leadership and cooperation of certain companies and individuals in getting this proposal to this point.

I understand that this letter will be incorporated into the official report of the Conference Committee and that the Conferees are relying on our representation herein. If you or other members of the Conference have any questions or need any clarification on any point, please do not hesitate to contact me, or have one of your staff contact me.

Sincerely,

WILLIAM A. KREPICK,
President/COO.

SONNY BONO COPYRIGHT TERM EXTENSION ACT

Mr. HATCH. Mr. President, I am delighted at the recent passage of S. 505, the Sonny Bono Copyright Term Extension Act. The main purpose of the bill is to ensure adequate copyright protection for American works abroad by extending the U.S. term of copyright protection for an additional 20 years. The late Sonny Bono was an avid supporter of the bill, and he fully appreciated what its passage would mean to the American economy. It is therefore an appropriate memorial to this fine American.

20 years ago, Mr. President, Congress fundamentally altered the way in which the U.S. calculates its term of copyright protection by abandoning a fixed-year term of protection and adopting a basic term of protection based on the life of the author. In adopting the life-plus-50 term, Congress cited three primary justifications for the change: (1) the need to conform the U.S. copyright term with the prevailing worldwide standard; (2) the insufficiency of the U.S. copyright term to provide a fair economic return for authors and their dependents; and, (3) the failure of the U.S. copyright term to keep pace with the substantially increased commercial life of copyrighted works resulting from the rapid growth in communications media.

Developments over the past 20 years have led to a widespread reconsideration of the adequacy of the life-plus-50-year term based on these same reasons. Among the main developments is the effect of demographic trends, such as increasing longevity and the trend toward rearing children later in life, on the effectiveness of the life-plus-50 term to provide adequate protection for American creators and their heirs. In addition, unprecedented growth in technology over the last 20 years, including the advent of digital media and the development of the national Information Infrastructure and the Internet, have dramatically enhanced the marketable lives of creative works. Most importantly, though, is the growing international movement towards the adoption the longer term of life-plus-70.

Thirty five years ago, the Permanent Committee of the Berne Union began to reexamine the sufficiency of the life-plus-50-year term. Since then, a growing consensus of the inadequacy of the life-plus-50 term to protect creators in an increasingly competitive global marketplace has lead to actions by several nations to increase the duration of copyright. Of particular importance is the 1993 directive issued by the European Union, which requires its member countries to implement a term of protection equal to the life of the author plus 70 years by July 1, 1995.

According to the Copyright Office, all the states of the European Union have now brought their laws in compliance with the directive. And, as the Register of Copyrights has stated, those countries that are seeking to join the European Union, including Poland, Hungary, Turkey, the Czech Republic, and Bulgaria, are likely, as well, to amend their copyright laws to conform with the life-plus-70 standard.

The reason this is of such importance to the United States is that the EU Directive also mandates the application of what is referred to as ''the rule of the shorter term.'' This rule may also be applied by adherents to the Berne Convention and the Universal Copyright Convention. In short, this rule permits those countries with longer copyright terms to limit protection of foreign works to the shorter term of protection granted in the country of origin. Thus, in those countries that adopt the longer term of life-plus-70, American works will forfeit 20 years of available protection and be protected instead for only the duration of the life-plus-50 term afforded under U.S. law.

Mr. President, as I've said previously, America exports more copyrighted intellectual property than any country in the world, a huge percentage of it to nations of the European Union. In fact, in 1996, the core U.S. copyright industries achieved foreign sales and exports exceeding $60 billion, surpassing, for the first time, every other export sector, including automotive, agriculture and aircraft. And, according to 1996 estimates, copyright industries account for some 5.7 percent of the total gross domestic product. Furthermore, copyright industries are creating American jobs at nearly three times the rate of other industries, with the number of U.S. workers employed by core copyright industries more than doubling between 1977 and 1996. Today, these industries contribute more to the economy and employ more workers than any single manufacturing sector, accounting for over 5 percent of the total U.S. workforce. In fact, in 1996, the total copyright industries employed more workers than the four leading noncopyright manufacturing sectors combined.

Clearly, Mr. President, America stands to lose a significant part of its international trading advantage if our copyright laws do not keep pace with emerging international standards. Given the mandated application of the ''rule of the shorter term'' under the EU Directive, American works will fall into the public domain 20 years before those of our European trading partners, undercutting our international trading position and depriving copyright owners of two decades of income they might otherwise have. Similar consequences will follow in those nations outside the EU that choose to exercise the ''rule of the shorter term'' under the Berne Convention and the Universal Copyright Convention.

The public performance of musical works is one of the copyright rights that will be benefited by the 20-year extension. But—ironically—in title II of the bill, Mr. President, we are cutting back on that right by expanding the exemption that currently exists in the Copyright Act for ''mom-and-pop'' establishments. Because of the public performance right, businesses that use music to attract customers are required to obtain a license. The licenses can be obtained from the performing rights organizations (PROs), namely, ASCAP, BMI, and SESAC. The PROs, in turn, pay the owners of copyright in

the music—music publishers, composers, and/or songwriters—from the proceeds. Because the rates charged by the two biggest PROs, ASCAP and BMI, are monitored by the Rate Court of the U.S. District Court of the Southern District of New York, the rates today amount to a very small amount per annum per business. The rates are even smaller for the kinds of performances covered by title II of the bill—performances of music over television and radio sets that businesses turn on for the benefit of their customers. And, as I said, ''mom-and-pop'' establishments do not have to pay anything. Nevertheless, some have sought for over 3 years to eliminate the licensing of music that arrives in a business establishment through the reception of radio and TV signals.

I have a stellar record in supporting legislation that benefits small business, but this includes songwriters, who themselves are small businesses. I have yet to discover a reason to eliminate or even reduce the charge for the commercial use of some one else's property. In my view, property is property whether it's dirt or intangible, and I have always been a defender of property rights.

The associations that want to eliminate the public performance right for business establishments have held up passage of copyright term extension for more than three years, although they had no quarrel with copyright term extension on its merits. Since copyright term extension is so important to America, Mr. President, I began a series of negotiations last year to try to resolve the problem. Other negotiations were begun by others, and, in the end, a compromise was worked out. This compromise is included in title II of the bill.

Title II greatly expands the current ''mom-and-pop'' exemption in the Copyright Act. Indeed, data supplied by the Congressional Research Service reveals that over 65.2% of restaurants will be exempt.

But lest we think that the music licensing issue has been put to bed, I want to sound a note of caution. Despite the months of negotiations that produced title II, an unanticipated problem popped up just as a compromise was reached—the exemption contained in title II applies to radio broadcasts licensed by the FCC and does not cover Internet radio. We did not have time to address this problem, and, frankly, the novel nature of Internet radio precluded a simple solution. This issue concerns me, however, and I will turn to the music licensing question again in the future, if I see that a disparity exists between FCC-licensed radio and Internet radio. I would not want businesses to turn away from new technology because of artificial forces acting on the market. If we do turn to this question, we may discover that it is impossible to integrate Internet radio and TV into the exemption without modifying its scope.

Nevertheless, Mr. President, on balance, S. 505 is a good bill. I'm glad it passed, and I'm glad that a compromise was worked out on music licensing to allow the copyright term to be extended. I thank all who had a hand in the solution.

WIPO COPYRIGHT TREATIES IMPLEMENTATION ACT CONFERENCE REPORT

Mr. GRAMS. I rise in support of the WIPO Copyright Treaties Implementation Act Conference Report adopted by the Senate on October 8, and commend the Senator from Utah for his efforts in crafting legislation that will greatly aid American copyright owners and users in the digital world. This legislation is of great importance to the citizens of Minnesota, including many companies that produce copyrighted materials as well as the hard-working men and women employed by them.

As the Senator form Utah is also aware, however, I have a great interest in Senate action to protect database owners, to continue the availability of quality and reliable products and services for users here and abroad. Earlier this summer, I introduced S. 2291 to provide this protection, and worked to include this language into the WIPO Implementing legislation. I greatly regret this legislation could not be included as part of this Conference Report.

Would the Senator from Utah and his colleagues on the Judiciary Committee agree to take up this issue as a priority item early in the 106th Congress? I believe we need fair and balanced database protection legislation, similar to S.2291.

Mr. HATCH. I thank the Senator from Minnesota for his comments. This will be a top priority for the Committee next year. I intend to hold a hearing on database legislation and move for prompt consideration in the 106th Congress.

Mr. GRAMS. I thank the Senator from Utah and look forward to working with you early next year.

TRIBUTE TO SENATOR DIRK KEMPTHORNE

Mr. DOMENICI. Mr. President, it is with great pride and honor that I rise today to pay tribute to my retiring colleague from Idaho, Senator DIRK KEMPTHORNE. In his six years of service to the United States Senate, he has proven himself to be a very thoughtful and determined leader and I am honored to have the opportunity to rise and speak on his accomplishments.

It was a pleasure to work with Senator KEMPTHORNE as he crafted one of the most important bills we have passed in the United States Senate, the Unfunded Mandates bill. I was particularly pleased that the private sector was included in the assessment of Unfunded mandates and DIRK was generous and extraordinarily helpful to me and my staff throughout the legislative process as we developed and negotiated this legislation. Not only did the junior Senator from Idaho manage two weeks of debate on the Senate floor which sometimes lasted 12 hours a day, but his skillful leadership and influence brought affected parties to the table to negotiate and produce legislation which passed both the House and Senate by overwhelming margins. Clearly, without his strong commitment to American small businesses, this objective would not have been achieved.

In addition to his service on the Small Business Committee and Armed Forces Committee, Senator KEMPTHORNE was given the responsibility of chairing the Drinking Water, Fisheries, and Wildlife subcommittee of the Environment and Public Works Committee. He wrote an update of the Safe Drinking Water Act which won bipartisan praise. He worked many long and arduous hours crafting legislation to reauthorize and reform the Endangered Species Act, an issue extremely important New Mexico and other WesternStates. DIRK's perseverance and hard work was instrumental in laying the groundwork for long overdue reform of this law and I am hopeful that we can be as diligent and compromising as he has been in crafting and passing ESA reform legislation in the future.

The state of Idaho is fortunate to have a statesman of his caliber. During his tenure, he has earned the respect and admiration of his colleagues on both sides of the aisle because of his unique ability to negotiate, compromise, and foster positive working relationships not only with his colleagues, but between federal, state, and local governments. These skills will serve him well as he faces new challenges in the future. Although we will miss his presence in this body, I know that he will continue to be a valuable asset not only to the state of Idaho but to this Nation.

Finally, I understand the challenges and difficulties associated with raising a family while serving in Congress and I respect and admire his decision to do what is right for his family and their future. Nancy and I wish DIRK, Patricia, and their children all the best.

TRIBUTE TO SENATOR JOHN GLENN

Mr. DOMENICI. Mr. President, I would like to pay tribute on my behalf, and on behalf of the people of New Mexico, to a true American patriot, Senator JOHN GLENN. It has indeed been a privilege to serve in this Chamber for 24 years with a man of such honor and distinction.

Although I only served with Senator GLENN on the Senate Governmental Affairs Committee for a brief time, I have been able to witness firsthand JOHN GLENN's legendary fairness and leadership. I doubt there has ever been a Senator who could match his dogged determination. He worked tirelessly for

many years to cut government waste and improve the efficiency of government, and I applaud his efforts.

Since his arrival in 1974, JOHN GLENN has championed the cause of space exploration and research, an area of particular interest and importance to my home state of New Mexico. He has long understood, and I strongly concur with him, that the United States has a unique opportunity and obligation to the pursuit of knowledge and exploration of the heavens. Thanks to Senator GLENN's continuing sense of duty and service to his country, we will expand our understanding of space and its effects on the human body.

The success of our space program has enabled our children to dream of different worlds, our scientists to explore the nature of matter and the origins of time, and us to be able to look up into the night sky and to understand what we see. JOHN GLENN played a crucial role in achieving this success. His flight on *Friendship 7* was one of the first indications of the greatness of America's space program. His flight on *Discovery* will be a continuation of the greatness JOHN GLENN helped established—and a confirmation of the contributions senior Americans can, and do, make in our society.

JOHN GLENN's life as a military hero, space pioneer, and statesman is the stuff of legends. Although his time here in the Senate draws to a close, he assures us that the legend will grow when he takes off on the shuttle *Discovery* later this month. It truly has been a pleasure to work with the distinguished Senator from Ohio. Good luck, JOHN GLENN, and God Bless.

TRIBUTE TO SENATOR WENDELL FORD

Mr. DOMENICI. Mr. President, it is with great respect that I rise today to express my gratitude to the distinguished Minority Whip, Senator WENDELL FORD, for his 22 years of service to the United States Senate. I have been here since the beginning of his Senate career and have witnessed his many accomplishments over the years. His tenure has represented a shining example of hard work, honesty, and integrity.

Senator FORD and I served on the Energy and Natural Resources Committee for many years together and shared a mutual interest in energy policy. He has been a strong advocate of the disposal of chemical weapons at the Blue Grass Army Depot in Kentucky and has stood firm in his commitment to exploring safe, affordable, and environmentally sound alternatives to chemical weapons incineration. He understands the threats of nuclear proliferation and we have shared a common desire to ensure proper stewardship of nuclear stockpiles across the globe. I have appreciated his valuable contribution to this mission and will miss his presence on the Energy and Natural Resources Committee.

An accomplished public servant, Senator FORD served his country in World War II, was elected Governor of the Commonwealth of Kentucky, and as a Senator, established himself as a national leader in energy, aviation, and federal-election reform policy. However, he may be best known for his steadfast commitment to serving the people of his beloved home state, Kentucky. He has diligently sought to create opportunities for the people of America and I am confident that upon his return to Kentucky, he will continue to give as generously of himself as he did during his 22 years of service in Congress.

I believe that I speak on behalf of all members of the Senate when I say that WENDELL's leadership, talent, and friendship will be sorely missed. I am grateful that I had the opportunity to work with him and hope that when the time comes for me to leave office, I will be as well respected as Senator WENDELL FORD by my constituency and colleagues on both sides of the aisle.

WENDELL, on behalf of myself and the State of New Mexico, I commend you on job very well done and wish you and Jean continued health and happiness in your retirement.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, in light of the Columbus Day holiday—a day in which we honor Christopher Columbus for discovering a debt-free nation—I am unable to report to Congress our nation's outstanding federal debt from the close of business Friday, October 9, 1998. I do however feel obliged to submit the federal debt from years past.

With no holiday in site for an escalating national debt, I report, Mr. President, that one year ago, October 9, 1997, the federal debt stood at $5,409,087,000,000 (Five trillion, four hundred nine billion, eighty-seven million).

Twenty-five years ago, October 9, 1973, the federal debt stood at $459,857,000,000 (Four hundred fifty-nine billion, eight hundred fifty-seven million).

Mr. President, as we stand in the twilight of budget negotiations for fiscal year 1999, I remind my distinguished colleagues that we must curb the desire to spend, spend, spend. Even with a holiday weekend our federal debt reflects an increase of more than $5 trillion—that is more than 5 million million—during the past 25 years.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 100–696, announces the appointment of the Senator from North Dakota, Mr. DORGAN, as a member of the United States Capitol Preservation Commission.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEBATE DURING THE FINAL DAYS OF THE 105TH CONGRESS

Mr. GRAMS. Mr. President, I want to talk a little bit about some of the impending debate going on right now to try to close out these final days of this Congress. As you know, most of the talk is centered around the issue of education. While I was sitting here listening, I thought really that most Members of Congress that are up for election were back home campaigning. But I guess they are not, because some have been here this afternoon campaigning on the floor of the Senate. I heard today some of the outlines of what was basically their very liberal agenda, which did not pass some very radical proposals that this Congress did not accept.

They talked about delays and about the lack of work in this session, but they didn't mention that this Congress has required more cloture motions just to try to get issues onto the floor. We have also heard, I think, some real tall tales of revision of the history of budget negotiations, et cetera, talking about how much credit should go to this President for the current economic benefits that we are reaping. But somehow they forget a lot of the work done during the 1980s, like the tax cut, deregulation of many industries, the productivity of workers and companies that have basically produced more revenue for this Government to allow us to balance the budget. It really hasn't been anything that this President has done to balance the budget.

If you talked about this big budget plan offered in 1993—which I am proud to say not one Republican supported because the centerpiece of that plan was just like every other Democratic proposal over the last 40 years—that was to raise taxes on the American people in order to try to solve what they saw as a crisis or problem, but the real intent was to enlarge and expand the size and scope of Government, to bring more control to Washington. This plan raised $263 billion in new taxes—the largest tax increase in history in this country—which has now taken the average American family to the highest levels of taxation in history, with over 42 percent for the average American going to taxes. That means you work just about as much time to support Government as you are allowed to work to raise your family, to support your family—health care, educational needs, food, clothing, shelter, et cetera.

I have to say that if it was such a great idea to raise taxes and that solves the problems, I don't know why we don't simply say let's raise taxes to

100 percent of what you make so the Government can be real sure that it takes care of every need that you have, and we can be on the floor here bragging next year, or the year after and the year after how great Washington has done.

When you see some of the waste, fraud and abuse in this Government, the bureaucracy—and we can sit here and say that Washington can handle problems better than the American family. Mr. President, that kind of baffles the mind. Some people think raising taxes and sending more money to Washington is a godsend, and it has somehow taken care of all the problems in this country, when I don't think too many people out there would want Washington to be their own financial adviser when they can't even count on Social Security to be there. I wanted to express more concern and basically disappointment over what appears to be an eleventh-hour attempt now by the President to force straitjacket education policy on our Nation's schools and children.

The President brought this up a year ago in his State of the Union Address. There has been no legislation or ideas brought to the floor on increasing the size or putting more teachers into the classroom. Everybody can agree that education is probably one of the most important things that we need in this country. Again, I don't know if people want to give that control over to Washington and have them hiring teachers, telling us who we can hire and fire in the classroom. They would go from there to what the curriculum is going to be. Then they would tell us what to teach the children and what books to read.

When you talk about revision of history and what we have heard here on the budget issues alone, can you imagine what our textbooks are going to be like when we hear some apologizing for Christopher Columbus? Can you imagine the difference in the wealth and lifestyle of this great country? In some of our textbooks, Christopher Columbus is being viewed as somebody who did things wrong. Sure, there were problems back then, and there were new diseases brought to this continent. But to say now that we should be apologizing for what Christopher Columbus did, or maybe apologize for how this country ended World War II—nobody wanted to use the bomb, but to rewrite the stories of the *Enola Gay* and say America was somehow responsible for World War II, we didn't start the war. We had to find a way to end it. It was not a pleasant way to do it, but it did save lives from the day-to-day fighting. There would not have only been thousands more American soldiers who would have died, in addition to the thousands who died in World War II, but thousands more Japanese civilians would have been killed as well.

Mr. President, President Clinton and others in Congress have decided to renew their one-size-fits-all argument that they know how best to spend education dollars for each and every student, in each and every school in the country, from the inner city to rural classrooms.

Education for all is a top priority, as I mentioned. All of us have the top priority of education for our children and grandchildren. That politicians are using it today as a last-ditch political coverup, I believe, is beneath contempt. The central charge being made is that the Republican-led Congress hasn't met the demands for increases in education spending. This simply is not the case.

According to the Senate Budget Committee, in the last three budget cycles during which Republicans have controlled Congress, this Congress has provided $79 billion, or 97 percent of the President's education requests.

In other words, in 5 of the last 6 years, there has been less than a 3-percent difference between the President's request for education outlays and what Congress has provided. And to suggest otherwise is nothing but pure politics.

As we have seen time and time again in Washington, it is very easy to just go out there and try to up the ante. When I say that, what they are trying to do out here is bribe the American people with your money. In other words, they just want to take a little bit more of our money to Washington, raise your taxes, erode your tax bases, take more money away from your tax base to support your own local schools so they can up the ante out here in Washington, because Washington can't give you anything. It can't enrich your school districts until it takes something from you. So it has to take money from you to bring it to Washington and promise you something that they are going to give back, but with a lot of strings—and by the way, a lot less money, because by the time you support the buildings and bureaucracy here in Washington, you are only getting pennies on the dollar back.

Somehow, they promise you something, but they don't tell you who is going to pay for it. Sure, some might be getting more money back than they paid, but most Americans are going to pay more in taxes to get this type of help from Washington. When you give that control to Washington, you as parents lose control at home over what decisions are going to be made, whether it is over teachers, curriculum, et cetera.

So upping the ante here, its easy for somebody to try to outbid the other, saying let's do $3 billion or $5 billion or $7 billion—it is all your money. So it is easy to up the ante so as to be able to complain that Congress isn't spending enough. We have seen this painfully played out, for example, in making emergency moneys available for our Nation's farmers.

One tell-tale sign that the administration's proposals are for ''show'' only is that they cannot be met without breaking the budget. I heard here a while ago that the spending bidding wars the President is talking about right now is not going to break the budget, that it is all offset. I don't know where it is coming from. I haven't seen the offsets. The only offset I have seen is that it is going to come out of the budget surplus.

Something in the neighborhood of $20 billion of surplus money is already being spent by this administration. He is trying to twist the arms of the Republican Congress to go along with this looming threat of a possible Government shutdown, or saying we don't care about education, or we don't care about the American farmer. But somehow Republicans wanted to give a tax break because some of the surplus money is from larger revenues due to income growth. We say, if we are overbilling the American people, maybe we should give some money back. They say, you can't do that, and they say they think about Social Security first. That tax cut would have been about $7 billion in the year 1999. That was too much money to give $7 billion back, which would amount to basically less than $1 a month per person in this country.

That is a huge tax cut—less than $1 a month—$7 billion? They couldn't do that. But yet $20 billion of that surplus can be spent. And they are saying, ''Well, we are not taking this out of the surplus; we are going to offset it.'' I would like to know where they are offsetting it, and, if they are offsetting it in some programs, I would like to know where those programs are going to be able to get along with less money, after all of this year trying to work out budgets through our committees. The President knows this.

The only offset proposal has been through increased tobacco taxes. That is what we heard earlier this year. That is how the President was going to pay for 100,000 new teachers. That is how the President was going to pay for rebuilding new schools. And that, by the way, is the prerogative, the responsibility, the opportunity, of the local school boards and school districts. They should be doing this—not the Federal Government, because the Federal Government then has to make money from them to give back to them. But, in the meantime, they lose a lot of control and authority. But when there was no tobacco bill this year—again, this is one of the radical liberal agendas that did not pass this Congress that we have heard complaints about. Again, I am very proud to have voted against that piece of legislation. But there is no money there.

So, if there is no money from the tobacco legislation, now the President is saying we are going to have to dip into something else. But it is going to come out of the surplus, and that is the extra money that you have worked for, which Washington now has and won't give back. Congress has rejected that plan. The President has now proposed an alternative method of financing his proposal.

Another giveaway as to the political nature of this last-minute demagoguing is the plain fact that simply spending more money in Washington for the sake of spending more money does nothing to solve the education problems in this country. I think the President should pay attention to the fact that it is going to take a little more time and a little more effort to solve these problems than he has been willing to devote in the past.

If this is such an important issue, which I think it is, I think we need to have Congress to bring it before our committee. Let's sit down and debate it and lay it all out and see where the advantages are, how much it is going to cost and where the money is going to come from, rather than the President trying to again break arms and jam it into an omnibus budget bill. In fact, spending money blindly may ultimately do more harm than good.

According to a recent article in the Washington Post,

> The nation's largest study examining the use of computers in schools has concluded that the $5 billion being spent each year on educational technology is actually hurting children in many cases because the computers aren't being put to good use.

While I support teaching out kids to use technology, and computers are an important part of this, I do not believe high-tech classrooms are the only priority.

And, while spending great sums of money on technology-education is feel-good politics for those who spend the money, it can come, as we've seen, at the expense of our kids.

Last year, the American Management Association found that two-thirds of managers said new employees had strong computer skills, but that only 29 percent said the employees could write competently.

I am always reminded of a story, because I think it suggests some very serious education problems in this country: A small school district in northern Minnesota was being given an award because their students had ranked among the top in the scores that year. In the test scores out there, their students had ranked among the top. Somebody came up, and while they were going through some of the records, they noticed that this school district had some of the lowest costs per pupil in the State. So the question was asked: ''How can you account for having higher test scores when you have had some of the lowest spending per pupil year?'' The principal said, ''I don't know how to explain it.'' He said, ''All we can basically do is offer our kids the basics.''

In other words, they were teaching them to read, to write, and to do arithmetic rather than the ''feel good'' diversity type programs that we see teachers now hamstrung with today. They can spend less than half of their costs on the basics, because the Government dictates today already preclude them from teaching their kids the basics.

When they talk about money in this country, that we are not spending enough money—we spend more on education; it is only second to health care. About $450 billion a year goes to education. That is more than any country in the world spends per student per year. In fact, if you look at the numbers, the United States spends nearly twice as much per student per year as any country in the world. Yet we rank 14 out of 14 of the industrialized nations in the world in test scores when it comes to math and sciences and the ability to write.

So, if other countries can spend less and get more, where is the problem? The problem isn't the amount of money that we are spending on education, it is how that money is being used. And now, to say if we could only come back and throw some more money at it—I will give you an example. Back in the 1950s, if we adjusted to inflation today, the States were spending an average of about $600 per student per year in education. Today, 1998, we are spending well over $6,000 per student per year—from $600 in 1950 to over $6,000 today.

The District of Columbia spends over $10,000. In Minnesota, the city of Minneapolis spends over $10,000 per student and yet has some of the lowest test scores in the State.

So, again, is it the money? Or is it some of the ways that we are teaching our children, or some of the programs, or the time that our kids are being given to study the basics in order to learn?

I think the ones who really come out on the short end of this are the students. While we are up here debating all of this, saying that we need all this curriculum, that we need all this money, that we need all this stuff, our kids are graduating with some of the lowest test scores around the world, without the ability to compete in the next generation. They are the ones being shortchanged while a lot of this debate is going on here. I think those problems show that our students are not learning the basics despite our spending efforts.

Over the last 30 years, as I have mentioned, we have increasingly spent more of the Nation's money on education. Nominal spending has risen eightfold since 1969.

Furthermore, a recent Wall Street Journal article reports that in the past 45 years the average pupil-teacher ratio in this country has already fallen by 35 percent. In the past 45 years, the student-teacher ratio has fallen 35 percent. Yet, our test scores have fallen with it. The SAT scores have stagnated, and the international tests have put them at the bottom.

In Math and Science General Knowledge tests, United States students ranked 16th out of 21 in science, behind Russia and Slovenia but ahead of Cyprus.

In math, United States students ranked 19th out of 21 countries, behind Russia, Slovenia, Hungary, and Lithuania. America already outspends every other country per child on education, and ranked among the bottom of all.

Clearly, simply spending more money is not the answer to better learning. If it were, we certainly wouldn't have these sorts of test scores to show for it.

The answers to our education problems do not lie in ''wired classrooms.'' No computer can take the place of a good teacher. Instead, I believe that the answers to learning are found in each and every teacher-child relationship, in each and every classroom.

There is no amount of money that can replace a teacher who cares and wants to reach kids, and has the freedom to do so.

This freedom comes with the authority to make decisions based on local needs—not dictates from Washington, not more control from Washington, not more strings attached to the classrooms from Washington. I have continually supported plans which would return money and also return control from Washington to parents, to teachers, and to local school districts. After all, I think they know best how to spend their education dollars.

Plans such as the Education Savings and School Excellence Act would have been an important step toward accomplishing this.

This bipartisan education reform legislation would have allowed low- and middle-income families to open education savings accounts to pay for the particular education needs of their children—from textbooks to tutoring to tuition.

Unfortunately, for families and students, President Clinton vetoed this legislation. There has been an agenda dealing with education in this Congress this year. It has gone nowhere, because the President and those Members on that side of the aisle —the Democrats—have disagreed and have stalled the efforts, or have vetoed it with the President's plan, claiming that it would divert resources from public education. This is false. The Education Savings and School Excellence Act would not have touched 1 cent of Federal spending for education—would not have touched 1 cent of the surplus either. It would have come from parents being able to set aside more of their own money so that they could decide how they wanted to spend it for their children's education—whether they needed additional tutoring, or tuition to go to a private or parochial school, or whatever the parent decided they needed. But they vetoed that plan.

The reason the President vetoed this legislation—and I will be generous with this inference—is because he thinks he knows what is best for each and every student if America.

But I would ask my colleagues to reflect on this for just a moment and to see if they aren't forced to come to the same conclusion: To think that the U.S. Government should impose a rigid

generic formula on day-to-day decisions for all students is nothing short of frightening.

So, Mr. President, I thank you very much for the time, and I hope we can work out these questions in the remaining days. Some of the questions now do not relate to the amount of money being spent on education but is being narrowed down to who is spending it, who controls it. I think the Republicans have made it very clear that if the money is to be spent, it should go to local school districts so that the parents and the teachers and local officials can decide how that money should be spent, not Washington. But on the other side, they would rather have the money come here to Washington so they can disperse it, so they can tell parents, teachers, local school districts and local officials how those dollars should be spent. I think Americans would rather have those local options left to themselves because this is incrementalism at its best. If you let Washington get its foot in the door, the camel's nose under the tent, it is only going to be a matter of time before they want more and more control over education in this country.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Vermont is recognized.

EDUCATION IN THE 105TH CONGRESS

Mr. JEFFORDS. Mr. President, over the past several days, the White House has bombarded the airwaves with rhetoric suggesting that congressional Republicans have turned a deaf ear to the needs of our nation's students. Hearing all this, I have to say I feel like I have entered a parallel universe. Less than one week ago, I was standing in that same White House listening to the President laud one of the most significant bipartisan achievements of the 105th Congress—enactment of the Higher Education Amendments of 1998.

Lost in all the pre-election maneuvering is any recognition of the solid record of accomplishment by this Congress on behalf of students from preschool through graduate school. I would like to take a few minutes to review that record.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

One of the first measures considered by the 105th Congress was the Individuals with Disabilities Education Act (IDEA) Amendments of 1997. The development of this legislation involved a level of cooperation which is virtually unprecedented—between Republicans and Democrats, House and Senate, and Congress and the Administration. The leadership demonstrated by Senator LOTT was critical to the success of this effort, as was the many hours of work by my colleagues on the Labor and Human Resources Committee—particularly Senators KENNEDY, COATS, HARKIN, FRIST, DODD, and GREGG.

The result of this bipartisan effort is a law which strengthens our assistance to States for making a free appropriate public education available to children with disabilities. Major principles underlying the reauthorization bill included: placing an emphasis on prevention; basing procedures and paperwork on common sense and accountability for results; developing a coherent policy for dealing with disciplinary actions; and offering local school districts options for fiscal relief.

In addition, we have followed up words with action by providing substantial funding increases for IDEA. I was extremely disappointed that the Administration's fiscal year 1999 budget included no increase for special education funding for children with disabilities from 3 through 21 years of age—not even an adjustment for inflation. Fortunately, due to the prodding of Senator GREGG and others, Congress had increased special education funding by more than 60 percent over the past two years. In fiscal year 1996, we provided about $2.3 billion for IDEA state grants. That figure was increased to $3.1 billion in FY 1997 and increased again to $3.8 billion in FY 1998. We expect to add at least another $500 million this year.

TAXPAYER RELIEF ACT

Bipartisan cooperation also led to the inclusion of a substantial investment in education as part of the Taxpayer Relief Act signed into law last summer. This act contains 11 types of education tax breaks amounting to $40 billion over 5 years—the most significant of which is the HOPE Scholarship credit.

EMERGENCY STUDENT LOAN CONSOLIDATION ACT

Late last year, the President signed into law a measure designed to provide relief to borrowers who were unable to consolidate their student loans due to the suspension of the Direct Loan consolidation loan program. On August 26, 1997, the Department of Education suspended its consolidation loan program in an effort to deal with the backlog of 84,000 applications which had piled up prior to that time.

NATIONAL SCIENCE FOUNDATION

This summer, Congress completed action on the first major reform of the National Science Foundation in a decade. Approved unanimously by both bodies of the Congress, this legislation responds to our Nation's changing research and technology needs and provides $11 billion over three years to ensure our continued world leadership in science and technology. As a result of leadership provided by members of the Senate Labor and Human Resources Committee, particularly Senators KENNEDY, FRIST, DODD, and COLLINS, these funds will be used to support more than 19,000 competitively awarded projects at over 2,000 colleges, universities, elementary schools, and high schools.

Through this authorization, we provided for the greatest investment in basic math, science, and engineering research in our Nation's history. An often overlooked feature of the measure is the dramatic investment being made to develop and strengthen our Nation's human resources.

The reauthorization bill reflects the critical need for greater investment in systemic education reform, professional development, curriculum reform, as well as informal science education. It provides more than $1.2 billion over three years to strengthen our nation's capacity to teach math and science to secondary and elementary students. More than $300 million of these funds will be used to ensure that our Nation's math and science teachers have the knowledge and skills they need to prepare their students. Another $300 million will be used to support model efforts at systemic education reform. An additional $800 million will be used to strengthen the quality and availability of math, science and engineering education at our nation's colleges and universities.

ADULT EDUCATION AND FAMILY LITERACY

Yet another example of the progress which can be made when partisan differences are set aside is legislation signed into law by the President this August, which supports programs that assist educationally disadvantaged adults in developing basic literacy skills, achieving high school equivalency certification, and learning English. These provisions comprised the education component of comprehensive legislation known as the Workforce Investment Act to which Senators KENNEDY, DEWINE, and WELLSTONE made significant contributions throughout the process.

The Adult Education and Family Literacy Act provides assistance for those adults most in need of acquiring literacy skills. Of the approximately 4 million adults who annually receive services under this program, 75 percent usually come into the program with below 8th grade literacy skills.

This legislation emphasizes the importance of coordinating adult education programs with employment and training activities and family literacy initiatives. It also establishes a comprehensive accountability system to assess the effectiveness of the activities undertaken by States and local communities. The establishment of accountability measures will enable the federal government to optimize its investment in adult education and family literacy activities. This investment stands at $385 million today.

HIGHER EDUCATION ACT

As I mentioned earlier, one of the most significant bipartisan achievements of this Congress is the Higher Education Amendments which were signed into law last week. From the start of this process, in both the House and Senate, the development of this legislation was a joint venture on the part of Republicans and Democrats. In the Senate, I worked closely with Senators KENNEDY, COATS, and DODD each step of the way. In addition, every single member of the Labor and Human Resources Committee—as well as many Members outside the committee—made positive contributions to this measure.

Since its inception in 1965, the Higher Education Act has been focused on enhancing the opportunities of students to pursue postsecondary education. The grant, loan, and work study assistance made available by this Act has made the difference for countless millions in pursuing their dreams for a better life.

In the face of rising college costs, the 1998 amendments have provided students with the lowest cost loans in nearly two decades. With increasing concern about the quality of our nation's teachers, this act will take giant steps in improving teacher preparation. And with students, parents, and—frankly—Senators concerned about the delivery of student aid, this act completely overhauls the federal role by placing it in the hands of a professional and accountable agency within the Department of Education.

I believe the lasting legacy of this reauthorization bill will be its provisions dealing with teachers. At its foundation, it embraces the notion that investing in the preparation of our nation's teachers is a good one. Well prepared teachers play a key role in making it possible for our students to achieve the standards required to assure both their own well being and the ability of our country to compete internationally. In fact, the continued health and strength of our nation depends on our country's ability to improve the education of our young people. Integral to that is the strength and ability of our nation's teaching force. Without a strong, competent, well prepared teaching force, other investments in education will be of little value.

CARL D. PERKINS VOCATIONAL-TECHNICAL EDUCATION ACT

The story does not end here, as several other important education initiatives are ''in the pipeline'' on the way to the President. Last week, the House and Senate gave final approval to legislation designed to more fully develop the academic, technical, and vocational skills of secondary and postsecondary students enrolled in vocational and technical education programs in order for the United States to be more competitive in the world economy.

This legislation is an important complement to the Workforce Investment Act and benefitted from the same bipartisan teamwork which produced that Act. The Workforce Investment Act streamlined and consolidated a myriad of job training programs and also put into place tough accountability mechanisms. The 1998 Perkins reauthorization emphasizes the important balance between a strong academic background and a vocational and technical education system that reflects today's global economy.

There are presently between 200,000 and 300,000 unfilled positions in the technology field. The reason for the difficulty in filling these positions is not because of low unemployment numbers, but because of the lack of skilled workers. These positions require an excellent vocational education system and the ability to pursue further technical education following high school.

READING EXCELLENCE ACT

Also in line for signature by the President is the Reading Excellence Act. The purpose of this legislation is to improve both the reading skills of students and the instructional practices for teachers who teach reading, and to expand family literacy programs—including the Even Start program. States and local communities will work together as a partnership in providing professional development activities to teachers and other instructional staff and in carrying out family literacy efforts.

HEAD START

Under the leadership of Senator COATS, and with the assistance of Senators DODD and KENNEDY, we will also enact this Congress a reauthorization of the Head Start program. Recognizing the critical role of the pre-school years in a young child's development, this legislation expands the Early Head Start program for our youngest children in a manner which balances the desire to make this program available to more children and families and the need to ensure that every Head Start program meets the high standards of quality that we have demanded.

The new evaluation and research provisions will provide much-needed information about how the program operates, help identify the ''best practices,'' and will guide the grantees, the Department of Health and Human Services, and Congress to continue the improvements in Head Start which began four years ago.

CHARTER SCHOOLS

Finally, the President will soon be presented with the Charter School Expansion Act of 1998. Senators COATS and LIEBERMAN are to be particularly commended for their skill and persistence in forging a bipartisan alliance on behalf of this legislation. The purpose of this legislation is to provide financial assistance for the planning, design, and initial implementation of new charter schools. This assistance will enhance the efforts of states and local communities to increase the number of charter schools and will help meet the President's goal of having 3,000 charter schools by the year 2000.

In terms of education, I believe that the 105th Congress is among the most productive in my memory. The actions we have taken this Congress touch 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.

It is unfortunate that all of this work seems to have been forgotten. It is also unfortunate that no one is acknowledging that congressional Republicans stand ready to spend as much money on education as we have offsets to support.

Instead, an effort appears to be underway to convince the American public that failing to fund an untested and unauthorized program to reduce class size should be taken as a sign of total neglect of education by this Congress. The facts just don't support that conclusion. The number of teachers is not as important as the quality of teachers. On the Federal level we must focus on promoting and ensuring quality. We don't necessarily need millions of new teachers—what we really need are millions of good teachers.

To hear the President and his advisers, hiring more teachers and reducing classroom size is the silver bullet which will solve the many deficiencies now plaguing our elementary and secondary schools. What we should all know by now is that there are no silver bullets when it comes to assuring the quality of education.

Rather, the only way to achieve the goals we seek is through the constant, day-to-day plugging away on behalf of the highest possible standards in all our education endeavors. I believe that the Congress is doing its part and that we have the legislative record to back that up.

RECOGNIZING THE CONTRIBUTIONS OF THE CITIES OF BRISTOL, TENNESSEE AND BRISTOL, VIRGINIA

Mr. JEFFORDS. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 214, which is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A resolution (H. Con. Res. 214) recognizing the contributions of the cities of Bristol, Tennessee, and Bristol, Virginia, and their people to the origins and development of Country Music, and for other purposes.

The Senate proceeded to consider the concurrent resolution.

Mr. JEFFORDS. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 214), with its preamble, was agreed to.

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

Mr. JEFFORDS. Mr. President, I ask unanimous consent the Senate now proceed to consideration of Calendar No. 466, S. 1259.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (S. 1259) to authorize appropriations for fiscal years 1998 and 1999, for the United States Coast Guard, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1259

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 ''Coast Guard Authorization Act for Fiscal Years 1998 and 1999''.

SEC. 2. TABLE OF SECTIONS.

The table of sections for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of sections.
Title I—Appropriations; Authorized Levels
Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Title II—Coast Guard Management
Sec. 201. Severance pay.
Sec. 202. Authority to implement and fund certain awards programs.
Sec. **[**202.**]** *203.* Use of appropriated funds for commercial vehicles at military funerals.
Sec. **[**203.**]** *204.* Authority to reimburse Novato, California, Reuse Commission.
Sec. **[**204.**]** *205.* Eliminate supply fund reimbursement requirement.
[Sec. 205. Authority to implement and fund certain awards programs.**]**
Sec. 206. Disposal of certain material to Coast Guard Auxiliary.
Title III—Marine Safety and Environmental Protection.
Sec. 301. Alcohol testing.
Sec. 302. Penalty for violation of International Safety Convention.
Sec. 303. Protect marine casualty investigations from mandatory release.
Sec. 304. Eliminate biennial research and development report.
Sec. 305. Extension of territorial sea for certain laws.
Sec. 306. Law enforcement authority for special agents of the Coast Guard Investigative Service.
Title IV—Miscellaneous
Sec. 401. Vessel Identification System amendments.
Sec. 402. Conveyance of communication station Boston Marshfield receiver site, Massachusetts.
Sec. 403. Conveyance of Nahant parcel, Essex County, Massachusetts.
Sec. 404. Conveyance of Eagle Harbor Light Station.
Sec. 405. Conveyance of Coast Guard station, Ocracoke, North Carolina.
Sec. 406. Conveyance of Coast Guard property to Jacksonville University, Florida.
Sec. 407. Coast Guard City, USA.
Sec. 408. Vessel documentation clarification.
Sec. 409. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding and providing false information.

TITLE I—APPROPRIATIONS; AUTHORIZED LEVELS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) *FISCAL YEAR 1998.*—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1998, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,740,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $379,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $645,696,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the bridge alteration program, $26,000,000 to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities functions (other than parts and equipment associated with operations and maintenance), $21,000,000, to remain available until expended.

(b) *FISCAL YEAR 1999.*—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1999, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,740,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $379,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $675,568,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the bridge alteration program, $26,000,000 to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities functions (other than parts and equipment associated with operations and maintenance), $21,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.G2

(a) *1998 END-OF-YEAR STRENGTH.*—The Coast Guard is authorized an end-of-year strength for active duty personnel of 37,660 as of September 30, 1998.

(b) *1998 MILITARY TRAINING STUDENT LOADS.*—For fiscal year 1998, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,368 student years.

(2) For flight training, 98 student years.

(3) For professional training in military and civilian institutions, 283 student years.

(4) For officer acquisition, 797 student years.

(c) *1999 END-OF-YEAR STRENGTH.*—The Coast Guard is authorized an end-of-year strength for active duty personnel of such numbers as may be necessary as of September 30, 1999.

(d) *1999 MILITARY TRAINING STUDENT LOADS.*—For fiscal year 1999, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, such student years as may be necessary.

(2) For flight training, such student years as may be necessary.

(3) For professional training in military and civilian institutions, such student years as may be necessary.

(4) For officer acquisition, such student years as may be necessary.

TITLE II—COAST GUARD MANAGEMENT

SEC. 201. SEVERANCE PAY.

(a) **[**Warrant Officers.—**]***WARRANT OFFICERS.*—Section 286a(d) of title 14, United States Code, is amended by striking the last sentence.

(b) SEPARATED OFFICERS.—Section 286a of title 14, United States Code, is amended by striking the period at the end of subsection (b) and inserting '', unless the officer is separated with an other than **[**Honorable Discharge**]** *honorable discharge* and the Secretary of the Service in which the Coast Guard is operating determines that the conditions under which the officer is discharged or separated do not warrant payment of severance pay.''.

(c) EXCEPTION.—Section 327 of title 14, United States Code, is amended by striking the period at the end of paragraph (b)(3) and inserting '', unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of severance pay.''.

SEC. 202. AUTHORITY TO IMPLEMENT AND FUND CERTAIN AWARDS PROGRAMS.

(a) Section 93 of title 14, United States Code, is amended —

(1) by striking ''and'' after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(w) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including but not limited to state and local governments and commercial and nonprofit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution

(including reasonable expenses of ceremony and presentation).''.

SEC. [202.] *203.* USE OF APPROPRIATED FUNDS FOR COMMERCIAL VEHICLES AT MILITARY FUNERALS.

Section 93 of title 14, United States Code, as amended by [Section 203] *section 202* of this Act, is further amended—

(1) by striking ''and'' after the semicolon at the end of paragraph (v);

(2) by striking the period at the end of paragraph (w) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(x) rent or lease, under such terms and conditions as are deemed advisable, commercial vehicles to transport the next of kin of eligible retired Coast Guard military personnel to attend funeral services of the service member at a national cemetery.''.

SEC. [203.] *204.* AUTHORITY TO REIMBURSE NOVATO, CALIFORNIA, REUSE COMMISSION.

The Commandant *of the United States Coast Guard* may use up to $25,000 to provide economic adjustment assistance for the City of Novato, California, for the cost of revising the Hamilton Reuse Planning Authority's reuse plan as a result of the Coast Guard's request for housing at Hamilton Air Force Base. If the Department of Defense provides such economic adjustment assistance to the City of Novato on behalf of the Coast Guard, then the Coast Guard may use the amount authorized for use in the preceding sentence to reimburse the Department of Defense for the amount of economic adjustment assistance provided to the City of Novato by the Department of Defense.

SEC. [204.] *205.* ELIMINATE SUPPLY FUND REIMBURSEMENT REQUIREMENT.

Subsection 650(a) of title 14, United States Code, is amended by striking [''The fund shall be credited with the value of materials consumed, issued for use, sold, or otherwise disposed of, such values to be determined on a basis that will approximately cover the cost thereof.''] *the last sentence* and inserting ''In these regulations, whenever the fund is reduced to delete items stocked, the Secretary may reduce the existing capital of the fund by the value of the materials transferred to other Coast Guard accounts. Except for the materials so transferred, the fund shall be credited with the value of materials consumed, issued for use, sold, or otherwise disposed of, such values to be determined on a basis that will approximately cover the cost thereof.''.

[SEC. 205. AUTHORITY TO IMPLEMENT AND FUND CERTAIN AWARDS PROGRAMS.

[(a) Section 93 of title 14, United States Code, is amended —

[(1) by striking ''and'' after the semicolon at the end of paragraph (w);

[(2) by striking the period at the end of paragraph (x) and inserting ''; and''; and

[(3) by adding at the end the following new paragraph:

[''(y) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including but not limited to state and local governments and commercial and nonprofit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution (including reasonable expenses of ceremony and presentation).''.]

SEC. 206. DISPOSAL OF CERTAIN MATERIAL TO COAST GUARD AUXILIARY.

(a) Section 641 of title 14, United States Code, is amended—

(1) by striking ''to the Coast Guard Auxiliary, including any incorporated unit thereof,'' in subsection (a) ; and

(2) by adding at the end thereof the following:

''(f)(1) Notwithstanding any other law, the Commandant may directly transfer ownership of personal property of the Coast Guard to the Coast Guard Auxiliary (including any incorporated unit thereof), with or without charge, if the Commandant determines—

''(A) after consultation with the Administrator of General Services, that the personal property is excess to the needs of the Coast Guard but is suitable for use by the Auxiliary in performing Coast Guard functions, powers, duties, roles, missions, or operations as authorized by law pursuant to section 822 of this title; and

''(B) that such excess property will be used solely by the Auxiliary for such purposes.

''(2) Upon transfer of personal property under paragraph (1), no appropriated funds shall be available for the operation, maintenance, repair, alteration, or replacement of such property, except as permitted by section 830 of this title.''.

TITLE III—MARINE SAFETY AND ENVIRONMENTAL PROTECTION

SEC. 301. ALCOHOL TESTING.

(a) ADMINSTRATIVE PROCEDURE.—Section 7702 of title 46, United States Code, is amended—

(1) by striking ''(1)'' in subsection (c);

(2) by redesignating paragraph (2) of subsection (c) as subsection (d)(1) and by redesignating subsection (d) as subsection (e);

(3) by striking ''may'' in the second sentence of subsection (d)(1) as redesignated, and inserting ''shall''; and

(4) by adding at the end of subsection (d), as redesignated, the following:

''(2) The Secretary shall establish procedures to ensure that after a serious marine incident occurs, alcohol testing of crew members responsible for the operation or other safety-sensitive functions of the vessel or vessels involved in such incident is conducted no later than two hours after the incident is stabilized.''.

(b) INCREASE IN CIVIL PENALTY.—Section 2115 of title 46, United States Code, is amended by striking ''$1,000'' and inserting ''$5,000''.

(c) INCREASE IN NEGLIGENCE PENALTY.—Section 2302(c)(1) of title 46, United States Code, is amended by striking ''$1,000 for a first violation and not more than $5,000 for a subsequent violation; or'' and inserting ''$5,000; or''.

SEC. 302. PENALTY FOR VIOLATION OF INTERNATIONAL SAFETY CONVENTION.

[(a) IN GENERAL.—]Section 2302 of title 46, United States Code, is amended by adding at the following new subsection:

''(e)(1) A vessel may not be used to transport cargoes sponsored by the United States Government if the vessel has been detained by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention.

[''(2) The prohibition in paragraph (1) expires for a vessel 1 year after the date of the detention on which the prohibition is based or upon the Secretary granting an appeal of the detention on which the prohibition is based.

[''(3) The head of a Federal Agency may grant an exemption from the prohibition in paragraph (1) on a case by case basis if the owner of the vessel to be used for transport of the cargo sponsored by the United States Government can provide compelling evidence that the vessel is currently in compliance with applicable international safety conventions to which the United States is a party.

[''(4) As used in this subsection, the term 'cargo sponsored by the United States Government' means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.''.]

''(2) The prohibition in paragraph (1) expires for a vessel 1 year after the date of the detention on which the prohibition is based or upon the Secretary granting an appeal of the detention on which the prohibition is based.

''(3) The head of a Federal Agency may grant an exemption from the prohibition in paragraph (1) on a case by case basis if the owner of the vessel to be used for transport of the cargo sponsored by the United States Government can provide compelling evidence that the vessel is currently in compliance with applicable international safety conventions to which the United States is a party.

''(4) As used in this subsection, the term 'cargo sponsored by the United States Government' means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.''.

SEC. 303. PROTECT MARINE CASUALTY INVESTIGATIONS FROM MANDATORY RELEASE.

Section 6305(b) of title 46, United States Code, is amended by striking all after ''public'' and inserting a period and ''This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States.''.

SEC. 304. ELIMINATE BIENNIAL RESEARCH AND DEVELOPMENT REPORT.

[(a)] Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. [2701 et seq.] *2761)* is amended by striking subsection (e) and by redesignating subsection (f) as subsection (e).

SEC. 305. EXTENSION OF TERRITORIAL SEA FOR CERTAIN LAWS.

(a) PORTS AND WATERWAYS SAFETY ACT.—Section 102 of the Ports and Waterways Safety Act (33 U.S.C. 1222) is amended by adding at the end the following:

''(5) 'Navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.''.

(b) SUBTITLE II OF TITLE 46.—

(1) Section 2101 of title 46, United States Code, is amended—

(A) by redesignating paragraph (17a) as paragraph (17b); and

(B) by inserting after paragraph (17) the following:

''(17a) 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.''.

(2) Section 2301 of that title is amended by inserting ''(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)'' after ''of the United States''.

(3) Section 4102(e) of that title is amended by striking ''on the high seas'' and inserting ''beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured''.

(4) Section 4301(a) of that title is amended by inserting ''(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)'' after ''of the United States''.

(5) Section 4502(a)(7) of that title is amended by striking ''on vessels that operate on the high seas'' and inserting ''beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured''.

(6) Section 4506(b) of that title is amended by striking paragraph (2) and inserting the following:

''(2) is operating—

''(A) in internal waters of the United States; or

''(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.''.

(7) Section 8502(a)(3) of that title is amended by striking ''not on the high seas'' and inserting: ''not beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured''.

(8) Section 8503(a)(2) of that title is amended by striking paragraph (2) and inserting the following:

''(2) [is] operating—

''(A) in internal waters of the United States; or

''(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.''.

SEC. 306. LAW ENFORCEMENT AUTHORITY FOR SPECIAL AGENTS OF THE COAST GUARD INVESTIGATIVE SERVICE.

(a) AUTHORITY.—Section 95 of title 14, United States Code, is amended to read as follows:

''§ 95. Special agents of the Coast Guard Investigative Service law enforcement authority

''(a)(1) A special agent of the Coast Guard Investigative Service designated under subsection (b) has the following authority:

''(A) To carry firearms.

''(B) To execute and serve any warrant or other process issued under the authority of the United States.

''(C) To make arrests without warrant for—

''(i) any offense against the United States committed in the agent's presence; or

''(ii) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

''(2) The authorities provided in paragraph (1) shall be exercised only in the enforcement of statutes for which the Coast Guard has law enforcement authority, or in exigent circumstances.

''(b) The Commandant may designate to have the authority provided under subsection (a) any special agent of the Coast Guard Investigative Service whose duties include conducting, supervising, or coordinating investigation of criminal activity in programs and operations of the United States Coast Guard.

''(c) The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Commandant and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary of transportation or the Attorney General.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 14, United States Code, is amended by striking the item related to section 95 and inserting the following:

''95. Special agents of the Coast Guard Investigative Service; law enforcement authority.''.

TITLE IV—MISCELLANEOUS

SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.

Title 46, United States Code, is amended—

(1) by striking ''or is not titled in a State'' in section [121O2(a);] *12102(a);*

(2) by adding at the end of section 12301 the following:

''(c) A documented vessel shall not be titled by a State or required to display numbers under this chapter, and any certificate of title issued by a State for a documented vessel [than] *shall* be surrendered in accordance with regulations prescribed by the Secretary.

''(d) The Secretary may approve the surrender under subsection (a) of a certificate of title covered by a preferred mortgage under section 31322(d) of this title only if the mortgagee consents.'';

(3) by striking section 31322(b) and inserting the following:

''(b) Any indebtedness secured by a preferred mortgage that is filed or recorded under this chapter, or that is subject to a mortgage, security agreement, or instruments granting a security interest that is deemed to be a preferred mortgage under subsection (d) of this section, may have any rate of interest to which the parties agree.'';

(4) by striking ''mortgage or instrument'' each place it appears in section 31322(d)(1) and inserting ''mortgage, security agreement, or instrument'';

(5) by striking section [31322(d)(1)(3)] *31322(d)(3)* and inserting the following:

''(3) A preferred mortgage under this subsection continues to be a preferred mortgage even if the vessel is no longer titled in the State where the mortgage, security agreement, or instrument granting a security interest became a preferred mortgage under this [subsection'';] *subsection.'';*

(6) by striking ''mortgages or instruments'' in subsection 31322(d)(2) and inserting ''mortgages, security agreements, or instruments'';

(7) by inserting ''a vessel titled in a State,'' in section 31325(b)(1) after ''a vessel to be documented under chapter 121 of this title,'';

(8) by inserting ''a vessel titled in a State,'' in section [31325(b)(8)] 31325(b)(3) after ''a vessel for which an application for documentation is filed under chapter 121 of this title,''; and

(9) by inserting ''a vessel titled in a State,'' in section 31325(c) after ''a vessel to be documented under chapter 121 of this title,''.

SEC. 402. CONVEYANCE OF COMMUNICATION STATION BOSTON MARSHFIELD RECEIVER SITE, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Coast Guard Communication Station Boston Marshfield Receiver Site, Massachusetts, to the Town of Marshfield, Massachusetts.

(2) LIMITATION.—The Secretary shall not convey under this section the land on which is situated the communications tower and the microwave building facility of that station.

(3) IDENTIFICATION OF PROPERTY.—

(A) The Secretary may identify, describe and determine the property to be conveyed to the Town under this section.

(B) The Secretary shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(b) TERMS AND CONDITIONS.—Any conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the following terms and [conditions;] *conditions:*

(A) The Secretary may reserve utility, access, and any other appropriate easements on the property conveyed for the purpose of operating, maintaining, and protecting the communications tower and the microwave building facility.

(B) The Town and its successors and assigns shall, at their own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner as necessary to ensure the operation, maintenance, and protection of the communications tower and the microwave building facility.

(C) Any other terms and conditions the Secretary considers appropriate to protect the interests of the United States.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect January 1, 1998.

SEC. 403. CONVEYANCE OF NAHANT PARCEL, ESSEX COUNTY, MASSACHUSETTS.

(a) IN GENERAL.—The Commandant, United States Coast Guard, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the United States Coast Guard Recreation Facility Nahant, Massachusetts, to the Town of Nahant.

(b) IDENTIFICATION OF PROPERTY.—The Commandant may identify, describe, and determine the property to be conveyed under this section.

(c) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to such terms and conditions as the Commandant may consider appropriate.

SEC. 404. CONVEYANCE OF EAGLE HARBOR LIGHT STATION.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of the General Services Administration shall convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Eagle Harbor Light Station, Michigan, to the Keweenaw County Historical Society.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3), (4), and (5) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the property conveyed shall immediately revert to the United States if the property, or any part of the property—

(A) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(B) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the person to which the property is conveyed may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The person to which the property is conveyed is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) REVERSION BASED ON USE.—The conveyance of the property described in subsection (a) is subject to the condition that all right, title, and interest in the property conveyed shall immediately revert to the United States if the property, or any part of the property ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of maritime history.

(6) MAINTENANCE OF PROPERTY.—The person to which the property is conveyed shall maintain the property in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

SEC. 405. CONVEYANCE OF COAST GUARD STATION OCRACOKE, NORTH CAROLINA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant, United States Coast Guard, or his designee (the ''Commandant'') may convey, by an appropriate means of conveyance, all right, title, and interest of the United States of America (the ''United States'') in and, to the Coast Guard station Ocracoke, North Carolina, to the ferry division of the North Carolina Department of Transportation.

(2) IDENTIFICATION OF PROPERTY.—The Commandant may identify, describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—The conveyance of any property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the following terms and conditions:

(A) EASEMENTS.—The Commandant may reserve utility, access, and any other appropriate easements upon the property to be conveyed for the purpose of—

(i) use of the access road to the boat launching ramp;

(ii) use of the boat launching ramp; and

(iii) use of pier space for necessary search and rescue assets (including water and electrical power).

(B) MAINTENANCE.—The ferry division of North Carolina Department of Transportation, and its successors and assigns shall, at its own cost and expense, maintain the property conveyed under this section in a proper, substantial and workmanlike manner necessary for the use of any easements created under subparagraph (A).

(C) REVERSIONARY INTEREST.—All right, title, and interest in and to administered by the general services administration if the property, or any part thereof, ceases to be used by the Ferry Division of North Carolina Department of Transportation.

(D) OTHER.—Any other terms and conditions the Commandant may consider appropriate to protect the interests of the United States.

SEC. 406. CONVEYANCE OF COAST GUARD PROPERTY TO JACKSONVILLE UNIVERSITY, FLORIDA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey to the University of Jacksonville, Florida, without consideration, all right, title, and interest of the United States in and to the property comprising the Long Branch Rear Range Light, Jacksonville, Florida.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—Any conveyance of any property under this section shall be made—

(1) subject to the terms and conditions the Commandant may consider appropriate; and

(2) subject to the condition that all right, title, and interest in and to property conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by Jacksonville University, Florida.

SEC. 407. COAST GUARD CITY, USA.

The community of Grand Haven, Michigan, shall be recognized as ''Coast Guard City, USA''.

SEC. 408. VESSEL DOCUMENTATION CLARIFICATION.

Section 12102(a)(4) of title **49,** *46,* United States Code, and section 2(a) of the Shipping Act, 1916 (46 U.S.C. App. 802(a)) are each amended by—

(1) striking ''president or other''; and

(2) inserting a comma and ''by whatever title,'' after ''chief executive officer''.

SEC. 409. SANCTIONS FOR FAILURE TO LAND OR TO BRING TO; SANCTIONS FOR OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end new section 2237 to read as follows:

''§ 2237. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding and providing false information

''(a)(1) It shall be unlawful for the pilot, operator, or person in charge of an aircraft which has crossed the border of the United States, or an aircraft subject to the jurisdiction of the United States operating outside the United States, to knowingly fail to obey an order to land by an authorized Federal law enforcement officer who is enforcing the laws of the United States relating to controlled substances, as that term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), or relating to money laundering (sections 1956–57 of this title).

''(2) The Administrator of the Federal Aviation Administration, in consultation with the Commissioner of Customs and the Attorney General, shall prescribe regulations governing the means by, and circumstances under which, a Federal law enforcement officer may communicate an order to land to a pilot, operator, or person in charge of an aircraft. Such regulations shall ensure that any such order is clearly communicated in accordance with applicable international standards. Further, such regulations shall establish guidelines based on observed conduct, prior information, or other circumstances for determining when an officer may use the authority granted under paragraph (1).

''(b)(1) 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 knowingly fail to obey an order to bring to that vessel on being ordered to do so by an authorized Federal law enforcement officer.

''(2) It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States 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 information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew, which that person knows is false.

''(c) This section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any Federal law enforcement officer under any law of the United States to order an aircraft to land or a vessel to bring to.

''(d) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

''(e) For purposes of this section—

''(1) A 'vessel of the United States' and a 'vessel subject to the jurisdiction of the United States' have the meaning set forth for these terms in the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903);

''(2) an aircraft 'subject to the jurisdiction of the United States' includes—

''(A) an aircraft located over the United States or the customs waters of the United States;

''(B) an aircraft located in the airspace of a foreign nation, where that nation consents to the enforcement of United States law by the United States; and

''(C) over the high seas, an aircraft without nationality, an aircraft of United States registry, or an aircraft registered in a foreign nation that has consented or waived objection to the enforcement of United States law by the United States;

''(3) an aircraft 'without nationality' includes—

''(A) an aircraft aboard which the pilot, operator, or person in charge makes a claim of registry, which claim is denied by the nation whose registry is claimed; and

''(B) an aircraft aboard which the pilot, operator, or person in charge fails, upon request of an officer of the United States empowered to enforce applicable provisions of United States law, to make a claim of registry for that aircraft;

''(4) the term 'bring to' means to cause a 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 sea state; and

''(5) the term 'Federal law enforcement officer' has the meaning set forth in section 115 of this title.

''(f) Any person who intentionally violates the provisions of this section shall be subject to—

''(1) imprisonment for not more than 3 years; and

''(2) a fine as provided in this title.

''(g) An aircraft that is used in violation of this section may be seized and forfeited. A vessel that is used in violation of subsection (b)(1) or subsection (b)(2)(A) may be seized and forfeited. The laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures undertaken, or alleged to have been undertaken, under any of the provisions of this section; except that such duties as are imposed upon the 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 seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. A vessel or aircraft that is used in violation of this section is also liable in rem for any fine or civil penalty imposed under this section.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 109 of title 18, United States

Code, is amended by inserting the following new item after the item for section 2236:

''2237. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding or providing false information.''.

Mr. JEFFORDS. I ask unanimous consent the committee amendments be withdrawn.

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

The Committee amendments were withdrawn.

AMENDMENT NO. 3813

Mr. JEFFORDS. Senator SNOWE has a substitute amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Ms. SNOWE, proposes an amendment numbered 3813.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Ms. SNOWE. Mr. President, today the Senate is considering S. 1259, the Coast Guard Authorization Act for Fiscal Years 1998, 1999, and 2000. Members of the Subcommittee on Oceans and Fisheries have been working on this legislation for much of the past year. My substitute amendment incorporates changes made to the bill since the Commerce Committee reported it, and which enjoys strong bipartisan support. These changes are based on comments that we received from a number of senators.

The Coast Guard is one of our nation's most important agencies. It aids people in distress, prevents injury and the loss of life, defends our oceans borders from the scourge of illegal drugs and other national security threats, maintains the safety of our waterways, and performs many other essential missions with a high degree of professionalism. My State of Maine has a 3,500 mile coastline, and the Coast Guard plays an indispensable role in the safety and economy of the many people who live along the coast. The same is true for every other coastal state in the nation.

In 1996, we enacted the Coast Guard Authorization Act of 1996, which authorized the Coast Guard through fiscal year 1997. The substitute amendment before us today reauthorizes appropriations and personnel levels for the Coast Guard through fiscal year 2000. In each of fiscal years 1999 and 2000, it authorizes $100 million over the administration's fiscal year 1999 for drug interdiction activities. These increases will restore Coast Guard drug interdiction to the fiscal year 1997 level. The amendment also includes various provisions that, among other things, are designed to provide greater flexibility to the Coast Guard on personnel administration, streamline the inventory management process, eliminate an unnecessary reporting requirement, enhance the safety of marine transportation, and strengthen Coast Guard law enforcement activities.

Several provisions of the amendment that are particularly important to people in Maine and other states deserve special mention. Section 301 requires the Coast Guard to ensure that alcohol testing of vessel crew members is conducted within 2 hours of marine accidents, unless safety considerations prevent it. This section also increases the maximum civil penalties for failure to adhere to alcohol/drug testing procedures and for operating a vessel while intoxicated.

Section 310 requires the Coast Guard to issue a report identifying U.S. waters out to 50 miles that cannot currently be reached within 2 hours by a Coast Guard search and rescue helicopter. The report must identify options to ensure that these areas can be covered by a helicopter within 2 hours.

Section 313 authorizes the Secretary of Transportation to establish, in consultation with the International Maritime Organization, two mandatory ship reporting systems in Cape Cod Bay and the Great South Channel (east of Cape Cod). Ships entering these areas will have to report to the Coast Guard so that the Coast Guard may track their movements and provide them with information on whale sightings. The provision is intended to protect against ship strikes of the highly endangered Northern right whale.

Title V of the bill contains S. 1480, the Harmful Algal Bloom and Hypoxia Research and Control Act, a bill that I have sponsored with a number of senators on both sides of the aisle. The Commerce Committee recently reported the bill with unanimous bipartisan support. It directs the administration to develop plans for dealing more effectively with harmful algal blooms like pfiesteria and hypoxia, or the dead zone, in the Gulf of Mexico. It also authorizes additional funding for NOAA's research and monitoring activities on harmful algal blooms and hypoxia.

Mr. President, I wish to emphasize one very important point with respect to these plans in title V, particularly the plan on Northern Gulf of Mexico hypoxia. The language in its provision requires the plan to be developed in conjunction with the States. The intent of this language is to ensure that the States play a substantial and constructive role in each stage of the development of the plan, and that their concerns and recommendations will be address by the administration before a plan is completed. Finding creative and sensible solutions to the Gulf of Mexico hypoxia problem will not be possible without the advice and cooperation of the affected States.

This bipartisan bill reflects many months of painstaking effort and compromise. It will help to ensure that the Coast Guard will be able to perform its critical missions over the next 2 years. I urge my colleagues to support the bill.

Mr. KERRY. Mr. President, I am pleased to support the bill before us today which would authorize the programs and activities of the U.S. Coast Guard for fiscal years 1998, 1999 and 2000.

Mr. President, Massachusetts with its hundreds of miles of coastline, unforgiving storms, active maritime and fishing industries, and thriving recreational boating population, needs the Coast Guard at full strength. So does the rest of the nation.

That is why I am pleased to support the bill before us today. I would like to describe some of the ways in which this bill addresses the challenges facing the Coast Guard. Our nation's maritime navigational infrastructure is of critical importance to a healthy economy. Over 95 percent of our nation's imports and exports are transported through our coastal waters by commercial shipping. This bill authorizes funds for the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft. In addition, I am extremely pleased that the bill authorizes necessary funding which will extend the useful life of the LORAN-C System. While the Differential Global Positioning System (DGPS) has revolutionized precise navigation by ships and aircraft, we must recognize that there are still millions who rely on LORAN-C.

One of the most important functions of the Coast Guard is to promote marine safety and environmental protection. This bill calls on the Secretary to establish procedures to ensure that after a serious marine incident occurs, alcohol testing of crew members or other persons responsible for the operation or other safety-sensitive functions of the vessel or vessels involved in such an incident is conducted no later than 2 hours after the incident occurs.

I am pleased to see included here a provision designed to protect right whales. I worked closely with the Coast Guard and others to ensure that this bill included language that calls on the Secretary to implement and enforce two mandatory ship reporting systems, consistent with international law. One of these areas is located offshore of the Cape Cod Bay and Great South Channel. Upon entry into one of these areas, ships will be made aware of right whale sightings in order to lower the possibility of collision with these marine mammals.

I am very pleased that this bill includes three land conveyances which transfer properties from the Coast Guard to Massachusetts communities: conveyance of communication station Boston Marshfield receiver site; conveyance of Nahant Parcel, Essex County; and conveyance of the Coast Guard Loran Station Nantucket.

Mr. President, I am especially supportive of this bill's inclusion of language which will relieve the hiring freeze on the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA), first imposed following the 1995 National Performance Review. This provision, which I

am pleased to have sponsored, will guarantee consistent stewardship of the NOAA Corps and the very important role the Corps plays in NOAA and to our Nation. This legislation will restore stability and renew the good faith contract made with the men and women of the NOAA Corps by establishing a minimum and maximum authorized strength for our nation's seventh uniformed service.

The NOAA Corps is an indispensable part of NOAA: a pool of professionals trained in engineering, earth sciences, oceanography, meteorology, fisheries science, and other related disciplines. Corps officers serve in assignments within the five major line offices of NOAA. They operate ships, fly aircraft into hurricanes, lead mobile field parties, manage research projects, conduct diving operations, and serve in staff positions throughout NOAA. They operate the ships that set buoys used to gather oceanographic and meteorological data on unusual weather phenomena such as El Nino. They fly research aircraft into hurricanes that record valuable atmospheric observations. They conduct hydrographic surveys along our nation's coast in order to make our waters safe for maritime commerce.

This legislation will establish staffing levels for the NOAA Corps that will provide some assurance of long term viability. It is time that we reaffirm our commitment to studying the earth's oceans and atmosphere by insuring that the NOAA Corps is staffed at the appropriate level.

Finally, Mr. President, let me again turn to the Coast Guard provisions in this bill. The Coast Guard is essential to the safety and well-being of citizens in every coastal state and in every state with navigable waters. Today, over 50 percent of the U.S. population lives within coastal areas and directly benefits from the services the Coast Guard provides. But, indirectly, the Coast Guard, in the performance of its mission, is there to protect every American and every visitor to our coastal waters. In fact, more than two-thirds of the total budget for the Coast Guard goes to operating expenses to protect public safety and the marine environment; to enforce fishery and other laws and treaties; maintain aids to navigation; prevent illegal drug trafficking and illegal immigration; and preserve defense readiness. S. 1259 will make management improvements and enhance law enforcement authority for the Coast Guard, enhancing its ability to accomplish these missions. I urge my colleagues to support this bill.

Mr. BREAUX. Mr. President, I rise today to support S. 1259, the United States Coast Guard Authorization Act. As many of my distinguished colleagues know, I have a great deal of admiration for the Coast Guard, as well as for Coast Guard men and women that carry out critical missions for our country. Before going into greater detail on the importance of the Coast Guard, I wish to discuss an amendment that Senator FORD and I intended to offer to this bill, but have withdrawn in order to address certain concerns raised by my colleague from Rhode Island, Senator CHAFEE. Our amendment would have eliminated the unjustified use of strict criminal liability statutes that do not require a showing of criminal intent or even the slight negligence in oil spill incidents.

Through comprehensive congressional action that led to the enactment and implementation of the Oil Pollution Act of 1990, commonly referred to as ''OPA90,'' the United States has successfully reduced the number of oil spills in the maritime environment and has established a cooperative public/private partnership to respond effectively in the diminishing number of situations when an oil spill occurs. Nonetheless, over the course of the last eight years, the use of the unrelated strict criminal liability statutes that I referred to above has undermined the spill prevention and response objectives of OPA90, the very objectives that were established by the Congress to preserve the environment, safeguard the public welfare, and promote the safe transportation of oil. Reasonable, measured refinements in federal law are urgently required to preserve the objectives of OPA90 by preventing the unjustified use of strict criminal liability in oil spill incidents. Accordingly, I have been working with my distinguished colleague from Kentucky, Senator FORD, and other members of the Senate to include legislation in this bill to enact such refinements.

As stated in the coast Guard's own environmental enforcement directive, a company, its officers, employees, and mariners, in the event of an oil spill ''could be convicted and sentenced to a criminal fine even where [they] took all reasonable precautions to avoid the discharge''. With increasing frequency, responsible operators in my home state of Louisiana and elsewhere in the United States who transport oil are unavoidably exposed to potentially immeasurable criminal fines and, in the worst case scenario, jail time. Not only is this situation unfairly targeting an industry that plays an extremely important role in our national economy, but it also works contrary to the public welfare.

Mr. FORD. As my colleague from Louisiana well knows, most liquid cargo transportation companies on the coastal and inland waterway system of the United States have embraced safe operation and risk management as two of their most important and fundamental values. For example, members of the American Waterways Operators (AWO) from Kentucky, Louisiana, and other states have implemented stronger safety programs that have significantly reduced personal injuries to mariners. Tank barge fleets have been upgraded through construction of new state-of-the-art double hulled tank barges while obsolete single skin barges are being retired far in advance of the OPA90 timetable. Additionally, AWO members have dedicated significant time and financial resources to provide continuous and comprehensive education and training for vessel captains, crews and shore side staff, not only in the operation of vessels but also in preparation for all contingencies that could occur in the transportation of oil products. As of today, more than 90 percent of the tugboats, towboats and barges owned and operated by AWO member companies are in compliance with the AWO Responsible Carrier Program (RCP), a program developed by the towing industry, on its own initiative, to improve the overall safety, efficiency, and quality of its marine operations. The RCP, complemented by advanced training programs such as the ground breaking wheelhouse resource management and simulator training program for towboat operators, is greatly enhancing the professionalism of mariners engaged in the transportation of oil products.

Mr. President, I know that the commitment to marine safety and environmental protection by responsible members of the oil transportation industry from Kentucky and elsewhere is real. They continue to work closely with the Coast Guard to upgrade regulatory standards in such key areas as towing vessel operator qualifications and navigation equipment on towing vessels. That commitment is demonstrated by industry-driven safety initiatives like the Responsible Carrier Program mentioned above and the Coast Guard-AWO Partnership, which brings the leadership of the industry together with government to solve marine safety and environmental protection problems.

Mr. BREAUX. through the efforts of AWO and other organizations, the maritime transportation industry has achieved an outstanding compliance record with the numerous laws and regulations enforced by the Coast Guard. Let me be clear: responsible carriers, and frankly their customers, have a ''zero tolerance'' policy for oil spills. For example, I am aware of a major marine transportation company headquartered in Louisiana that has a record of having performed over 5,300 liquid cargo transfer operations without spilling or contaminating any of the almost 2.8 billion gallons it transferred over a recent three year period. Additionally, the industry is taking spill response preparedness seriously. Industry representatives and operators routinely participate in Coast Guard oil spill crisis management courses, PREP Drills, and regional spill response drills. Yet despite all of the modernization, safety, and training efforts of the marine transportation industry, their mariners and shoreside employees cannot escape the threat of criminal liability in the event of an oil spill, even where it is shown that they ''took all reasonable precautions to avoid [a] discharge''.

Mr. President, as you know, in response to the tragic *Exxon Valdez* spill, Congress enacted OPA90. OPA90 mandated new, comprehensive, and complex regulatory and enforcement requirements for the transportation of oil products and for oil spill response. Both the federal government and maritime industry have worked hard to accomplish the legislation's primary objective—to provide greater environmental safeguards in oil transportation by creating a comprehensive prevention, response, liability, and compensation regime to deal with vessel and facility oil pollution.

Mr. FORD. As my colleague from Louisiana has most ably demonstrated, OPA90 is working in a truly meaningful sense. To prevent oil spill incidents from occurring in the first place, OPA90 provides an enormously powerful deterrent through both its criminal and civil liability provisions. Moreover, OPA90 mandates prompt reporting of spills, contingency planning, and both cooperation and coordination with federal, state, and local authorities in connection with managing the spill response. Failure to report and cooperate as required by OPA90 may impose automatic civil penalties, criminal liability and unlimited civil liability. As a result, the number of domestic oil spills has been dramatically reduced over the past eight years since OPA90 was enacted. Coast Guard statistics reflect that in 1990 there were a total of 35 major and medium oil spills, seven of which were major spills. In 1997, as a direct result of OPA90, there were no major oil spills and the number of medium spills had been reduced to eight. In those limited situations in which oil spills unfortunately occurred, intensive efforts commenced immediately with federal, state and local officials working in a joint, unified manner with the industry, as contemplated by OPA90, to clean up and report spills as quickly as possible and to mitigate to the greatest extent any impact on the environment. OPA90 has provided a comprehensive and cohesive ''blueprint'' for proper planning, training, and resource identification to respond to an oil spill incident, and to ensure that such a response is properly and cooperatively managed.

OPA90 also provides a complete statutory framework for proceeding against individuals for civil and/or criminal penalties arising out of oil spills in the marine environment. When Congress crafted this Act, it carefully balanced the imposition of stronger criminal and civil penalties with the need to promote enhanced cooperation among all of the parties involved in the spill prevention and response effort. In so doing, the Congress clearly enumerated the circumstances in which criminal penalties could be imposed for actions related to maritime oil spills. In particular, OPA90 properly imposes criminal liability for negligent violations and provides for punishment of up to one year imprisonment and/or fines between $2500 and $25,000 per day. The punishment for each knowing violation was increased by OPA90 to up to three years imprisonment and/or fines between $5000 and $50,000 per day. Furthermore, OPA90 added and/or substantially increased criminal penalties under other pre-existing laws which comprehensively govern the maritime transportation of oil and other petroleum products.

Mr. BREAUX. My colleague from Kentucky and I do not advocate nor do we support any effort to change the tough criminal sanctions that were imposed in OPA90. The criminal sanctions under OPA90 properly follow the traditional notion of what constitutes a criminal act in this country, namely, that a crime occurs when a knowing, intentional act is committed or when a party's conduct is so egregious that ''negligence'' has occurred. These tough, comprehensive OPA90 provisions collectively operate as a major deterrent for oil spills and should not be changed.

However, responsible, law-abiding members of the maritime industry in Louisiana and elsewhere are concerned by both the justice Department's willingness in the post-OPA90 environment to use strict criminal liability statues and the Coast Guard's increasing attention to criminal enforcement in oil spill incidents. As you know, strict liability imposes criminal sanctions without requiring a showing of criminal knowledge, intent or even negligence. These federal actions imposing strict liability have created an atmosphere of extreme uncertainty for the maritime transportation industry and Oil Spill Response Organizations (OSROs) about how to respond to and cooperate with the Coast Guard and other federal agencies in cleaning up an oil spill. Criminal culpability in this country, both historically and as reflected in the comprehensive OPA90 legislation itself, typically requires wrongful actions or omissions by individuals through some degree of criminal intent or through the failure to use the required standard of care. However, Federal prosecutors have been employing other antiquated, seemingly unrelated ''strict liability'' statutes that do not require a showing of ''knowledge'' or ''intent'' as a basis for criminal prosecution for oil spill incidents. Such strict criminal liability statutes as the Migratory Bird Treaty Act and the Refuse Act, statutes that were enacted at the turn of the century to serve other purposes, have been used to harass and intimidate the maritime industry, and, in effect, have turned every oil spill into a potential crime scene without regard to the fault or intent of companies, corporate officers and employees, and mariners.

The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 *et seq.*) provides that ''it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, . . . any migratory bird . . .'', a violation of which is punishable by imprisonment and/or fines. Prior to the *Exxon Valdez* oil spill in 1989, the MBTA was primarily used to prosecute the illegal activities of hunters and capturers of migratory birds, as the Congress originally intended when it enacted the MBTA in 1918. In the *Exxon Valdez* case itself, and prior to the enactment of OPA90, the MBTA was first used to support a criminal prosecution against a vessel owner in relation to a maritime oil spill, and this ''hunting statute'' has been used ever since against the maritime industry. The ''Refuse Act'' (33 U.S.C. 407, 411) was enacted 100 years ago at a time well before subsequent federal legislation essentially replaced it with comprehensive requirements and regulations specifically directed to the maritime transportation of oil and other petroleum products. Such strict liability statutes are unrelated to the regulation and enforcement of oil transportation activities, and in fact were not included within the comprehensive OPA90 legislation as statutes in which criminal liability could be found. With the prosecutorial use of strict liability statutes, owners and mariners engaged in the transportation of oil cannot avoid exposure to criminal liability, regardless of how diligently they adhere to prudent practice and safe environmental standards. Although conscientious safety and training programs, state-of-the-art equipment, proper operational procedures, preventative maintenance programs, and the employment of qualified and experienced personnel will collectively prevent most oil spills from occurring, unfortunately spills will still occur on occasion.

Mr. FORD. Mr. President, to illustrate Senator Beaux's point, please permit me to present a scenario that highlights the dilemma faced by the maritime oil transportation industry in Kentucky. Imagine, if you will, that a company is operating a towing vessel in compliance with Coast Guard regulations on the Mississippi River on a calm, clear day with several fully laden tank barges in tow. Suddenly, in what was charted and previously identified to be a clear portion of the waterway, one of the tank barges strikes an unknown submerged object which shears through its hull and causes a significant oil spill in the river. Unfortunately, in addition to any other environmental damage that may occur, the oil spill kills one or more migratory birds. As you know, under OPA90 the operator must immediately undertake coordinated spill response actions with the Coast Guard and other federal, state, and local agencies to safeguard the vessel and its crew, clean up the oil spill, and otherwise mitigate any damage to the surrounding environment. The overriding objectives at this critical moment are to assure personnel and public safety and to clean up the oil spill as quickly as possible without constraint. However, in the current atmosphere the operator must take into

consideration the threat of strict criminal liability under the Migratory Bird Treaty Act and the Refuse Act, together with their attendant imprisonment and fines, despite the reasonable care and precautions taken in the operation and navigation of the two and in the spill response effort. Indeed, in the Coast Guard's recently issued environmental enforcement directive, the statement is made that ''[t]he decision to commit the necessary Coast Guard resources to obtain the evidence that will support a criminal prosecution must often be made in the very early stages of a pollution incident.'' Any prudent operator will quickly recognize the dilemma in complying with the mandate to act cooperatively with all appropriate public agencies in cleaning up the oil spill, while at the same time those very agencies may be conducting a criminal investigation of that operator. Vessel owners and their employees who have complied with federal laws and regulations and have exercised all reasonable care should not continue to face a substantial risk of imprisonment and criminal fines under such strict liability statutes. Criminal liability, when appropriately imposed under OPA90, should be employed only where a discharge is caused by conduct which is truly ''criminal'' in nature, i.e., where a discharge is caused by reckless, intentional or other conduct deemed criminal by OPA90.

Mr. BREAUX. As the scenario presented by my colleague from Kentucky demonstrates, the unjustified use of strict liability statutes is plainly undermining the very objectives which OPA90 sought to achieve, namely to enhance the prevention of and response to oil spills in Louisiana and elsewhere in the United States. As we are well aware, tremendous time, effort, and resources have been expended by both the federal government and the maritime industry to eliminate oil spills to the maximum extent possible, an to plan for and undertake an immediate and effective response to mitigate any environmental damage from spills that do occur. Clearly unwarranted and improper prosecutorial use of strict liability statutes will have a ''chilling'' effect on these cooperative spill prevention and response efforts. Indeed, even if we were to believe that criminal prosecution only follows intentional criminal conduct, the mere fact that strict criminal liability statutes are available at the prosecutor's discretion will intimidate even the most innocent and careful operator. With strict liability criminal enforcement, responsible members of the maritime transportation industry and faced with an extreme dilemma in the event of an oil spill—provide less than full cooperation and response as criminal defense attorneys will certainly direct, or cooperate fully despite the risk of criminal prosecution that could result from any additional actions or statements made during the course of the spill response. Consequently, increased criminalization of oil spill incidents introduces uncertainty into the response effort by discouraging full and open communication and cooperation and leaves vessel owners and operators criminally vulnerable for response actions taken in an effort to ''do the right thing''.

Mr. FORD. In the maritime industry's continuing effort to improve its risk management process, it seeks to identify and address all foreseeable risks associated with the operation of its business. Through fleet modernization, personnel training, and all other reasonable steps to address identified risks in its business, the industry still cannot manage or avoid the increased risks of strict criminal liability (again, a liability that has no regard to fault or intent). The only method available to companies and their officers to avoid the risk of criminal liability completely is to divest themselves from the maritime business of transporting oil and other petroleum products, in effect to get out of the business altogether. Furthermore, strict liability criminal laws provide a strong disincentive for trained, highly experienced mariners to continue the operation of tank vessels, and for talented and capable individuals from even entering into that maritime trade. A recent editorial highlighted the fact that tugboat captains ''are reporting feelings of intense relief and lightening of their spirits when they are ordered to push a cargo of grain or other dry cargo, as compared to the apprehension they feel when they are staring out of their wheelhouses at tank barges'', and ''that the reason for this is very obvious in the way that they find themselves instantly facing criminal charges * * * in the event of a collision or grounding and oil or chemicals end up in the water''. These views were eloquently expressed as well by two tank vessel masters in a recent House hearing on strict criminal liability for oil pollution. Certainly, the federal government does not want to create a situation where the least experienced mariners are the only available crew to handle the most hazardous cargoes, or the least responsible operators are the only available carriers. Thus, the unavoidable risk of such criminal liability directly and adversely affects the safe transportation of oil products, an activity essential for the public, the economy, and the nation.

Mr. BREAUX. Therefore, Mr. President, despite the commitment and effort to provide trained and experienced vessel operators and employees, to comply with all Coast Guard laws and regulations, to abide by the safety and other operational mandates of the AWO Responsible Carrier Program and other similar industry initiatives, and to provide for the safe transportation of oil as required by OPA90, maritime transportation companies in Louisiana, Kentucky, and elsewhere still cannot avoid criminal liability in the event of an oil spill. Responsible, law-abiding companies have unfortunately been forced to undertake the only prudent action that they could under the circumstances, namely the development of criminal liability action plans and retention of criminal counsel in an attempt to prepare for the unavoidable risks of such liability.

These are only preliminary steps and do not begin to address the many implications of the increasing criminalization of oil spills. The industry is now asking what responsibility does it have to educate its mariners and shoreside staff about the potential personal exposure they may face and wonder how to do this without creating many undesirable consequences? How should the industry organize spill management teams and educate them on how to cooperate openly and avoid unwitting exposure to criminal liability? Mr. President, my colleague from Kentucky and I have thought about these issues a great deal and simply do not know how to resolve these dilemmas under current, strict liability law.

Mr. FORD. In the event of an oil spill, a responsible party not only must manage the cleanup of the oil and the civil liability resulting from the spill itself, but also must protect itself from the criminal liability that now exists due to the available and willing use of strict liability criminal laws by the Federal Government. Managing the pervasive threat of strict criminal liability, by its very nature, prevents a responsible party from cooperating fully and completely in response to an oil spill situation. The OPA90 ''blueprint'' is no longer clear. Is this serving the objectives of OPA90? Does this really serve the public welfare of our nation? Is this what congress had in mind when it mandated its spill response regime? Is this in the interest of the most immediate, most effective oil spill cleanup in the unfortunate event of a spill? We think not.

Mr. BREAUX. To restore the delicate balance of interests reached in the enactment of OPA90 almost eight years ago, I strongly believe that the Congress should reaffirm the OPA90 framework for criminal prosecutions in oil spill incidents, and work to enact legislation that reasserts the role of OPA90 as the statute providing the exclusive criminal penalties for oil spills. My colleague from Kentucky and I have proposed such legislation that will ensure increased cooperation and responsiveness desired by all those interested in oil spill response issues, while not diluting the deterrent effect and stringent criminal penalties imposed by OPA90 itself. My colleague from Kentucky and I are hopeful that we can work with Senator CHAFEE and other Members of the Congress to ensure the passage of such reform measures to preserve the oil spill prevention and response objectives of OPA90.

Mr. President, another issue of great importance which is addressed in this legislation is the double hull alternative design study. Section 417 directs

the Secretary of Transportation to coordinate with the Marine Board of the National Research Council to conduct necessary research and development for alternative tanker designs to the double hull. If this effort utilizes technical performance standards it will undoubtedly enhance development designs such as the central ballast tanker system. These, American designs, some of which have already passed rigorous scientific tests and meet or exceed international shipbuilding standards, have not in my mind received appropriate attention. In my opinion, this may be due to inaccurate interpretation of Congress' intent which the Coast guard believes restricts any consideration of alternative designs to the double hull.

Let me be clear, I am not opposed to the double hull design. In fact, I believe there is a place for the double hull. However, to consider only the double hull, while ignoring new, innovative technology which has been developed since the passage of the Clean Water Act and OPA90 exhibits bad judgment and simply put is bad policy. It is estimated that 8,000 tankers will have to be constructed or redesigned by 2015 to meet the requirements of the petroleum industry. This equates to a ship building program which the industry conservatively estimates to be worth $400 billion, all of which will be built by foreign shipyards if we do not pursue alternative designs. For those who do not believe that U.S. shipyards can't compete—just look at what's happening right now. Currently, there are two hundred double hull tankers under construction or contract around the world of which only two have been built in the United States, both of which lost money for the U.S. shipyard. In fact, I am told that the U.S. shipyard which built these two double hull ships has refused to construct anymore. Without incorporating innovative design and technology, our shipyards and U.S. workers will lose out to Japanese, Korean, Norwegian and other foreign yards and workers.

Mr. President, this issue is about more than jobs. Being from Louisiana, I am intimately familiar with the importance of this issue from an environmental standpoint. I grew up on Louisiana's Gulf coast and know first hand how environmentally sensitive our wetlands and coastlines are and also appreciate how important their health is to the livelihood of the many people who live along the richest fishery in the world. Therefore, it should come as no surprise that all of us in Louisiana, and I suspect just about all those who live along the Gulf Coast, are extremely concerned with the safety and reliability of oil transport vessels in our waters. Innovative designs like the central ballast tanker system will add a greater degree of safety in our waters an will further protect our sensitive and vitally important coastal ecosystem.

I am confident that the Secretary, in conjunction with the Marine Board, the Coast Guard and industry leaders will pull together to consider and eventually approve alternative designs to the double hull so our waters can be cleaner and safer and our shipyards and American workers will successfully participate in tanker construction in the years to come.

Mr. President, as I initially indicated, I have a great deal of admiration for the U.S. Coast Guard. I therefore, stand here today in support of S. 1259 the United States Coast Guard Authorization Act.

The Coast Guard is essential to the safety and well being of the citizens of my home state of Louisiana, as well as every other coastal State, every State with navigable waters and even several landlocked States.

Using Louisiana as an example, with its hundreds of miles of coastline, active maritime and fishing industries, and thriving recreational boating population the Coast Guard must be at full strength. The payback to our nation is unparalleled. For instance, every year the Coast Guard:

Saves about 5,000 lives;

Conducts 65,700 search and rescue missions;

Responds to 11,680 hazardous waste spills;

Protects vital marine habitats from encroachment and pollution;

Maintains 50,000 aids to ensure maritime safety; and

Keeps $2.6 billion worth of drugs off U.S. streets.

In the Greater New Orleans area alone, the Coast Guard:

Conducted over 300 search and rescue missions;

Responded to 2500 pollution incidents;

Investigated nearly 700 marine casualties;

Conducted over 2700 vessel inspections; and

Seized hundreds of pounds of drugs (Marijuana and Cocaine).

In the event my distinguished colleagues aren't already amazed let me continue. More than two-thirds of the total budget for the Coast Guard goes to operating expenses to protect public safety and the marine environment, to enforce fishery and other laws and treaties, maintain aids to navigation, prevent illegal drug trafficking and illegal immigrants, and preserve defense readiness. I believe it's our responsibility to ensure that the Coast Guard has adequate resources for its missions as it prepares for the next century. As I've outlined, the resources we provide to the Coast Guard have a direct impact on our communities. The Coast Guard's Search and Rescue Program alone provides a four-to-one return on their Operating Expenses Appropriation and only scratched the surface of what the Coast Guard does for America, everyday, around the clock. This pay-pack is unrivaled and can only be claimed by a few agencies, including the Coast Guard.

Always serving as an example, over the past 4 years, the Coast Guard on its own initiative to reduce overhead eliminated close to 4,000 positions and streamlined to save approximately $400 million per year. This has resulted in the smallest Coast Guard since 1967, yet their workload has grown substantially over the past 3 decades. Over the years, we the Congress has continued to expand the Coast Guard's mission. The ''can-do'' attitude they continually display should serve as an example to us all. However, we can no longer force this proud maritime service to do more with less.

I now call my colleagues to action. The Coast Guard's fiscal year 1999 budget request contains the minimum funding necessary to sustain Coast Guard operations. As a co-sponsor of the Western Hemisphere Drug Elimination Act, I strongly support increased counter-drug operations, but I believe earmarks to increase them at the expense of several other Coast Guard missions inside a net reduction in operating expenses is not possible.

It goes without saying how important the Coast Guard is to our Nation. I urge my colleagues to assure all necessary funding be secured in the 1999 Transportation Appropriations Bill, expected on the floor any day now. Restoration of earmarks are paramount to avoid necessary loss of life and negatively impacting public safety. I urge my colleagues to ensure the Coast Guard is provided a fiscal year budget very close to the President's request.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. HOLLINGS. Mr. President, I am pleased to join with my Commerce Committee colleagues in supporting legislation to authorize the U.S. Coast Guard. This agency enjoys widespread, bipartisan support—and for good reason. The Coast Guard has an important job and does it well. Last year alone, the Coast Guard conducted 12,449 fisheries enforcement boardings; prevented 103 thousand pounds of cocaine and 102 pounds of marijuana from reaching the streets; gave safety instruction to 570 thousand recreational boaters; responded to 13,654 reports of water pollution or hazardous spills; prevented property loss of $2.5 billion; and saved almost 5,000 lives.

The legislation before us today recognizes the vital contribution that the Coast Guard makes to the war on drugs. It authorizes $100 million over the President's request in fiscal year (FY) 1999 and FY 2000 for drug interdiction. This will allow the Coast Guard to conduct more operations like the one carried out by the Coast Guard Cutter *Dallas* in November of 1997. The *Dallas,* which is homeported in my hometown of Charleston, was participating in a joint surveillance operation with the U.S. Navy, the U.S. Drug Enforcement Agency, and the Colombian Navy. During the operation, the *Dallas* fired 25 warning shots in pursuit of a 40-foot boat spotted off the coast of Columbia and recovered 1 of the 2 tons of cocaine netted in the operation.

This bill authorizes a Coast Guard budget of $3.8 billion for FY 1998, $4.07 billion for FY 1999, and $4.35 billion for FY 2000 covering six appropriations accounts: (1) operating expenses; (2) acquisition, construction, and improvement of equipment and facilities; (3) research and development; (4) retired pay; (5) alteration and removal of bridges; and (6) environmental compliance and restoration. In addition, it authorizes $10 million in FY 1999 and $35 million in FY 2000 for capital expenses related to LORAN-C navigation infrastructure.

S. 1259 also provides for end-of-year military strength and training loads and addresses a number of Coast Guard-related administrative and policy issues. Among such issues, the bill provides for: authority to waive severance pay for officers separated with an other than honorable discharge; removal of the cap on warrant officer severance pay; use of funds for awards programs and car rental for funerals; transfer of equipment to Coast Guard Auxiliary; arrest authority for Special Agents of the Coast Guard Investigative Service; and a prohibition on new navigational assistance user fees through FY 2000.

In addition, the bill enhances the Coast Guard's safety and law enforcement missions. It includes provisions to: require alcohol testing within two hours of a serious marine incident; assess national marine transportation system needs; evaluate the use of emergency position indicating beacons (EPIRBs) by operators of recreational vessels; and establish criminal penalties for the failure of a person to land an aircraft or heave to a vessel when ordered by a Federal law enforcement officer. At this point, I would like to highlight a few key provisions of S. 1259.

GEORGETOWN LIGHT

S. 1259 would convey the only working lighthouse in South Carolina, the Georgetown Light on North Island in Winyah Bay, to the South Carolina Department of Natural Resources (SCDNR). SCDNR owns the property surrounding Georgetown Light and uses it as a wildlife preserve. It has been brought to my attention that the Coast Guard would like to deactivate the light inside of the lighthouse and replace it with a light on an existing tower. SCDNR and members of the community would like to see the light inside of the lighthouse maintained. But the Coast Guard is concerned that the only cost-effective way to maintain this light is through structural modifications to the old lighthouse that could mar its historic character. However, I am confident that the Coast Guard, SCDNR, historic preservation officials, and the local community will sit down and come to a mutually-agreeable solution for operating this aid to navigation.

PANAMA CANAL TONNAGE CALCULATION

At my request, the bill includes a provision to require the Panama Canal Commission to report on the methodology used to calculate tolls charged to deck container vessels. The tolls currently charged to container ships with on-deck containers are inconsistent with the 1969 International Convention on Tonnage Measurement of Ships (ITC 69). I am concerned that the current tonnage calculation system might adversely impact the traffic of containerized cargo through the Panama Canal. I will continue to monitor the fee structure to ensure that it is fair and does not adversely impact East Coast ports such as Charleston.

NAVIGATIONAL ASSISTANCE USER FEES

S. 1259 would prohibit the Secretary of Transportation from implementing any new navigational assistance user fee until September 30, 2000. Such a fee might discriminate inequitably among users of Coast Guard aids to navigation. While I am not sure that the Coast Guard would have the authority to impose such a fee, I am glad that we could make the law clear on this point.

USE OF EPIRBS FOR RECREATIONAL VESSELS

In the past year, we have heard several tragic stories of lives lost when recreational vessels sink off of our nation's coast. Some of these vessels were close to shore and within range of Coast Guard rescuers but could not be located. They might have been found and tragedy been averted had the vessels been equipped with EPIRBs—devices which broadcast a vessel's position. While non-profit organizations like BOAT/US have encouraged EPIRB use through education and rental programs, more can be done. That is why I have included a provision to require the Coast Guard to evaluate and provide recommendations to stimulate the use and availability of EPIRBs by recreational vessels.

LAW ENFORCEMENT ENHANCEMENT

In 1790, Secretary of the Treasury Alexander Hamilton ordered the construction of Revenue Cutters to stop smuggling and enforce tariffs. Today, the Coast Guard continues that mission, facing an increasingly sophisticated threat from illegal drug smugglers. Providing new authority to deal with an old problem, S. 1259 contains Administration-requested measures to enhance law enforcement. These measures establish sanctions (including seizure and forfeiture) for failure to land an aircraft at the order of a federal officer enforcing drug or money-laundering laws, and for obstructing boarding of a vessel by a Federal Aviation Administration (FAA) revocation of aircraft or airman certificates for such a violation, establish Coast Guard and Customs Service air interdiction authority, and set civil penalties of $15,000 for violations of that authority. In addition, this provision requires that FAA establish conditions, based on observed conduct or prior information, for ordering a plane to land. These provisions are not intended to restrict or affect in any way the Federal Government's current broad authority to conduct border searches. Rather, they should safeguard innocent owners from concerns over unwarranted interference with their operations. I am optimistic that the bill strikes an appropriate balance with the need to assure innocent citizens that they will not be forced to land.

VESSEL IDENTIFICATION SYSTEM AMENDMENTS

The bill would make corrections to the Coast Guard's vessel identification system to make a vessel titled in a state eligible for Federal documentation and to ensure that a preferred mortgage remains preferred if a state title is surrendered for another state title or for federal documentation.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) CORPS OFFICERS

Finally, S. 1259 would set a floor on Corps officers of 264 and a ceiling of 299 through FY 2003, designate a flag officer at the Director of the Corps, and lift the hiring freeze on NOAA Corps officers. The Corps has not been permitted to recruit new officers since October 1994, and this methodical, de facto elimination of positions has continued without the oversight or approval of the Congress. While we have been discussing the status of this service, the natural retirements and attrition of time have been slowly bleeding the strength out of the NOAA Corps. The Corps stands below 245 members, down 44 percent from its highest level of 439 in 1995. This provision is intended to settle the issue so that Corps officers and their families are no longer in limbo and NOAA can focus on completing its core missions.

Mr. President, over the past two centuries, the U.S. Coast Guard has built an enduring reputation throughout the world for its maritime safety, environmental protection, humanitarian, and lifesaving efforts. We have all watched the valiant and often heroic work of Coast Guard seamen and officer as they rescue desperate refugees who have taken to the seas in crowded and makeshift boats. Even in the remote regions of the world, the Coast Guard is present, actively engaged in the enforcement of United Nations' embargoes against countries like the former Republic of Yugoslavia and Iraq. The men and women of the Coast Guard respond with equal dedication during times of war and peace. I ask my colleagues to recognize this service by joining me in supporting S. 1259.●

JONES ACT WAIVER/CAMDEN IRON AND METAL

Mr. TORRICELLI. Mr. President I thank Senator SNOWE, Senator MCCAIN, and Majority Leader LOTT for working with us to craft a compromise regarding the coastwise eligibility of Barge APL–60. This limited certification will allow the barge to be used by Camden Iron and Metal in an important new Navy ship disposal initiative. Thanks to the diligent efforts of Senators LAUTENBERG and SPECTER, initial funding of $7.5 million for this ship disposal initiative has been included in the FY99 defense appropriations bill. I

would just like to clarify with the Senator from Maine that it is her understanding that this provision will apply to all work done by the barge in connection with the initiative for as many years as the initiative continues.

Ms. SNOWE. Yes, that it is my understanding.

Mr. LAUTENBERG. I, too thank Senator SNOWE, Senator MCCAIN, Majority Leader LOTT, and Senators HOLLINGS and BREAUX for their assistance on this important economic development initiative. The program will involve the development of an environmentally sound method for dismantling the Navy's many decommissioned vessels. Camden Iron and Metal, a critical partner in this initiative, intends to transport pieces of the Navy's ships on the barge from the shipyard to its facility in Camden for further processing. It is a very important project in the city of Camden and I am grateful for their help. I recognize that discussions are under way with the House regarding the Coast Guard authorization and want to ask the chairman for a commitment to giving this provision priority consideration in those discussions.

Ms. SNOWE. I will do every thing I can to ensure that this provision is in any final Coast Guard legislation.

Mr. LAUTENBERG. I thank the Senator from Maine.

Mr. TORRICELLI. Again, I thank the Senator from Maine, Senator MCCAIN, the Majority Leader, as well Senators HOLLINGS and BREAUX.

Mr. MCCAIN. Mr. President, I rise in support of the Coast Guard Reauthorization Act of 1998, 1999, and 2000. The Coast Guard is a branch of the armed forces and a multi-mission agency. The Coast Guard is responsible for our national defense, search and rescue services on our nation's waterways, maritime law enforcement, including drug interdiction and environmental protection, marine inspection, licensing, port safety and security, aids to navigation, waterways management, and boating safety. This bill will provide the Coast Guard with funding and authority to continue to provide the United States with high quality performance of its diverse duties through fiscal year 2000. I commend the men and women of the Coast Guard who serve their country with honor and distinction.

This bill authorizes $100 million over the Administration's budget request in fiscal years 1999 and 2000 for drug interdiction activities. This additional money will restore drug interdiction funding to approximately the same level which the Coast Guard spent on the war on drugs in 1997. As the primary maritime law enforcement agency, the Coast Guard has played an essential role in our nation's war on drugs. The Commandant of the Coast Guard serves as the Administration's drug interdiction coordinator. With the leadership provided by the Coast Guard, several successful drug interdiction operations performed with other federal agencies have proven to be quite effective. In Operation Frontier Shield, 36,262 pounds of cocaine were seized off the coast of Puerto Rico, and in three months during Operation Frontier Lance, 2,990 pounds of cocaine were seized off the coast of Haiti. Despite these successful operations, the Administration has not provided for an actual increase in drug interdiction funding levels in its fiscal year 1999 budget request. The funding included in this bill signifies the Commerce Committee's endorsement of the Coast Guard's continued role in the war on drugs.

In addition to funding the important multi-missions of the Coast Guard, this bill makes a series of programmatic changes which will help the Coast Guard operate in a more efficient and effective manner. I will briefly highlight and explain several provisions contained in the bill. The bill gives the Coast Guard parity with the Department of Defense for severance pay. It gives the Coast Guard discretion in making decisions related to severance pay for officers being separated with a less than Honorable Discharge and removes the existing cap on warrant officer severance pay. In both instances, the Committee expects the Coast Guard to implement this provision in a fair and uniform manner.

The bill also prohibits a foreign-flag vessel which has been detained for a violation of an international safety convention to which the United States is a party from carrying cargo sponsored by the United States Government for one year after the violation. The Committee intends this penalty to be triggered in the case of serious violations of such conventions.

The bill authorizes the Coast Guard to establish seasonal helicopter search and rescue capability based in Westhampton, NY, from April 15 through October 15. Due to the discretionary nature of this provision, the Committee fully expects the Coast Guard to continue to maintain its complete search and rescue mission based on need. By including this provision, the Committee does not intend to extend any inference of priority for the establishment of such search and rescue capability in a manner that contravenes meeting higher priorities.

The bill authorizes the Coast Guard to administratively convey excess lighthouses. In granting such authority, the Committee is focused on the historic preservation of the lighthouses. However, the Committee expects the Coast Guard to take factors, such as the protection of the taxpayer, into consideration when making such an administrative conveyance. For example, if a conveyance is the source of a local controversy or would result in a waste of taxpayer dollars, the Committee would anticipate that the Coast Guard would exercise its discretion and not make the conveyance.

The bill also provides an administrative process for obtaining a waiver of the coastwise trade laws to allow vessels to commercially operate in the coastwise trade under certain conditions. The waiver authority allows the Administration to process noncontroversial waiver requests in a more expeditious manner than the Congress and improve the responsiveness of the federal government in meeting the needs of many vessel-operating small businesses. I introduced this provision separately as S. 661 and it was adopted by the Committee.

The bill includes S. 1480, the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998. This bill was adopted by the Committee and provides funding for Federal research, monitoring, and management activities to address harmful algal blooms and hypoxia on a national scale.

The bill includes a provision which authorized the Commandant of the Coast Guard to recognize the community of Grand Haven, Michigan as ''Coast Guard City USA''. The community has a long and lofty tradition of making the Coast Guard at home in Grand Haven. Senator ABRAHAM, Senator LEVIN, and Representative HOEKSTRA worked tirelessly to secure this recognition for Grand Haven. The bill contains discretionary language because the Committee was concerned about possibly precluding any other community in the United States from attaining such recognition under any circumstances.

This bill represents a comprehensive set of improvements which should enhance the efficiency and effectiveness of the day-to-day operation of the Coast Guard. Finally, I would like to express my gratitude and that of the full Commerce Committee to staff who worked on this bill, including Clark LeBlanc, Sloan Rappoport, Jim Sartucci, Penny Dalton, Jean Toal, Carl Bentzel, as well as Tim Cook, a Coast Guard fellow, who provided valuable insight into life in the Coast Guard and how certain provisions in the Coast Guard bill would benefit the men and women in uniform, and Stephanie Bailenson, a Sea Grant fellow, who helped develop the harmful algal bloom legislation and provided an essential scientific perspective on the bill.

Mr. INHOFE. I would like to enter into a colloquy with my friend Senator MCCAIN, who is the chairman of the Senate Commerce Committee, in order to clarify an amendment to the Coast Guard authorization bill. This provision, which was adopted in committee as part of S. 1259, has the unintended effect of raising serious safety concerns for general aviation pilots. It would make it a criminal offense if a pilot knowingly disobeys an order to land, but there is no explicit requirement for reasonable suspicion of criminal activity. It also could make an aircraft owner responsible for paying thousands of dollars to reclaim their aircraft, even if they are totally innocent of any wrongdoing.

As the Senator knows, I have been a pilot for over 40 years, and I understand that an ''order to land'' could be a dangerous and traumatic experience for a pilot. In fact, the International Standards, Rules of the Air, published by the International Civil Aviation Organization says ''interceptions of civil aircraft are, in all cases, potentially hazardous.''

The provision was intended to provide additional authority to U.S. law enforcement officers to curtail maritime and aviation drug smuggling near the border, which I'm sure all of us agree is a laudable goal. However, because of the potential danger and immense burden to pilots, I believe some relatively minor changes should be made to the amendment.

With that in mind, I have drafted some changes to the language that I would appreciate the House and Senate considering during their deliberations. These changes will directly address the concerns of the general aviation community without undermining the ability of law enforcement to track and stop pilots involved in illegal activity.

Mr. MCCAIN. I thank my friend, Senator INHOFE, for raising these issues. As he said, the goal of this amendment is to help U.S. law enforcement officers fight the war on drugs. The provision would make it unlawful for a pilot subject to U.S. jurisdiction to knowingly disobey an order to land issued by an authorized Federal law enforcement officer. The provision does try to address the issues you raise by requiring that the FAA write the regulations to define the means by and circumstances under which it would be appropriate to order an aircraft to land. The regulations would include guidelines for determining when an officer may issue an order to land based on observed conduct, prior information, or other circumstances.

Clearly, safety must be a primary consideration in the formulation and administration of these guidelines. Let me also assure the Senator from Oklahoma that the intent of this provision is not to allow for seizure of aircraft owned by people whose planes have been stolen, borrowed or rented and used illegally without the owner's knowledge. If the general aviation community still has concerns, we will work with you to make sure the issues involving safety and fair treatment of innocent pilots are thoroughly considered. As we discuss the Coast Guard bill with the House, we will work with you and review the language in this provision. I want to assure my friend that I will discuss all of your concerns and recommendations, and recommendations from other Senators with our colleagues in the House.

Mr. INHOFE. I thank the Senator. I appreciate his willingness to work with me on this issue which is of great important to the general aviation community.

Mr. JEFFORDS. I ask consent the Snowe amendment be agreed to, and the bill be considered read a third time.

The amendment (No. 3813) was agreed to.

The bill (S. 1259), as amended, was considered read the third time.

Mr. JEFFORDS. I ask consent the Senate proceed to Calendar No. 221, H.R. 2204.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

The Senate proceeded to consider the bill.

Mr. JEFFORDS. I further ask consent that all after the enacting clause be stricken and the text of S. 1259, as amended, be inserted in lieu thereof. I further ask consent that the bill then be read a third time and passed, and the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD, and finally S. 1259 be placed back on the calendar.

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

So the bill (H.R. 2204), as amended, was considered read the third time and passed.

ECONOMIC DEVELOPMENT ADMINISTRATION REFORM ACT OF 1998

Mr. JEFFORDS. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 575, S. 2364.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (S. 2364) to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3814

(Purpose: To provide a complete substitute)

Mr. JEFFORDS. Mr. President, Senator CHAFEE has a substitute amendment at the desk.

I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. CHAFEE, proposes an amendment numbered 3814.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

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

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

The substitute amendment was agreed to.

So the bill (S. 2364), as amended, was considered read the third time and passed.

The title was amended so as to read:

A bill 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.

REMOVAL OF RESTRICTION ON DISTRIBUTION OF CERTAIN REVENUES TO CERTAIN MEMBERS OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 658, H.R. 700.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 700) to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

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

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

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

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

The bill (H.R. 700) was considered read the third time and passed.

EXPRESSING SENSE OF CONGRESS REGARDING FOREST SERVICE POLICY FOR RECREATIONAL SHOOTING AND ARCHERY RANGES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. Con. Res. 123 and, further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 123) to express the sense of Congress regarding the policy of the Forest Service toward recreational shooting and archery ranges on Federal land.

The Senate proceeded to consider the concurrent resolution.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be printed at the appropriate place in the RECORD.

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

The concurrent resolution (S. Con. Res. 123) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 123

Whereas the Forest Service is developing a national policy to guide its management of existing and proposed shooting and archery ranges on national forest land;

Whereas when managed appropriately, firearm and archery sports are a legitimate use of national forest land;

Whereas the Forest Service has proceeded with closure actions of recreational shooting ranges on Forest Service land without prior notification to Congress or the general public;

Whereas on March 10, 1997, the Forest Service suspended the special-use permit of the Tucson Rod and Gun Club located in the Coronado National Forest near Tucson, Arizona; and

Whereas the Forest Service is evaluating alternative sites in the Coronado National Forest that could be used by the Tucson Rod and Gun Club for firearm and archery sports, the Secretary of Agriculture has directed the expeditious completion of the environmental assessment, and the Forest Service has committed to notify Congress of its decision by November 20, 1998: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS REGARDING PUBLIC RECREATIONAL AND MULTI-PURPOSE USE OF UNITED STATES FOREST SERVICE LAND.

It is the sense of Congress that—

(1) the Forest Service should not close shooting or archery facilities without prior notification to Congress and the general public unless there is an immediate threat to public safety;

(2) notification to Congress of any plan for closure of a shooting or archery facility should include the reasons for the closure, including any potential for imminent public safety endangerment;

(3) the Forest Service should avoid unreasonable restrictions in the issuance of special-use permits for firearm and archery sports facilities;

(4) the Forest Service should fully evaluate alternative sites in the Coronado National Forest and provide, to the extent consistent with the environmental assessment, a reasonable alternative that would allow the Tucson Rod and Gun Club to quickly open a safe facility for firearm and archery sports; and

(5) the Forest Service should adhere to its deadline of November 20, 1998, for a decision on a site for the Tucson Rod and Gun Club.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 1722 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1722) 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.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3815

(Purpose: To provide for a complete substitute)

Mr. JEFFORDS. Mr. President, Senator FRIST has a substitute amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. FRIST, proposes an amendment numbered 3815.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Women's Health Research and Prevention Amendments of 1998''.

TITLE I—PROVISIONS RELATING TO WOMEN'S HEALTH RESEARCH AT NATIONAL INSTITUTES OF HEALTH

SEC. 101. RESEARCH ON DRUG DES; NATIONAL PROGRAM OF EDUCATION.

(a) RESEARCH.—Section 403A(e) of the Public Health Service Act (42 U.S.C. 283a(e)) is amended by striking ''1996'' and inserting ''2003''.

(b) NATIONAL PROGRAM FOR EDUCATION OF HEALTH PROFESSIONALS AND PUBLIC.—Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end the following:

''EDUCATION REGARDING DES

''SEC. 1710. (a) IN GENERAL.—The Secretary, acting through the heads of the appropriate agencies of the Public Health Service, shall carry out a national program for the education of health professionals and the public with respect to the drug diethylstilbestrol (commonly known as DES). To the extent appropriation, such national program shall use methodologies developed through the education demonstration program carried out under section 403A. In developing and carrying out the national program, the Secretary shall consult closely with representatives of nonprofit private entities that represent individuals who have been exposed to DES and that have expertise in community-based information campaigns for the public and for health care providers. The implementation of the national program shall begin during fiscal year 1999.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.''.

SEC. 102. RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Section 409A(d) of the Public Health Service Act (42 U.S.C. 284e(d)) is amended by striking ''and 1996'' and inserting ''through 2003''.

SEC. 103. RESEARCH ON CANCER.

(A) RESEARCH ON BREAST CANCER.—Section 417B(b)(1) of the Public Health Service Act (42 U.S.C. 286a–8(b)(1)) is amended—

(1) in subparagraph (A), by striking ''and 1996'' and inserting ''through 2003''; and

(2) in subparagraph (B), by striking ''and 1996'' and inserting ''through 2003''.

(b) RESEARCH ON OVARIAN AND RELATED CANCER RESEARCH.—Section 417B(b)(2) of the Public Health Service Act (42 U.S.C. 286a–8(b)(2)) is amended by striking ''and 1996'' and inserting ''through 2003''.

SEC. 104. RESEARCH ON HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by inserting after section 424 the following:

''HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN

''SEC. 424A. (a) IN GENERAL.—The Director of the Institute shall expand, intensify, and coordinate research and related activities of the Institute with respect to heart attack, stroke, and other cardiovascular diseases in women.

''(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate activities under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to heart attack, stroke, and other cardiovascular diseases in women.

''(c) CERTAIN PROGRAMS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to develop methods for preventing, cardiovascular diseases in women. Activities under such subsection shall include conducting and supporting the following:

''(1) Research to determine the reasons underlying the prevalence of heart attack, stroke, and other cardiovascular diseases in women, including African-American women and other women who are members of racial or ethnic minority groups.

''(2) Basic research concerning the etiology and causes of cardiovascular diseases in women.

''(3) Epidemiological studies to address the frequency and natural history of such diseases and the differences among men and women, and among racial and ethnic groups, with respect to such diseases.

''(4) The development of safe, efficient, and cost-effective diagnostic approaches to evaluating women with suspected ischemic heart disease.

''(5) Clinical research for the development and evaluation of new treatments for women, including rehabilitation.

''(6) Studies to gain a better understanding of methods of preventing cardiovascular diseases in women, including applications of effective methods for the control of blood pressure, lipids, and obesity.

''(7) Information and education programs for patients and health care providers on risk factors associated with heart attack, stroke, and other cardiovascular diseases in women, and on the importance of the prevention or control of such risk factors and timely referral with appropriate diagnosis and treatment. Such programs shall include information and education on health-related behaviors that can improve such important risk factors as smoking, obesity, high blood cholesterol, and lack of exercise.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.''.

SEC. 105. AGING PROCESSES REGARDING WOMEN.

Section 445H of the Public Health Service Act (42 U.S.C. 285e–10) is amended—

(1) by striking ''The Director'' and inserting ''(a) The Director''; and

(2) by adding at the end the following subsection:

''(b) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.''.

SEC. 106. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

Section 486(d)(2) of the Public Health Service Act (42 U.S.C. 287d(d)(2)) is amended by striking ''Director of the Office'' and inserting ''Director of NIH''.

TITLE II—PROVISIONS RELATING TO WOMEN'S HEALTH AT CENTERS FOR DISEASE CONTROL AND PREVENTION

SEC. 201. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)) is amended—

(1) in paragraph (1), by striking ''through 1998'' and inserting ''through 2003''; and

(2) in paragraph (2), by striking ''through 1998'' and inserting ''through 2003''.

SEC. 202. NATIONAL PROGRAM OF CANCER REGISTRIES.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e–4(a)) is amended by striking ''through 1998'' and inserting ''through 2003''.

SEC. 203. NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

(a) SERVICES.—Section 1501(a)(2) of the Public Health Service Act (42 U.S.C. 300k(a)(2)) is amended by inserting before the semicolon the following: ''and support services such as case management''.

(b) PROVIDERS OF SERVICES.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)) is amended—

(1) in paragraph (1), by striking ''through grants'' and all that follows and inserting the following: ''through grants to public and nonprofit private entities and through contracts with public and private entities.''; and

(2) by striking paragraph (2) and inserting the following:

''(2) CERTAIN APPLICATIONS.—If a nonprofit private entity and a private entity that is not a non-profit entity both submit applications to a State to receive an award of a grant or contract pursuant to paragraph (1), the State may give priority to the application submitted by the nonprofit private entity in any case in which the State determines that the quality of such application is equivalent to the quality of the application submitted by the other private entity.''.

(c) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) SUPPLEMENTAL GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES.—Section 1509(d)(1) of the Public Health Service Act (42 U.S.C. 300n–4a(d)(1)) is amended by striking ''through 1998'' and inserting ''through 2003''.

(2) GENERAL PROGRAM.—Section 1510(a) of the Public Health Service Act (42 U.S.C. 300n–5(a)) is amended by striking ''through 1998'' and inserting ''through 2003''.

SEC. 204. CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION.

Section 1706(e) of the Public Health Service Act (42 U.S.C. 300u–5(e)) is amended by striking ''through 1998'' and inserting ''through 2003''.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 3815) was agreed to.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill, as amended, be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The bill (S. 1722), as amended, was considered read the third time and passed.

Mr. FRIST. Mr. President, I am pleased to rise today before we adjourn the 105th Congress to acknowledge significant legislation addressing women's health needs in the United States. I originally introduced S. 1722, the ''Women's Health Research and Prevention Amendments of 1998,'' on March 6, 1998, with our Majority Leader, Senator TRENT LOTT, to increase awareness of some of the most pressing diseases and health issues that confront women in our country. I am gratified that the Senate has moved to enact this legislation which will reauthorize important women's health activities at the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC).

We introduced this bill to create greater awareness of women's health issues and to highlight the critical role our public health agencies, the NIH and CDC, play in providing a broad spectrum of activities to improve women's health—including research, screening, prevention, treatment, education, and data collection. The bill has enjoyed broad bipartisan support, which is a testament to the need to combat the diseases affecting women and to maintain the crucial health services that help prevent these diseases. Today we move from raising awareness of these important issues to acting upon them.

This bill includes valuable provisions which support basic and clinical research at the National Institutes of Health. Among other things, these provisions reauthorize research on osteoporosis and aging processes in women; the drug diethylstilbestrol (DES) which was widely prescribed from 1938 to 1971 and has been shown to be harmful to pregnant women and their children; and breast and cervical cancer. These provisions also establish a new program focused on cardiovascular disease—the number one cause of death in women. The reauthorization of these research programs will help assure scientific progress in our fight against these diseases and will lessen their burden on women and their families.

At the Centers for Disease Control and Prevention, the bill reauthorizes the National Breast and Cervical Cancer Early Detection Program which provides for crucial screening services for breast and cervical cancers to underserved women. It is especially fitting that we enact this legislation today since October is Breast Cancer Awareness month. The American Cancer Society estimates that this year more than 180,000 women will be diagnosed with breast cancer and more than 40,000 women will lose their lives. These are not just statistics—they represent our mothers, sisters, aunts, and daughters. It is with them in mind that we pass this legislation today.

The bill also includes reauthorizations of data collection activities through the National Center for Health Statistics and the National Program of Cancer Registries, the leading sources of national data on the health status of U.S. women. These programs make significant contributions to the health and well-being of women in the United States.

Mr. President, I am proud of our work on women's health. I would like to take this opportunity to thank our Majority Leader, Senator LOTT, for his leadership and support on this issue. I would also like to thank Anne Phelps and Zoë Beckerman of my staff for their hard work on the reauthorization of these programs.

PROVIDING FOR CHANGE IN EXEMPTION FROM CHILD LABOR PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2327, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2327) to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operation of automobiles and trucks.

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

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

AMENDMENT NO. 3816

(Purpose: To make certain technical corrections concerning the effective date)

Mr. JEFFORDS. Mr. President, I have an amendment at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 3816.

The amendment is as follows:

In section 2 of the bill, strike subsection (b) and insert the following:

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This Act shall become effective on the date of enactment of this Act.

(2) EXCEPTION.—The Amendment made by subsection (a) defining the term ''occasional and incidental'' shall also apply to any case, action, citation or appeal pending on the date of enactment of this Act unless such case, action, citation or appeal involves property damage or personal injury.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 3816) was agreed to.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill, as amended, be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The bill (H.R. 2327), as amended, was considered read the third time and passed.

FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 386, S. 1642.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1642) to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public.

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

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

AMENDMENT NO. 3817

Mr. JEFFORDS. I understand Senator GLENN has a substitute amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. GLENN, proposes an amendment numbered 3817.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION I. TITLE.

This Act may be cited as the ''Federal Financial Assistance Management Improvement Act of 1998.''

SEC. 2. FINDINGS.

The Congress finds that—

(1) there are over 600 different Federal financial assistance programs to implement domestic policy;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some Federal administrative requirements may be duplicative, burdensome or conflicting, thus impeding cost-effective delivery of services at the local level;

(3) the Nation's State, local, and tribal governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery and coordination of many kinds of services; and

(4) streamlining and simplification of Federal financial assistance administrative procedures and reporting requirements will improve the delivery of services to the public.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) improve the effectiveness and performance of Federal financial assistance programs;

(2) to simplify Federal financial assistance application and reporting requirements;

(3) to improve the delivery of services to the public;

(4) to facilitate greater coordination among those responsible for delivering such services.

SEC. 4. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(2) FEDERAL AGENCY.—The term ''Federal agency'' means any agency as defined under section 551(1) of title 5, United States Code.

(3) FEDERAL FINANCIAL ASSISTANCE.—The term ''Federal financial assistance'' has the same meaning as defined in section 7501 (a)(5) of title 31, United States Code under which Federal financial assistance is provided, directly or indirectly, to a non-federal entity.

(4) LOCAL GOVERNMENT.—The term ''local government'' means a political subdivision of a State that is a unit of general local government (as defined under section 7501(a)(11) of title 31, United States Code);

(5) NON-FEDERAL ENTITY.—The term ''Non-federal entity'' means a State, local government, or non-profit organization.

(6) NON-PROFIT ORGANIZATION.—The term ''Non-profit organization'' means any corporation, trust, association, cooperative, or other organization that—

(A) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

(B) is not organized primarily for profit; and

(C) uses net proceeds to maintain, improve, or expand the operations of the organization.

(7) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, and any instrumentality thereof, any multi-State, regional, or interstate entity which has governmental functions, and any Indian Tribal Government.

(8) TRIBAL GOVERNMENT.—The term ''tribal government'' means an Indian tribe, as that term is defined in Section 7501(a)(9) of title 31, United States Code.

(9) UNIFORM ADMINISTRATIVE RULE.—The term ''uniform administrative rule'' means a government-wide uniform rule for any generally applicable requirement established to achieve national policy objectives that applies to multiple Federal financial assistance programs across Federal agencies.

SEC. 5. DUTIES OF FEDERAL AGENCIES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, each Federal agency shall develop and implement a plan that—

(1) streamlines and simplifies the application, administrative, and reporting procedures for Federal financial assistance programs administered by the agency;

(2) demonstrates active participation in the interagency process under section 6(a)(2);

(3) demonstrates appropriate agency use, or plans for use, of the common application and reporting system developed under section 6(a)(1);

(4) designates a lead agency official for carrying out the responsibilities of the agency under this Act;

(5) allows applicants to electronically apply for, and report on the use of, funds from the Federal financial assistance program administered by the agency;

(6) ensures recipients of Federal financial assistance provide timely, complete, and high quality information in response to Federal reporting requirements; and

(7) establishes specific annual goals and objectives to further the purposes of this Act and measure annual performance in achieving those goals and objectives, which may be done as part of the agency's annual planning responsibilities under the Government Performance and Results Act.

SEC. 5. DUTIES OF FEDERAL AGENCIES.

(B) EXTENSION.—If one or more agencies are unable to comply with the requirements of subsection (a), the Director shall report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives the reasons for noncompliance. After consultation with such committees, the Director may extend the period for plan development and implementation for each noncompliant agency for up to 12 months.

(c) COMMENT AND CONSULTATION ON AGENCY PLANS.—

(1) COMMENT.—Each agency shall publish the plan developed under subsection (a) in the Federal Register and shall receive public comment of the plan through the Federal Register and other means (including electronic means). To the maximum extent practicable, each Federal agency shall hold public forums on the plan.

(2) CONSULTATION.—The lead official designated under subsection (a)(4) shall consult with representatives of non-federal entities during development and implementation of the plan. Consultation with representatives of State, local and tribal governments shall be in accordance with section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534).

(d) SUBMISSION OF PLAN.—Each Federal agency shall submit the plan developed under subsection (a) to the Director and Congress and report annually thereafter on the implementation of the plan and performance of the agency in meeting the goals and objectives specified under subsection (a)(7). Such report may be included as part of any of the general management reports required under law.

SEC. 6. DUTIES OF THE DIRECTOR.

(a) IN GENERAL.—The Director, in consultation with agency heads, and representatives of non-federal entities, shall direct, coordinate and assist Federal agencies in establishing—

(1) A common application and reporting system, including:

(A) A common application or set of common applications, wherein a non-federal entity can apply for Federal financial assistance from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies; and

(B) a common system, including electronic processes, wherein a non-federal entity can apply for, manage, and report on the use of funding from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies;

(C) uniform administrative rules for Federal financial assistance programs across different Federal agencies;

(2) An interagency process for addressing:

(A) ways to streamline and simplify Federal financial assistance administrative procedures and reporting requirements for non-federal entities; and

(B) improved interagency and intergovernmental coordination of information collection and sharing of data pertaining to Federal financial assistance programs, including appropriate information sharing consistent with the Privacy Act of 1974;

(C) improvements in the timeliness, completeness, and quality of information received by Federal agencies from recipients of Federal financial assistance.

(b) LEAD AGENCY AND WORKING GROUPS.—The Director may designate a lead agency to assist the Director in carrying out the responsibilities under this section. The Director may use interagency working groups to assist in carrying out such responsibilities.

(c) REVIEW OF PLANS AND REPORTS.—Agencies shall submit to the Director, upon his request and for his review, information and other reporting regarding their implementation of this Act.

(d) EXEMPTIONS.—

The Director may exempt any Federal agency or Federal financial assistance program from the requirements of this Act if the Director determines that the Federal agency does not have a significant number of Federal financial assistance programs. The Director shall maintain a list of exempted agencies which will be available to the public through OMB's Internet site.

SEC. 7. EVALUATION.

(a) IN GENERAL.—The Director (or the lead agency designated under section 6(b)) shall contract with the National Academy of Public Administration to evaluate the effectiveness of this Act. Not later than 4 years after the date of enactment of this Act the evaluation shall be submitted to the lead agency, the Director, and Congress. The evaluation shall be performed with input from State, local, and tribal governments, and nonprofit organizations.

(b) CONTENTS.—The evaluation under subsection (a) shall—

(1) assess the effectiveness of this Act in meeting the purposes of this Act and make specific recommendations to further the implementation of this Act;

(2) evaluate actual performance of each agency in achieving the goals and objectives stated in agency plans;

(3) assess the level of coordination among the Director, Federal agencies, State, local, and tribal governments, and nonprofit organizations in implementing this Act.

SEC. 8. COLLECTION OF INFORMATION.

Nothing in this Act shall be construed to prevent the Director or any Federal agency from gathering, or to exempt any recipient of Federal financial assistance from providing, information that is required for review of the financial integrity or quality of services of an activity assisted by a Federal financial assistance program.

SEC. 9. JUDICIAL REVIEW.

There shall be no judicial review of compliance or noncompliance with any of the provisions of this Act. No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

SEC. 10. STATUTORY REQUIREMENTS.

Nothing in this Act shall be construed as a means to deviate from the statutory requirements relating to applicable Federal financial assistance programs.

SEC. 11. EFFECTIVE DATE AND SUNSET.

This Act shall take effect on the date of enactment of this Act and shall cease to be effective five years after such date of enactment.

Mr. JEFFORDS. I ask unanimous consent that the substitute amendment be agreed to.

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

The amendment (No. 3817) was agreed to.

Mr. JEFFORDS. I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD, without intervening action.

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

The bill (S. 1642), as amended, was considered read the third time and passed.

USDA INFORMATION TECHNOLOGY REFORM AND YEAR–2000 COMPLIANCE ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the agriculture committee be discharged from further consideration of S. 2116 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2116) to clarify and enhance the authorities of the Chief Information Officer of the Department of Agriculture.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3818

Mr. JEFFORDS. Mr. President, Senator LUGAR has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LUGAR, proposes an amendment numbered 3818.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LUGAR. Mr. President, today I rise in support of S. 2116, the USDA Information Technology Reform and Year-200 Compliance Act of 1998. This legislation aims to centralize all year 2000 computer conversion and other information technology acquisition and management activities within the Office of the Chief Information Officer of the Department of Agriculture. Centralization is the most efficient way to manage the complex task of ensuring that all critical computer functions at the department are operational on January 1, 2000. It is also a wiser and more effective way to construct an information technology infrastructure to enable USDA's hundreds of computer systems to interoperate, which unfortunately they cannot now do.

The Department of Agriculture is charged with enormous responsibilities and its year 2000 readiness is crucial. It has a diverse portfolio of over 200 Federal programs throughout the Nation and the world. The department delivers about $80 billion in programs. It is the fourth largest Federal agency, with approximately 30 agencies and offices. The department is responsible for the safety of our food supply, nutrition programs that serve the poor, young and old, and the protection of our natural resources. Since 40 percent of the non-tax debt owed to the Federal Government is owed to USDA, the department has a responsibility to ensure the financial soundness of taxpayers' investments.

The centralized approach to the year 2000 issue at USDA led to a lack of focus on departmental priorities. This approach resulted in a lack of guidance, oversight and the development of contingency plans. Responsibility for keeping the mission-critical information technology functioning should clearly rest with the Chief Information Officer. I am pleased that Secretary of Agriculture Glickman has pledged his personal commitment to the success of year 2000 compliance and has made it one of the highest priorities for USDA.

The General Accounting Office has long chronicled USDA's history of problems in managing its information technology investments. In August 1993, USDA received authority to spend up to $2.6 billion on a project called Info Share. The goal of Info Share was to improve operations and delivery of services by reengineering business processes and developing integrated information systems. In August 1994, GAO warned that the acquisition of information technology without business process reenginering would be problematic. Ineffective planning and management resulted in USDA's wasting $100 million on Info Share before it was ultimately disbanded.

An August 1998 GAO report warned that USDA's ongoing effort to modernize information technology at its field service centers, faces significant risks. The department could spend more than $3 billion on the project by 2011. The report revealed that USDA has not completed a comprehensive plan for the modernization and lacks the project management structure needed to manage a project of this magnitude. Specifically, USDA has not assigned a senior-level official with overall responsibility, authority and accountability for managing and coordinating the project to ensure it is completed on time and within budget.

In March of this year before a House agriculture subcommittee and again in May before the Senate Agriculture Committee, GAO testified in support of strong Chief Information Officer leadership at USDA. The Information Technology Management Reform Act of 1996, the Clinger-Cohen Act, seeks to strengthen executive leadership in information management and institute sound capital investment decision-making to maximize the return on information systems. Consistent with provisions of that act, more accountability and responsibility and responsibility over the substantial investments the department makes in information technology were recommended by the GAO. The GAO also noted major weaknesses in USDA's component agency efforts and testified that mitigating the risk of year 2000 disruptions requires leadership.

Last year, I introduced S. 805, a bill to reform the information technology systems of the Department of Agriculture. It gave the Chief Information

Officer control over the planning, development and acquisition of information technology at the department. Introduction of that bill prompted some coordination of information technology among the department's agencies and offices. This revised legislation, which includes input from the administration, is now needed to strengthen that coordination and ensure that centralized information technology management continues in the future.

This legislation requires that the Chief Information Officer manage the design and implementation of an information technology architecture based on strategic business plans to maximize the effectiveness and efficiency of USDA's program activities. Included in the bill is authority for the Chief Information Officer to approve expenditures over $200,000 for information resources and for year 2000 compliance purposes, except for minor acquisitions. To accomplish these purposes, the bill requires the secretary to transfer up to 10 percent of each agency's information technology budget to the Chief Information Officer's control.

The bill makes the Chief Information Officer responsible for ensuring that the information technology architecture facilitates a flexible common computing environment for the field service centers based on integrated program delivery and provides maximum data sharing with USDA customers and other federal and state agencies, which is expected to result in significant reductions in operating costs.

The bill requires the Chief Information Officer to address the year 2000 computing crisis throughout USDA agencies, between USDA and other Federal, State, and local agencies and between USDA and private and international partners.

Mr. President, this is a bill whose time has come. Unfortunately, USDA's problems in managing information technology are not unusual among government agencies, according to the General Accounting Office. I commend the attention of my colleagues to this bill designed to address a portion of the information resource management problems of the Federal Government and ask for their support of it.

Mr. BOND. I rise to engage the chairman of the committee in a colloquy to clarify a provision of the bill. Mr. Chairman, Section 8 of S. 2116 requires the Secretary of Agriculture to transfer up to 10 percent of the information technology or information resource management funds from each office or agency to the account of the Chief Information Officer. Some of my constituents have expressed concern that this transfer of funds may cause a reduction in the number of employees in an office or agency. A scenario has been brought forth where an office or agency finds it necessary to reduce the number of its employees, using a variety of methods, to facilitate the transfer of funds. Would the chairman address this point?

Mr. LUGAR. At no point during deliberations with the Department of Agriculture was it ever envisioned the transfer of information technology funds would cause reductions in force or furloughs. In fact, great care was taken early in the process to exclude salaries and expenses and intergovernmental payments from the calculations used to determine the amount necessary to adequately fund the development of an information technology architecture. This legislation does not authorize reductions in force or furloughs. The information technology architecture includes telecommunications, service center implementation, and site licenses for computer software and hardware. As introduced, the bill required a transfer of 5 percent of the information technology funds from each office and agency to the Chief Information Officer. Five percent of those funds represented approximately $40 million. Further negotiations with the department resulted in a revision in the bill that permits the Secretary to transfer up to 10 percent of the information technology funds. This amendment gives the Secretary the flexibility he requested to adjust transfers commensurate with the information technology architecture needs of each office and agency. This transfer authority terminates on September 30, 2003. I hope this addresses the Senator's concerns.

Mr. BOND. I thank the Chairman for the clarification.

Mr. CONRAD. I also rise to engage the chairman of the committee in a colloquy to clarify the provision of the bill. Mr. Chairman, I appreciate your response to the question from the Senator from Missouri. Workforce reductions at Farm Service Agency as well as other agencies within the U.S. Department of Agriculture have impacted the quality of services provided. Employees of the U.S. Department of Agriculture have expressed concern that fund transfers authorized by Section 8 of S. 2116 would be made from an agency's Salary and Expenses budgets and could result in additional workforce reductions. Given the increasing workload at Farm Service Agency field offices in many States, I feel that it is vital that this concern be addressed. Mr. Chairman, is it your intention that fund transfers will be made in a manner which does not jeopardize funds available for salaries?

Mr. LUGAR. As I noted in my earlier remarks, that is my intention. It is my hope that the Secretary will avoid such actions. If, however, the Secretary considers a reduction-in-force or furloughs, I expect that he will first consult the committee before going forward with such actions.

Mr. CONRAD. I thank the Chairman for his helpful remarks.

Mr. JEFFORDS. I ask unanimous consent that the substitute amendment be agreed to.

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

The amendment (No. 3818) was agreed to.

Mr. JEFFORDS. I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 2116), as amended, was considered read the third time and passed.

ORDERS FOR TUESDAY, OCTOBER 13, 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Tuesday, October 13, 1998. I further ask that the time for the two leaders be reserved.

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

Mr. JEFFORDS. I further ask unanimous consent that there be a period for the transaction of morning business until 12 noon with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator KENNEDY, 20 minutes; Senator LOTT or his designee, 20 minutes.

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

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, on Tuesday, the Senate will convene at 11 a.m., and begin a period of morning business until 12 noon. Following morning business, the Senate will await the outcome of the negotiations on the omnibus appropriations bill. As a reminder to all Members, it is hoped that the remaining legislation of the 105th Congress can be disposed of by unanimous consent. However, if a rollcall vote is needed on the omnibus bill, all Members will be given ample notice in order to plan their schedules accordingly.

I have one more unanimous consent request.

DAY OF NATIONAL CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 264, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 264) to designate October 8, 1998, as the Day of National Concern About Young People and Gun Violence.

The Senate proceeded to consider the resolution.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be placed in the RECORD at the appropriate place.

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

The resolution (S. Res. 264) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 264

Whereas every day in America, 15 children under the age of 19 are killed with guns;

Whereas in 1994, approximately 70 percent of murder victims aged 15 to 17 were killed with a handgun;

Whereas in 1995, nearly 8 percent of high school students reported having carried a gun in the past 30 days;

Whereas young people are our Nation's most important source, and we, as a society, have a vested interest in helping children grow from a childhood free from fear and violence into healthy adulthood;

Whereas young people can, by taking responsibility for their own decisions and actions, and by positively influencing the decisions and actions of others, help chart a new and less violent direction for the entire Nation;

Whereas students in every school district in the Nation will be invited to take part in a day of nationwide observance involving millions of their fellow students, and will thereby be empowered to see themselves as significant agents in a wave of positive social change; and

Whereas the observance of this day will give American students the opportunity to make an earnest decision about their future by voluntarily signing the ''Student Pledge Against Gun Violence'', and sincerely promise that they will never take a gun to school, will never use a gun to settle a dispute, and will use their influence to prevent friends from using guns to settle disputes: Now, therefore, be it

Resolved, That—

(1) the Senate designates October 8, 1998, as ''the Day of National Concern About Young People and Gun Violence''; and

(2) the President should be authorized and requested to issue a proclamation calling upon the school children of the United States to observe that day with appropriate ceremonies and activities.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 12, 1998, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3610. An act to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

H.R. 3910. Ac act to authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes.

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

H.R. 4567. An act to amend titles XI and XVIII of the Social Security Act to revise the per beneficiary and per visit home health payment limits under the medicare program, to improve access to health care services for certain medicare-eligible veterans, to authorize additional exceptions to the imposition of civil money penalties in cases of payments to beneficiaries, and to expand the membership of the Medicare Payment Advisory Commission.

H.R. 4735. An act to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 295. Concurrent resolution expressing the sense of Congress that the 65th anniversary of the Ukrainian Famine of 1932–1933 should serve as a reminder of the brutality of the government of the former Soviet Union's repressive policies toward the Ukrainian people.

H. Con. Res. 320. Concurrent resolution supporting the Baltic people of Estonia, Latvia, and Lithuania, and condemning the Nazi-Soviet Pact of Non-Aggression of August 23, 1939.

H. Con. Res. 334. Concurrent resolution relating to Taiwan's participation in the World Health Organization.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 2186) to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2431) to establish an Office of Religious Persecutions Monitoring, to provide for the imposition of sanction against countries engaged in a pattern of religious persecution, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2616) to amend title VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2886) 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.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 3528) to amend title 28, United States Code, with respect to the use of alternative dispute resolution process in United States district courts, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3796) 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.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 3903) to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4309) to provided a comprehensive program of support for victims of torture.

The message also announced that the House has passed the following bills, with an amendment, in which it requests the concurrence of the Senate:

S. 391. An act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

S. 852. An act to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuild vehicles.

S. 1408. An act to establish the Lower East Side Tenement National Historic Site, and for other purposes.

S. 1525. An act 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.

The message further announced that the House has passed the following bills, with amendments, in which it requests the concurrence of the Senate:

S. 469. An act to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System.

S. 1677. An act reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1718. An act to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriations of additional amounts for the acquisition of real and personal property.

H.R. 4110. An act 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.

The message also announced that the House has passed the following bills and joint resolution, without amendment:

S. 231. An act to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

S. 1333. An act to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges.

S. 2106. An act 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.

S. 2240. An act to establish the Adams National Historic Park in the Commonwealth of Massachusetts, and for other purposes.

S. 2246. An act to amend the Act which establish the Federal Law Olmstead National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary, and for other purposes.

S. 2285. An act 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.

S. 2413. An act providing 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 Pinetop-Lakeside or is authorized by Act of Congress.

S. 2427. An act 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.

S. 2468. An act to designate the Biscayne National Park Visitor Center as the Dante Fascell Visitor Center.

S.J. Res. 58. Joint resolution recognizing the accomplishments of Inspectors General since their creation in 1978 in preventing and detecting waste, fraud, abuse, and mismanagement, and in promoting economy, efficiency, and effectiveness in the Federal Government.

MESSAGES FROM THE HOUSE

At 4:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 145. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 134. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary: Report to accompany the joint resolution (S.J. Res. 44) proposing an amendment to the Constitution of the United States to protect the rights of crime victims (Rept. No. 105–408).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompanying the bill (H.R. 3687) to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas (Rept. No. 105–410).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1427: A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes (Rept. No. 105–411).

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. DURBIN:

S. 2625. A bill to impose restrictions on the sale of cigars; to the Committee on Commerce, Science, and Transportation.

By Mr. TORRICELLI:

S. 2626. A bill to amend title XIX of the Social Security Act to provide a children's enrollment performance bonus; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2627. A bill to amend the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

By Mr. MACK:

S. 2628. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI:

S. 2626. A bill to amend title XIX of the Social Security Act to provide a children's enrollment performance bonus; to the Committee on Finance.

THE HEALTH CARE FOR AMERICA'S CHILDREN ACT OF 1998

• Mr. TORRICELLI. Mr. President, during last year's passage of the balanced budget agreement, Congress achieved a great victory. We created a new $24 billion program to fund children's health—the State Children's Health Insurance Program.

Even with that historic effort, our work is far from finished. There are 10 million children in this country without health insurance. But even more troubling is that nearly half of these children are eligible for Medicaid health coverage yet remain unenrolled.

This is the great tragedy of Medicaid. Barriers to enrollment like complicated application forms, inaccessible sign-up procedures, and demeaning eligibility processes are preventing families from enrolling their kids. A recent report by the Agency for Health Care Policy and Research (AHCPR) stressed the need for states to engage in outreach activities to increase enrollment of Medicaid-eligible children. Likewise, President Clinton recently identified Medicaid outreach as a high priority of his administration.

The bill I am introducing today would go a long way toward getting these children enrolled. This bill, the Health Care for America's Children Act of 1998, would create an incentive program to reward states who engage in outreach activities to enroll the 4.7 million uninsured children who are eligible for Medicaid. States who employ effective outreach activities like shortened and simplified applications, presumptive and continuous eligibility, and outstationing of eligibility workers in schools and day care centers, would be eligible for a performance bonus.

State adoption of these outreach activities is critical to removing the barriers to enrollment and ensuring that all eligible children get the Medicaid health insurance to which they are already entitled. According to the Congressional Budget Office (CBO), adoption of these outreach measures would increase the number of children enrolled in Medicaid by 700,000 each year after the year 2000. That means that by the year 2007, we could have all eligible children covered.

Lack of health insurance can be devastating to the health status of children. Children without health insurance are four times more likely to go without needed medical or surgical care. And children without health care are less likely to grow up to be healthy productive adults, less likely to receive timely preventive care, and less likely to receive treatment even for serious illnesses.

Unmet health care needs also translate into higher costs over the long run. Uninsured children are more likely to need emergency room care at twice the cost of office-based care. Each dollar invested in immunization saves $7.40 in future medical costs.

Ensuring that children have access to health care is an investment in our future. Over 10 million uninsured children in this country is a crisis. But it is a travesty that we have the means to cover almost half of these children and are failing to do so. In the words of Albert Camus (CAM–OO), ''perhaps we cannot prevent this from being our world which children suffer, but we can lessen the number of suffering children.''

Mr. President, I ask that the Health Care for America's Children Act of 1998 be included in its entirety in the RECORD.

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

S. 2626

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 ''Health Care for America's Children Act of 1998''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Over 10,000,000 children in the United States, 1 in 7, lack health insurance coverage.

(2) Nearly half of those children (4,700,000) are eligible for health benefits coverage through the medicaid program but are not enrolled in that program.

(3) Children without health insurance coverage are 4 times more likely to go without needed medical or surgical care.

(4) One out of 5 children who are uninsured for a year or longer are missing all of their current immunizations.

(5) Children without health insurance are less likely to have a family doctor, less likely to receive timely preventive care, and less likely to receive treatment, even for serious illnesses.

(6) Uninsured children are more likely to need emergency room care at twice the cost of office-based care.

(7) A recent report by the Agency for Health Care Policy and Research (AHCPR) stressed the need for States to engage in outreach activities to increase the enrollment of medicaid-eligible children.

(8) Outreach activities like shortened and simplified applications, presumptive and continuous eligibility, and outstationing of eligibility workers in schools and day care centers have been found to be effective in getting medicaid-eligible children enrolled in the medicaid program.

SEC. 3. MEDICAID CHILDREN'S ENROLLMENT PERFORMANCE BONUS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following:

''(x)(1) IN GENERAL.—Beginning with fiscal year 1999 and each fiscal year thereafter, in addition to any other payment under this title, the Secretary shall pay to each State that satisfies the requirements of paragraphs (2) and (3) a children's enrollment performance bonus under this subsection for such fiscal year in such amount as the Secretary shall determine.

''(2) DEMONSTRATION OF IMPLEMENTATION OF OUTREACH STRATEGIES.—A State shall demonstrate to the satisfaction of the Secretary that the State has a commitment to reach and enroll children who are eligible for medical assistance under, but not enrolled in, the State plan under this title through effective implementation of each of the following outreach activities:

''(A) STREAMLINED ELIGIBILITY PROCEDURES.—

''(i) IN GENERAL.—The State uses streamlined procedures described in clause (ii) for determining the eligibility for medical assistance under, and enrollment in, the State plan under this title of—

''(I) children in families with incomes that do not exceed the effective income level (expressed as a percent of the poverty line) that has been specified under such State plan (including under a waiver authorized by the Secretary or under section 1902(r)(2) for the child to be eligible for medical assistance under section 1902(l)(2) or 1905(n)(2) (as selected by a State) for the age of such child; and

''(II) children determined eligible for such assistance, and enrolled in the State plan under this title in accordance with the requirements of paragraphs (1) and (2) of section 1931(b).

''(ii) PROCEDURES DESCRIBED.—The streamlined procedures described in this clause include—

''(I) using shortened and simplified applications for the children described in clause (i);

''(II) eliminating the assets test for determining the eligibility of such children; and

''(III) allowing applications for such children to be submitted by mail or telephone.

''(B) CONTINUOUS ELIGIBILITY FOR CHILDREN.—The State provides (or demonstrates to the satisfaction of the Secretary that, not later than fiscal year 2001, the State shall provide) for 12-months of continuous eligibility for children in accordance with section 1902(e)(12).

''(C) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State provides (or demonstrates to the satisfaction of the Secretary that, not later than fiscal year 2001, the State shall provide) for making medical assistance available to children during a presumptive eligibility period in accordance with section 1920A.

''(D) OUTSTATIONING AND ALTERNATIVE APPLICATIONS.—The State complies with the requirements of section 1902(a)(55) (relating to outstationing of eligibility workers for the receipt and initial processing of applications for medical assistance and the use of alternative application forms).

''(E) SIMPLIFIED VERIFICATION OF ELIGIBILITY REQUIREMENTS.—The State demonstrates to the satisfaction of the Secretary that the State uses only the minimum level of verification requirements as are necessary for the State to ensure accurate eligibility determinations under the State plan under this title.

''(3) REPORT ON NUMBER OF ENROLLMENTS RESULTING FROM OUTREACH.—A State shall annually report to the Secretary on the number of full year equivalent children that are determined to be eligible for medical assistance under the State plan under this title and are enrolled under the plan as a result of—

''(A) having been provided presumptive eligibility in accordance with section 1920A;

''(B) having submitted an application for such assistance through an outstationed eligibility worker; and

''(C) having submitted an application for such assistance by mail or telephone.

''(4) NO SUBSTITUTION OF SPENDING.—Amounts paid to a State under this subsection shall be used to supplement and not supplant other Federal, State, or local funds provided to the State under this title or title XXI. Amounts provided to the State under any other provisions of this title shall not be reduced solely as a result of the State's eligibility for a performance bonus under this subsection.''.●

By Mr. TORRICELLI:

S. 2627. A bill to amend the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

FIREARMS SAFETY AND CONSUMER PROTECTION ACT OF 1998

● Mr. TORRICELLI. Mr. President, today I introduce the Firearms Safety and Consumer Protection Act of 1998. I am sure that this bill will face opposition, but I am equally sure that the need for this bill is so clear, and the logic so unquestionable, that we will soon see hunters, law enforcement agents and other gun consumers fighting for the passage of the legislation.

Mr. President, I have long fought against the gun injuries that have plagued America for years. We succeeded in enacting the Brady bill and the ban on devastating assault weapons. And in the 104th Congress, even in the midst of what many consider a hostile Congress, we told domestic violence offenders that they could no longer own a gun. These were each measures aimed at the criminal misuse of firearms.

But there is another subject that the NRA just hates to talk about—the countless injuries that occur to innocent gun owners, recreational hunters, and to law enforcement. Every year in this country, countless people die and many more are injured by defective or poorly manufactured firearms. Yet the Consumer Product Safety Commission, which has the power to regulate every other product sold to the American consumer, lacks the ability to regulate the manufacture of firearms.

Amazingly, in a nation that regulates everything from the air we breathe, to the cars we drive, the cribs that hold our children, the most dangerous consumer product sold, firearms, unregulated. Studies show that inexpensive safety technology and the elimination of flawed guns could prevent a third of accidental firearms deaths. Despite this fact, the Federal Government powerless to stop gun companies from distributing defective guns or failing to warn consumers of dangerous products.

Ths gaping loophole in our consumer protection laws can often be disastrous for gun users. To take just one recent example, even when a gun manufacturer discovered that it had sold countless defective guns with a tendency to misfire, no recall was mandated and no action could be taken by the Federal Government. The guns remained on the street, and consumers were defenseless. Time after time, consumers, hunters, and gun owners are each left out in the cold, without the knowledge of danger or the assistance necessary to protect themselves from it.

For too long now, the gun industry has successfully kept guns exempt from consumer protection laws, and we must finally bring guns into line with every other consumer product. Logic, common sense, and the many innocent victims of defective firearms all cry out for us to act—and act we must.

To that end, I am introducing the Firearms Safety and Consumer Protection Act, legislation giving the Secretary of the Treasury the power to regulate the manufacture, distribution, and sale of firearms and ammunition. The time has come to stop dangerous and defective guns from killing American consumers. I urge my colleagues to support this bill, and I ask unanimous consent that the full text of the legislation be printed in the RECORD.

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

S. 2627

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Firearms Safety and Consumer Protection Act of 1997''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—REGULATION OF FIREARM PRODUCTS

Sec. 101. Regulatory authority.
Sec. 102. Orders; inspections.

TITLE II—PROHIBITIONS

Sec. 201. Prohibitions.
Sec. 202. Inapplicability to governmental authorities.

TITLE III—ENFORCEMENT

SUBTITLE A—CIVIL ENFORCEMENT

Sec. 301. Civil penalties.
Sec. 302. Injunctive enforcement and seizure.
Sec. 303. Imminently hazardous firearms.

Sec. 304. Private cause of action.
Sec. 305. Private enforcement of this Act.
Sec. 306. Effect on private remedies.
SUBTITLE B—CRIMINAL ENFORCEMENT
Sec. 351. Criminal penalties.
TITLE IV—ADMINISTRATIVE PROVISIONS
Sec. 401. Firearm injury information and research.
Sec. 402. Annual report to Congress.
TITLE V—RELATIONSHIP TO OTHER LAW
Sec. 501. Subordination to the Arms Export Control Act.
Sec. 502. Effect on State law.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the public against unreasonable risk of injury and death associated with firearms and related products;

(2) to develop safety standards for firearms and related products;

(3) to assist consumers in evaluating the comparative safety of firearms and related products;

(4) to promote research and investigation into the causes and prevention of firearm-related deaths and injuries; and

(5) to restrict the availability of weapons that pose an unreasonable risk of death or injury.

SEC. 3. DEFINITIONS.

(a) SPECIFIC TERMS.—In this Act:

(1) FIREARMS DEALER.—The term ''firearms dealer'' means—

(A) any person engaged in the business (as defined in section 921(a)(21)(C) of title 18, United States Code) of dealing in firearms at wholesale or retail;

(B) any person engaged in the business (as defined in section 921(a)(21)(D) of title 18, United States Code) of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms; and

(C) any person who is a pawnbroker.

(2) FIREARM PART.—The term ''firearm part'' means—

(A) any part or component of a firearm as originally manufactured;

(B) any good manufactured or sold—

(i) for replacement or improvement of a firearm; or

(ii) as any accessory or addition to the firearm; and

(C) any good that is not a part or component of a firearm and is manufactured, sold, delivered, offered, or intended for use exclusively to safeguard individuals from injury by a firearm.

(3) FIREARM PRODUCT.—The term ''firearm product'' means a firearm, firearm part, nonpowder firearm, and ammunition.

(4) FIREARM SAFETY REGULATION.—The term ''firearm safety regulation'' means a regulation prescribed under this Act.

(5) FIREARM SAFETY STANDARD.—The term ''firearm safety standard'' means a standard promulgated under this Act.

(6) NONPOWDER FIREARM.—The term ''nonpowder firearm'' means a device specifically designed to discharge BBs, pellets, darts, or similar projectiles by the release of stored energy.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary.

(b) OTHER TERMS.—Each term used in this Act that is not defined in subsection (a) shall have the meaning (if any) given that term in section 921(a) of title 18, United States Code.

TITLE I—REGULATION OF FIREARM PRODUCTS

SEC. 101. REGULATORY AUTHORITY.

(a) IN GENERAL.—The Secretary shall prescribe such regulations governing the design, manufacture, and performance of, and commerce in, firearm products, consistent with this Act, as are reasonably necessary to reduce or prevent unreasonable risk of injury resulting from the use of those products.

(b) MAXIMUM INTERVAL BETWEEN ISSUANCE OF PROPOSED AND FINAL REGULATION.—Not later than 120 days after the date on which the Secretary issues a proposed regulation under subsection (a) with respect to a matter, the Secretary shall issue a regulation in final form with respect to the matter.

(c) PETITIONS.—

(1) IN GENERAL.—Any person may petition the Secretary to—

(A) issue, amend, or repeal a regulation prescribed under subsection (a) of this section; or

(B) require the recall, repair, or replacement of a firearm product, or the issuance of refunds with respect to a firearm product.

(2) DEADLINE FOR ACTION ON PETITION.—Not later than 120 days after the date on which the Secretary receives a petition referred to in paragraph (1), the Secretary shall—

(A) grant, in whole or in part, or deny the petition; and

(B) provide the petitioner with the reasons for granting or denying the petition.

SEC. 102. ORDERS; INSPECTIONS.

(a) AUTHORITY TO PROHIBIT MANUFACTURE, SALE, OR TRANSFER OF FIREARM PRODUCTS MADE, IMPORTED, TRANSFERRED, OR DISTRIBUTED IN VIOLATION OF REGULATION.—The Secretary may issue an order prohibiting the manufacture, sale, or transfer of a firearm product which the Secretary finds has been manufactured, or has been or is intended to be imported, transferred, or distributed in violation of a regulation prescribed under this Act.

(b) AUTHORITY TO REQUIRE THE RECALL, REPAIR, OR REPLACEMENT OF, OR THE PROVISION OF REFUNDS WITH RESPECT TO FIREARM PRODUCTS.—The Secretary may issue an order requiring the manufacturer of, and any dealer in, a firearm product which the Secretary determines poses an unreasonable risk of injury to the public, is not in compliance with a regulation prescribed under this Act, or is defective, to—

(1) provide notice of the risks associated with the product, and of how to avoid or reduce the risks, to—

(A) the public;

(B) in the case of the manufacturer of the product, each dealer in the product; and

(C) in the case of a dealer in the product, the manufacturer of the product and the other persons known to the dealer as dealers in the product;

(2) bring the product into conformity with the regulations prescribed under this Act;

(3) repair the product;

(4) replace the product with a like or equivalent product which is in compliance with those regulations;

(5) refund the purchase price of the product, or, if the product is more than 1 year old, a lesser amount based on the value of the product after reasonable use;

(6) recall the product from the stream of commerce; or

(7) submit to the Secretary a satisfactory plan for implementation of any action required under this subsection.

(c) AUTHORITY TO PROHIBIT MANUFACTURE, IMPORTATION, TRANSFER, DISTRIBUTION, OR EXPORT OF UNREASONABLY RISKY FIREARM PRODUCTS.—The Secretary may issue an order prohibiting the manufacture, importation, transfer, distribution, or export of a firearm product if the Secretary determines that the exercise of other authority under this Act would not be sufficient to prevent the product from posing an unreasonable risk of injury to the public.

(d) INSPECTIONS.—In order to ascertain compliance with this Act and the regulations and orders issued under this Act, the Secretary may, at reasonable times—

(1) enter any place in which firearm products are manufactured, stored, or held, for distribution in commerce, and inspect those areas where the products are manufactured, stored, or held; and

(2) enter and inspect any conveyance being used to transport a firearm product.

TITLE II—PROHIBITIONS

SEC. 201. PROHIBITIONS.

(a) FAILURE OF MANUFACTURER TO TEST AND CERTIFY FIREARM PRODUCTS.—It shall be unlawful for the manufacturer of a firearm product to transfer, distribute, or export a firearm product unless—

(1) the manufacturer has tested the product in order to ascertain whether the product is in conformity with the regulations prescribed under section 101;

(2) the product is in conformity with those regulations; and

(3) the manufacturer has included in the packaging of the product, and furnished to each person to whom the product is distributed, a certificate stating that the product is in conformity with those regulations.

(b) FAILURE OF MANUFACTURER TO PROVIDE NOTICE OF NEW TYPES OF FIREARM PRODUCTS.—It shall be unlawful for the manufacturer of a new type of firearm product to manufacture the product, unless the manufacturer has provided the Secretary with—

(1) notice of the intent of the manufacturer to manufacture the product; and

(2) a description of the product.

(c) FAILURE OF MANUFACTURER OR DEALER TO LABEL FIREARM PRODUCTS.—It shall be unlawful for a manufacturer of or dealer in firearms to transfer, distribute, or export a firearm product unless the product is accompanied by a label that contains—

(1) the name and address of the manufacturer of the product;

(2) the name and address of any importer of the product;

(3) a specification of the regulations prescribed under this Act that apply to the product; and

(4) the certificate required by subsection (a)(3) with respect to the product.

(d) FAILURE TO MAINTAIN OR PERMIT INSPECTION OF RECORDS.—It shall be unlawful for an importer of, manufacturer of, or dealer in a firearm product to fail to—

(1) maintain such records, and supply such information, as the Secretary may require in order to ascertain compliance with this Act and the regulations and orders issued under this Act; and

(2) permit the Secretary to inspect and copy those records at reasonable times.

(e) IMPORTATION AND EXPORTATION OF UNCERTIFIED FIREARM PRODUCTS.—It shall be unlawful for any person to import into the United States or export a firearm product that is not accompanied by the certificate required by subsection (a)(3).

(f) COMMERCE IN FIREARM PRODUCTS IN VIOLATION OF ORDER ISSUED OR REGULATION PRESCRIBED UNDER THIS ACT.—It shall be unlawful for any person to manufacture, offer for sale, distribute in commerce, import into the United States, or export a firearm product—

(1) that is not in conformity with the regulations prescribed under this Act; or

(2) in violation of an order issued under this Act.

(g) STOCKPILING.—It shall be unlawful for any person to manufacture, purchase, or import a firearm product, after the date a regulation is prescribed under this Act with respect to the product and before the date the regulation takes effect, at a rate that is significantly greater than the rate at which the

person manufactured, purchased, or imported the product during a base period (prescribed by the Secretary in regulations) ending before the date the regulation is so prescribed.

SEC. 202. INAPPLICABILITY TO GOVERNMENTAL AUTHORITIES.

Section 201 does not apply to any department or agency of the United States, of a State, or of a political subdivision of a State, or to any official conduct of any officer or employee of such a department or agency.

TITLE III—ENFORCEMENT

Subtitle A—Civil Enforcement

SEC. 301. CIVIL PENALTIES.

(a) AUTHORITY TO IMPOSE FINES.—

(1) IN GENERAL.—The Secretary shall impose upon any person who violates section 201 a civil fine in an amount that does not exceed the applicable amount described in subsection (b).

(2) SCOPE OF OFFENSE.—Each violation of section 201 (other than of subsection (a)(3) or (d) of that section) shall constitute a separate offense with respect to each firearm product involved.

(b) APPLICABLE AMOUNT.—

(1) FIRST 5-YEAR PERIOD.—The applicable amount for the 5-year period immediately following the date of enactment of this Act is $5,000.

(2) THEREAFTER.—The applicable amount during any time after the 5-year period described in paragraph (1) is $10,000.

SEC. 302. INJUNCTIVE ENFORCEMENT AND SEIZURE.

(a) INJUNCTIVE ENFORCEMENT.—Upon request of the Secretary, the Attorney General of the United States may bring an action to restrain any violation of section 201 in the United States district court for any district in which the violation has occurred, or in which the defendant is found or transacts business.

(b) CONDEMNATION.—

(1) IN GENERAL.—Upon request of the Secretary, the Attorney General of the United States may bring an action in rem for condemnation of a qualified firearm product in the United States district court for any district in which the Secretary has found and seized for confiscation the product.

(2) QUALIFIED FIREARM PRODUCT DEFINED.—In paragraph (1), the term ''qualified firearm product'' means a firearm product—

(A) that is being transported or having been transported remains unsold, is sold or offered for sale, is imported, or is to be exported; and

(B)(i) that is not in compliance with a regulation prescribed or an order issued under this Act; or

(ii) with respect to which relief has been granted under section 303.

SEC. 303. IMMINENTLY HAZARDOUS FIREARMS.

(a) IN GENERAL.—Notwithstanding the pendency of any other proceeding in a court of the United States, the Secretary may bring an action in a United States district court to restrain any person who is a manufacturer of, or dealer in, an imminently hazardous firearm product from manufacturing, distributing, transferring, importing, or exporting the product.

(b) IMMINENTLY HAZARDOUS FIREARM PRODUCT.—In subsection (a), the term ''imminently hazardous firearm product'' means any firearm product with respect to which the Secretary determines that—

(1) the product poses an unreasonable risk of injury to the public; and

(2) time is of the essence in protecting the public from the risks posed by the product.

(c) RELIEF.—In an action brought under subsection (a), the court may grant such temporary or permanent relief as may be necessary to protect the public from the risks posed by the firearm product, including—

(1) seizure of the product; and

(2) an order requiring—

(A) the purchasers of the product to be notified of the risks posed by the product;

(B) the public to be notified of the risks posed by the product; or

(C) the defendant to recall, repair, or replace the product, or refund the purchase price of the product (or, if the product is more than 1 year old, a lesser amount based on the value of the product after reasonable use).

(d) VENUE.—An action under subsection (a)(2) may be brought in the United States district court for the District of Columbia or for any district in which any defendant is found or transacts business.

SEC. 304. PRIVATE CAUSE OF ACTION.

(a) IN GENERAL.—Any person aggrieved by any violation of this Act or of any regulation prescribed or order issued under this Act by another person may bring an action against such other person in any United States district court for damages, including consequential damages. In any action under this section, the court, in its discretion, may award to a prevailing plaintiff a reasonable attorney's fee as part of the costs.

(b) RULE OF INTERPRETATION.—The remedy provided for in subsection (a) shall be in addition to any other remedy provided by common law or under Federal or State law.

SEC. 305. PRIVATE ENFORCEMENT OF THIS ACT.

Any interested person may bring an action in any United States district court to enforce this Act, or restrain any violation of this Act or of any regulation prescribed or order issued under this Act. In any action under this section, the court, in its discretion, may award to a prevailing plaintiff a reasonable attorney's fee as part of the costs.

SEC. 306. EFFECT ON PRIVATE REMEDIES.

(a) IRRELEVANCY OF COMPLIANCE WITH THIS ACT.—Compliance with this Act or any order issued or regulation prescribed under this Act shall not relieve any person from liability to any person under common law or State statutory law.

(b) IRRELEVANCY OF FAILURE TO TAKE ACTION UNDER THIS ACT.—The failure of the Secretary to take any action authorized under this Act shall not be admissible in litigation relating to the product under common law or State statutory law.

Subtitle B—Criminal Enforcement

SEC. 351. CRIMINAL PENALTIES.

Any person who has received from the Secretary a notice that the person has violated a provision of this Act or of a regulation prescribed under this Act with respect to a firearm product and knowingly violates that provision with respect to the product shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

TITLE IV—ADMINISTRATIVE PROVISIONS

SEC. 401. FIREARM INJURY INFORMATION AND RESEARCH.

(a) IN GENERAL.—The Secretary shall—

(1) maintain a Firearm Injury Information Clearinghouse to collect, investigate, analyze, and disseminate data and information relating to the causes and prevention of death and injury associated with firearms;

(2) conduct continuing studies and investigations of firearm-related deaths and injuries and the resulting economic costs and losses;

(3) collect and maintain current production and sales figures for each person registered as a manufacturer under the Gun Control Act;

(4) conduct research on, studies of, and investigation into the safety of firearm products and improving the safety of firearm products; and

(5) develop firearm safety testing methods and testing devices.

(b) AVAILABILITY OF INFORMATION.—On a regular basis, but not less frequently than annually, the Secretary shall make available to the public the results of the activities of the Secretary under paragraphs (1), (2), and (3) of subsection (a).

SEC. 402. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—The Secretary shall prepare and submit to the President and Congress at the beginning of each regular session of Congress, a comprehensive report on the administration of this Act for the most recently completed fiscal year.

(b) CONTENTS.—Each report submitted under subsection (a) shall include—

(1) a thorough appraisal, including statistical analyses and projections, of the incidence of injury and death and effects on the population resulting from firearm products, with a breakdown, as practicable, among the various types of such products associated with the injuries and deaths;

(2) a list of firearm safety regulations prescribed that year;

(3) an evaluation of the degree of compliance with firearm safety regulations, including a list of enforcement actions, court decisions, and settlements of alleged violations, by name and location of the violator or alleged violator, as the case may be;

(4) a summary of the outstanding problems hindering enforcement of this Act, in the order of priority; and

(5) a log and summary of meetings between the Secretary or employees of the Secretary and representatives of industry, interested groups, or other interested parties.

TITLE V—RELATIONSHIP TO OTHER LAW

SEC. 501. SUBORDINATION TO ARMS EXPORT CONTROL ACT.

In the event of any conflict between any provision of this Act and any provision of the Arms Export Control Act, the provision of the Arms Export Control Act shall control.

SEC. 502. EFFECT ON STATE LAW.

(a) IN GENERAL.—This Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law regulating or prohibiting conduct with respect to a firearm product, except to the extent that such provision of law is inconsistent with any provision of this Act, and then only to the extent of the inconsistency.

(b) RULE OF CONSTRUCTION.—A provision of State law is not inconsistent with this Act if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than any prohibition or penalty imposed by this Act.●

By Mr. MACK:

S. 2628. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business and meal expenses for individuals subject to Federal hours of service; to the Committee on Finance.

TAX DEDUCTIBILITY OF BUSINESS MEAL EXPENSES

● Mr. MACK. Mr. President, last year in the Taxpayer Relief Act of 1997, we included a provision to correct an unfair and unsound tax policy of the Clinton administration concerning business meal deductions. The 1993 Clinton tax increases included a reduction in the percentage of business meal expenses that could be deducted, from 80 percent

down to 50 percent. The administration marketed this as an attack on the ''three martini lunch,'' but the tax increase was in fact a big blow to the wallets and pocketbooks of working class Americans whose jobs require them to be stranded far from home.

Workers who are covered by federal ''hours of service'' regulations—long-haul truckers, airline flight attendants and pilots, long distance bus drivers, some merchant mariners and railroad workers—have no choice but to eat their meals on the road. Their meal expenses are a necessary and unavoidable part of their jobs. The Clinton administration's business meal tax increase hit these occupations hard. For the average trucker, making between $32,000 and $36,000 annually, this tax increase might be greater than $1,000 per year. This is a lot of money to these hard-working taxpayers.

Congress addressed this inequity last year, passing a provision that would gradually raise the meal deduction percentage back to 80 percent for these workers. But a slow, gradual fix is not good enough. Today I am introducing a bill that would immediately restore the 80 percent deduction for truckers, flight crews, and other workers limited by the federal ''hours of service'' regulations.

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. 2628

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

SECTION 1. INCREASED DEDUCTIBILITY OF BUSINESS MEAL EXPENSES FOR INDIVIDUALS SUBJECT TO FEDERAL LIMITATIONS ON HOURS OF SERVICE.

(a) IN GENERAL.—Paragraph (3) of section 274(n) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended to read as follows:

''(3) SPECIAL RULE FOR INDIVIDUALS SUBJECT TO FEDERAL HOURS OF SERVICE.—In the case of any expenses for food or beverages consumed while away from home (within the meaning of section 162(a)(2)) by an individual during, or incident to, the period of duty subject to the hours of service limitations of the Department of Transportation, paragraph (1) shall be applied by substituting '80 percent' for '50 percent'.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1998.●

ADDITIONAL COSPONSORS

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of Senate Joint Resolution 56, a joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

AMENDMENTS SUBMITTED

COAST GUARD AUTHORIZATION ACT OF 1998

SNOWE AMENDMENT NO. 3813

Mr. JEFFORDS (for Ms. SNOWE) proposed an amendment to the bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coast Guard Authorization Act for Fiscal Years 1998, 1999, and 2000''.

SEC. 2. TABLE OF SECTIONS.

The table of sections for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of sections.

Title I—Appropriations; Authorized Levels

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. LORAN–C.

Title II—Coast Guard Management

Sec. 201. Severance pay.
Sec. 202. Authority to implement and fund certain awards programs.
Sec. 203. Use of appropriated funds for commercial vehicles at military funerals.
Sec. 204. Authority to reimburse Novato, California, Reuse Commission.
Sec. 205. Eliminate supply fund reimbursement requirements.
Sec. 206. Disposal of certain material to Coast Guard Auxiliary.
Sec. 207. Law enforcement authority for special agents of the Coast Guard Investigative Service.
Sec. 208. Report on excess Coast Guard property.
Sec. 209. Fees for navigation assistance services.
Sec. 210. Aids to navigation report.

Title III—Marine Safety and Environmental Protection

Sec. 301. Alcohol testing.
Sec. 302. Penalty for violation of international safety convention.
Sec. 303. Protect marine casualty investigations from mandatory release.
Sec. 304. Eliminate biennial research and development report.
Sec. 305. Extension of territorial sea for certain laws.
Sec. 306. Safety management code report and policy.
Sec. 307. Oil and hazardous substance definition and report.
Sec. 308. National Marine Transportation System.
Sec. 309. Availability and use of EPIRBS for recreational vessels.
Sec. 310. Search and rescue helicopter coverage.
Sec. 311. Petroleum transportation.
Sec. 312. Seasonal Coast Guard helicopter air rescue capability.
Sec. 313. Ship reporting systems.
Sec. 314. Interim authority for dry bulk cargo residue disposal.

Title IV—Miscellaneous

Sec. 401. Vessel identification system amendments.
Sec. 402. Conveyance of lighthouses.
Sec. 403. Administrative authority to convey lighthouses.
Sec. 404. Conveyance of Communication Station Boston Marshfield Receiver site, Massachusetts.
Sec. 405. Conveyance of Nahant Parcel, Essex County, Massachusetts.
Sec. 406. Conveyance of Coast Guard Station Ocracoke, North Carolina.
Sec. 407. Conveyance of Loran Station Nantucket.
Sec. 408. Conveyance of Reserve training facility, Jacksonville, Florida.
Sec. 409. Conveyance of decommissioned Coast Guard vessels.
Sec. 410. Amendment to conveyance of vessel S/S Red Oak Victory.
Sec. 411. Transfer of Ocracoke Light Station to Secretary of the Interior.
Sec. 412. Vessel documentation clarification.
Sec. 413. Sanctions for failure to land or to heave to; sanctions for obstruction of boarding and providing false information.
Sec. 414. Dredge clarification.
Sec. 415. Great Lakes Pilotage Advisory Committee.
Sec. 416. Documentation of certain vessels.
Sec. 417. Double hull alternative designs study.
Sec. 418. Report on maritime activities.
Sec. 419. Vessel sharing agreements.
Sec. 420. Report on SWATH technology.
Sec. 421. Report on tonnage calculation methodology.
Sec. 422. Authority to convey National Defense Reserve Fleet Vessel, American Victory.
Sec. 423. Authority to convey National Defense Reserve Fleet Vessel, John Henry.
Sec. 424. Authorized number of NOAA Corps commissioned officers.
Sec. 425. Coast Guard City, USA
Sec. 426. Marine transportation flexibility.

Title V—Administrative Process for Jones Act Waivers

Sec. 501. Findings.
Sec. 502. Administrative waiver of coastwise trade laws.
Sec. 503. Revocation.
Sec. 504. Definitions.

Title VI—Harmful Algal Blooms and Hypoxia

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Assessments.
Sec. 604. Northern Gulf of Mexico hypoxia.
Sec. 605. Authorization of appropriations.
Sec. 606. Amendment to National Sea Grant College Program Act.
Sec. 607. Amendment to the Coastal Zone Management Act.

Title VII—Additional Miscellaneous Provisions

Sec. 701. Applicability of authority to release restrictions and encumbrances.

TITLE I—APPROPRIATIONS; AUTHORIZED LEVELS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 1998.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1998, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,715,400,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $397,850,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving

the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,000,000 to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $653,196,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the bridge alteration program, $17,000,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities functions (other than parts and equipment associated with operations and maintenance), $21,000,000, to remain available until expended.

(b) FISCAL YEAR 1999.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1999, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,808,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund and of which not less than $408,000,000 shall be available for expenses related to drug interdiction.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $505,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 and of which not less than $62,000,000 shall be available for expenses related to drug interdiction.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and cue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanoraphic research, and defense readiness, $18,300,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $691,493,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the bridge alteration program, $26,000,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities functions (other than parts and equipment associated with operations and maintenance), $21,000,000, to remain available until expended.

(c) FISCAL YEAR 2000.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,880,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund and of which not less than $408,000,000 shall be available for expenses related to drug interdiction.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $665,969,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, and of which not less than $62,000,000 shall be available for expenses related to drug interdiction.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $23,050,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $730,327,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the bridge alteration program, $26,000,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities functions (other than parts and equipment associated with operations and maintenance), $21,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) 1998 END-OF-YEAR STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 37,944 as of September 30, 1998.

(b) 1998 MILITARY TRAINING STUDENT LOADS.—For fiscal year 1998, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,424 student years.

(2) For flight training, 98 student years.

(3) For professional training in military and civilian institutions, 283 student years.

(4) For officer acquisition, 814 student years.

(c) 1999 END-OF-YEAR STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 38,038 as of September 30, 1999.

(d) 1999 MILITARY TRAINING STUDENT LOADS.—For fiscal year 1999, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,424 student years.

(2) For flight training, 98 student years.

(3) For professional training in military and civilian institutions, 283 student years.

(4) For officer acquisition, 810 student years.

(e) 2000 END-OF-YEAR STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 38,313 as of September 30, 2000.

(f) 2000 MILITARY TRAINING STUDENT LOADS.—For fiscal year 2000, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,424 student years.

(2) For flight training, 98 student years.

(3) For professional training in military and civilian institutions, 283 student years.

(4) For officer acquisition, 825 student years.

SEC. 103. LORAN–C.

(a) FISCAL YEARS 1999 AND 2000.—There are authorized to be appropriated to the Department of Transportation, in addition to the funds authorized for the Coast Guard for operation of the LORAN–C System, for capital expenses related to LORAN–C navigation infrastructure, $10,000,000 for fiscal year 1999, and $35,000,000 for fiscal year 2000. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on cost-sharing arrangements among Federal agencies for such capital expenses related to LORAN–C navigation infrastructure, including, but not limited to, the Coast Guard and the Federal Aviation Administration.

TITLE II—COAST GUARD MANAGEMENT

SEC. 201. SEVERANCE PAY.

(a) WARRANT OFFICERS.—Section 286a(d) of title 14, United States Code, is amended by striking the last sentence.

(b) SEPARATED OFFICERS.—Section 286a of title 14, United States Code, is amended by striking the period at the end of subsection (b) and inserting ", unless the Secretary of the Service in which the Coast Guard is operating determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay.".

(c) EXCEPTION.—Section 327 of title 14, United States Code, is amended by striking the period at the end of paragraph (b)(3) and inserting ", unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay.".

SEC. 202. AUTHORITY TO IMPLEMENT AND FUND CERTAIN AWARDS PROGRAMS.

(a) Section 93 of title 14, United States Code, is amended—

(1) by striking "and" after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting "; and "; and

(3) by adding at the end the following new paragraph:

"(w) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including but not limited to state and local governments and commercial and nonprofit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution (including reasonable expenses of ceremony and presentation).".

SEC. 203. USE OF APPROPRIATED FUNDS FOR COMMERCIAL VEHICLES AT MILITARY FUNERALS.

Section 93 of title 14, United States Code, as amended by section 202 of this Act, is further amended—

(1) by striking "and" after the semicolon at the end of paragraph (v);

(2) by striking the period at the end of paragraph (w) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(x) rent or lease, under such terms and conditions as are deemed advisable, commercial vehicles to transport the next of kin of eligible retired Coast Guard military personnel to attend funeral services of the service member at a national cemetery.''.

SEC. 204. AUTHORITY TO REIMBURSE NOVATO, CALIFORNIA, REUSE COMMISSION.

The Commandant of the United States Coast Guard may use up to $25,000 to provide economic adjustment assistance for the City of Novato, California, for the cost of revising the Hamilton Reuse Planning Authority's reuse plan as a result of the Coast Guard's request for housing at Hamilton Air Force Base. If the Department of Defense provides such economic adjustment assistance to the City of Novato on behalf of the Coast Guard, then the Coast Guard may use the amount authorized for use in the preceding sentence to reimburse the Department of Defense for the amount of economic adjustment assistance provided to the City of Novato by the Department of Defense.

SEC. 205. ELIMINATE SUPPLY FUND REIMBURSEMENT REQUIREMENT.

Subsection 650(a) of title 14, United States Code, is amended by striking the last sentence and inserting ''In these regulations, whenever the fund is reduced to delete items stocked, the Secretary may reduce the existing capital of the fund by the value of the materials transferred to other Coast Guard accounts. Except for the materials so transferred, the fund shall be credited with the value of materials consumed, issued for use, sold, or otherwise disposed of, such values to be determined on a basis that will approximately cover the cost thereof.''.

SEC. 206. DISPOSAL OF CERTAIN MATERIAL TO COAST GUARD AUXILIARY.

(a) Section 641 of title 14, United States Code, is amended—

(1) by striking ''to the Coast Guard Auxiliary, including any incorporated unit thereof,'' in subsection (a); and

(2) by adding at the end thereof the following:

''(f)(1) Notwithstanding any other law, the Commandant may directly transfer ownership of personal property of the Coast Guard to the Coast Guard Auxiliary (including any incorporated unit thereof), with or without charge, if the Commandant determines—

''(A) after consultation with the Administrator of General Services, that the personal property is excess to the needs of the Coast Guard but is suitable for use by the Auxiliary in performing Coast Guard functions, powers, duties, roles, missions, or operations as authorized by law pursuant to section 822 of this title; and

''(B) that such excess property will be used solely by the Auxiliary for such purposes.

''(2) Upon transfer of personal property under paragraph (1), no appropriated funds shall be available for the operation, maintenance, repair, alteration, or replacement of such property, except as permitted by section 830 of this title.''.

SEC. 207. LAW ENFORCEMENT AUTHORITY FOR SPECIAL AGENTS OF THE COAST GUARD INVESTIGATIVE SERVICE.

(a) AUTHORITY.—Section 95 of title 14, United States Code, is amended to read as follows:

''§ 95. Special agents of the Coast Guard Investigative Service law enforcement authority

''(a)(1) A special agent of the Coast Guard Investigative Service designated under subsection (b) has the following authority:

''(A) To carry firearms.

''(B) To execute and serve any warrant or other process issued under the authority of the United States.

''(C) To make arrests without warrant for—

''(i) any offense against the United States committed in the agent's presence; or

''(ii) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

''(2) The authorities provided in paragraph (1) shall be exercised only in the enforcement of statutes for which the Coast Guard has law enforcement authority, or in exigent circumstances.

''(b) The Commandant may designate to have the authority provided under subsection (a) any special agent of the Coast Guard Investigative Service whose duties include conducting, supervising, or coordinating investigation of criminal activity in programs and operations of the United States Coast Guard.

''(c) The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Commandant and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary of Transportation or the Attorney General.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 14, United States Code, is amended by striking the item related to section 95 and inserting the following:

''95. Special agents of the Coast Guard Investigative Service law enforcement authority.''.

SEC. 208. REPORT ON EXCESS COAST GUARD PROPERTY.

Not later than 9 months after the date of enactment of this Act, the Administrator of the General Services Administration and the Commandant of the Coast Guard shall submit to the Congress a report on the current procedures used to dispose of excess Coast Guard property and provide recommendations to improve such procedures. The recommendations shall take into consideration measures that would—

(1) improve the efficiency of such procedures;

(2) improve notification of excess property decisions to and enhance the participation in the property disposal decisionmaking process of the States, local communities, and appropriate non-profit organizations;

(3) facilitate the expeditious transfer of excess property for recreation, historic preservation, education, transportation, or other uses that benefit the general public; and

(4) ensure that the interests of Federal taxpayers are protected.

SEC. 209. FEES FOR NAVIGATION ASSISTANCE SERVICE.

Section 2110 of title 46, United States Code, is amended by adding at the end thereof the following:

''(k) The Secretary may not plan, implement or finalize any regulation that would promulgate any new maritime user fee which was not implemented and collected prior to January 1, 1998, including a fee or charge for any domestic icebreaking service or any other navigational assistance service. This subsection expires on September 30, 2000.''.

SEC. 210. AIDS TO NAVIGATION REPORT.

Not later than 18 months after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to Congress a report on the use of the Coast Guard's aids to navigation system. The report shall include an analysis of the respective use of the aids to navigation system by commercial interests, members of the general public for personal recreation, Federal and State government for public safety, defense, and other similar purposes. To the extent practicable within the time allowed, the report shall include information regarding degree of use of the various portions of the system.

TITLE III—MARINE SAFETY AND ENVIRONMENTAL PROTECTION

SEC. 301. ALCOHOL TESTING.

(a) ADMINISTRATIVE PROCEDURE.—Section 7702 of title 46, United States Code, is amended by striking the second sentence of subsection (c)(2) and inserting the following: ''The testing may include preemployment (with respect to dangerous drugs only), periodic, random, and reasonable cause testing, and shall include post-accident testing.''.

(b) INCREASE IN CIVIL PENALTY.—Section 2115 of title 46, United States Code, is amended by striking ''$1,000'' and inserting ''$5,000''.

(c) INCREASE IN NEGLIGENCE PENALTY.—Section 2302(c)(1) of title 46, United States Code, is amended by striking ''$1,000 for a first violation and not more than $5,000 for a subsequent violation; or'' and inserting ''$5,000; or''.

(d) POST SERIOUS MARINE INCIDENT TESTING.—

(1) Chapter 23 of title 46, United States Code, is amended by inserting after section 2303 the following:

§ 2303a. Post serious marine incident alcohol testing

''(a) The Secretary shall establish procedures to ensure that after a serious marine incident occurs, alcohol testing of crew members or other persons responsible for the operation or other safety-sensitive functions of the vessel or vessels involved in such incident is conducted no later than 2 hours after the incident occurs, unless such testing cannot be completed within that time due to safety concerns directly related to the incident.

''(b) The procedures in subsection (a) shall require that if alcohol testing cannot be completed within 2 hours of the occurrence of the incident, such testing shall be conducted as soon thereafter as the safety concerns in subsection (a) have been adequately addressed to permit such testing, except that such testing may not be required more than 8 hours after the incident occurs.''.

(2) The table of sections at the beginning of chapter 23 of the title 46, United States Code, is amended by inserting after the item related to section 2303 the following:

2303a. Post serious marine incident alcohol testing''

SEC. 302. PENALTY FOR VIOLATION OF INTERNATIONAL CONVENTION.

Section 2302 of title 46, United States Code, is amended by adding at the following new subsection:

''(e)(1) A vessel may not be used to transport cargoes sponsored by the United States Government if the vessel has been detained by the Secretary for violation of an applicable international convention to which the United States is a party, and the Secretary has published notice of that detention.

''(2) The prohibition in paragraph (1) expires for a vessel 1 year after the date of the detention on which the prohibition is based or upon the Secretary granting appeal of the detention on which the prohibition is based.

''(3) The Secretary may grant an exemption from the prohibition in paragraph (1) on a case by case basis if the owner of the vessel to be used for transport of the cargo sponsored by the United States Government can provide compelling evidence that the vessel was detained due to circumstances beyond the owner's control and that the vessel is currently in compliance with applicable

international conventions to which the United States is a party.

''(4) As used in this subsection, the term 'cargo sponsored by the United States Government' means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.''.

SEC. 303. PROTECT MARINE CASUALTY INVESTIGATIONS FROM MANDATORY RELEASE.

Section 6305(b) of title 46, United States Code, is amended by striking all after ''public'' and inserting a period and ''This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States.''.

SEC. 304. ELIMINATE BIENNIAL RESEARCH AND DEVELOPMENT REPORT.

Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) is amended by striking subsection (e) and by redesignating subsection (f) as subsection (e).

SEC. 305. EXTENSION OF TERRITORIAL SEA FOR CERTAIN LAWS.

(a) PORTS AND WATERWAYS SAFETY ACT.—Section 102 of the Ports and Waterways Safety Act (33 U.S.C. 1222) is amended by adding at the end the following:

''(5) 'Navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.''.

(b) SUBTITLE II OF TITLE 46.—

(1) Section 2101 of title 46, United States Code, is amended—

(A) by redesignating paragraph (17a) as paragraph (17b); and

(B) by inserting after paragraph (17) the following:

''(17a) 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.''.

(2) Section 2301 of that title is amended by inserting ''(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)'' after ''of the United States''.

(3) Section 4102(e) of that title is amended by striking ''operating on the high seas'' and inserting ''owned in the United States and operating beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured''.

(4) Section 4301(a) of that title is amended by inserting ''(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)'' after ''of the United States''.

(5) Section 4502(a)(7) of that title is amended by striking ''on the high seas'' and inserting ''beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured, and which are owned in the United States''.

(6) Section 4506(b) of that title is amended by striking paragraph (2) and inserting the following:

''(2) is operating—

''(A) in internal waters of the United States; or

''(b) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.''.

(7) Section 8502(a)(3) of that title is amended by striking ''not on the high seas'' and inserting ''not beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured''.

(8) Section 8503(a)(2) of that title is amended by striking paragraph (2) and inserting the following:

''(2) operating—

''(A) in internal waters of the United States; or

''(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.''.

SEC. 306. SAFETY MANAGEMENT CODE REPORT AND POLICY.

(a) IN GENERAL.—Chapter 32 of title 46, United States Code, is amended by adding at the end thereof the following:

''§ 3206. Report and policy

''(a) REPORT ON IMPLEMENTATION AND ENFORCEMENT OF THE INTERNATIONAL SAFETY MANAGEMENT CODE.—

''(1) The Secretary shall conduct a study—

''(A) reporting on the status of implementation of the International Safety Management Code (hereinafter referred to in this section as 'Code');

''(B) detailing enforcement actions involving the Code, including the role documents and reports produced pursuant to the Code play in such enforcement actions;

''(C) evaluating the effects the Code has had on marine safety and environmental protection, and identifying actions to further promote marine safety and environmental protection through the Code;

''(D) identifying actions to achieve full compliance with and effective implementation of the Code; and

''(E) evaluating the effectiveness of internal reporting and auditing under the Code, and recommending actions to ensure the accuracy and candidness of such reporting and auditing. These recommended actions may include proposed limits on the use in legal proceedings of documents produced pursuant to the Code.

''(2) The Secretary shall provide opportunity for the public to participate in and comment on the study conducted under paragraph (1).

''(3) Not later than 18 months after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 1998, 1999, and 2000, the Secretary shall submit to the Congress a report on the results of the study conducted under paragraph (1).

''(b) POLICY.—

''(1) Not later than 9 months after submission of the report in subsection (a)(3), the Secretary shall develop a policy to achieve full compliance with and effective implementation of the Code. The policy may include—

''(A) enforcement penalty reductions and waivers, limits on the use in legal proceedings of documents produced pursuant to the Code, or other incentives to ensure accurate and candid reporting and auditing;

''(B) any other measures to achieve full compliance with and effective implementation of the Code; and

''(C) if appropriate, recommendations to Congress for any legislation necessary to implement one or more elements of the policy.

''(2) The Secretary shall provide opportunity for the public to participate in the development of the policy in paragraph (1).

''(3) Upon completion of the policy in paragraph (1), the Secretary shall publish the policy in the Federal Register and provide opportunity for public comment on the policy.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 31 of title 46, United States Code, is amended by inserting after the item relating to section 3205 the following:

''3206. Report and policy''.

SEC. 307. OIL AND HAZARDOUS SUBSTANCE DEFINITION AND REPORT.

(a) DEFINITION OF OIL.—Section 1001(23) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(23)) is amended to read as follows:

''(23) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include any substance which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and which is subject to the provisions of that Act;''.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Congress on the status of the joint evaluation by the Coast Guard and the Environmental Protection Agency of the substances to be classified as oils under the Clean Water Act and Title I of the Oil Pollution Act of 1990, including opportunities provided for public comment on the evaluation.

SEC. 308. NATIONAL MARINE TRANSPORTATION SYSTEM.

(a) IN GENERAL.—The Secretary of Transportation, through the Coast Guard and the Maritime Administration, shall, in consultation with the National Ocean Service of the National Oceanic and Atmospheric Administration and other interested Federal agencies and departments, establish a task force to assess the adequacy of the nation's marine transportation system (ports, waterways, and their intermodal connections) to operate in a safe, efficient, secure, and environmentally sound manner.

(b) TASK FORCE.—

(1) The task force shall be chaired by the Secretary of Transportation or his designee and may be comprised of the representatives of interested Federal agencies and departments and such other non-federal entities as the Secretary deems appropriate.

(2) The provisions of the Federal Advisory Committee Act shall not apply to the task force.

(c) ASSESSMENT.—

(1) In carrying out the assessment under this section, the task force shall examine critical issues and develop strategies, recommendations, and a plan for action. Pursuant to such examination and development, the task force shall—

(A) take into account the capability of the marine transportation system to accommodate projected increases in foreign and domestic traffic over the next 20 years;

(B) consult with senior public and private sector officials, including the users of that system, such as ports, commercial carriers, shippers, labor, recreational boaters, fishermen, and environmental organizations; and

(C) sponsor public and private sector activities to further refine and implement the strategics, recommendations, and plan for action.

(2) The Secretary shall report to Congress on the results of the assessment no later than March 31, 1999. The report shall reflect the views of both the public and private sectors. The Task Force shall cease to exist upon submission of the report in this paragraph.

SEC. 309. AVAILABILITY AND USE OF EPIRBS FOR RECREATIONAL VESSELS.

The Secretary of Transportation, through the Coast Guard and in consultation with the National Transportation Safety Board and recreational boating organizations, shall, within 24 months of the date of enactment of this Act, assess and report to Congress on the use of emergency position indicating beacons (EPIRBs) and similar devices by the operators of recreational vessels. The assessment shall at a minimum—

(1) evaluate the current availability and use of EPIRBs and similar devices by the operators of recreational vessels and the actual and potential contribution of such devices to recreational boating safety; and

(2) provide recommendations on policies and programs to encourage the availability and use of EPIRBS and similar devices by the operators of recreational vessels.

SEC. 310. SEARCH AND RESCUE HELICOPTER COVERAGE.

Not later than 9 months after the date of enactment of this Act, the Commandant shall submit a report to the Senate Committee on Commerce, Science, and Transportation—

(1) identifying waters out to 50 miles from the territorial sea of Maine or other States that cannot currently be served by a Coast Guard search and rescue helicopter within 2 hours of a report of distress or request for assistance from such waters;

(2) providing options for ensuring that all waters of the area referred to in paragraph (1) can be served by a Coast Guard search and rescue helicopter within 2 hours of a report of distress or request for assistance from such waters;

(3) providing an analysis assessing the overall capability of Coast Guard seach and rescue assets to serve each area referred to in paragraph (1) with-in 2 hours of a report of distress or request for assistance from such waters; and

(4) identifying, among any other options the Commandant may provide as required by paragraph (2), locations in the State of Maine that may be suitable for the stationing of a Coast Guard search and rescue helicopter and crew, including any Coast Guard facility in Maine, the Bangor Air National Guard Base, and any other locations.

SEC. 311. PETROLEUM TRANSPORTATION.

(a) DEFINITIONS.—In this section:

(1) FIRST COAST GUARD DISTRICT.—The term ''First Coast Guard District'' means the First Coast Guard District described in section 3.05–1(b) of title 33, Code of Federal Regulations.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

(3) WATERS OF THE NORTHWEST.—The term ''waters of the Northeast''—

(A) means the waters subject to the jurisdiction of the First Coast Guard District; and

(B) includes the water of Long Island Sound.

(b) REGULATIONS RELATING TO WATERS OF THE NORTHWEST.—

(1) TOWING VESSEL AND BARGE SAFETY FOR WATERS OF THE NORTHEAST.—

(A) IN GENERAL.—Not later than December 31, 1998, the Secretary shall promulgate regulations for towing vessel and barge safety for the waters of the Northeast.

(B) INCORPORATION OF RECOMMENDATIONS.—

(i) IN GENERAL.—Except as provided in clause (ii), the regulations promulgated under this paragraph shall give full consideration to each of the recommendations for regulations contained in the report entitled ''Regional Risk Assessment of Petroleum Transportation in the Waters of the Northeast United States'' issued by the Regional Risk Assessment Team for the First Coast Guard District on February 6, 1997, and the Secretary shall provide a detailed explanation if any recommendation is not adopted.

(ii) EXCLUDED RECOMMENDATIONS.—The regulations promulgated under this paragraph shall not incorporate any recommendation referred to in clause (i) that relates to anchoring or barge retrieval systems.

(2) ANCHORING AND BARGE RETRIEVAL SYSTEMS.—

(A) IN GENERAL.—Not later than November 30, 1998, the Secretary shall promulgate regulations under section 3719 of title 46, United States Code, for the waters of the Northeast, that shall give full consideration to each of the recommendations made in the report referred to in paragraph (1)(B)(i) relating to anchoring and barge retrieval systems, and the Secretary shall provide a detailed explanation if any recommendation is not adopted.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) prevents the Secretary from promulgating interim final regulations that apply throughout the United States relating to anchoring and barge retrieval systems that contain requirements that are as stringent as the requirements of the regulations promulgated under subparagraph (A).

SEC. 312. SEASONAL COAST GUARD HELICOPTER AIR RESCUE CAPABILITY.

The Secretary of Transportation is authorized to take appropriate actions to ensure the establishment and operation by the Coast Guard of a helicopter air rescue capability that—

(1) is located at Gabreski Airport, Westhampton, New York; and

(2) provides air rescue capability from that location from April 15 to October 15 each year.

SEC. 313. SHIP REPORTING SYSTEMS.

Section 11 of the Ports and Waterways Safety Act, as amended (Public Law 92–340) (33 U.S.C. 1230), is amended by adding at the end of the following:

''(d) SHIP REPORTING SYSTEMS.—The Secretary, in consultation with the International Maritime Organization, is authorized to implement and enforce two mandatory ship reporting systems, consistent with international law, with respect to vessels subject to such reporting systems entering the following areas of the Atlantic Ocean: Cape Cod Bay, Massachusetts Bay, and Great South Channel (in the area generally bounded by a line starting from a point on Cape Ann, Massachusetts at 42 deg. 39′ N., 70 deg. 37′ W; then northeast to 42 deg. 45′ N., 70 deg. 13′ W; then southeast to 42 deg. 10′ N., 68 deg. 31 W, then south to 41 deg. 00′ N.; 68 deg. 31′ W; then west to 41 deg. 00′ N., 69 deg. 17′ W; then northeast to 42 deg. 05′ N., 70 deg. 02′ W, then west to 42 deg. 04′ N., 70 deg. 10′ W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42 deg. 39′ N., 70 deg. 37′ W) and in the coastal waters of the Southeastern United States within about 25 nm along a 90 nm stretch of the Atlantic seaboard (in an area generally extending from the shoreline east to longitude 80 deg. 51.6′ W with the southern and northern boundary at latitudes 30 deg. 00′ N., 31 deg. 27′ N., respectively).''.

SEC. 314. INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.

(a) IN GENERAL.—

(1) Subject to subsection (b), the Secretary of Transportation shall implement and enforce the United States Coast Guard 1997 Enforcement Policy for Cargo Residues on the Great Lakes (hereinafter referred to as ''Policy'') for the purpose of regulating incidental discharges from vessels of residues of dry bulk cargo into the waters of the Great Lakes under the jurisdiction of the United States.

(2) Any discharge under this section shall comply with all terms and conditions of the Policy.

(b) EXPIRATION OF INTERIM AUTHORITY.—The Policy shall cease to have effect on the date which is the earliest of—

(1) the date that legislation providing for the regulation of incidental discharges from vessels of dry bulk cargo residue into the waters of the Great Lakes under the jurisdiction of the United States is enacted;

(2) the date that regulations authorized under existing law providing for the regulation of incidental discharges from vessels of dry bulk cargo residue into the waters of the Great Lakes under the jurisdiction of the United States are promulgated; or

(3) September 20, 2000.

TITLE IV—MISCELLANEOUS

SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.

(a) IN GENERAL.—Chapter 121 of title 46, United States Code, is amended—

(1) by striking ''or is not titled in a State'' in section 12102(a);

(2) by adding at the end thereof the following:

§ ''12124. Surrender of title and number

''(a) A documented vessel shall not be titled by a State or required to display numbers under chapter 123, and any certificate of title issued by a State for a documented vessel shall be surrendered in accordance with regulations prescribed by the Secretary of Transportation.

''(b) The Secretary may approve the surrender under subsection (a) of a certificate of title for a vessel covered by a preferred mortgage under section 31322(d) of this title only if the mortgagee consents.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 121 of title 46, United States Code, is amended by adding at the end thereof the following:

''12124. Surrender of title and number''.

(c) OTHER AMENDMENTS.—Title 46, United States Code, is amended—

(1) by striking section 31322(b) and inserting the following:

''(b) Any indebtedness secured by a preferred mortgage that is filed or recorded under this chapter, or that is subject to a mortgage, security agreement, or instruments granting a security interest that is deemed to be a preferred mortgage under subsection (d) of this section, may have any rate of interest to which the parties agree.'';

(3) by striking section 31322(d)(3) and inserting the following:

''(3) A preferred mortgage under this subsection continues to be a preferred mortgage even if the vessel is no longer titled in the State where the mortgage, security agreement, or instrument granting a security interest became a preferred mortgage under this subsection.'';

(4) by striking ''mortgages or instruments'' in subsection 31322(d)(2) and inserting ''mortgages, security agreements, or instruments'';

(5) by inserting ''a vessel titled in a State,'' in section 31325(b)(1) after ''a vessel to be documented under chapter 121 of this title.'';

(6) by inserting ''a vessel titled in a State,'' in section 31325(b)(3) after ''a vessel for which an application for documentation is filed under chapter 121 of this title,''; and

(7) by inserting ''a vessel titled in a State,'' ion section 31325(c) after ''a vessel to be documented under chapter 121 of this title,''.

SEC. 402. CONVEYANCE OF LIGHTHOUSES.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—the Commandant of the Coast Guard, or the Administrator of the General Services Administration, as appropriate, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to each of the following properties:

(A) Light Station Sand Point, located in Escanaba, Michigan, to the Delta County Historical Society.

(B) Light Station Dunkirk, located in Dunkirk, New York, to the Dunkirk Historical Lighthouse and Veterans' Park Museum.

(C) Long Branch Rear Range Light, located in Jacksonville, Florida, to Jacksonville University, Florida.

(D) Eagle Harbor Light Station, located in Michigan, to the Keweenaw County Historical Society.

(E) Cape Decision Light Station, located in Alaska, to the Cape Decision Lighthouse Society.

(F) Cape St. Elias Light Station, located in Alaska, to the Cape St. Elias Light Keepers Association.

(G) Five Finger Light Station, located in Alaska, to the Juneau Lighthouse Association.

(H) Point Retreat Light Station, located in Alaska, to the Alaska Lighthouse Association.

(I) Hudson-Athens Lighthouse, located in New York, to the Hudson-Athens Lighthouse Preservation Society.

(J) Georgetown Light, located in Georgetown County, South Carolina, to the South Carolina Department of Natural Resources.

(2) IDENTIFICATION OF PROPERTY.—The Commandant or Administrator, as appropriate, may identify, describe, and determine the property to be conveyed under this subsection.

(3) EXCEPTION.—The Commandant or Administrator, as appropriate, may not convey any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions required by this section and other terms and conditions the Commandant or the Administrator, as appropriate, may consider, including the reservation of easements and other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, the conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property shall immediately revert to the United States if—

(A) the property, or any part of the property—

(i) ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of maritime history.

(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this Act; or

(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (5) established by the Commandant or the Administrator, as appropriate, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); or

(B) at least 30 days before that reversion, the Commandant or the Administrator, as appropriate, provides written notice to the owner that the property is needed for national security purposes.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property under this section shall be made subject to the conditions that the Commandant or Administrator, as appropriate, considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Commandant or Administrator, as appropriate;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining and inspecting aids to navigation, and for the purpose of enforcing compliance with subsection (b); and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The owner of the property is not required to maintain any active aid to navigation equipment on the property, except private aids to navigation permitted under section 83 of title 14, United States Code.

(5) MAINTENANCE OF PROPERTY.—The owner of the property shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant or the Administrator, as appropriate, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—In this section:

(1) AIDS TO NAVIGATION.—The term ''aids to navigation'' means equipment used for navigation purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, or other associated equipment which are operated or maintained by the United States.

(2) OWNER.—The term ''owner'' means the person identified in subsection (a)(1), and includes any successor or assign of that person.

(3) DELTA COUNTY HISTORICAL SOCIETY.—The term ''Delta County Historical Society'' means the Delta County Historical Society (a nonprofit corporation established under the laws of the State of Michigan, its parent organization, or subsidiary, if any).

(4) DUNKIRK HISTORICAL LIGHTHOUSE AND VETERANS' PARK MUSEUM.—The term ''Dunkirk Historical Lighthouse and Veterans' Park Museum'' means Dunkirk Historical Lighthouse and Veterans' Park Museum located in Dunkirk, New York, or, if appropriate as determined by the Commandant, the Chautauqua County Armed Forces Memorial Park Corporation, New York.

(d) EXTENSION OF PERIOD FOR CONVEYANCE OF WHITLOCK'S MILL LIGHT.—Notwithstanding section 1002(a)(3) of the Coast Guard Authorization Act of 1996, the conveyance authorized by section 1002(a)(2)(AA) of that Act may take place after the date required by section 1002(a)(3) of that Act but no later than December 31, 1998.

SEC. 403. Administrative authority to convey lighthouses

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end thereof the following:

''§ 675. Administrative authority to convey lighthouses

''(a) NOTIFICATION.—Not less than one year prior to reporting to the General Services Administration that a lighthouse or light station eligible for listing under the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) and under the jurisdiction of the Coast Guard is excess to the needs of the Coast Guard, the Commandant of the Coast Guard shall notify the State (including the State Historic Preservation Officer, if any) the appropriate political subdivision of that State, and any lighthouse, historic, or maritime preservation organizations in that State in which the lighthouse or light station is located that such property is excess to the needs of the Coast Guard.

''(b) ADMINISTRATIVE AUTHORITY TO CONVEY.—

''(1) Prior to reporting to the General Services Administration that a lighthouse or light station is excess to the needs of the Coast Guard, the Commandant of the Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to such lighthouse or light station and associated real property to the State in which the lighthouse or light station is located, a local government in that State, or a nonprofit organization dedicated to lighthouse, historic, or maritime heritage preservation located in that State.

''(c) TERMS OF CONVEYANCE.—

''(1) IN GENERAL.—The conveyance of property under this section shall be made—

''(A) without payment of consideration; and

''(B) subject to the terms and conditions required by this section and other terms and conditions the Commandant may consider, including the reservation of easements and other rights on behalf of the United States.

''(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, the conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property shall immediately revert to the United States if—

''(A) the property, or any part of the property—

''(i) ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of maritime history;

''(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this Act; or

''(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (5) established by the Commandant pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); or

''(B) at least 30 days before that reversion, the Commandant provides written notice to the owner that the property is needed for national security purposes.

''(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property under this section shall be made subject to the conditions that the Commandant considers to be necessary to assure that—

''(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

''(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Commandant;

''(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

''(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining and inspecting aids to navigation, and for the purpose of enforcing compliance with subsection (b); and

''(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

''(4) OBLIGATION LIMITATION.—the owner of the property is not required to maintain any active aid to navigation equipment on the property, except private aids to navigation permitted under section 83 of title 14, United States Code.

''(5) MAINTENANCE OF PROPERTY.—The owner of the property shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant or the Administrator, as appropriate, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by adding at the end thereof the following:

''§675. Administrative authority to convey lighthouses.''.

SEC. 404. CONVEYANCE OF COMMUNICATION STATION BOSTON MARSHFIELD RECEIVER SITE, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Coast Guard Communication Station Boston Marshfield Receiver Site, Massachusetts, to the Town of Marshfield, Massachusetts (the ''Town'') unless the commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(2) LIMITATION.—The Commandant shall not convey under this section the land on which is situated the communications tower and the microwave building facility of that station.

(3) IDENTIFICATION OF PROPERTY.—

(A) the Commandant may identify, describe and determine the property to be conveyed to the Town under this section.

(B) The Commandant shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Commandant. The cost of the survey shall be borne by the Town.

(b) TERMS AND CONDITIONS.—Any conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the following terms and conditions:

(A) The Commandant may reserve utility, access, and any other appropriate easements on the property conveyed for the purpose of operating, maintaining, and protecting the communications tower and the microwave building facility.

(B) The Town and its successors and assigns shall, at their own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner as necessary to ensure the operation, maintenance, and protection of the communications tower and the microwave building facility.

(C) Any other terms and conditions the Commandant considers appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(c) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(1) the property, or any part thereof, ceases to be owned and used by the Town;

(2) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (b); or

(3) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 405. CONVEYANCE OF NAHANT PARCEL, ESSEX COUNTY, MASSACHUSETTS.

(a) IN GENERAL.—The Commandant of the Coast Guard, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the United States Coast Guard Recreation Facility Nahant, Massachusetts, to the Town of Nahant (the ''Town'') unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(b) IDENTIFICATION OF PROPERTY.—The Commandant may identify, describe, and determine the property to be conveyed under this section.

(c) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to such terms and conditions as the Commandant may consider appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(d) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(1) the property, or any part thereof, ceases to be owned and used by the Town;

(2) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (c); or

(3) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 406. CONVEYANCE OF COAST GUARD STATION OCRACOKE, NORTH CAROLINA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States of America in and to the Coast Guard Station Ocracoke, North Carolina, to the State of North Carolina unless the Commandant , or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(2) IDENTIFICATION OF PROPERTY.—The Commandant may identify, describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—The conveyance of any property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the following terms and conditions:

(A) EASEMENTS.—The Commandant may reserve utility, access, and any other appropriate easements upon the property to be conveyed for the purpose of—

(i) use of the access road to the boat launching ramp;

(ii) use of the boat launching ramp; and

(iii) use of pier space for necessary Coast Guard vessel assets (including water and electrical power);

(B) MAINTENANCE.—The State shall, at its own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner necessary for the use of any easements created under subparagraph (A) and to comply with maintenance conditions established for property prior to transfer and pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq) and other applicable laws; and

(C) OTHER.—Any other terms and conditions the Commandant may consider appropriate to protect the interests of the United States.

(c) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(1) the property, or any part thereof, ceases to be owned and used by the State;

(2) the State fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (b); or

(3) at least 30 days before such reversion, the Commandant provides written notice to the State that the property conveyed is needed for national security purposes.

SEC. 407. CONVEYANCE OF COAST GUARD LORAN STATION NANTUCKET.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the United States Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to approximately 29.4 acres of land, together with the improvements thereon, at Coast Guard LORAN Station Nantucket, Nantucket, Massachusetts, to the Town of Nantucket, Massachusetts (''the Town'') unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(2) IDENTIFICATON OF PROPERTY.—

(A) The Commandant may identify, define, describe, and determine the real property to be conveyed under this section.

(B) The Commandant shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Commandant. The cost of the survey shall be borne by the Town.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of real property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the following terms and conditions:

(i) The Town shall not, upon the property conveyed, allow, conduct, or permit any activity, or operate, allow, or permit the operation of, any equipment or machinery, that would interfere or cause interference, in any manner, with any aid to navigation located upon property retained by the United States at Coast Guard LORAN Station Nantucket, without the express written permission from the Commandant.

(ii) The Town shall maintain the real property conveyed in a manner consistent with the present and future use of any property retained by the United States at Coast Guard LORAN Station Nantucket as a site for an aid to navigation.

(iii) Any other terms and conditions the Commandant considers appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(A) the property, or any part thereof, ceases to be owned and used by the Town;

(B) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in paragraph (1); or

(C) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 408. CONVEYANCE OF COAST GUARD RESERVE TRAINING FACILITY, JACKSONVILLE, FLORIDA.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) the land and improvements thereto comprising the Coast Guard Reserve training facility in Jacksonville, Florida, is deemed to be surplus property; and

(2) the Commandant of the Coast Guard may dispose of all right, title, and interest of the United States in and to that property, by sale, at fair market value unless the Commandant, or his delegate, in his sole discretion determines that the sale would not provide a public benefit.

(b) RIGHT OF FIRST REFUSAL.—Before a sale is made under section (a) to any other person, the Commandant of the Coast Guard

shall give to the City of Jacksonville, Florida, the right of first refusal to purchase all or any part of the property required to be sold under that subsection.

SEC. 409. CONVEYANCE OF DECOMMISSIONED COAST GUARD VESSELS.

(a) IN GENERAL.—The Commandant of the Coast Guard may convey all right, title, and interest of the United States in and to each of 2 decommissioned ''White Class'' 133-foot Coast Guard vessels to Canvasback Mission, Inc. (a nonprofit corporation under the laws of the State of California; in this section referred to as ''the recipient''), without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of providing medical services to Central and South Pacific island nations;

(B) not to use the vessel for commercial transportation purposes except those incident to the provisions of those medical services;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in times of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under paragraph (1)(C);

(2) the recipient has funds available that will be committed to operate and maintain each vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in the amount of at least $400,000 per vessel; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSELS.—Prior to conveyance of a vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as a medical services vessel in Central and South Pacific Islands.

SEC. 410. AMENDMENT TO CONVEYANCE OF VESSEL S/S RED OAK VICTORY.

Section 1008(d)(1) of the Coast Guard Authorization Act of 1996 is amended by striking ''2 years'' and inserting ''3 years''.

SEC. 411. TRANSFER OF OCRACOKE LIGHT STATION TO SECRETARY OF THE INTERIOR.

The Administrator of the General Services Administration shall transfer administrative jurisdiction over the Federal property consisting of approximately 2 acres, known as the Ocracoke Light Station, to the Secretary of the Interior, subject to such reservations, terms, and conditions as may be necessary for Coast Guard purposes. All property so transferred shall be included in and administered as part of the Cape Hatteras National Seashore.

SEC. 412. VESSEL DOCUMENTATION CLARIFICATION.

Section 12102(a)(4) of title 46, United States Code, and section 2(a) of the Shipping Act, 1916 (46 U.S.C. App. 802(a)) are each amended by—

(1) striking ''president or other''; and

(2) inserting a comma and ''by whatever title,'' after ''chief executive officer''.

SEC. 413. SANCTIONS FOR FAILURE TO LAND OR TO HEAVE TO; SANCTIONS FOR OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chaper 109 of title 18, United States Code, is amended by adding at the end new section 2237 to read as follows:

''§ 2237. Sanctions for failure to land or to heave to; sanctions for obstruction of boarding and providing false information

''(a)(1) It shall be unlawful for the pilot, operator, or person in charge of an aircraft which has crossed the border of the United States, or an aircraft subject to the jurisdiction of the United States operating outside the United States, to knowingly fail to obey an order to land by an authorized Federal law enforcement officer who is enforcing the laws of the United States relating to controlled substances, as that term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), or relating to money laundering (sections 1956–57 of this title).

''(2) The Administrator of the Federal Aviation Administration, in consultation with the Commissioner of Customs and the Attorney General, shall prescribe regulations governing the means by, and circumstances under which, a Federal law enforcement officer may communicate an order to land to a pilot, operator, or person in charge of an aircraft. Such regulations shall ensure that any such order is clearly communicated in accordance with applicable international standards. Further, such regulations shall establish guidelines based on observed conduct, prior information, or other circumstances for determining when an officer may use the authority granted under paragraph (1).

''(b)(1) 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 knowingly fail to obey an order to heave to that vessel on being ordered to do so by an authorized Federal law enforcement officer.

''(2) It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States 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 vessel's destination, origin, ownership, registration, nationality, cargo, or crew.

''(c) This section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any Federal law enforcement officer under any law of the United States to order an aircraft to land or a vessel to heave to.

''(d) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver is conclusively proven by certification of the Secretary of State or the Secretary's designee.

''(e) For purposes of this section—

''(1) a 'vessel of the United States' and a 'vessel subject to the jurisdiction of the United States' have the meaning set forth for these terms in the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903);

''(2) an aircraft 'subject to the jurisdiction of the United States' includes—

''(A) an aircraft located over the United States or the customs waters of the United States;

''(B) an aircraft located in the airspace of a foreign nation, where that nation consents to the enforcement of United States law by the United States; and

''(C) over the high seas, an aircraft without nationality, an aircraft of United States registry, or an aircraft registered in a foreign nation that has consented or waived objection to the enforcement of United States law by the United States;

''(3) an aircraft 'without nationality' includes—

''(A) an aircraft aboard which the pilot, operator, or person in charge makes a claim of registry, which claim is denied by the nation whose registry is claimed; and

''(B) an aircraft aboard which the pilot, operator, or person in charge fails, upon request of an officer of the United States empowered to enforce applicable provisions of United States law, to make a claim of registry for that aircraft;

''(4) the term 'heave to' means to cause a 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 sea state; and

''(5) the term 'Federal law enforcement officer' has the meaning set forth in section 115 of this title.

''(f) Any person who intentionally violates the provisions of this section shall be subject to—

''(1) imprisonment for not more than 3 years; or

''(2) a fine as provided in this title;

or both.

''(g) An aircraft that is used in violation of this section may be seized and forfeited. A vessel that is used in violation of subsection (b)(1) or subsection (b)(2)(A) may be seized and forfeited. The laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures undertaken, or alleged to have been undertaken, under any of the provisions of this section; except that such duties as are imposed upon the 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 seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. A vessel or aircraft that is used in violation of this section is also liable in rem for any fine or civil penalty imposed under this section.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 109 of title 18, United States Code, is amended by inserting the following new item after the item for section 2236:

''2237. Sanctions for failure to land or to heave to; sanctions for obstruction of boarding or providing false information.''.

SEC. 414. DREDGE CLARIFICATION.

Section 5209(b) of the Oceans Act of 1992 (46 U.S.C. 2101 note) is amended by adding at the end thereof the following:

''(3) A vessel—

''(A) configured, outfitted, and operated primarily for dredging operations; and

''(B) engaged in dredging operations which transfers fuel to other vessels engaged in the same dredging operations without charge.''.

SEC. 415. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.

Section 9307 of title 46, United States Code, is amended to read as follows:

''§ 9307. Great Lakes Pilotage Advisory Committee

''(a) The Secretary shall establish a Great Lakes Pilotage Advisory Committee. The Committee—

''(1) may review proposed Great Lakes pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate;

''(2) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to Great Lakes pilotage;

''(3) may make available to the Congress recommendations that the Committee makes to the Secretary; and

''(4) shall meet at the call of—

''(A) the Secretary, who shall call such a meeting at least once during each calendar year; or

''(B) a majority of the Committee.

''(b)(1) The Committee shall consist of 7 members appointed by the Secretary in accordance with this subsection, each of whom has at least 5 years practical experience in maritime operations. The term of each member is for a period of not more than 5 years, specified by the Secretary. Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

''(2) The membership of the Committee shall include—

''(A) 3 members who are practicing Great Lakes pilots and who reflect a regional balance;

''(B) 1 member representing the interests of vessel operators that contract for Great Lakes pilotage services;

''(C) 1 member representing the interests of Great Lakes ports;

''(D) 1 member representing the interests of shippers whose cargoes are transported through Great Lakes ports; and

''(E) 1 member representing the interests of the general public, who is an independent expert on the Great Lakes maritime industry.

''(c)(1) The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

''(2) The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. The representatives shall, as appropriate, report to and advise the Committee on matters relating to Great Lakes pilotage. The Secretary's designated representative shall act as the executive secretary of the Committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.C.S. App.).

''(d)(1) The Secretary shall, whenever practicable, consult with the Committee before taking any significant action relating to Great Lakes pilotage.

''(2) The Secretary shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

''(e)(1) A member of the Committee, when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

''(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS–18 of the General Schedule under section 5332 of title 5 including travel time; and

''(B) travel or transportation expenses under section 5703 of title 5.

''(2) A member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

''(f)(1) The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on September 30, 2003.

''(2) 2 years before the termination date set forth in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.''.

SEC. 416. DOCUMENTATION OF CERTAIN VESSELS.

(a) GENERAL WAIVER.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of the following vessels:

(1) MIGHTY JOHN III (formerly the NIAGRA QUEEN), Canadian official number 318746.

(2) DUSKEN IV, United States official number 952645.

(3) SUMMER BREEZE, United States official number 552808.

(4) ARCELLA, United States official number 1025983.

(5) BILLIE–B–II, United States official number 982069.

(6) VESTERHAVET, United States official number 979206.

(7) BETTY JANE, State of Virginia registration number VA 7271 P.

(8) VORTICE, Bari, Italy, registration number 256, if the vessel meets the ownership requirements of section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802).

(9) The barge G. L. 8, Canadian official number 814376.

(10) FOILCAT, United States official number 1063892.

(11) YESTERDAYS DREAM, United States official number 680266.

(12) ENFORCER, United States official number 502610.

(13) The vessel registered as State of Oregon registration number OR 766 YE.

(14) AMICI, United States official number 658055.

(15) ELIS, United States official number 628358.

(16) STURE, United States official number 617703.

(17) CAPT GRADY, United States official number 626257.

(18) Barge number 1, United States official number 933248.

(19) Barge number 2, United States official number 256944.

(20) Barge number 14, United States official number 501212.

(21) Barge number 18, United States official number 297114.

(22) Barge number 19, United States official number 503740.

(23) Barge number 21, United States official number 650581.

(24) Barge number 22, United States official number 650582.

(25) Barge number 23, United States official number 650583.

(26) Barge number 24, United States official number 664023.

(27) Barge number 25, United States official number 664024.

(28) Barge number 26, United States official number 271926.

(29) PACIFIC MONARCH, United States official number 557467.

(30) FULL HOUSE, United States official number 1023827.

(31) W.G. JACKSON, United States official number 1047199.

(32) EMBARCADERO, United States official number 669327.

(33) S.A., British Columbia, Canada official number 195214.

(34) FAR HORIZONS, United States official number 1044011.

(35) LITTLE TOOT, United States official number 938858.

(36) TURMOIL, British official number 726767.

(b) FALLS POINT.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FALLS POINT, State of Maine registration number ME 5435 E.

(c) TERMINATION.—The endorsement issued under subsection (a)(10) shall terminate on the last day of the 36th month beginning after the date on which it was issued.

(d) NINA, PINTA, AND SANTA MARIA REPLICAS.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C) App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may authorize employment in the coastwise trade for the purpose of carrying passengers for hire for each of the following vessels while the vessel is operated by the las Carabelas Columbus Fleet Association under the terms of its agreement of May 6, 1992, with the Sociedata Estatal para la Ejucucion de Programas y Actuaciones Conmeroratives del Quinto Centario del Descubrimiento de America, S.A., and the Spain '92 Foundation:

(1) NINA, United States Coast Guard vessel identification number CG034346;

(2) PINTA, United States Coast Guard vessel identification number CG034345; and

(3) NAO SANTA MARIA, United States Coast Guard vessel identification number CG034344.

(e) BARGE APL–60—.

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the barge APL–60 (United States official number 376857).

(2) LIMITATIONS.—The vessel described in paragraph (1) of this subsection may be employed in the coastwise trade only for the purpose of participating in the ship disposal initiative initially funded by the Department of Defense Appropriations Act, 1999, for the duration of that initiative.

(3) TERMINATION.—A coastwise endorsement issued under paragraph (1) shall terminate on the earlier of—

(A) the completion of the final coastwise trade voyage associated with the ship disposal initiative described in paragraph (2); or

(B) the sale or transfer of the vessel described in paragraph (1) to an owner other than the owner of the vessel as of October 1, 1998.

SEC. 417. DOUBLE HULL ALTERNATIVE DESIGNS STUDY.

Section 4115(e) of the Oil Pollution Act of 1990 (46 U.S. Code 3703a note) is amended by adding at the end thereof the following:

''(3)(A) The Secretary of Transportation shall coordinate with the Marine Board of

the National Research Council to conduct the necessary research and development of a rationally based equivalency assessment approach, which accounts for the overall environmental performance of alternative tank vessel designs. Notwithstanding sections 101 and 311 of the Clean Water Act (33 U.S.C. 1251 and 1321), the intent of this study is to establish an equivalency evaluation procedure that maintains a high standard of environmental protection, while encouraging innovative ship design. The study shall include:

''(i) development of a generalized cost spill data base, which includes all relevant costs such as clean-up costs and environmental impact costs as a function of spill size;

''(ii) refinement of the probability density functions used to establish the extent of vessel damage, based on the latest available historical damage statistics, and current research on the crash worthiness of tank vessel structures;

''(iii) development of a rationally based approach for calculating an environmental index, to assess overall overflow performance due to collisions and groundings; and

''(iv) application of the proposed index to double hull tank vessels and alternative designs currently under consideration.

''(B) A Marine Board committee shall be established not later than 2 months after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 1998, 1999, and 2000. The Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report on the results of the study not later than 12 months after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 1998, 1999, and 2000.

''(C) Of the amounts authorized by section 1012(a)(5)(A) of this Act, $500,000 is authorized to carry out the activities under subparagraphs (A) and (B) of this paragraph.''.

SEC. 418. REPORT ON MARITIME ACTIVITIES.

Section 208 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1118) is amended by striking ''each year,'' and inserting ''of each odd-numbered year,''.

SEC. 419. VESSEL SHARING AGREEMENTS.

(a) Section 5 of the Shipping Act of 1984 (46 U.S.C. App. 1704) is amended by adding at the end thereof the following:

''(g) VESSEL SHARING AGREEMENTS.—An ocean common carrier that is the owner, operator, or bareboat, time, or slot charterer of a United States-flag liner vessel documented pursuant to sections 12102(a) or (d) of title 46, United States Code, is authorized to agree with an ocean common carrier that is not the owner, operator or bareboat charterer for at least one year of United States-flag liner vessels which are eligible to be included in the Maritime Security Fleet Program and are enrolled in an Emergency Preparedness Program pursuant to subtitle B of title VI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1187 et seq.), to which it charters or subcharters the United States-flag vessel or space on the United States-flag vessel that such charterer or subcharterer may not use or make available space on the vessel for the carriage of cargo reserved by law for United States-flag vessels.''.

(b) Section 10(c)(6) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)(6)) is amended by inserting ''authorized by section 5(g) of this Act, or as'' before ''otherwise''.

(c) Nothing in this section shall affect or in any way diminish the authority or effectiveness of orders issued by the Maritime Administration pursuant to sections 9 and 41 of the Shipping Act, 1916 (46 U.S.C. App. 808 and 839).

SEC. 420. REPORT ON SWATH TECHNOLOGY.

The Commandant of the Coast Guard shall, within 18 months after the date of enactment of this Act, report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the applicability of Small Waterplane Area Twin Hull (SWATH) technology, including concepts developed by the United States Office of Naval Research, to the design of Coast Guard vessels.

SEC. 421. REPORT ON TONNAGE CALCULATION METHODOLOGY.

The Administrator of the Panama Canal Commission shall, within 90 days of the date of enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the methodology employed in the calculation of the charge of tolls for the carriage of on-deck containers. The report shall also include an explanation as to why the 8.02 percent coefficient was determined to be the upper limit and maximum cap for on-deck container capacity, and why any increase in that coefficient would be inappropriate.

SEC. 422. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, AMERICAN VICTORY.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Secretary of Transportation (referred to in this section as ''the Secretary'') may convey all right, title, and interest of the Federal Government in and to the vessel S.S. AMERICAN VICTORY (United States official number 248005) to The Victory Ship, Inc., located in Tampa, Florida (in this section referred to as the ''recipient''), and the recipient may use the vessel only as a memorial to the Victory class of ships.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the Federal Government.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(B) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(e) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient of the vessel conveyed under this section any unneeded equipment from other vessels in the National Defense Reserve Fleet, for use to restore the vessel conveyed under this section to museum quality.

SEC. 423. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, JOHN HENRY.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Secretary of Transportation (in this section referred to as ''Secretary'') may convey all right, title, and interest of the United States Government in and to the vessel JOHN HENRY (United states official number 599294) to a purchaser for use in humanitarian relief efforts, including the provision of water and humanitarian goods to developing nations.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date;

(C) at no cost to the United States Government; and

(D) only after the vessel has been redesignated as not militarily useful.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) competitive procedures are used for sales under this section;

(B) the vessel is sold for not less than the fair market value of the vessel in the United States, as determined by the Secretary of Transportation;

(C) the recipient agrees that the vessel shall not be used for commercial transportation purposes or for the carriage of cargoes reserved to United States flag commercial vessels under section 901(b) and 901f of the Merchant Marine Act, 1936 (46 U.S.C. app. 1241(b) and 1241f);

(D) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polycholorinated bipheyls, after the conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(E) the recipient provides sufficient evidence to the Secretary that it has financial resources in the form of cash, liquid assets, or a written loan commitment of at least $100,000.

(F) the recipient agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or national emergency.

(G) the recipient agrees to document the vessel under chapter 121 of title 46, United States Code.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) PROCEEDS.—Any amounts received by the United States as proceeds from the sale of the M/V JOHN HENRY shall be deposited in the Vessel Operations Revolving Fund established by the Act of June 2, 1951 (chapter 121; 46 U.S.C. App. 1241a) and shall be available and expended in accordance with section 6(a) of the National Maritime Heritage Act (16 U.S.C. App. 5405(a)).

SEC. 424. AUTHORIZED NUMBER OF NOAA CORPS COMMISSIONED OFFICERS.

(a) Section 2 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a) is amended—

(1) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively; and

(2) by inserting before subsection (b), as redesignated, the following:

''(a)(1) Except as provided in paragraph (2), there are authorized to be not less than 264 and not more than 299 commissioned officers on the active list of the National Oceanic and Atmospheric Administration for fiscal years 1999, 2000, 2001, 2002, and 2003.

''(2) The administrator may reduce the number of commissioned officers on the active list below 264 if the Administrator determines that it is appropriate, taking into consideration—

''(A) the number of billets on the vessels and aircraft owned and operated by the Administration;

''(B) the need of the Administration to collect high-quality oceanographic, fisheries,

hydrographic, and atmospheric data and information on a continuing basis;

''(C) the need for effective and safe operation of the Administration's vessels and aircraft;

''(D) the need for effective management of the commissioned Corps; and

''(E) the protection of the interests of taxpayers.

''(3) At least 90 days before beginning any reduction as described in paragraph (2), the Administrator shall provide notice of such reduction to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives.''.

(b) Section 24(a) of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853u(a)) is amended by inserting ''One such position shall be appointed from the officers on the active duty promotion list serving in or above the grade of captain, and who shall be responsible for administration of the commissioned officers, and for oversight of the operation of the vessel and aircraft fleets, of the Administration.'' before ''An officer''.

(c) The Secretary of Commerce immediately shall relieve the moratorium on new appointments of commissioned officers to the National Oceanic and Atmospheric Administration Corps.

SEC. 425. COAST GUARD CITY, USA.

The Commandant of the Coast Guard may recognize the Community of Grand Haven, Michigan, as ''Coast Guard City, USA''. If the Commandant desires to recognize any other community in the United States in the same manner or any other community requests such recognition from the Coast Guard, the Commandant shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives at least 90 days before approving such recognition.

SEC. 426. MARINE TRANSPORTATION FLEXIBILITY.

(a) IN GENERAL.—Section 218 of title 23, United States Code, is amended—

(1) by striking ''the south Alaskan border'' in the first sentence of subsection (a) and inserting ''Haines'';

(2) in the third sentence by striking ''highway'' in the third sentence of subsection (a) and inserting ''highway or the Alaska Marine Highway System'';

(3) by striking ''any other fiscal year thereafter'' in the fourth sentence of subsection (a) and inserting ''any other fiscal year thereafter, including any portion of any other fiscal year thereafter, prior to the date of the enactment of the Transportation Equity Act for the 21st Century'';

(4) by striking ''construction of such highways until an agreement'' in the fifth sentence of subsection (a) and inserting ''construction of the portion of such highways that are in Canada until an agreement''; and

(5) by inserting ''in Canada'' after ''undertaken'' in subsection (b).

TITLE V—ADMINISTRATIVE PROCESS FOR JONES ACT WAIVERS

SEC. 501. FINDINGS.

The Congress finds that—

(1) current coastwise trade laws provide no administrative authority to waive the United States-built requirement of those laws for the limited carriage of passengers for hire on vessels built or rebuilt outside the United States;

(2) requests for such waivers require the enactment of legislation by the Congress;

(3) each Congress routinely approves numerous such requests for waiver and rarely rejects any such request; and

(4) the review and approval of such waiver requests is a ministerial function which properly should be executed by an administrative agency with appropriate expertise.

SEC. 502. ADMINISTRATIVE WAIVER OF COASTWISE TRADE LAWS.

Notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwide trade as a passenger vessel, a small passenger vessel, or an uninspected passenger vessel for an eligible vessel authorized to carry no more than 12 passengers for hire if the Secretary, after notice and an opportunity for public comment, determines that the employment of the vessel in the coastwise trade will not adversely affect—

(1) United States vessel builders; or

(2) the coastwise trade business of any person who employs vessels built in the United States in that business.

SEC. 503. REVOCATION.

The Secretary may revoke an endorsement issued under section 502, after notice and an opportunity for public comment, if the Secretary determines that the employment of the vessel in the coastwise trade has substantially changed since the issuance of the endorsement, and—

(1) the vessel is employed other than as a passenger vessel, a small passenger vessel, or an uninspected passenger vessel; or

(2) the employment of the vessel adversely affects—

(A) United States vessel builders; or

(B) the coastwise trade business of any person who employs vessels built in the United States.

SEC. 504. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(2) ELIGIBLE VESSEL.—The term ''eligible vessel'' means a vessel that—

(A) was not build in the United States and is at least 3 years of age; or

(B) if rebuilt, was rebuilt outside the United States at least 3 years before the certification requested under section 502, if granted, would take effect.

(3) PASSENGER VESSEL, SMALL PASSENGER VESSEL; UNINSPECTED PASSENGER VESSEL; PASSENGER FOR HIRE.—The terms ''passenger vessel'', ''small passenger vessel'', ''uninspected passenger vessel'', and ''passenger for hire'' have the meaning given such terms by section 2101 of title 46, United States Code.

TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

SEC. 601. SHORT TITLE.

This title may be cited as the ''Harmful Algal Bloom and Hypoxia Research and Control Act of 1998''.

SEC. 602. FINDINGS.

The Congress finds that—

(1) the recent outbreak of the harmful microbe *Pfiesteria piscicida* in the coastal waters of the United States is one example of potentially harmful algal blooms composed of naturally occurring species that reproduce explosively and that are increasing in frequency and intensity in the Nation's coastal waters;

(2) other recent occurrences of harmful algal blooms include red tides in the Gulf of Mexico and the Southeast; brown tides in New York and Texas; ciguatera fish poisoning in Hawaii, Florida, Puerto Rico, and the U.S. Virgin Islands; and shellfish poisonings in the Gulf of Maine, the Pacific Northwest, and the Gulf of Alaska;

(3) in certain cases, harmful algal blooms have resulted in fish kills, the deaths of numerous endangered West Indian manatees, beach and shellfish bed closures, threats to public health and safety, and concern among the public about the safety of seafood;

(4) according to some scientists, the factors causing or contributing to harmful algal blooms may include excessive nutrients in coastal waters, other forms of pollution, the transfer of harmful species through ship ballast water, and ocean currents;

(5) harmful algal blooms may have been responsible for an estimated $1,000,000,000 in economic losses during the past decade.

(6) harmful algal blooms and blooms of non-toxic algal species may lead to other damaging marine conditions such as hypoxia (reduced oxygen concentrations), which are harmful or fatal to fish, shellfish, and benthic organisms;

(7) according to the National Oceanic and Atmospheric Administration in the Department of Commerce, 53 percent of U.S. estuaries experience hypoxia for at least part of the year and a 7,000 square mile area in the Gulf of Mexico off Louisiana and Texas suffers from hypoxia;

(8) according to some scientists, a factor believed to cause hypoxia is excessive nutrient loading into coastal waters;

(9) there is a need to identify more workable and effective actions to reduce nutrient loadings to coastal waters;

(10) the National Oceanic and Atmospheric Administration, through its ongoing research, education, grant, and coastal resource management programs, possesses a full range of capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control harmful algal blooms and hypoxia;

(11) funding for the research and related programs of the National Oceanic and Atmospheric Administration will aid in improving the Nation's understanding and capabilities for addressing the human and environmental costs associated with harmful algal blooms and hypoxia; and

(12) other Federal agencies such as the Environmental Protection Agency, the Department of Agriculture, and the National Science Foundation, along with States, Indian tribes, and local governments, conduct important work related to the prevention, reduction, and control of harmful algal blooms and hypoxia.

SEC. 603. ASSESSMENTS.

(a) ESTABLISHMENT OF INTER-AGENCY TASK FORCE.—The President, through the Committee on Environment and Natural Resources of the National Science and Technology Council, shall establish an Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia (hereinafter referred to as the ''Task Force''). The Task Force shall consist of the following representatives from—

(1) the Department of Commerce (who shall serve as Chairman of the Task Force);

(2) the Environmental Protection Agency;

(3) the Department of Agriculture;

(4) the Department of the Interior;

(5) the Department of the Navy;

(6) the Department of Health and Human Services;

(7) the National Science Foundation;

(8) the National Aeronautics and Space Administration;

(9) the Food and Drug Administration;

(10) the Office of Science and Technology Policy;

(11) the Council on Environmental Quality; and

(12) such other Federal agencies as the President considers appropriate.

(b) ASSESSMENT OF HARMFUL ALGAL BLOOMS.—

(1) Not later than 12 months after the date of enactment of this title, the Task Force, in

cooperation with the coastal States, Indian tribes, and local governments, industry (including agricultural organizations), academic institutions, and non-governmental organizations with expertise in coastal zone management, shall complete and submit to the Congress an assessment which examines the ecological and economic consequences of harmful algal blooms, alternatives for reducing, mitigating, and controlling harmful algal blooms, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect to harmful algal blooms; and

(B) provide for Federal cooperation and coordination with and assistance to the coastal States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of harmful algal blooms and their environmental and public health impacts.

(c) ASSESSMENT OF HYPOXIA.—

(1) Not later than 12 months after the date of enactment of this title, the Task Force, in cooperation with the States, Indian tribes, local governments, industry, agricultural, academic institutions, and non-governmental organizations with expertise in watershed and coastal zone management, shall complete and submit to the Congress an assessment which examines the ecological and economic consequences of hypoxia in United States Coastal waters, alternatives for reducing, mitigating, and controlling hypoxia, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) establish needs, priorities, and guidelines for a peer-reviewed, inter-agency research program on the causes, characteristics, and impacts of hypoxia;

(B) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect by hypoxia; and

(C) provide for Federal cooperation and coordination with and assistance to the States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of hypoxia and its environmental impacts.

(e) DISESTABLISHMENT OF TASK FORCE.—The President may disestablish the Task Force after submission of the path in section 604(d).

SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

(a) ASSESSMENT REPORT.—Not later than May 30, 1999, the Task Force shall complete and submit to Congress and the President an integrated assessment of hypoxia in the northern Gulf of Mexico that examines: the distribution, dynamics, and causes; ecological and economic consequences; sources and loads of nutrients transported by the Mississippi River to the Gulf of Mexico; effects of reducing nutrient loads; methods for reducing nutrient loads; and the social and economic costs and benefits of such methods.

(b) SUBMISSION OF A PLAN.—No later than March 30, 2000, the President, in conjunction with the chief executive officers of the States, shall develop and submit to Congress a plan, based on the integrated assessment submitted under subsection (a), for reducing, mitigating, and controlling hypoxia in the northern Gulf of Mexico. In developing such plan, the President shall consult with State, Indian tribe, and local governments, academic, agricultural, industry, and environmental groups and representatives. Such plan shall include incentive-based partnership approaches. The plan shall also include the social and economic costs and benefits of the measures for reducing, mitigating, and controlling hypoxia. At least 90 days before the President submits such plan to the Congress, a summary of the proposed plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for research, education, and monitoring activities related to the prevention, reduction, and control of harmful algal blooms and hypoxia, $25.5 million in each of fiscal years 1999, 2000, and 2001, to remain available until expended. The Secretary shall consult with the States on a regular basis regarding the development and implementation of the activities authorized under this section. Of such amounts for each fiscal year—

(1) $5,000,000 may be used to enable the National Oceanic and Atmospheric Administration to carry out research and assessment activities, including procurement of necessary research equipment, at research laboratories of the National Ocean Service and the National Marine Fisheries Service;

(2) $7,000,000 may be used to carry out the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project under the Coastal Ocean Program established under section 201(c) of Public Law 102–567.

(3) $3,000,000 may be used by the National Ocean Service of the National Oceanic and Atmospheric Administration to carry out a peer-reviewed research project on management measures that can be taken to prevent, reduce, control, and mitigate harmful algal blooms;

(4) $5,500,000 may be used to carry out Federal and State annual monitoring and analysis activities for harmful algal blooms administered by the National Ocean Service of the National Oceanic and Atmospheric Administration.

(5) $5,000,000 may be used for activities related to research and monitoring on hypoxia by the National Ocean Service and the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration.

SEC. 606. AMENDMENT TO NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Section 212(a) of the National Sea Grant College Program Act (33 U.S.C. 1131(a)) is amended by striking paragraph (2)(C) and inserting the following:

''(C) up to $3,000,000 may be made available for competitive grants for university research, education, training, and advisory services on Pfiesteria piscicida and other harmful algal blooms.''.

SEC. 607. AMENDMENT TO THE COASTAL ZONE MANAGEMENT ACT.

Section 318(a) of the coastal Zone Management Act of 1972 (16 U.S.C. 1464 (a)) is amended by adding at the end thereof the following:

''(3) up to $2,000,000 for fiscal years 1999 and 2000 for technical assistance under section 310 to support State implementation and analysis of the effectiveness of measures to prevent, reduce, mitigate, or control harmful algal blooms and hypoxia.''.

SEC. 608 PROTECTION OF STATES' RIGHTS.

(a) Nothing in this title shall be interpreted to adversely affect existing State regulatory or enforcement power which has been granted to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

(b) Nothing in this title shall be interpreted to expand the regulatory or enforcement power of the Federal Government which has been delegated to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

TITLE VII—ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. 701. APPLICABILITY OF AUTHORITY TO RELEASE RESTRICTIONS AND ENCUMBRANCES.

Section 315(c)(1) of the Federal Maritime Commission Authorization Act of 1990 (Public Law 101–595; 104 Stat. 2988) is amended—

(1) by striking ''3 contiguous tracts'' and inserting ''4 tracts''; and

(2) by striking ''Tract A'' and all that follows through the end of the paragraph and inserting the following:

''Tract 1—Commencing at a point N45° 28′ 31″ E 198.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 220 feet; thence N45° 28′ 31″ E 50 feet; thence N44° 29′ 09″ W 220 feet; thence S45° 28′ 31″ W 50 feet to the point of commencement and containing 11,000 square feet (0.2525 acres).

''Tract 2—Commencing at a point N45° 28′ 31″ E 198.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 169.3 feet; thence S45° 28′ 31″ W 75 feet; (Deed Call S45° 30′ 51″ W 75 feet), thence N44° 29′ 09″ W 169.3 feet; thence N45° 28′ 31″ E 75 feet to the point of commencement and containing 12,697 square feet (0.2915 acres).

''Tract 3—Commencing at a point N45° 28′ 31″ E 248.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 220 feet; thence N45° 28′ 31″ E 50 feet; thence N44° 29′ 09″ W 220 feet; thence S45° 28′ 31″ W 50 feet to the point of commencement and containing 11,000 square feet (0.2525 acres).

''Tract 4—Commencing at a point N45° 28′ 31″ E 123.3 feet and S44° 29′ 09″ E 169.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 50.7 feet; thence N45° 28′ 31″ E 75 feet; thence N44° 29′ 09″ W 50.7 feet; thence S45° 28′ 31″ W 75 feet (Deed Call S45° 30′ 51″ W 75 feet) to the point of commencement and containing 3,802 square feet (0.0873 acres).

''Composite Description—A tract of land lying in section 2, Township 10 South—Range 8 West, Calcasieu Parish, Louisiana, and being mone [sic] particularly described as follows: Begin at a point N45° 28′ 31″ E 123.3 feet from point 'A' as shown as plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence N45° 28′ 31″ E 175.0 feet; thence S44° 29′ 09″ E 220.0 feet; thence S45° 28′ 31″ W 175.0 feet; thence N44° 29′ 09″ W 220.0 feet to the point of beginning, containing 0.8035 acres.

ECONOMIC DEVELOPMENT ADMINISTRATION REFORM ACT OF 1998

CHAFEE AMENDMENT NO. 3814

Mr. JEFFORDS (for Mr. CHAFEE) proposed an amendment to the bill (S. 2364) to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Economic Development Administration and Appalachian Regional Development Reform Act of 1998''.

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

Sec. 1. Short title; table of contents.

TITLE I—ECONOMIC DEVELOPMENT

Sec. 101. Short title.
Sec. 102. Reauthorization of Public Works and Economic Development Act of 1965.
Sec. 103. Conforming amendment.
Sec. 104. Transition provisions.
Sec. 105. Effective date.

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. Meetings.
Sec. 204. Administrative expenses.
Sec. 205. Compensation of employees.
Sec. 206. Administrative powers of Commission.
Sec. 207. Cost sharing of demonstration health projects.
Sec. 208. Repeal of land stabilization, conservation, and erosion control program.
Sec. 209. Repeal of timber development program.
Sec. 210. Repeal of mining area restoration program.
Sec. 211. Repeal of water resource survey.
Sec. 212. Cost sharing of housing projects.
Sec. 213. Repeal of airport safety improvements program.
Sec. 214. Cost sharing of vocational education and education demonstration projects.
Sec. 215. Repeal of sewage treatment works program.
Sec. 216. Repeal of amendments to Housing Act of 1954.
Sec. 217. Supplements to Federal grant-in-aid programs.
Sec. 218. Program development criteria.
Sec. 219. Distressed and economically strong counties.
Sec. 220. Grants for administrative expenses and commission projects.
Sec. 221. Authorization of appropriations for general program.
Sec. 222. Extension of termination date.
Sec. 223. Technical amendment.

TITLE I—ECONOMIC DEVELOPMENT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Economic Development Administration Reform Act of 1998''.

SEC. 102. REAUTHORIZATION OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.

(a) FIRST SECTION THROUGH TITLE VI—The Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended by striking the first section and all that follows through the end of title VI and inserting the following:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Public Works and Economic Development Act of 1965'.

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

''Sec. 1. Short title; table of contents.
''Sec. 2. Findings and declarations.
''Sec. 3. Definitions.

''TITLE I—ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION

''Sec. 101. Establishment of economic development partnerships.
''Sec. 102. Cooperation of Federal agencies.
''Sec. 103. Coordination.

''TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

''Sec. 201. Grants for public works and economic development.
''Sec. 202. Base closings and realignments.
''Sec. 203. Grants for planning and grants for administrative expenses.
''Sec. 204. Cost sharing.
''Sec. 205. Supplementary grants.
''Sec. 206. Regulations on relative needs and allocations.
''Sec. 207. Grants for training, research, and technical assistance.
''Sec. 208. Prevention of unfair competition.
''Sec. 209. Grants for economic adjustment.
''Sec. 210. Changed project circumstances.
''Sec. 211. Use of funds in projects constructed under projected cost.
''Sec. 212. Reports by recipients.
''Sec. 213. Prohibition on use of funds for attorney's and consultant's fees.

''TITLE III—ELIGIBILITY; COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

''Sec. 301. Eligibility of areas.
''Sec. 302. Comprehensive economic development strategies.

''TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

''Sec. 401. Designation of economic development districts.
''Sec. 402. Termination or modification of economic development districts.
''Sec. 403. Incentives.
''Sec. 404. Provision of comprehensive economic development strategies to Appalachian Regional Commission.
''Sec. 405. Assistance to parts of economic development districts not in eligible areas.

''TITLE V—ADMINISTRATION

''Sec. 501. Assistant Secretary for Economic Development.
''Sec. 502. Economic development information clearinghouse.
''Sec. 503. Consultation with other persons and agencies.
''Sec. 504. Administration, operation, and maintenance.
''Sec. 505. Businesses desiring Federal contracts.
''Sec. 506. Performance evaluations of grant recipients.
''Sec. 507. Notification of reorganization.

''TITLE VI—MISCELLANEOUS

''Sec. 601. Powers of Secretary.
''Sec. 602. Maintenance of standards.
''Sec. 603. Annual report to Congress.
''Sec. 604. Delegation of functions and transfer of funds among Federal agencies.
''Sec. 605. Penalties.
''Sec. 606. Employment of expediters and administrative employees.
''Sec. 607. Maintenance and public inspection of list of approved applications for financial assistance.
''Sec. 608. Records and audits.
''Sec. 609. Relationship to assistance under other law.
''Sec. 610. Acceptance of certifications by applicants.

''TITLE VII—FUNDING

''Sec. 701. General authorization of appropriations.
''Sec. 702. Authorization of appropriations for defense conversion activities.
''Sec. 703. Authorization of appropriations for disaster economic recovery activities.

''SEC. 2. FINDINGS AND DECLARATIONS.

''(a) FINDINGS.—Congress finds that—

''(1) while the economy of the United States is undergoing a sustained period of economic growth resulting in low unemployment and increasing incomes, there continue to be areas suffering economic distress in the form of high unemployment, low incomes, underemployment, and outmigration as well as areas facing sudden economic dislocations due to industrial restructuring and relocation, defense base closures and procurement cutbacks, certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality), and natural disasters;

''(2) as the economy of the United States continues to grow, those distressed areas contain significant human and infrastructure resources that are underused;

''(3) expanding international trade and the increasing pace of technological innovation offer both a challenge and an opportunity to the distressed communities of the United States;

''(4) while economic development is an inherently local process, the Federal Government should work in partnership with public and private local, regional, and State organizations to ensure that existing resources are not wasted and all Americans have an opportunity to participate in the economic growth of the United States;

''(5) in order to avoid wasteful duplication of effort and to limit the burden on distressed communities, Federal, State, and local economic development activities should be better planned and coordinated and Federal program requirements should be simplified and made more consistent;

''(6) the goal of Federal economic development activities should be to work in partnership with local, regional, and State public and private organizations to support the development of private sector businesses and jobs in distressed communities;

''(7) Federal economic development efforts will be more effective if they are coordinated with, and build upon, the trade and technology programs of the United States; and

''(8) under this Act, new employment opportunities should be created by developing and expanding new and existing public works and other facilities and resources rather than by merely transferring jobs from one area of the United States to another.

''(b) DECLARATIONS.—Congress declares that, in order to promote a strong and growing economy throughout the United States—

''(1) assistance under this Act should be made available to both rural and urban distressed communities;

''(2) local communities should work in partnership with neighboring communities, the States, and the Federal Government to increase their capacity to develop and implement comprehensive economic development strategies to address existing, or deter impending, economic distress; and

''(3) whether suffering from long-term distress or a sudden dislocation, distressed communities should be encouraged to take advantage of the development opportunities afforded by technological innovation and expanding and newly opened global markets.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY.—The term 'comprehensive economic development strategy' means a comprehensive economic development strategy approved by the Secretary under section 302.

''(2) DEPARTMENT.—The term 'Department' means the Department of Commerce.

''(3) ECONOMIC DEVELOPMENT DISTRICT.—

''(A) IN GENERAL.—The term 'economic development district' means any area in the United States that—

''(i) is composed of areas described in section 301(a) and, to the extent appropriate, neighboring counties or communities; and

''(ii) has been designated by the Secretary as an economic development district under section 401.

''(B) INCLUSION.—The term 'economic development district' includes any economic development district designated by the Secretary under section 403 (as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998).

''(4) ELIGIBLE RECIPIENT.—

''(A) IN GENERAL.—The term 'eligible recipient' means—

''(i) an area described in section 301(a);

''(ii) an economic development district;

''(iii) an Indian tribe;

''(iv) a State;

''(v) a city or other political subdivision of a State or a consortium of political subdivisions;

''(vi) an institution of higher education or a consortium of institutions of higher education; or

''(vii) a public or private nonprofit organization or association acting in cooperation with officials of a political subdivision of a State.

''(B) TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE GRANTS.—In the case of grants under section 207, the term 'eligible recipient' also includes private individuals and for-profit organizations.

''(5) FEDERAL AGENCY.—The term 'Federal agency' means a department, agency, or instrumentality of the United States.

''(6) GRANT.—The term 'grant' includes a cooperative agreement (within the meaning of chapter 63 of title 31, United States Code).

''(7) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or Regional Corporation (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''(9) STATE.—The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(10) UNITED STATES.—The term 'United States' means all of the States.

''TITLE I—ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION

''SEC. 101. ESTABLISHMENT OF ECONOMIC DEVELOPMENT PARTNERSHIPS.

''(a) IN GENERAL.—In providing assistance under this title, the Secretary shall cooperate with States and other entities to ensure that, consistent with national objectives, Federal programs are compatible with and further the objectives of State, regional, and local economic development plans and comprehensive economic development strategies.

''(b) TECHNICAL ASSISTANCE.—The Secretary may provide such technical assistance to States, political subdivisions of States, sub-State regional organizations (including organizations that cross State boundaries), and multi-State regional organizations as the Secretary determines is appropriate to—

''(1) alleviate economic distress;

''(2) encourage and support public-private partnerships for the formation and improvement of economic development strategies that sustain and promote economic development across the United States; and

''(3) promote investment in infrastructure and technological capacity to keep pace with the changing global economy.

''(c) INTERGOVERNMENTAL REVIEW.—The Secretary shall promulgate regulations to ensure that appropriate State and local government agencies have been given a reasonable opportunity to review and comment on proposed projects under this title that the Secretary determines may have a significant direct impact on the economy of the area.

''(d) COOPERATION AGREEMENTS.—

''(1) IN GENERAL.—The Secretary may enter into a cooperation agreement with any 2 or more adjoining States, or an organization of any 2 or more adjoining States, in support of effective economic development.

''(2) PARTICIPATION.—Each cooperation agreement shall provide for suitable participation by other governmental and nongovernmental entities that are representative of significant interests in and perspectives on economic development in an area.

''SEC. 102. COOPERATION OF FEDERAL AGENCIES.

''In accordance with applicable laws and subject to the availability of appropriations, each Federal agency shall exercise its powers, duties and functions, and shall cooperate with the Secretary, in such manner as will assist the Secretary in carrying out this title.

''SEC. 103. COORDINATION.

''The Secretary shall coordinate activities relating to the preparation and implementation of comprehensive economic development strategies under this Act with Federal agencies carrying out other Federal programs, States, economic development districts, and other appropriate planning and development organizations.

''TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

''SEC. 201. GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT.

''(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may make grants for—

''(1) acquisition or development of land and improvements for use for a public works, public service, or development facility; and

''(2) acquisition, design and engineering, construction, rehabilitation, alteration, expansion, or improvement of such a facility, including related machinery and equipment.

''(b) CRITERIA FOR GRANT.—The Secretary may make a grant under this section only if the Secretary determines that—

''(1) the project for which the grant is applied for will, directly or indirectly—

''(A) improve the opportunities, in the area where the project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities;

''(B) assist in the creation of additional long-term employment opportunities in the area; or

''(C) primarily benefit the long-term unemployed and members of low-income families;

''(2) the project for which the grant is applied for will fulfill a pressing need of the area, or a part of the area, in which the project is or will be located; and

''(3) the area for which the project is to be carried out has a comprehensive economic development strategy and the project is consistent with the strategy.

''(c) MAXIMUM ASSISTANCE FOR EACH STATE.—Not more than 15 percent of the amounts made available to carry out this section may be expended in any 1 State.

''SEC. 202. BASE CLOSINGS AND REALIGNMENTS.

''Notwithstanding any other provision of law, the Secretary may provide to an eligible recipient any assistance available under this title for a project to be carried out on a military or Department of Energy installation that is closed or scheduled for closure or realignment without requiring that the eligible recipient have title to the property or a leasehold interest in the property for any specified term.

''SEC. 203. GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

''(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may make grants to pay the costs of economic development planning and the administrative expenses of organizations that carry out the planning.

''(b) PLANNING PROCESS.—Planning assisted under this title shall be a continuous process involving public officials and private citizens in—

''(1) analyzing local economies;

''(2) defining economic development goals;

''(3) determining project opportunities; and

''(4) formulating and implementing an economic development program that includes systematic efforts to reduce unemployment and increase incomes.

''(c) USE OF PLANNING ASSISTANCE.—Planning assistance under this title shall be used in conjunction with any other available Federal planning assistance to ensure adequate and effective planning and economical use of funds.

''(d) STATE PLANS.—

''(1) DEVELOPMENT.—Any State plan developed with assistance under this section shall be developed cooperatively by the State, political subdivisions of the State, and the economic development districts located wholly or partially in the State.

''(2) COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY.—As a condition of receipt of assistance for a State plan under this subsection, the State shall have or develop a

comprehensive economic development strategy.

''(3) CERTIFICATION TO THE SECRETARY.—On completion of a State plan developed with assistance under this section, the State shall—

''(A) certify to the Secretary that, in the development of the State plan, local and economic development district plans were considered and, to the maximum extent practicable, the State plan is consistent with the local and economic development district plans; and

''(B) identify any inconsistencies between the State plan and the local and economic development district plans and provide a justification for each inconsistency.

''(4) COMPREHENSIVE PLANNING PROCESS.—Any overall State economic development planning assisted under this section shall be a part of a comprehensive planning process that shall consider the provision of public works to—

''(A) promote economic development and opportunity;

''(B) foster effective transportation access;

''(C) enhance and protect the environment; and

''(D) balance resources through the sound management of physical development.

''(5) REPORT TO SECRETARY.—Each State that receives assistance for the development of a plan under this subsection shall submit to the Secretary an annual report on the planning process assisted under this subsection.

''SEC. 204. COST SHARING.

''(a) FEDERAL SHARE.—Subject to section 205, the amount of a grant for a project under this title shall not exceed 50 percent of the cost of the project.

''(b) NON-FEDERAL SHARE.—In determining the amount of the non-Federal share of the cost of a project, the Secretary may provide credit toward the non-Federal share for all contributions both in cash and in-kind, fairly evaluated, including contributions of space, equipment, and services.

''SEC. 205. SUPPLEMENTARY GRANTS.

''(a) DEFINITION OF DESIGNATED FEDERAL GRANT PROGRAM.—In this section, the term 'designated Federal grant program' means any Federal grant program that—

''(1) provides assistance in the construction or equipping of public works, public service, or development facilities;

''(2) the Secretary designates as eligible for an allocation of funds under this section; and

''(3) assists projects that are—

''(A) eligible for assistance under this title; and

''(B) consistent with a comprehensive economic development strategy.

''(b) SUPPLEMENTARY GRANTS.—

''(1) IN GENERAL.—On the application of an eligible recipient, the Secretary may make a supplementary grant for a project for which the eligible recipient is eligible but, because of the eligible recipient's economic situation, for which the eligible recipient cannot provide the required non-Federal share.

''(2) PURPOSES OF GRANTS.—Supplementary grants under paragraph (1) may be made for purposes that shall include enabling eligible recipients to use—

''(A) designated Federal grant programs; and

''(B) direct grants authorized under this title.

''(c) REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.—

''(1) AMOUNT OF SUPPLEMENTARY GRANTS.—Subject to paragraph (4), the amount of a supplementary grant under this title for a project shall not exceed the applicable percentage of the cost of the project established by regulations promulgated by the Secretary, except that the non-Federal share of the cost of a project (including assumptions of debt) shall not be less than 20 percent.

''(2) FORM OF SUPPLEMENTARY GRANTS.—In accordance with such regulations as the Secretary may promulgate, the Secretary shall make supplementary grants by increasing the amounts of grants authorized under this title or by the payment of funds made available under this Act to the heads of the Federal agencies responsible for carrying out the applicable Federal programs.

''(3) FEDERAL SHARE LIMITATIONS SPECIFIED IN OTHER LAWS.—Notwithstanding any requirement as to the amount or source of non-Federal funds that may be applicable to a Federal program, funds provided under this section may be used to increase the Federal share for specific projects under the program that are carried out in areas described in section 301(a) above the Federal share of the cost of the project authorized by the law governing the program.

''(4) LOWER NON-FEDERAL SHARE.—

''(A) INDIAN TRIBES.—In the case of a grant to an Indian tribe, the Secretary may reduce the non-Federal share below the percentage specified in paragraph (1) or may waive the non-Federal share.

''(B) CERTAIN STATES, POLITICAL SUBDIVISIONS, AND NONPROFIT ORGANIZATIONS.—In the case of a grant to a State, or a political subdivision of a State, that the Secretary determines has exhausted its effective taxing and borrowing capacity, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted its effective borrowing capacity, the Secretary may reduce the non-Federal share below the percentage specified in paragraph (1).

''SEC. 206. REGULATIONS ON RELATIVE NEEDS AND ALLOCATIONS.

''In promulgating rules, regulations, and procedures for assistance under this title, the Secretary shall ensure that—

''(1) the relative needs of eligible areas are given adequate consideration by the Secretary, as determined based on, among other relevant factors—

''(A) the severity of the rates of unemployment in the eligible areas and the duration of the unemployment;

''(B) the income levels and the extent of underemployment in eligible areas; and

''(C) the outmigration of population from eligible areas and the extent to which the outmigration is causing economic injury in the eligible areas; and

''(2) allocations of assistance under this title are prioritized to ensure that the level of economic distress of an area, rather than a preference for a geographic area or a specific type of economic distress, is the primary factor in allocating the assistance.

''SEC. 207. GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—

''(1) GRANTS.—On the application of an eligible recipient, the Secretary may make grants for training, research, and technical assistance, including grants for program evaluation and economic impact analyses, that would be useful in alleviating or preventing conditions of excessive unemployment or underemployment.

''(2) TYPES OF ASSISTANCE.—Grants under paragraph (1) may be used for—

''(A) project planning and feasibility studies;

''(B) demonstrations of innovative activities or strategic economic development investments;

''(C) management and operational assistance;

''(D) establishment of university centers;

''(E) establishment of business outreach centers;

''(F) studies evaluating the needs of, and development potential for, economic growth of areas that the Secretary determines have substantial need for the assistance; and

''(G) other activities determined by the Secretary to be appropriate.

''(3) REDUCTION OR WAIVER OF NON-FEDERAL SHARE.—In the case of a project assisted under this section, the Secretary may reduce or waive the non-Federal share, without regard to section 204 or 205, if the Secretary finds that the project is not feasible without, and merits, such a reduction or waiver.

''(b) METHODS OF PROVISION OF ASSISTANCE.—In providing research and technical assistance under this section, the Secretary, in addition to making grants under subsection (a), may—

''(1) provide research and technical assistance through officers or employees of the Department;

''(2) pay funds made available to carry out this section to Federal agencies; or

''(3) employ private individuals, partnerships, businesses, corporations, or appropriate institutions under contracts entered into for that purpose.

''SEC. 208. PREVENTION OF UNFAIR COMPETITION.

''No financial assistance under this Act shall be extended to any project when the result would be to increase the production of goods, materials, or commodities, or the availability of services or facilities, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises.

''SEC. 209. GRANTS FOR ECONOMIC ADJUSTMENT.

''(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may make grants for development of public facilities, public services, business development (including funding of a revolving loan fund), planning, technical assistance, training, and any other assistance to alleviate long-term economic deterioration and sudden and severe economic dislocation and further the economic adjustment objectives of this title.

''(b) CRITERIA FOR ASSISTANCE.—The Secretary may provide assistance under this section only if the Secretary determines that—

''(1) the project will help the area to meet a special need arising from—

''(A) actual or threatened severe unemployment; or

''(B) economic adjustment problems resulting from severe changes in economic conditions; and

''(2) the area for which a project is to be carried out has a comprehensive economic development strategy and the project is consistent with the strategy, except that this paragraph shall not apply to planning projects.

''(c) PARTICULAR COMMUNITY ASSISTANCE.—Assistance under this section may include assistance provided for activities identified by communities, the economies of which are injured by—

''(1) military base closures or realignments, defense contractor reductions in force, or Department of Energy defense-related funding reductions, for help in diversifying their economies through projects to be carried out on Federal Government installations or elsewhere in the communities;

''(2) disasters or emergencies, in areas with respect to which a major disaster or emergency has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for post-disaster economic recovery;

''(3) international trade, for help in economic restructuring of the communities; or

''(4) fishery failures, in areas with respect to which a determination that there is a commercial fishery failure has been made under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)).

''(d) DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.—

''(1) IN GENERAL.—Subject to paragraph (2), an eligible recipient of a grant under this section may directly expend the grant funds or may redistribute the funds to public and private entities in the form of a grant, loan, loan guarantee, payment to reduce interest on a loan guarantee, or other appropriate assistance.

''(2) LIMITATION.—Under paragraph (1), an eligible recipient may not provide any grant to a private for-profit entity.

''SEC. 210. CHANGED PROJECT CIRCUMSTANCES.

''In any case in which a grant (including a supplementary grant described in section 205) has been made by the Secretary under this title (or made under this Act, as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998) for a project, and, after the grant has been made but before completion of the project, the purpose or scope of the project that was the basis of the grant is modified, the Secretary may approve, subject (except for a grant for which funds were obligated in fiscal year 1995) to the availability of appropriations, the use of grant funds for the modified project if the Secretary determines that—

''(1) the modified project meets the requirements of this title and is consistent with the comprehensive economic development strategy submitted as part of the application for the grant; and

''(2) the modifications are necessary to enhance economic development in the area for which the project is being carried out.

''SEC. 211. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

''In any case in which a grant (including a supplementary grant described in section 205) has been made by the Secretary under this title (or made under this Act, as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998) for a construction project, and, after the grant has been made but before completion of the project, the cost of the project based on the designs and specifications that was the basis of the grant has decreased because of decreases in costs—

''(1) the Secretary may approve, subject to the availability of appropriations, the use of the excess funds or a portion of the funds to improve the project; and

''(2) any amount of excess funds remaining after application of paragraph (1) shall be deposited in the general fund of the Treasury.

''SEC. 212. REPORTS BY RECIPIENTS.

''(a) IN GENERAL.—Each recipient of assistance under this title shall submit reports to the Secretary at such intervals and in such manner as the Secretary shall require by regulation, except that no report shall be required to be submitted more than 10 years after the date of closeout of the assistance award.

''(b) CONTENTS.—Each report shall contain an evaluation of the effectiveness of the economic assistance provided under this title in meeting the need that the assistance was designed to address and in meeting the objectives of this Act.

''SEC. 213. PROHIBITION ON USE OF FUNDS FOR ATTORNEY'S AND CONSULTANT'S FEES.

''Assistance made available under this title shall not be used directly or indirectly for an attorney's or consultant's fee incurred in connection with obtaining grants and contracts under this title.

''TITLE III—ELIGIBILITY; COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

''SEC. 301. ELIGIBILITY OF AREAS.

''(a) IN GENERAL.—For a project to be eligible for assistance under section 201 or 209, the project shall be located in an area that, on the date of submission of the application, meets 1 or more of the following criteria:

''(1) LOW PER CAPITA INCOME.—The area has a per capita income of 80 percent or less of the national average.

''(2) UNEMPLOYMENT RATE ABOVE NATIONAL AVERAGE.—The area has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate.

''(3) UNEMPLOYMENT OR ECONOMIC ADJUSTMENT PROBLEMS.—The area is an area that the Secretary determines has experienced or is about to experience a special need arising from actual or threatened severe unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions.

''(b) POLITICAL BOUNDARIES OF AREAS.—An area that meets 1 or more of the criteria of subsection (a), including a small area of poverty or high unemployment within a larger community in less economic distress, shall be eligible for assistance under section 201 or 209 without regard to political or other subdivisions or boundaries.

''(c) DOCUMENTATION.—

''(1) IN GENERAL.—A determination of eligibility under subsection (a) shall be supported by the most recent Federal data available, or, if no recent Federal data is available, by the most recent data available through the government of the State in which the area is located.

''(2) ACCEPTANCE BY SECRETARY.—The documentation shall be accepted by the Secretary unless the Secretary determines that the documentation is inaccurate.

''(d) PRIOR DESIGNATIONS.—Any designation of a redevelopment area made before the effective date of the Economic Development Administration Reform Act of 1998 shall not be effective after that effective date.

''SEC. 302. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.

''(a) IN GENERAL.—The Secretary may provide assistance under section 201 or 209 (except for planning assistance under section 209) to an eligible recipient for a project only if the eligible recipient submits to the Secretary, as part of an application for the assistance—

''(1) an identification of the economic development problems to be addressed using the assistance;

''(2) an identification of the past, present, and projected future economic development investments in the area receiving the assistance and public and private participants and sources of funding for the investments; and

''(3)(A) a comprehensive economic development strategy for addressing the economic problems identified under paragraph (1) in a manner that promotes economic development and opportunity, fosters effective transportation access, enhances and protects the environment, and balances resources through sound management of development; and

''(B) a description of how the strategy will solve the problems.

''(b) APPROVAL OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY.—The Secretary shall approve a comprehensive economic development strategy that meets the requirements of subsection (a) to the satisfaction of the Secretary.

''(c) APPROVAL OF OTHER PLAN.—The Secretary may accept as a comprehensive economic development strategy a satisfactory plan developed under another federally supported program.

''TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

''SEC. 401. DESIGNATION OF ECONOMIC DEVELOPMENT DISTRICTS.

''(a) IN GENERAL.—In order that economic development projects of broad geographic significance may be planned and carried out, the Secretary may designate appropriate economic development districts in the United States, with the concurrence of the States in which the districts will be wholly or partially located, if—

''(1) the proposed district is of sufficient size or population, and contains sufficient resources, to foster economic development on a scale involving more than a single area described in section 301(a);

''(2) the proposed district contains at least 1 area described in section 301(a); and

''(3) the proposed district has a comprehensive economic development strategy that—

''(A) contains a specific program for intradistrict cooperation, self-help, and public investment; and

''(B) is approved by each affected State and by the Secretary.

''(b) AUTHORITIES.—The Secretary may, under regulations promulgated by the Secretary—

''(1) invite the States to determine boundaries for proposed economic development districts;

''(2) cooperate with the States—

''(A) in sponsoring and assisting district economic planning and economic development groups; and

''(B) in assisting the district groups in formulating comprehensive economic development strategies for districts; and

''(3) encourage participation by appropriate local government entities in the economic development districts.

''SEC. 402. TERMINATION OR MODIFICATION OF ECONOMIC DEVELOPMENT DISTRICTS.

''The Secretary shall, by regulation, promulgate standards for the termination or modification of the designation of economic development districts.

''SEC. 403. INCENTIVES.

''(a) IN GENERAL.—Subject to the non-Federal share requirement under section 205(c)(1), the Secretary may increase the amount of grant assistance for a project in an economic development district by an amount that does not exceed 10 percent of the cost of the project, in accordance with such regulations as the Secretary shall promulgate, if—

''(1) the project applicant is actively participating in the economic development activities of the district; and

''(2) the project is consistent with the comprehensive economic development strategy of the district.

''(b) REVIEW OF INCENTIVE SYSTEM.—In promulgating regulations under subsection (a), the Secretary shall review the current incentive system to ensure that the system is administered in the most direct and effective manner to achieve active participation by project applicants in the economic development activities of economic development districts.

''SEC. 404. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO APPALACHIAN REGIONAL COMMISSION.

''If any part of an economic development district is in the Appalachian region (as defined in section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C.

App.)), the economic development district shall ensure that a copy of the comprehensive economic development strategy of the district is provided to the Appalachian Regional Commission established under that Act.

"SEC. 405. ASSISTANCE TO PARTS OF ECONOMIC DEVELOPMENT DISTRICTS NOT IN ELIGIBLE AREAS.

''Notwithstanding section 301, the Secretary may provide such assistance as is available under this Act for a project in a part of an economic development district that is not in an area described in section 301(a), if the project will be of a substantial direct benefit to an area described in section 301(a) that is located in the district.

"TITLE V—ADMINISTRATION

"SEC. 501. ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT.

''(a) IN GENERAL.—The Secretary shall carry out this Act through an Assistant Secretary of Commerce for Economic Development, to be appointed by the President, by and with the advice and consent of the Senate.

''(b) COMPENSATION.—The Assistant Secretary of Commerce for Economic Development shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(c) DUTIES.—The Assistant Secretary of Commerce for Economic Development shall carry out such duties as the Secretary shall require and shall serve as the administrator of the Economic Development Administration of the Department.

"SEC. 502. ECONOMIC DEVELOPMENT INFORMATION CLEARINGHOUSE.

''In carrying out this Act, the Secretary shall—

''(1) maintain a central information clearinghouse on matters relating to economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal and State governments, including political subdivisions of States;

''(2) assist potential and actual applicants for economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment assistance under Federal, State, and local laws in locating and applying for the assistance; and

''(3) assist areas described in section 301(a) and other areas by providing to interested persons, communities, industries, and businesses in the areas any technical information, market research, or other forms of assistance, information, or advice that would be useful in alleviating or preventing conditions of excessive unemployment or underemployment in the areas.

"SEC. 503. CONSULTATION WITH OTHER PERSONS AND AGENCIES.

''(a) CONSULTATION ON PROBLEMS RELATING TO EMPLOYMENT.—The Secretary may consult with any persons, including representatives of labor, management, agriculture, and government, who can assist in addressing the problems of area and regional unemployment or underemployment.

''(b) CONSULTATION ON ADMINISTRATION OF ACT.—The Secretary may provide for such consultation with interested Federal agencies as the Secretary determines to be appropriate in the performance of the duties of the Secretary under this Act.

"SEC. 504. ADMINISTRATION, OPERATION, AND MAINTENANCE.

''The Secretary shall approve Federal assistance under this Act only if the Secretary is satisfied that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained.

"SEC. 505. BUSINESSES DESIRING FEDERAL CONTRACTS.

''The Secretary may provide the procurement divisions of Federal agencies with a list consisting of—

''(1) the names and addresses of businesses that are located in areas described in section 301(a) and that wish to obtain Federal Government contracts for the provision of supplies or services; and

''(2) the supplies and services that each business provides.

"SEC. 506. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

''(a) IN GENERAL.—The Secretary shall conduct an evaluation of each university center and each economic development district that receives grant assistance under this Act (each referred to in this section as a 'grantee') to assess the grantee's performance and contribution toward retention and creation of employment.

''(b) PURPOSE OF EVALUATIONS OF UNIVERSITY CENTERS.—The purpose of the evaluations of university centers under subsection (a) shall be to determine which university centers are performing well and are worthy of continued grant assistance under this Act, and which should not receive continued assistance, so that university centers that have not previously received assistance may receive assistance.

''(c) TIMING OF EVALUATIONS.—Evaluations under subsection (a) shall be conducted on a continuing basis so that each grantee is evaluated within 3 years after the first award of assistance to the grantee after the effective date of the Economic Development Administration Reform Act of 1998, and at least once every 3 years thereafter, so long as the grantee receives the assistance.

''(d) EVALUATION CRITERIA.—

''(1) ESTABLISHMENT.—The Secretary shall establish criteria for use in conducting evaluations under subsection (a).

''(2) EVALUATION CRITERIA FOR UNIVERSITY CENTERS.—The criteria for evaluation of a university center shall, at a minimum, provide for an assessment of the center's contribution to providing technical assistance, conducting applied research, and disseminating results of the activities of the center.

''(3) EVALUATION CRITERIA FOR ECONOMIC DEVELOPMENT DISTRICTS.—The criteria for evaluation of an economic development district shall, at a minimum, provide for an assessment of management standards, financial accountability, and program performance.

''(e) PEER REVIEW.—In conducting an evaluation of a university center or economic development district under subsection (a), the Secretary shall provide for the participation of at least 1 other university center or economic development district, as appropriate, on a cost-reimbursement basis.

"SEC. 507. NOTIFICATION OF REORGANIZATION.

''Not later than 30 days before the date of any reorganization of the offices, programs, or activities of the Economic Development Administration, the Secretary shall provide notification of the reorganization to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

"TITLE VI—MISCELLANEOUS

"SEC. 601. POWERS OF SECRETARY.

''(a) IN GENERAL.—In carrying out the duties of the Secretary under this Act, the Secretary may—

''(1) adopt, alter, and use a seal, which shall be judicially noticed;

''(2) subject to the civil service and classification laws, select, employ, appoint, and fix the compensation of such personnel as are necessary to carry out this Act;

''(3) hold such hearings, sit and act at such times and places, and take such testimony, as the Secretary determines to be appropriate;

''(4) request directly, from any Federal agency, board, commission, office, or independent establishment, such information, suggestions, estimates, and statistics as the Secretary determines to be necessary to carry out this Act (and each Federal agency, board, commission, office, or independent establishment may provide such information, suggestions, estimates, and statistics directly to the Secretary);

''(5) under regulations promulgated by the Secretary—

''(A) assign or sell at public or private sale, or otherwise dispose of for cash or credit, in the Secretary's discretion and on such terms and conditions and for such consideration as the Secretary determines to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by the Secretary in connection with assistance provided under this Act; and

''(B) collect or compromise all obligations assigned to or held by the Secretary in connection with that assistance until such time as the obligations are referred to the Attorney General for suit or collection;

''(6) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, on such terms and conditions and for such consideration as the Secretary determines to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary in connection with assistance provided under this Act;

''(7) pursue to final collection, by means of compromise or other administrative action, before referral to the Attorney General, all claims against third parties assigned to the Secretary in connection with assistance provided under this Act;

''(8) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), to the extent appropriate in connection with assistance provided under this Act;

''(9) in addition to any powers, functions, privileges, and immunities otherwise vested in the Secretary, take any action, including the procurement of the services of attorneys by contract, determined by the Secretary to be necessary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with assets held in connection with financial assistance provided under this Act;

''(10)(A) employ experts and consultants or organizations as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually;

''(B) compensate individuals so employed, including compensation for travel time; and

''(C) allow individuals so employed, while away from their homes or regular places of business, travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Federal Government service;

''(11) establish performance measures for grants and other assistance provided under this Act, and use the performance measures to evaluate the economic impact of economic development assistance programs under this Act, which establishment and use of performance measures shall be provided by the Secretary through—

''(A) officers or employees of the Department;

''(B) the employment of persons under contracts entered into for such purposes; or

''(C) grants to persons, using funds made available to carry out this Act;

''(12) conduct environmental reviews and incur necessary expenses to evaluate and monitor the environmental impact of economic development assistance provided and proposed to be provided under this Act, including expenses associated with the representation and defense of the actions of the Secretary relating to the environmental impact of the assistance, using any funds made available to carry out section 207;

''(13) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, except that no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or the property of the Secretary; and

''(14) establish such rules, regulations, and procedures as the Secretary considers appropriate for carrying out this Act.

''(b) DEFICIENCY JUDGMENTS.—The authority under subsection (a)(7) to pursue claims shall include the authority to obtain deficiency judgments or otherwise pursue claims relating to mortgages assigned to the Secretary.

''(c) INAPPLICABILITY OF CERTAIN OTHER REQUIREMENTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Secretary as a result of assistance provided under this Act if the premium for the insurance or the amount of the services or supplies does not exceed $1,000.

''(d) PROPERTY INTERESTS.—

''(1) IN GENERAL.—The powers of the Secretary under this section, relating to property acquired by the Secretary in connection with assistance provided under this Act, shall extend to property interests of the Secretary relating to projects approved under—

''(A) this Act;

''(B) title I of the Public Works Employment Act of 1976 (42 U.S.C. 6701 et seq.);

''(C) title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); and

''(D) the Community Emergency Drought Relief Act of 1977 (42 U.S.C. 5184 note; Public Law 95–31).

''(2) RELEASE.—The Secretary may release, in whole or in part, any real property interest, or tangible personal property interest, in connection with a grant after the date that is 20 years after the date on which the grant was awarded.

''(e) POWERS OF CONVEYANCE AND EXECUTION.—The power to convey and to execute, in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest in such property acquired by the Secretary under this Act may be exercised by the Secretary, or by any officer or agent appointed by the Secretary for that purpose, without the execution of any express delegation of power or power of attorney.

''SEC. 603. ANNUAL REPORT TO CONGRESS.

''Not later than July 1, 2000, and July 1 of each year thereafter, the Secretary shall submit to Congress a comprehensive and detailed annual report on the activities of the Secretary under this Act during the most recently completed fiscal year.

''SEC. 604. DELEGATION OF FUNCTIONS AND TRANSFER OF FUNDS AMONG FEDERAL AGENCIES.

''(a) DELEGATION OF FUNCTIONS TO OTHER FEDERAL AGENCIES.—The Secretary may—

''(1) delegate to the heads of other Federal agencies such functions, powers, and duties of the Secretary under this Act as the Secretary determines to be appropriate; and

''(2) authorize the redelegation of the functions, powers, and duties by the heads of the agencies.

''(b) TRANSFER OF FUNDS TO OTHER FEDERAL AGENCIES.—Funds authorized to be appropriated to carry out this Act may be transferred between Federal agencies, if the funds are used for the purposes for which the funds are specifically authorized and appropriated.

''(c) TRANSFER OF FUNDS FROM OTHER FEDERAL AGENCIES.—

''(1) IN GENERAL.—Subject to paragraph (2), for the purposes of this Act, the Secretary may accept transfers of funds from other Federal agencies if the funds are used for the purposes for which (and in accordance with the terms under which) the funds are specifically authorized and appropriated.

''(2) USE OF FUNDS.—The transferred funds—

''(A) shall remain available until expended; and

''(B) may, to the extent necessary to carry out this Act, be transferred to and merged by the Secretary with the appropriations for salaries and expenses.

''SEC. 605. PENALTIES.

''(a) FALSE STATEMENTS; SECURITY OVERVALUATION.—A person that makes any statement that the person knows to be false, or willfully overvalues any security, for the purpose of—

''(1) obtaining for the person or for any applicant any financial assistance under this Act or any extension of the assistance by renewal, deferment, or action, or by any other means, or the acceptance, release, or substitution of security for the assistance;

''(2) influencing in any manner the action of the Secretary; or

''(3) obtaining money, property, or any thing of value, under this Act;

shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

''(b) EMBEZZLEMENT AND FRAUD-RELATED CRIMES.—A person that is connected in any capacity with the Secretary in the administration of this Act and that—

''(1) embezzles, abstracts, purloins, or willfully misapplies any funds, securities, or other thing of value, that is pledged or otherwise entrusted to the person;

''(2) with intent to defraud the Secretary or any other person or entity, or to deceive any officer, auditor, or examiner—

''(A) makes any false entry in any book, report, or statement of or to the Secretary; or

''(B) without being duly authorized, draws any order or issue, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof;

''(3) with intent to defraud, participates or shares in or receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, grant, commission, contract, or any other act of the Secretary; or

''(4) gives any unauthorized information concerning any future action or plan of the Secretary that might affect the value of securities, or having such knowledge invests or speculates, directly or indirectly, in the securities or property of any company or corporation receiving loans, grants, or other assistance from the Secretary;

shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

''SEC. 606. EMPLOYMENT OF EXPEDITERS AND ADMINISTRATIVE EMPLOYEES.

''Assistance shall not be provided by the Secretary under this Act to any business unless the owners, partners, or officers of the business—

''(1) certify to the Secretary the names of any attorneys, agents, and other persons engaged by or on behalf of the business for the purpose of expediting applications made to the Secretary for assistance of any kind, under this Act, and the fees paid or to be paid to the person for expediting the applications; and

''(2) execute an agreement binding the business, for the 2-year period beginning on the date on which the assistance is provided by the Secretary to the business, to refrain from employing, offering any office or employment to, or retaining for professional services, any person who, on the date on which the assistance or any part of the assistance was provided, or within the 1-year period ending on that date—

''(A) served as an officer, attorney, agent, or employee of the Department; and

''(B) occupied a position or engaged in activities that the Secretary determines involved discretion with respect to the granting of assistance under this Act.

''SEC. 607. MAINTENANCE AND PUBLIC INSPECTION OF LIST OF APPROVED APPLICATIONS FOR FINANCIAL ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall—

''(1) maintain as a permanent part of the records of the Department a list of applications approved for financial assistance under this Act; and

''(2) make the list available for public inspection during the regular business hours of the Department.

''(b) ADDITIONS TO LIST.—The following information shall be added to the list maintained under subsection (a) as soon as an application described in subsection (a)(1) is approved:

''(1) The name of the applicant and, in the case of a corporate application, the name of each officer and director of the corporation.

''(2) The amount and duration of the financial assistance for which application is made.

''(3) The purposes for which the proceeds of the financial assistance are to be used.

''SEC. 608. RECORDS AND AUDITS.

''(a) RECORDKEEPING AND DISCLOSURE REQUIREMENTS.—Each recipient of assistance under this Act shall keep such records as the Secretary shall require, including records that fully disclose—

''(1) the amount and the disposition by the recipient of the proceeds of the assistance;

''(2) the total cost of the project in connection with which the assistance is given or used;

''(3) the amount and nature of the portion of the cost of the project provided by other sources; and

''(4) such other records as will facilitate an effective audit.

''(b) ACCESS TO BOOKS FOR EXAMINATION AND AUDIT.—The Secretary, the Inspector General of the Department, and the Comptroller General of the United States, or any duly authorized representative, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that relate to assistance received under this Act.

''SEC. 609. RELATIONSHIP TO ASSISTANCE UNDER OTHER LAW.

''(a) PREVIOUSLY AUTHORIZED ASSISTANCE.—Except as otherwise provided in this Act, all financial and technical assistance authorized under this Act shall be in addition to any Federal assistance authorized before the effective date of the Economic Development Administration Reform Act of 1998.

''(b) ASSISTANCE UNDER OTHER ACTS.—Nothing in this Act authorizes or permits any reduction in the amount of Federal assistance that any State or other entity eligible under this Act is entitled to receive under any other Act.

"SEC. 610. ACCEPTANCE OF CERTIFICATIONS BY APPLICANTS.

''Under terms and conditions determined by the Secretary, the Secretary may accept the certifications of an applicant for assistance under this Act that the applicant meets the requirements of this Act.''.

(b) TITLE VII.—The Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended—

(1) by redesignating section 712 as section 602 and moving that section to appear after section 601 (as amended by subsection (a));

(2) in section 602 (as added by paragraph (1))—

(A) by striking the section heading and all that follows through ''All'' and inserting the following:

"SEC. 602. MAINTENANCE OF STANDARDS.

''All''; and

(B) by striking ''sections 101, 201, 202, 403, 903, and 1003'' and inserting ''this Act''; and

(3) by striking title VII (as amended by paragraph (1)) and inserting the following:

"TITLE VII—FUNDING

"SEC. 701. GENERAL AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this Act $397,969,000 for fiscal year 1999, $368,000,000 for fiscal year 2000, $335,000,000 for fiscal year 2001, $335,000,000 for fiscal year 2002, and $335,000,000 for fiscal year 2003, to remain available until expended.

"SEC. 702. AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE CONVERSION ACTIVITIES.

''(a) IN GENERAL.—In addition to amounts made available under section 701, there are authorized to be appropriated such sums as are necessary to carry out section 209(c)(1), to remain available until expended.

''(b) PILOT PROJECTS.—Funds made available under subsection (a) may be used for activities including pilot projects for privatization of, and economic development activities for, closed or realigned military or Department of Energy installations.

"SEC. 703. AUTHORIZATION OF APPROPRIATIONS FOR DISASTER ECONOMIC RECOVERY ACTIVITIES.

''(a) IN GENERAL.—In addition to amounts made available under section 701, there are authorized to be appropriated such sums as are necessary to carry out section 209(c)(2), to remain available until expended.

''(b) FEDERAL SHARE.—The Federal share of the cost of activities funded with amounts made available under subsection (a) shall be up to 100 percent.''.

(c) TITLES VIII THROUGH X.—The Public Works and Economic Development Act of 1965 is amended by striking titles VIII through X (42 U.S.C. 3231 et seq.).

SEC. 103. CONFORMING AMENDMENT.

Section 5316 of title 5, United States Code, is amended by striking ''Administrator for Economic Development.''.

SEC. 104. TRANSITION PROVISIONS.

(a) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS.—This title, including the amendments made by this title, does not affect the validity of any right, duty, or obligation of the United States or any other person arising under any contract, loan, or other instrument or agreement that was in effect on the day before the effective date of this title.

(b) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against any officer or employee of the Economic Development Administration shall abate by reason of the enactment of this title.

(c) LIQUIDATING ACCOUNT.—The Economic Development Revolving Fund established under section 203 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143) (as in effect on the day before the effective date of this title) shall continue to be available to the Secretary of Commerce as a liquidating account (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for payment of obligations and expenses in connection with financial assistance provided under—

(1) the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.);

(2) the Area Redevelopment Act (42 U.S.C. 2501 et seq.); and

(3) the Trade Act of 1974 (19 U.S.C. 2101 et seq.).

(d) ADMINISTRATION.—The Secretary of Commerce shall take such actions authorized before the effective date of this title as are appropriate to administer and liquidate grants, contracts, agreements, loans, obligations, debentures, or guarantees made by the Secretary under law in effect before the effective date of this title.

SEC. 105. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on a date determined by the Secretary of Commerce, but not later than 90 days after the date of enactment of this Act.

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Appalachian Regional Development Reform Act of 1998''.

SEC. 202. FINDINGS AND PURPOSES.

Section 2 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by adding at the end the following:

''(c) 1998 FINDINGS AND PURPOSES.—

''(1) FINDINGS.—Congress further finds and declares that, while substantial progress has been made in fulfilling many of the objectives of this Act, rapidly changing national and global economies over the past decade have created new problems and challenges for rural areas throughout the United States and especially for the Appalachian region.

''(2) PURPOSES.—In addition to the purposes stated in subsections (a) and (b), it is the purpose of this Act—

''(A) to assist the Appalachian region in—

''(i) providing the infrastructure necessary for economic and human resource development;

''(ii) developing the region's industry;

''(iii) building entrepreneurial communities;

''(iv) generating a diversified regional economy; and

''(v) making the region's industrial and commercial resources more competitive in national and world markets;

''(B) to provide a framework for coordinating Federal, State, and local initiatives to respond to the economic competitiveness challenges in the Appalachian region through—

''(i) improving the skills of the region's workforce;

''(ii) adapting and applying new technologies for the region's businesses; and

''(iii) improving the access of the region's businesses to the technical and financial resources necessary to development of the businesses; and

''(C) to address the needs of severely and persistently distressed areas of the Appalachian region and focus special attention on the areas of greatest need so as to provide a fairer opportunity for the people of the region to share the quality of life generally enjoyed by citizens across the United States.''.

SEC. 203. MEETINGS.

(a) ANNUAL MEETING REQUIREMENT.—Section 101 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking ''(a) There'' and inserting the following:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—There''; and

(2) by adding at the end the following:

''(2) MEETINGS.—

''(A) IN GENERAL.—The Commission shall conduct at least 1 meeting each year with the Federal Cochairman and at least a majority of the State members present.''.

(b) ADDITIONAL MEETINGS BY ELECTRONIC MEANS.—Section 101 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in subsection (a)(2) (as added by subsection (a)(2)), by adding at the end the following:

''(B) ADDITIONAL MEETINGS.—The Commission may conduct such additional meetings by electronic means as the Commission considers advisable, including meetings to decide matters requiring an affirmative vote.''; and

(2) in the fourth sentence of subsection (c), by striking ''to be present''.

(c) DECISIONS REQUIRING A QUORUM.—Section 101(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking the third sentence and inserting the following: ''A decision involving Commission policy, approval of any State, regional, or subregional development plan or implementing investment program, any modification or revision of the Appalachian Regional Commission Code, any allocation of funds among the States, or any designation of a distressed county or an economically strong county shall not be made without a quorum of the State members.''.

SEC. 204. ADMINISTRATIVE EXPENSES.

Section 105 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking ''(a) For the period'' in the first sentence and all that follows through ''such expenses'' in the second sentence and inserting ''Administrative expenses of the Commission''; and

(2) by striking subsection (b).

SEC. 205. COMPENSATION OF EMPLOYEES.

Section 106(2) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking ''the salary of the alternate to the Federal Cochairman on the Commission as provided in section 101'' and inserting ''the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title''.

SEC. 206. ADMINISTRATIVE POWERS OF COMMISSION.

Section 106(7) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking ''1982'' and inserting ''2001''.

SEC. 207. COST SHARING OF DEMONSTRATION HEALTH PROJECTS.

(a) OPERATION COSTS.—Section 202(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking ''100 per centum of the costs thereof'' in the first sentence and all that follows through the period at the end of the second sentence and inserting ''50 percent of the costs of that operation (or 80 percent of those costs in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226).''.

(b) COST SHARING.—Section 202 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by adding at the end the following:

''(f) MAXIMUM COMMISSION CONTRIBUTION AFTER SEPTEMBER 30, 1998.—

''(1) IN GENERAL.—Subject to paragraph (2), after September 30, 1998, a Commission contribution of not more than 50 percent of any

project cost eligible for financial assistance under this section may be provided from funds appropriated to carry out this Act.

''(2) DISTRESSED COUNTIES.—In the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226, the maximum Commission contribution under paragraph (1) may be increased to the lesser of—

''(A) 80 percent; or

''(B) the maximum Federal contribution percentage authorized by this section.''.

(c) TECHNICAL AMENDMENTS.—Section 202 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking ''Secretary of Health, Education, and Welfare'' each place it appears and inserting ''Secretary of Health and Human Services''; and

(2) in subsection (c), by striking the last sentence.

SEC. 208. REPEAL OF LAND STABILIZATION, CONSERVATION, AND EROSION CONTROL PROGRAM.

Section 203 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 209. REPEAL OF TIMBER DEVELOPMENT PROGRAM.

Section 204 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 210. REPEAL OF MINING AREA RESTORATION PROGRAM.

Section 205 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 211. REPEAL OF WATER RESOURCE SURVEY.

Section 206 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 212. COST SHARING OF HOUSING PROJECTS.

(a) LOANS.—Section 207(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the first sentence by striking ''80 per centum'' and inserting ''50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226)''.

(b) GRANTS.—Section 207(c)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking ''80 per centum'' and inserting ''50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226)''.

SEC. 213. REPEAL OF AIRPORT SAFETY IMPROVEMENTS PROGRAM.

Section 208 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 214. COST SHARING OF VOCATIONAL EDUCATION AND EDUCATION DEMONSTRATION PROJECTS.

(a) OPERATION COSTS.—Section 211(b)(3) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking ''100 per centum of the costs thereof'' in the first sentence and all that follows through the period at the end of the second sentence and inserting ''50 percent of the costs of that operation (or 80 percent of those costs in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226).''

(b) COST SHARING.—Section 211 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by adding at the end the following:

''(c) MAXIMUM COMMISSION CONTRIBUTION AFTER SEPTEMBER 30, 1998.—

''(1) IN GENERAL.—Subject to paragraph (2), after September 30, 1998, a Commission contribution of not more than 50 percent of any project cost eligible for financial assistance under this section may be provided from funds appropriated to carry out this Act.

''(2) DISTRESSED COUNTIES.—In the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226, the maximum Commission contribution under paragraph (1) may be increased to the lesser of—

''(A) 80 percent; or

''(B) the maximum Federal contribution percentage authorized by this section.''.

(c) TECHNICAL AMENDMENTS.—Section 211 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in subsection (a), by striking ''Secretary of Health, Education, and Welfare'' and inserting ''Secretary of Education''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''Secretary of the Department of Health, Education, and Welfare'' and inserting ''Secretary of Education''; and

(B) in paragraph (3), by striking the last sentence.

SEC. 215. REPEAL OF SEWAGE TREATMENT WORKS PROGRAM.

Section 212 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 216. REPEAL OF AMENDMENTS TO HOUSING ACT OF 1954.

Section 213 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 217. SUPPLEMENTS TO FEDERAL GRANT-IN-AID PROGRAMS.

(a) AVAILABILITY OF AMOUNTS.—Section 214(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the first sentence by striking ''the President is authorized to provide funds to the Federal Cochairman to be used'' and inserting ''the Federal Cochairman may use amounts made available to carry out this section''.

(b) COST SHARING.—Section 214(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking ''(b) The Federal'' and inserting the following:

''(b) COST SHARING.—

''(1) IN GENERAL.—The Federal''; and

(2) by adding at the end the following:

''(2) MAXIMUM COMMISSION CONTRIBUTION AFTER SEPTEMBER 30, 1998.—

''(A) IN GENERAL.—Subject to subparagraph (B), after September 30, 1998, a Commission contribution of not more than 50 percent of any project cost eligible for financial assistance under this section may be provided from funds appropriated to carry out this Act.

''(B) DISTRESSED COUNTIES.—In the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226, the maximum Commission contribution under subparagraph (A) may be increased to 80 percent.''.

(c) DEFINITION OF FEDERAL GRANT-IN-AID PROGRAMS.— Section 214(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the first sentence—

(1) by striking ''on or before December 31, 1980,''; and

(2) by striking ''Titles I and IX of the Public Works and Economic Development Act of 1965'' and inserting ''sections 201 and 209 of the Public Works and Economic Development Act of 1965''.

(d) LIMITATION ON COVERED ROAD PROJECTS.—Section 214(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the second sentence by inserting ''authorized by title 23, United States Code'' after ''road construction''.

SEC. 218. PROGRAM DEVELOPMENT CRITERIA.

(a) CONSIDERATIONS.—Section 224(a)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by inserting before the semicolon at the end the following: ''or in a severely and persistently distressed county or area''.

(b) OUTCOME MEASUREMENTS.—Section 224(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(2) by adding at the end the following:

''(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures may be evaluated.''.

(c) REMOVAL OF LIMITATIONS.—Section 224 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION.—Financial assistance made available under this Act shall not be used to assist establishments relocating from 1 area to another.''.

(d) CONFORMING AMENDMENT.—Section 302(b)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the first sentence by striking ''Notwithstanding'' and all that follows through ''the Commission'' and inserting ''The Commission''.

SEC. 219. DISTRESSED AND ECONOMICALLY STRONG COUNTIES.

Part C of title II of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by adding at the end the following:

''SEC. 226. DISTRESSED AND ECONOMICALLY STRONG COUNTIES.

''(a) DESIGNATIONS.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, and annually thereafter, the Commission, in accordance with such criteria as the Commission may establish, shall—

''(A) designate as 'distressed counties' those counties in the region that are the most severely and persistently distressed; and

''(B) designate 2 categories of economically strong counties, consisting of—

''(i) 'competitive counties', which shall be those counties in the region that are approaching economic parity with the rest of the United States; and

''(ii) 'attainment counties', which shall be those counties in the region that have attained or exceeded economic parity with the rest of the United States.

''(2) ANNUAL REVIEW OF DESIGNATIONS.—The Commission shall—

''(A) conduct an annual review of each designation of a county under paragraph (1) to determine if the county still meets the criteria for the designation; and

''(B) renew the designation for another 1-year period only if the county still meets the criteria.

''(b) DISTRESSED COUNTIES.—In program and project development and implementation and in the allocation of appropriations made available to carry out this Act, the Commission shall give special consideration to the needs of those counties for which a distressed county designation is in effect under this section.

''(c) ECONOMICALLY STRONG COUNTIES.—

''(1) COMPETITIVE COUNTIES.—Except as provided in paragraphs (3) and (4), in the case of a project that is carried out in a county for which a competitive county designation is in effect under this section, assistance under this Act shall be limited to not more than 30 percent of the project cost.

''(2) ATTAINMENT COUNTIES.—Except as provided in paragraphs (3) and (4), no funds may be provided under this Act for a project that

is carried out in a county for which an attainment county designation is in effect under this section.

''(3) EXCEPTIONS.—The requirements of paragraphs (1) and (2) shall not apply to—

''(A) any project on the Appalachian development highway system authorized by section 201;

''(B) any local development district administrative project assisted under section 302(a)(1); or

''(C) any multicounty project that is carried out in 2 or more counties designated under this section if—

''(i) at least 1 of the participating counties is designated as a distressed county under this section; and

''(ii) the project will be of substantial direct benefit to 1 or more distressed counties.

''(4) WAIVER.—

''(A) IN GENERAL.—The Commission may waive the requirements of paragraphs (1) and (2) for a project upon a showing by the recipient of assistance for the project of 1 or more of the following:

''(i) The existence of a significant pocket of distress in the part of the county in which the project is carried out.

''(ii) The existence of a significant potential benefit from the project in 1 or more areas of the region outside the designated county.

''(B) REPORTS TO CONGRESS.—The Commission shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report describing each waiver granted under subparagraph (A) during the period covered by the report.''.

SEC. 220. GRANTS FOR ADMINISTRATIVE EXPENSES AND COMMISSION PROJECTS.

(a) AVAILABILITY OF AMOUNTS.—Section 302(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking ''The President'' and inserting ''The Commission''; and

(2) in paragraphs (1), (2), and (3), by striking ''to the Commission'' each place it appears.

(b) COST SHARING.—Section 302(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''75 per centum'' and inserting ''50 percent''; and

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

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(3) by striking ''(a) The'' and inserting the following:

''(a) AUTHORIZATION TO MAKE GRANTS.—

''(1) IN GENERAL.—The'';

(4) by adjusting the margins of subparagraphs (A), (B), and (C) (as redesignated by paragraph (2)) to reflect the amendment made by paragraph (3); and

(5) by adding at the end the following:

''(2) COST SHARING AFTER SEPTEMBER 30, 1998.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), after September 30, 1998, not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226) of the costs of any activity eligible for financial assistance under this section may be provided from funds appropriated to carry out this Act.

''(B) DISCRETIONARY GRANTS.—

''(i) IN GENERAL.—Discretionary grants made by the Commission to implement significant regional initiatives, to take advantage of special development opportunities, or to respond to emergency economic distress in the region may be made without regard to the percentage limitations specified in subparagraph (A).

''(ii) LIMITATION ON AGGREGATE AMOUNT.—For each fiscal year, the aggregate amount of discretionary grants referred to in clause (i) shall not exceed 10 percent of the amounts appropriated under section 401 for the fiscal year.''.

(c) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) Section 302 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking ''Federal Energy Administration, the Energy Research and Development Administration'' and inserting ''Secretary of Energy''; and

(ii) by striking paragraphs (3) and (4); and

(B) by striking subsections (d) and (e).

(2) Section 210(a) of title 35, United States Code, is amended—

(A) by striking paragraph (11); and

(B) by redesignating paragraphs (12) through (22) as paragraphs (11) through (21), respectively.

SEC. 221. AUTHORIZATION OF APPROPRIATIONS FOR GENERAL PROGRAM.

Section 401 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended to read as follows:

''SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—In addition to amounts authorized by section 201 and other amounts made available for the Appalachian development highway system program, there are authorized to be appropriated to the Commission to carry out this Act—

''(1) $68,000,000 for fiscal year 1999;

''(2) $69,000,000 for fiscal year 2000; and

''(3) $70,000,000 for fiscal year 2001.

''(b) AVAILABILITY.—Sums made available under subsection (a) shall remain available until expended.''.

SEC. 222. EXTENSION OF TERMINATION DATE.

Section 405 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking ''1982'' and inserting ''2001''.

SEC. 223. TECHNICAL AMENDMENT.

Section 5334(a) of title 5, United States Code, is amended in the second sentence by striking ''title 40, appendix, or by a regional commission established pursuant to section 3182 of title 42, under section 3186(a)(2) of that title'' and inserting ''the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)''.

Amend the title so as to read: ''A bill 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.''.

WOMEN'S HEALTH RESEARCH AND PREVENTION AMENDMENTS OF 1998

FRIST AMENDMENT NO. 3815

Mr. JEFFORDS (for Mr. FRIST) proposed an amendment to the bill (S. 1722) 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; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Women's Health Research and Prevention Amendments of 1998''.

TITLE I—PROVISIONS RELATING TO WOMEN'S HEALTH RESEARCH AT NATIONAL INSTITUTES OF HEALTH

SEC. 101. RESEARCH ON DRUG DES; NATIONAL PROGRAM OF EDUCATION.

(a) RESEARCH.—Section 403A(e) of the Public Health Service Act (42 U.S.C. 283a(e)) is amended by striking ''1996'' and inserting ''2003''.

(b) NATIONAL PROGRAM FOR EDUCATION OF HEALTH PROFESSIONALS AND PUBLIC.—Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end the following:

''EDUCATION REGARDING DES

''SEC. 1710. (a) IN GENERAL.—The Secretary, acting through the heads of the appropriate agencies of the Public Health Service, shall carry out a national program for the education of health professionals and the public with respect to the drug diethylstilbestrol (commonly known as DES). To the extent appropriate, such national program shall use methodologies developed through the education demonstration program carried out under section 403A. In developing and carrying out the national program, the Secretary shall consult closely with representatives of nonprofit private entities that represent individuals who have been exposed to DES and that have expertise in community-based information campaigns for the public and for health care providers. The implementation of the national program shall begin during fiscal year 1999.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.''.

SEC. 102. RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Section 409A(d) of the Public Health Service Act (42 U.S.C. 284e(d)) is amended by striking ''and 1996'' and inserting ''through 2003''.

SEC. 103. RESEARCH ON CANCER.

(a) RESEARCH ON BREAST CANCER.—Section 417B(b)(1) of the Public Health Service Act (42 U.S.C. 286a–8(b)(1)) is amended—

(1) in subparagraph (A), by striking ''and 1996'' and inserting ''through 2003''; and

(2) in subparagraph (B), by striking ''and 1996'' and inserting ''through 2003''.

(b) RESEARCH ON OVARIAN AND RELATED CANCER RESEARCH.—Section 417B(b)(2) of the Public Health Service Act (42 U.S.C. 286a–8(b)(2)) is amended by striking ''and 1996'' and inserting ''through 2003''.

SEC. 104. RESEARCH ON HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by inserting after section 424 the following:

''HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN

''SEC. 424A. (a) IN GENERAL.—The Director of the Institute shall expand, intensify, and coordinate research and related activities of the Institute with respect to heart attack, stroke, and other cardiovascular diseases in women.

''(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate activities under subsection (a)

with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to heart attack, stroke, and other cardiovascular diseases in women.

''(c) CERTAIN PROGRAMS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to develop methods for preventing, cardiovascular diseases in women. Activities under such subsection shall include conducting and supporting the following:

''(1) Research to determine the reasons underlying the prevalence of heart attack, stroke, and other cardiovascular diseases in women, including African-American women and other women who are members of racial or ethnic minority groups.

''(2) Basic research concerning the etiology and causes of cardiovascular diseases in women.

''(3) Epidemiological studies to address the frequency and natural history of such diseases and the differences among men and women, and among racial and ethnic groups, with respect to such diseases.

''(4) The development of safe, efficient, and cost-effective diagnostic approaches to evaluating women with suspected ischemic heart disease.

''(5) Clinical research for the development and evaluation of new treatments for women, including rehabilitation.

''(6) Studies to gain a better understanding of methods of preventing cardiovascular diseases in women, including applications of effective methods for the control of blood pressure, lipids, and obesity.

''(7) Information and education programs for patients and health care providers on risk factors associated with heart attack, stroke, and other cardiovascular diseases in women, and on the importance of the prevention or control of such risk factors and timely referral with appropriate diagnosis and treatment. Such programs shall include information and education on health-related behaviors that can improve such important risk factors as smoking, obesity, high blood cholesterol, and lack of exercise.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.''.

SEC. 105. AGING PROCESSES REGARDING WOMEN.

Section 445H of the Public Health Service Act (42 U.S.C. 285e–10) is amended—

(1) by striking ''The Director'' and inserting ''(a) The Director''; and

(2) by adding at the end the following subsection:

''(b) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.''.

SEC. 106. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

Section 486(d)(2) of the Public Health Service Act (42 U.S.C. 287d(d)(2)) is amended by striking ''Director of the Office'' and inserting ''Director of NIH''.

TITLE II—PROVISIONS RELATING TO WOMEN'S HEALTH AT CENTERS FOR DISEASE CONTROL AND PREVENTION

SEC. 201. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)) is amended—

(1) in paragraph (1), by striking ''through 1998'' and inserting ''through 2003''; and

(2) in paragraph (2), by striking ''through 1998'' and inserting ''through 2003''.

SEC. 202. NATIONAL PROGRAM OF CANCER REGISTRIES.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e–4(a)) is amended by striking ''through 1998'' and inserting ''through 2003''.

SEC. 203. NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

(a) SERVICES.—Section 1501(a)(2) of the Public Health Service Act (42 U.S.C. 300k(a)(2)) is amended by inserting before the semicolon the following: ''and support services such as case management''.

(b) PROVIDERS OF SERVICES.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)) is amended—

(1) in paragraph (1), by striking ''through grants'' and all that follows and inserting the following: ''through grants to public and nonprofit private entities and through contracts with public and private entities.''; and

(2) by striking paragraph (2) and inserting the following:

''(2) CERTAIN APPLICATIONS.—If a nonprofit private entity and a private entity that is not a nonprofit entity both submit applications to a State to receive an award of a grant or contract pursuant to paragraph (1), the State may give priority to the application submitted by the nonprofit private entity in any case in which the State determines that the quality of such application is equivalent to the quality of the application submitted by the other private entity.''.

(c) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) SUPPLEMENTAL GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES.—Section 1509(d)(1) of the Public Health Service Act (42 U.S.C. 300n–4a(d)(1)) is amended by striking ''through 1998'' and inserting ''through 2003''.

(2) GENERAL PROGRAM.—Section 1510(a) of the Public Health Service Act (42 U.S.C. 300n–5(a)) is amended by striking ''through 1998'' and inserting ''through 2003''.

SEC. 204. CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION.

Section 1706(e) of the Public Health Service Act (42 U.S.C. 300u–5(e)) is amended by striking ''through 1998'' and inserting ''through 2003''.

DRIVE FOR TEEN EMPLOYMENT ACT

JEFFORDS AMENDMENT NO. 3816

Mr. JEFFORDS proposed an amendment to the bill (H.R. 2327) to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors between 16 and 18 years of age who engage in the operation of automobiles and trucks; as follows:

In section 2 of the bill, strike subsection (b) and insert the following:

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This Act shall become effective on the date of enactment of this Act.

(2) EXCEPTION.—The Amendment made by subsection (a) defining the term ''occasional and incidental'' shall also apply to any case, action, citation or appeal pending on the date of enactment of this Act unless such case, action, citation or appeal involves property damage or personal injury.

FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT OF 1998

GLENN AMENDMENT NO. 3817

Mr. JEFFORDS (for Mr. GLENN) proposed an amendment to the bill (S. 1642) to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TITLE

This Act may be cited as the ''Federal Financial Assistance Management Improvement Act of 1998.''

SEC. 2. FINDINGS

The Congress finds that—

(1) there are over 600 different Federal financial assistance programs to implement domestic policy;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some Federal administrative requirements may be duplicative, burdensome or conflicting, thus impeding cost-effective delivery of services at the local level;

(3) the Nation's State, local, and tribal governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery and coordination of many kinds of services; and

(4) streamlining and simplification of Federal financial assistance administrative procedures and reporting requirements will improve the delivery of services to the public

SEC. 3. PURPOSES

The purposes of this Act are to—

(1) improve the effectiveness and performance of Federal financial assistance programs;

(2) to simplify Federal financial assistance application and reporting requirements;

(3) to improve the delivery of services to the public;

(4) to facilitate greater coordination among those responsible for delivering such services.

SEC. 4. DEFINITIONS

In this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(2) FEDERAL AGENCY.—The term ''Federal agency'' means any agency as defined under section 551(1) of title 5, United States Code.

(3) FEDERAL FINANCIAL ASSISTANCE.—The term ''Federal financial assistance'' has the same meaning as defined in section 7501 (a)(5) of title 31, United States Code under which under this Act;

(5) allows applicants to electronically apply for, and report on the use of, funds from the Federal financial assistance program administered by the agency;

(6) ensures recipients of Federal financial assistance provide timely, complete, and high quality information in response to Federal reporting requirements; and

(7) establishes specific annual goals and objectives to further the purposes of this Act and measure annual performance in achieving those goals and objectives, which may be

done as part of the agency's annual planning responsibilities under the Government Performance and Results Act.

SEC. 5. DUTIES OF FEDERAL AGENCIES

(b) EXTENSION.—If one or more agencies are unable to comply with the requirements of subsection (a), the Director shall report to the Committee on Governmental Affairs of the Senate and the Committee of Government Reform and Oversight of the House of Representatives the reasons for noncompliance. After consultation with such committees, the Director may extend the period for plan development and implementation for each noncompliant agency for up to 12 months.

(c) COMMENT AND CONSULTATION ON AGENCY PLANS.—

(1) COMMENT.—Each agency shall publish the plan developed under subsection (a) in the Federal Register and shall receive public comment of the plan through the Federal Register and other means (including electronic means). To the maximum extent practicable, each Federal agency shall hold public forums on the plan.

(2) CONSULTATION.—The lead official designated under subsection (a)(4) shall consult with representatives of non-federal entities during development and implementation of the plan. Consultation with representatives of State, local and tribal governments shall be in accordance with section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534).

(d) SUBMISSION OF PLAN.—Each Federal agency shall submit the plan developed under subsection (a) to the Director and Congress and report annually thereafter on the implementation of the plan and performance of the agency in meeting the goals and objectives specified under subsection (a)(7). Such report may be included as part of any of the general management reports required under law.

SEC. 6. DUTIES OF THE DIRECTOR

(a) IN GENERAL.—The Director, in consultation with agency heads, and representatives of non-federal entities, shall direct, coordinate and assist Federal agencies in establishing—

(1) A common application and reporting system, including:

(A) a common application or set of common applications, wherein a non-federal entity can apply for Federal assistance from multiple Federal assistance programs that serve similar purposes and are administered by different Federal agencies;

(B) a common system, including electronic processes, wherein a non-Federal entity can apply for, manage, and report on the use of funding from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies;

(C) uniform administrative rules for Federal financial assistance programs across different Federal agencies;

(2) An interagency process for addressing:

(A) ways to streamline and simplify Federal financial assistance administrative procedures and reporting requirements for non-Federal entities; and

(B) improved interagency and intergovernmental coordination of information collection and sharing of data pertaining to Federal assistance programs, including appropriate information sharing consistent with the Privacy Act of 1974;

(C) improvements in the timeliness, completeness, and quality of information received by Federal agencies from recipients of Federal financial assistance.

(b) LEAD AGENCY AND WORKING GROUPS.—The Director may designate a lead agency to assist the Director in carrying out the responsibilities under this section. The Director may use interagency working groups to assist in carrying out such responsibilities.

(c) REVIEW OF PLANS AND REPORTS.—Agencies shall submit to the Director, upon his request and for his review, information and other reporting regarding their implementation of this Act.

(d) EXEMPTIONS.—The Director may exempt any Federal agency or Federal financial assistance program from the requirements of this Act if the Director determines that the Federal agency does not have a significant under of Federal financial assistance programs. The Director shall maintain a list of exempted agencies which will be available to the public through OMB's Internet site.

SEC. 7. EVALUATION.

(a) IN GENERAL.—The Director (or the lead agency designated under section 6(b)) shall contract with the National Academy of Public Administration to evaluate the effectiveness of this Act. Not later than 4 years after the date of enactment of this Act the evaluation shall be submitted to the lead agency, the Director, and Congress. The evaluation shall be performed with input from State, local, and tribal governments, and nonprofit organizations.

(b) CONTENTS.—The evaluation under subsection (a) shall—

(1) assess the effectiveness of this Act in meeting the purposes of this Act and make specific recommendations to further the implementation of this Act;

(2) evaluate actual performance of each agency in achieving the goals and objectives stated in agency plans;

(3) assess the level of coordination among the Director, Federal agencies, State, local, and tribal governments, and nonprofit organizations in implementing this Act.

SEC. 8. COLLECTION OF INFORMATION

Nothing in this Act shall be construed to prevent the Director or any Federal agency from gathering, or to exempt any recipient of Federal financial assistance from providing, information that is required for view of the financial integrity or quality of services of an activity assisted by a Federal financial assistance program.

SEC. 9. JUDICIAL REVIEW

There shall be no judicial review of compliance or noncompliance with any of the provisions of this Act. No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

SEC. 10. STATUTORY REQUIREMENTS

Nothing in this Act shall be construed as a means to deviate from the statutory requirements relating to applicable Federal financial assistance programs.

SEC. 11. EFFECTIVE DATE AND SUNSET

This Act shall take effect on the date of enactment of this Act and shall cease to be effective five years after such date of enactment.

USDA INFORMATION TECHNOLOGY REFORM AND YEAR—2000 COMPLIANCE ACT OF 1998

LUGAR AMENDMENT NO. 3818

Mr. JEFFORDS (for Mr. COATS) proposed an amendment to the bill (S. 2116) to clarify and enhance the authorities of the Chief Information Officer of the Department of Agriculture; as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''USDA Information Technology Reform and Year-2000 Compliance Act of 1998''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Management of year-2000 compliance at Department.
Sec. 5. Position of Chief Information Officer.
Sec. 6. Duties and authorities of Chief Information Officer.
Sec. 7. Funding approval by Chief Information Officer.
Sec. 8. Availability of agency information technology funds.
Sec. 9. Authority of Chief Information Officer over information technology personnel.
Sec. 10. Annual Comptroller General report on compliance.
Sec. 11. Office of Inspector General.
Sec. 12. Technical amendment.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) United States agriculture, food safety, the health of plants and animals, the economies of rural communities, international commerce in food, and food aid rely on the Department of Agriculture for the effective and timely administration of program activities essential to their success and vitality;

(2) the successful administration of the program activities depends on the ability of the Department to use information technology in as efficient and effective manner as is technologically feasible;

(3) to successfully administer the program activities, the Department relies on information technology that requires comprehensive and Department-wide overview and control to avoid needless duplication and misuse of resources;

(4) to better ensure the continued success and vitality of agricultural producers and rural communities, it is imperative that measures are taken within the Department to coordinate and centrally plan the use of the information technology of the Department;

(5) because production control and subsidy programs are ending, agricultural producers of the United States need the best possible information to make decisions that will maximize profits, satisfy consumer demand, and contribute to the alleviation of hunger in the United States and abroad;

(6) a single authority for Department-wide planning is needed to ensure that the information technology architecture of the Department is based on the strategic business plans, information technology, management goals, and core business process methodology of the Department;

(7) information technology is a strategic resource for the missions and program activities of the Department;

(8) year-2000 compliance is 1 of the most important challenges facing the Federal Government and the private sector;

(9) because the responsibility for ensuring year-2000 compliance at the Department was initially left to individual offices and agencies, no overall priorities have been established, and there is no assurance that the most important functions of the Department will be operable on January 1, 2000;

(10) it is the responsibility of the Chief Information Officer to provide leadership in—

(A) defining and explaining the importance of achieving year-2000 compliance;

(B) selecting the overall approach for structuring the year-2000 compliance efforts of the Department;

(C) assessing the ability of the information resource management infrastructures of the Department to adequately support the year-2000 compliance efforts; and

(D) mobilizing the resources of the Department to achieve year-2000 compliance;

(11) the failure of the Department to meet the requirement of the Director of the Office of Management and Budget that all mission-critical systems of the Department achieve year-2000 compliance would have serious adverse consequences on the program activities of the Department, the economies of rural communities, the health of the people of the United States, world hunger, and international commerce in agricultural commodities and products;

(12) centralizing the approval authority for planning and investment for information technology in the Office of the Chief Information Officer will—

(A) provide the Department with strong and coordinated leadership and direction;

(B) ensure that the business architecture of an office or agency is based on rigorous core business process methodology;

(C) ensure that the information technology architecture of the Department is based on the strategic business plans of the offices or agencies and the missions of the Department;

(D) ensure that funds will be invested in information technology only after the Chief Information Officer has determined that—

(i) the planning and review of future business requirements of the office or agency are complete; and

(ii) the information technology architecture of the office or agency is based on business requirements and is consistent with the Department-wide information technology architecture; and

(E) cause the Department to act as a single enterprise with respect to information technology, thus eliminating the duplication and inefficiency associated with a single office- or agency-based approach; and

(13) consistent with the Information Technology Management Reform Act of 1996 (40 U.S.C. 1401 et seq.), each office or agency of the Department should achieve at least—

(A) a 5 percent per year decrease in costs incurred for operation and maintenance of information technology; and

(B) a 5 percent per year increase in operational efficiency through improvements in information resource management.

(b) PURPOSES.—The purposes of this Act are—

(1) to facilitate the successful administration of programs and activities of the Department through the creation of a centralized office, and Chief Information Officer position, in the Department to provide strong and innovative managerial leadership to oversee the planning, funding, acquisition, and management of information technology and information resource management; and

(2) to provide the Chief Information Officer with the authority and funding necessary to correct the year-2000 compliance problem of the Department.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHIEF INFORMATION OFFICER.—The term ''Chief Information Officer'' means the individual appointed by the Secretary to serve as Chief Information Officer (as established by section 5125 of the Information Technology Management Reform Act of 1996 (40 U.S.C. 1425)) for the Department.

(2) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(3) INFORMATION RESOURCE MANAGEMENT.—The term ''information resource management'' means the process of managing information resources to accomplish agency missions and to improve agency performance.

(4) INFORMATION TECHNOLOGY.—

(A) IN GENERAL.—The term ''information technology'' means any equipment or interconnected system or subsystem of equipment that is used by an office or agency in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information.

(B) USE OF EQUIPMENT.—For purposes of subparagraph (A), equipment is used by an office or agency if the equipment is used by—

(i) the office or agency directly; or

(ii) a contractor under a contract with the office or agency—

(I) that requires the use of the equipment; or

(II) to a significant extent, that requires the use of the equipment in the performance of a service or the furnishing of a product.

(C) INCLUSIONS.—The term ''information technology'' includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

(D) EXCLUSIONS.—The term ''information technology'' does not include any equipment that is acquired by a Federal contractor that is incidental to a Federal contract.

(5) INFORMATION TECHNOLOGY ARCHITECTURE.—The term ''information technology architecture'' means an integrated framework for developing or maintaining existing information technology, and acquiring new information technology, to achieve or effectively use the strategic business plans, information resources, management goals, and core business processes of the Department.

(6) OFFICE OR AGENCY.—The term ''office or agency'' means, as applicable, each—

(A) national, regional, county, or local office or agency of the Department;

(B) county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5));

(C) State committee, State office, or field service center of the Department; and

(D) group of multiple offices and agencies of the Department that are, or will be, connected through common program activities or systems of information technology.

(7) PROGRAM ACTIVITY.—The term ''program activity'' means a specific activity or project of a program that is carried out by 1 or more offices or agencies of the Department.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(9) YEAR-2000 COMPLIANCE.—The term ''year-2000 compliance'', with respect to the Department, means a condition in which information systems are able to accurately process data relating to the 20th and 21st centuries—

(A) within the Department;

(B) between the Department and local and State governments;

(C) between the Department and the private sector;

(D) between the Department and foreign governments; and

(E) between the Department and the international private sector.

SEC. 4. MANAGEMENT OF YEAR-2000 COMPLIANCE AT DEPARTMENT.

(a) FINDING.—Congress finds that the Chief Information Officer of the Department has not been provided the funding and authority necessary to adequately manage the year-2000 compliance problem at the Department.

(b) MANAGEMENT.—The Chief Information Officer shall provide the leadership and innovative management within the Department to—

(1) identify, prioritize, and mobilize the resources needed to achieve year-2000 compliance;

(2) coordinate the renovation of computer systems through conversion, replacement, or retirement of the systems;

(3) develop verification and validation strategies (within the Department and by independent persons) for converted or replaced computer systems;

(4) develop contingency plans for mission-critical systems in the event of a year-2000 compliance system failure;

(5) coordinate outreach between computer systems of the Department and computer systems in—

(A) the domestic private sector;

(B) State and local governments;

(C) foreign governments; and

(D) the international private sector, such as foreign banks;

(6) identify, prioritize, and mobilize the resources needed to correct periodic date problems in computer systems within the Department and between the Department and outside computer systems; and

(7) during the period beginning on the date of enactment of this Act and ending on June 1, 2000, consult, on a quarterly basis, with the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on actions taken to carry out this section.

(c) FUNDING AND AUTHORITIES.—To carry out subsection (b), the Chief Information Officer shall use—

(1) the authorities in sections 7, 8, and 9, particularly the authority to approve the transfer or obligation of funds described in section 7(a) intended for information technology and information resource management; and

(2) the transferred funds targeted by offices and agencies for information technology and information resource management under section 8.

SEC. 5. POSITION OF CHIEF INFORMATION OFFICER.

(a) ESTABLISHMENT.—To ensure the highest quality and most efficient planning, acquisition, administration, and management of information technology within the Department, there is established the position of the Chief Information Officer of the Department.

(b) CONFIRMATION.—

(1) IN GENERAL.—The position of the Chief Information Officer shall be appointed by the President, by and with the advice and consent of the Senate.

(2) SUCCESSION.—An official who is serving as Chief Information Officer on the date of enactment of this Act shall not be required to be reappointed by the President.

(c) REPORT.—The Chief Information Officer shall report directly to the Secretary.

(d) POSITION ON EXECUTIVE INFORMATION TECHNOLOGY INVESTMENT REVIEW BOARD.—The Chief Information Officer shall serve as an officer of the Executive Information Technology Investment Review Board (or its successor).

SEC. 6. DUTIES AND AUTHORITIES OF CHIEF INFORMATION OFFICER.

(a) IN GENERAL.—Notwithstanding any other provision of law (except the Government Performance and Results Act of 1993 (Public Law 103–62), amendments made by that Act, and the Information Technology Management Reform Act of 1996 (40 U.S.C. 1401 et seq.)) and policies and procedures of the Department, in addition to the general authorities provided to the Chief Information Officer by section 5125 of the Information Technology Management Reform Act of 1996 (40 U.S.C. 1425), the Chief Information Officer shall have the authorities and duties within the Department provided in this Act.

(b) INFORMATION TECHNOLOGY ARCHITECTURE.—

(1) IN GENERAL.—To ensure the efficient and effective implementation of program activities of the Department, the Chief Information Officer shall ensure that the information technology architecture of the Department, and each office or agency, is based on the strategic business plans, information resources, goals of information resource management, and core business process methodology of the Department.

(2) DESIGN AND IMPLEMENTATION.—The Chief Information Officer shall manage the design and implementation of an information technology architecture for the Department in a manner that ensures that—

(A) the information technology systems of each office or agency maximize—

(i) the effectiveness and efficiency of program activities of the Department;

(ii) quality per dollar expended; and

(iii) the efficiency and coordination of information resource management among offices or agencies, including the exchange of information between field service centers of the Department and each office or agency;

(B) the planning, transfer or obligation of funds described in section 7(a), and acquisition of information technology, by each office or agency most efficiently satisfies the needs of the office or agency in terms of the customers served, and program activities and employees affected, by the information technology; and

(C) the information technology of each office or agency is designed and managed to coordinate or consolidate similar functions of the missions of the Department and offices or agencies, on a Department-wide basis.

(3) COMPLIANCE WITH RESULTING ARCHITECTURE.—The Chief Information Officer shall—

(A) if determined appropriate by the Chief Information Officer, approve the transfer or obligation of funds described in section 7(a) in connection with information technology architecture for an office or agency; and

(B) be responsible for the development, acquisition, and implementation of information technology by an office or agency in a manner that—

(i) is consistent with the information technology architecture designed under paragraph (2);

(ii) results in the most efficient and effective use of information technology of the office or agency; and

(iii) maximizes the efficient delivery and effectiveness of program activities of the Department.

(4) FIELD SERVICE CENTERS.—The Chief Information Officer shall ensure that the information technology architecture of the Department facilitates the design, acquisition, and deployment of an open, flexible common computing environment for the field service centers of the Department that—

(A) is based on strategic goals, business reengineering, and integrated program delivery;

(B) is flexible enough to accommodate and facilitate future business and organizational changes;

(C) provides maximum data sharing, interoperability, and communications capability with other Department, Federal, and State agencies and customers; and

(D) results in significant reductions in annual operating costs.

(c) EVALUATION OF PROPOSED INFORMATION TECHNOLOGY INVESTMENTS.—

(1) IN GENERAL.—In consultation with the Executive Information Technology Investment Review Board (or its successor), the Chief Information Officer shall adopt criteria to evaluate proposals for information technology investments that are applicable to individual offices or agencies or are applicable Department-wide.

(2) CRITERIA.—The criteria adopted under paragraph (1) shall include consideration of—

(A) whether the function to be supported by the investment should be performed by the private sector, negating the need for the investment;

(B) the Department-wide or Government-wide impacts of the investment;

(C) the costs and risks of the investment;

(D) the consistency of the investment with the information technology architecture;

(E) the interoperability of information technology or information resource management in offices or agencies; and

(F) whether the investment maximizes the efficiency and effectiveness of program activities of the Department.

(3) EVALUATION OF INFORMATION TECHNOLOGY AND INFORMATION RESOURCE MANAGEMENT.—

(A) IN GENERAL.—In consultation with the Executive Information Technology Investment Review Board (or its successor), the Chief Information Officer shall monitor and evaluate the information resource management practices of offices or agencies with respect to the performance and results of the information technology investments made by the offices or agencies.

(B) GUIDELINES FOR EVALUATION.—The Chief Information Officer shall issue Departmental regulations that provide guidelines for—

(i) establishing whether the program activity of an office or agency that is proposed to be supported by the information technology investment should be performed by the private sector;

(ii)(I) analyzing the program activities of the office or agency and the mission of the office or agency; and

(II) based on the analysis, revising the mission-related and administrative processes of the office or agency, as appropriate, before making significant investments in information technology to be used in support of the program activities and mission of the office or agency;

(iii) establishing effective and efficient capital planning for selecting, managing, and evaluating the results of all major investments in information technology by the Department;

(iv) ensuring compliance with governmental and Department-wide policies, regulations, standards, and guidelines that relate to information technology and information resource management;

(v) identifying potential information resource management problem areas that could prevent or delay delivery of program activities of the office or agency;

(vi) validating that information resource management of the office or agency facilitates—

(I) strategic goals of the office or agency;

(II) the mission of the office or agency; and

(III) performance measures established by the office or agency; and

(vii) ensuring that the information security policies, procedures, and practices for the information technology are sufficient.

(d) ELECTRONIC FUND TRANSFERS.—The Chief Information Officer shall ensure that the information technology architecture of the Department complies with the requirement of section 3332 of title 31, United States Code, that certain current, and all future payments after January 1, 1999, be tendered through electronic fund transfer.

(e) DEPARTMENTAL REGULATIONS.—The Chief Information Officer shall issue such Departmental regulations as the Chief Information Officer considers necessary to carry out this Act within all offices and agencies.

(f) REPORT.—Not later than March 1 of each year through March 1, 2003, the Chief Information Officer shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that includes—

(1) an evaluation of the current and future information technology directions and needs of the Department;

(2) an accounting of—

(A) each transfer or obligation of funds described in section 7(a), and each outlay of funds, for information technology or information resource management by each office or agency for the past fiscal year; and

(B) each transfer or obligation of funds described in section 7(a) for information technology or information resource management by each office or agency known or estimated for the current and future fiscal years;

(3) a summary of an evaluation of information technology and information resource management applicable Department-wide or to an office or agency; and

(4) a copy of the annual report to the Secretary by the Chief Information Officer that is required by section 5125(c)(3) of the Information Technology Management Reform Act of 1996 (40 U.S.C. 1425(c)(3)).

SEC. 7. FUNDING APPROVAL BY CHIEF INFORMATION OFFICER.

(a) IN GENERAL.—Notwithstanding any other provision of law, an office or agency, without the prior approval of the Chief Information Officer, shall not—

(1) transfer funds (including appropriated funds, mandatory funds, and funds of the Commodity Credit Corporation or any other corporation within the Department) from 1 account of a fund or office or agency to another account of a fund or office or agency for the purpose of investing in information technology or information resource management involving planning, evaluation, or management, providing services, or leasing or purchasing personal property (including all hardware and software) or services;

(2) obligate funds (including appropriated funds, mandatory funds, and funds of the Commodity Credit Corporation or any other corporation within the Department) for the purpose of investing in information technology or information resource management involving planning, evaluation, or management, providing services, or leasing or purchasing personal property (including all hardware and software) or services; or

(3) obligate funds (including appropriated funds, mandatory funds, and funds of the Commodity Credit Corporation) for the purpose of investing in information technology or information resource management involving planning, evaluation, or management, providing services, or leasing or purchasing personal property (including all hardware and software) or services, obtained through a contract, cooperative agreement, reciprocal agreement, or any other type of agreement with an agency of the Federal Government, a State, the District of Columbia, or any person in the private sector.

(b) DISCRETION OF CHIEF INFORMATION OFFICER.—The Chief Information Officer may, by Departmental regulation, waive the requirement under subsection (a) applicable to, as the Chief Information Officer determines is appropriate for the office or agency—

(1) the transfer or obligation of funds described in subsection (a) in an amount not to exceed $200,000; or

(2) a specific class or category of information technology.

(c) CONDITIONS FOR APPROVAL OF FUNDING.—Under subsection (a), the Chief Information Officer shall not approve the transfer or obligation of funds described in subsection (a) with respect to an office or agency unless the Chief Information Officer determines that—

(1) the proposed transfer or obligation of funds described in subsection (a) is consistent with the information technology architecture of the Department;

(2) the proposed transfer or obligation of funds described in subsection (a) for information technology or information resource management is consistent with and maximizes the achievement of the strategic business plans of the office or agency;

(3) the proposed transfer or obligation of funds described in subsection (a) is consistent with the strategic business plan of the office or agency; and

(4) to the maximum extent practicable, economies of scale are realized through the proposed transfer or obligation of funds described in subsection (a).

(d) CONSULTATION WITH EXECUTIVE INFORMATION TECHNOLOGY INVESTMENT REVIEW BOARD.—To the maximum extent practicable, as determined by the Chief Information Officer, prior to approving a transfer or obligation of funds described in subsection (a) for information technology or information resource management, the Chief Information Officer shall consult with the Executive Information Technology Investment Review Board (or its successor) concerning whether the investment—

(1) meets the objectives of capital planning processes for selecting, managing, and evaluating the results of major investments in information technology or information resource management; and

(2) links the affected strategic plan with the information technology architecture of the Department.

SEC. 8. AVAILABILITY OF AGENCY INFORMATION TECHNOLOGY FUNDS.

(a) TRANSFER.—

(1) IN GENERAL.—At the beginning of each fiscal year, the Secretary shall transfer to the appropriations account of the Chief Information Officer an amount of funds of an office or agency determined under paragraph (2).

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the amount of funds of an office or agency for a fiscal year transferred under paragraph (1) may be up to 10 percent of the discretionary funds made available for that fiscal year by the office or agency for information technology or information resource management.

(B) ADJUSTMENT.—The Secretary may adjust the amount to be transferred from the funds of an office or agency for a fiscal year to the extent that the estimate for a prior fiscal year was in excess of, or less than, the amount actually expended by the office or agency for information technology or information resource management.

(b) AVAILABILITY OF FUNDS.—

(1) TRANSFER.—The Chief Information Officer may transfer unexpended funds to an office or agency.

(2) USE.—Funds transferred under paragraph (1) shall only be used for information technology or information resource management.

(c) USE OF FUNDS.—Funds transferred under subsection (a) shall be used by the Chief Information Officer—

(1) to carry out the duties and authorities of the Chief Information Officer under—

(A) this Act;

(B) section 5125 of the Information Technology Management Reform Act of 1996 (40 U.S.C. 1425); and

(C) section 3506 of title 44, United States Code;

(2) to direct and control the planning, transfer or obligation of funds described in section 7(a), and administration of information technology or information resource management by an office or agency;

(3) to meet the requirement of the Director of the Office and Management and Budget that all mission-critical systems achieve year-2000 compliance; or

(4) to pay the salaries and expenses of all personnel and functions of the office of the Chief Information Officer.

(d) TERMINATION OF AUTHORITY.—The authority under this section terminates on September 30, 2003.

SEC. 9. AUTHORITY OF CHIEF INFORMATION OFFICER OVER INFORMATION TECHNOLOGY PERSONNEL.

(a) AGENCY CHIEF INFORMATION OFFICERS.—

(1) ESTABLISHMENT.—Subject to the concurrence of the Chief Information Officer, the head of each office or agency shall establish within the office or agency the position of Agency Chief Information Officer and shall appoint an individual to that position.

(2) RELATIONSHIP TO HEAD OF OFFICE OR AGENCY.—The Agency Chief Information Officer shall—

(A) report to the head of the office or agency; and

(B) regularly update the head of the office or agency on the status of year-2000 compliance and other significant information technology issues.

(3) PERFORMANCE REVIEW.—The Chief Information Officer shall—

(A) provide input for the performance review of an Agency Chief Information Officer of an office or agency;

(B) annually review and assess the information technology functions of the office or agency; and

(C) provide a report on the review and assessment to the Under Secretary or Assistant Secretary for the office or agency.

(4) DUTIES.—The Agency Chief Information Officer of an office or agency shall be responsible for carrying out the policies and procedures established by the Chief Information Officer for that office or agency, the Administrator for the office or agency, and the Under Secretary or Assistant Secretary for the office or agency.

(b) MANAGERS OF MAJOR INFORMATION TECHNOLOGY PROJECTS.—

(1) IN GENERAL.—The assignment, and continued eligibility for the assignment, of an employee of the Department to serve as manager of a major information technology project (as defined by the Chief Information Officer) of an office or agency, shall be subject to the approval of the Chief Information Officer.

(2) PERFORMANCE REVIEW.—The Chief Information Officer shall provide input into the performance review of a manager of a major information technology project.

(c) DETAIL AND ASSIGNMENT OF PERSONNEL.—Notwithstanding any other provision of law, an employee of the Department may be detailed to the Office of the Chief Information Officer for a period of more than 30 days without reimbursement by the Office of the Chief Information Officer to the office or agency from which the employee is detailed.

(d) INFORMATION TECHNOLOGY PROCUREMENT OFFICERS.—A procurement officer of an office or agency shall procure information technology for the office or agency in a manner that is consistent with the Departmental regulations issued by the Chief Information Officer.

SEC. 10. ANNUAL COMPTROLLER GENERAL REPORT ON COMPLIANCE.

(a) REPORT.—Not later than May 15 of each year through May 15, 2003, in coordination with the Inspector General of the Department, the Comptroller General of the United States shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report evaluating the compliance with this Act in the past fiscal year by the Chief Information Officer and each office or agency.

(b) CONTENTS OF REPORT.—Each report shall include—

(1) an audit of the transfer or obligation of funds described in section 7(a) and outlays by an office or agency for the fiscal year;

(2) an audit and evaluation of the compliance of the Chief Information Officer with the requirements of section 8(c);

(3) a review and evaluation of the performance of the Chief Information Officer under this Act; and

(4) a review and evaluation of the success of the Department in—

(A) creating a Department-wide information technology architecture; and

(B) complying with the requirement of the Director of the Office of Management and Budget that all mission-critical systems of an office or agency achieve year-2000 compliance.

SEC. 11. OFFICE OF INSPECTOR GENERAL.

(a) IN GENERAL.—The Office of Inspector General of the Department shall be exempt from the requirements of this Act.

(b) REPORT.—The Inspector General of the Department shall semiannually submit a report to the Committee on Agriculture and the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the progress of the Office of Inspector General regarding—

(1) year-2000 compliance; and

(2) the establishment of an information technology architecture for the Office of Inspector General of the Department.

SEC. 12. TECHNICAL AMENDMENT.

Section 13 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714k) is amended in the second sentence by striking ''section 5 or 11'' and inserting ''section 4, 5, or 11''.

ADDITIONAL STATEMENTS

JOAN'S LAW

• Mr. TORRICELLI. Mr. President, on behalf of the family and friends of Joan D'Alessandro, I want to express gratitude for the passage of Joan's Law, a bill I introduced in October 1997, as a provision in H.R. 3494, the Child Protection and Sexual Predator Punishment Act.

Twenty-five years ago, 7-year-old Joan D'Alessandro left her home in Hillsdale, New Jersey to deliver Girl Scout cookies to a neighbor and disappeared. Three days later, that neighbor, confessed to taking Joan's life and changing forever the lives of those who loved her. Joseph McGowan, a school teacher, had raped Joan, killed her, and dumped her broken, battered body in a ravine.

Although McGowan was convicted and sentenced to 20 years in state prison, the nightmare for the D'Alessandro family was far from over. For the past 12 years, they have had to live with the very real prospect that their daughter's killer will walk out of jail one day a free man. Already, McGowan has twice been eligible for parole and a New Jersey appeals court recently ordered another parole hearing. No family should have to suffer the tragedy of

the loss of their child and then be forced to relive it again and again through parole hearings and appeals.

In response to their tragic loss, the D'Alessandro family has worked tirelessly at the state level for the enactment of Joan's Law, legislation providing that a child molester who murders a child under 13 in New Jersey will receive life in prison without the possibility of parole. Joan's Law is now on the books in New Jersey and I am proud that we, in this Congress, are seizing the opportunity to enact companion federal legislation.

My original legislation states that any person who is convicted of a serious violent felony should be sentenced to either death or imprisonment for life when the victim of the crime is under 14 years of age and dies as a result of the offense. As included in Senator HATCH's substitute to the House-passed bill, the bill also contains a narrow provision which allows the court to impose a lesser sentence in a case where the defendant has provided substantial assistance in the prosecution of another person. While I would have preferred Joan's Law to move forward as originally introduced, I understand and respect the addition of such a provision. It is a change that was made in consultation with and with the approval of both the D'Allesandro family and the bill's House sponsor, Representative BOB FRANKS.

In am heartened by the swift passage of the Child Protection and Sexual Predator Protection Act both in the Judiciary Committee and on the floor. By including Joan's Law among the bill's provisions we have sent a strong message that our society will neither tolerate nor forgive the brutal acts of a criminal who takes a young life and ensures that this murdere will never bring such harm and grief to another family.●

THE CHARTER SCHOOLS EXPANSION ACT

● Mr. COATS. Mr. President, I am happy to speak today in recognition of the passage by unanimous consent of the Charter Schools Expansion Act, the bi-partisan bill. Senator LIEBERMAN and I introduced this bill last November to help further expand the charter school movement which is so successfully providing new educational opportunities for children all around the country. This bill passed unanimously out of the Labor Committee and was unanimously approved by the Senate.

This important bill builds upon the great success of the original charter school legislation which Senator LIEBERMAN and former Senator Durenberger introduced in 1994. It was Senator Durenberger's timeless promotion of charter schools that educated all of us to the promise and the benefit of this important public educational reform initiative.

The Federal Charter School Grant Program provides seed money to charter school operators to help them pay for the planning, design and initial implementation of a charter school. Since the program's inception, the number of charter schools has tripled, with over 1100 charter schools now operating in 33 States and the District of Columbia.

Charter schools are independent public schools that have been freed from onerous bureaucratic and regulatory burdens in order to pursue clear objectives and goals aimed at increasing student achievement. To increase student achievement, charter schools are able to design and deliver educational programs tailored to meet the needs of their students and their communities.

It is the individualized education available to students through charter schools that makes this a desirable educational alternative for many families. Charter schools give families an opportunity to choose the educational setting that best meet their child's needs. For many low-income families in particular, charter schools provide their first opportunity to select an educational setting which is best suited for their child.

Parents and educators have, in turn, given these programs overwhelmingly high marks. Broad-based studies conducted by the Department of Education and the Hudson Institute show that charters are effectively serving diverse populations, particularly disadvantaged and at-risk children, that traditional public schools have struggled to educate.

With results like these, it is no wonder that some of the strongest support for charter legislation comes from low-income families. Not only do these parents now have real educational choices, but they are actually needed in the charter school environment for everything from volunteering to coaching, fundraising, and even teaching. This direct involvement of families is helping to build small communities centered around the school.

Charter schools can be started by anyone interested in providing a quality education: parents, teachers, school administrators, community groups, businesses and colleges can all apply for a charter. And, importantly, if these schools fail to deliver a high-quality education, they will be closed—either through a district or State's accountability measures or from lack of students. Accountability is literally built into the charter school process—the school must comply with the provision in its charter, and unhappy parents and students can leave if they are not satisfied.

Additionally, a survey conducted last fall by the National School Boards Association (NSBA) found that the charter movement is already having a positive ripple effect that is being felt in many local public school districts. The NSBA report cites evidence that traditional public schools are working harder to please local families so they won't abandon them to competing charter schools, and that central administrators often see charters as ''a powerful tool'' to develop new ideas and programs without fearing regulatory roadblocks.

Several other studies have recently been released highlighting the success of charter schools around the country. Among other things, these studies have shown that charter schools have successfully met and surpassed the standards outlined in their charters, attracted significant proportions of minority and low-income students, and have higher parental approval rates than public schools.

The results of these studies point to important ways to improve and reinvent public education as a whole. The implications from the success of charter schools indicate that public schools should be consumer-oriented, diverse, results-oriented, and professional places that also function as mediating institutions in their communities.

The purpose of this bill is to further encourage the growth of high-quality charter schools around the country. This bill provides incentives to encourage States to increase the number of high quality charter schools in their State. To qualify for funding under this bill, States must satisfy two criteria. First, they must provide for review and evaluation of their charter schools by the public chartering agency at least once every five years to ensure that the charter school is meeting the terms of its charter and meeting its academic performance requirements. And second, States meet at least one of three priority criteria:

The State has demonstrated progress in increasing the number of high quality charter schools that meet clear and measurable objectives for the educational progress of their students;

* * * * *

To help ensure that the amount of the federal grants are proportional to the level of charter school activity in the State, this bill directs the Secretary to take into consideration the number of charter schools in operation, or that have been approved to open.

During drafting of this bill, the single greatest concern I heard from charter school operators related to their ability to access their fair share of federal education funding. And so, to ensure that charter schools have enough funding to continue once their doors are opened, this bill provides that charter schools get their fair share of federal programs for which they are eligible, such as Title 1 and IDEA. The bill also directs States to inform their charter schools of any Federal funds to which they are entitled.

This bill also increases the financing options available to charter schools and allows them to utilize funds from the Title VI block grant program for start-up costs.

Because it is so important that charter schools are held accountable in return for the flexibility they are given from Federal, state and local laws and regulations, this amendment includes

several significant provisions which strengthen accountability. First, under the priority criteria, States must review and evaluate their charter schools at least once every five years to ensure that they are meeting the terms of their charter and their academic performance requirements. They are rewarded for increasing the number of high quality charter schools that are ''held accountable in their charter for meeting clear and measurable objectives for the educational progress of their students.''

The definitions section of the bill also stresses accountability by requiring a written performance contract with the authorized chartering agency in the State. These written performance contracts include clearly defined objectives for the charter school to meet in return for the autonomy they are given. The performance objectives in the contract are to be measured by State assessments and other assessments the charter wishes to use.

I am confident that this amendment will build on and contribute to the success of the charter school movement. This bill stresses the need for high quality, accountable schools which are given the autonomy they need to provide the best educational opportunity for their students.

With the passage of this bill, a strong signal will be sent to parents and teachers all across this country that they are not alone in their struggle to improve education. We hope to ease their struggle by enabling new charter schools to be developed. More charter schools will result in greater accountability, broader flexibility for classroom innovation, and ultimately more choice in public education. I urge my colleagues to increase educational opportunities for all children by supporting this bill.

Mr. President, I would like to take a moment and thank Senator LIEBERMAN for his tremendous leadership in the area of educational reform. He and I have worked closely on a number of issues over the last several years, and I want to commend him, in particular, for his strong support and leadership on issues concerning increasing educational opportunities for low-income children. He understands so clearly the fundamental importance of providing a high quality education in a safe environmental of our neediest children. In addition to this charter schools bill, which will help to increase educational opportunities for low-income children, Senator LIEBERMAN and I have worked closely for the last 4 years to gain support for publicly-funded scholarships for low-income children. I want to thank him for his unwavering commitment to this issue and his vitally important leadership. His efforts have done much to win bipartisan support for both charter schools and low-income scholarships and I thank him for his strong commitment to our country's neediest children. With the passage of this charter schools bill, Senator LIEBERMAN and I have the pleasure of seeing the first of our joint educational reform initiatives move closer to becoming law.●

1998 WATER RESOURCES DEVELOPMENT ACT

● Mr. GRAHAM. Mr. President, I would like to take this opportunity to make some remarks regarding S. 2131, the Water Resources Development Act which passed the Senate by unanimous consent on October 8, 1998.

I would like to first thank my colleague Senator MACK from Florida for his partnership on our efforts to produce a WRDA bill that reflects the needs of our State. I would also like to thank Senator CHAFEE, Sentor BAUCUS, and Senator WARNER for their leadership on this critical piece of legislation. The 1998 WRDA bill includes many key items for the State of Florida, a few of which I would like to highlight today.

As you know, water issues in Florida include everything from coastal protection to inland water quality management and from statewide drought to statewide flooding. Our history dealing with water resources has caused some of our own problems that we seek to correct today.

In the area of the Everglades and South Florida Ecosystem Restoration: The Everglades restoration project is the largest restoration program in the world. This vast region, which is home to more than six million Americans, seven of the ten fastest growing cities in the country, a huge tourism industry, and a large agricultural economy, also encompasses one of the world's unique environmental resources. Over the past 100 years, manmade changes to the region's water flow have provided important economic benefits to the region, but have also had devastating effects on the environment. Biological indicators in the form of native flora and fauna have shown severe damage throughout south Florida.

The work of the Army Corps of Engineers is essential to this restoration effort. The critical projects authorized in WRDA 1996 have demonstrated substantial success. The South Florida Ecosystem Restoration Task Force, the Governor's Commission for a Sustainable South Florida, local sponsors, and the Army Corps have completed a review of over 100 potential projects, narrowed the list to 35 and ranked them in order of priority for accelerating the restoration of the South Florida ecosystem.

In addition to this extension, the WRDA 1998 bill includes a $27 million authorization for the Hillsboro and Okeechobee Aquifer Storage and Recovery Project. This technology is presently used to create subsurface reservoirs for drinking water. The Army Corps is considering the use of Aquifer Storage and Recovery as a water storage technology for use in implementation of the Restudy. Our action to authorize work on this project will allow early evaluation of the viability of this technology.

Finally, the WRDA 1998 bill includes clarifying language that expenditures by the state of Florida for land acquisitions in the Caloosahatchee River basin are eligible for Federal reimbursement if they are identified as part of the restudy when it is released in July 1999. Our action assures the State of Florida that acquired lands that become part of the restudy will be eligible for Federal reimbursement.

In the area of water supply: One of the unique aspects of the Florida water system is that we frequently experience periods of drought and periods of flooding. This is the nature of a system that has been modified by human manipulation of natural flowways. In the State of Florida, our growing population coupled with the need to protect our natural systems has created a water quality challenge. From 1995 to 1996, Florida added 260,000 new residents, or the equivalent of four new Daytona Beaches. Between 1980 to 1995, Florida's public water supply needs increased 43 percent more than double the national average of 16 percent. This shows no signs of slowing down. Today, Florida continues to grow at the rate of more than 800 people per day.

Many other States on the eastern seaboard face similar challenges. For example, a recent article in New Jersey Monthly stated that New Jersey leads the nation in the percentage of land mass that is classified as having a high vulnerability for serious water quality problems. According to the U.S. EPA, more than 66 percent of the State falls into the most precarious category for water quality.

In addition, as early as 1983, a U.S. Army Corps of Engineers study stated that deficits in water supply for the area in Virginia south of the James River are projected to be as much as 60 million gallons per day by the year 2030. Ground water withdrawals have caused water level declines of as much as 200 feet in some areas. In the State of New York, water levels in aquifers are predicted to decline by as much as 18 feet and low flows in streams may be decreased by 90 percent in parts of Long Island.

In each of these cases, water supply is tied to water quality. Problems such as groundwater overpumping, damage of existing wetlands, and saltwater intrusion of aquifers can cause irreparable damage to our water systems and surrounding ecosystems. For example, since 1906 wetland acreage in the State of Florida has shrunk by 46 percent resulting in a loss of both critical habitats and a key link in the replenishment of our aquifers. The development of alternative water sources that will help to resolve these types of issues and will allow States to provide for future water supply needs without sacrificing environmental protection is my goals.

The WRDA 1998 bill includes a requirement for EPA to study water

availability and make recommendations on the adequacy of our existing water supply. The study will form the basis of future water supply programs. The State of Florida is already taking the water supply issue seriously, and in 1998 alone has budgeted $75 million in regional and State funds for development of alternative water supplies. I am looking forward to working with my colleagues on the Environment and Public Works Committee during the next Congress to address the water quality and water supply needs of the State of Florida.

Together, these initiatives will protect the future of the State of Florida by protecting our water resources that are so critical to our environment and our economy.●

COPYRIGHT LEGISLATION

● Mr. THOMPSON. Mr. President, in the closing days of the 105th Congress, the Senate passed two pieces of copyright legislation that will have enormous impact. As Charles Dickens might say, it is the best of times and the worst of times for those who create the property that is protected by copyright.

First, the Senate passed S. 505, which extended the terms of copyrights by 20 years, to life plus 70 years from life plus fifty years. For a number of years, our trading partners and competitors have protected their copyrights for the life of the author plus 70 years. Under the rule of the shorter term, these nations protected American copyrights for only the life of the author plus 50 years. The United States is the world leader in copyright, and should afford the greatest protection for copyrighted works of any nation, both to encourage creativity that benefits all, and for our own national interest with respect to the balance of trade.

The extension of copyright terms will be of enormous benefit to songwriters and others who create copyrighted works. It will benefit the public through enhanced creative activity, and the further public performance of already existing works to be enjoyed by future generations.

But S. 505 contained a bitter pill to swallow, the so-called Fairness in Music Licensing Legislation. These provisions are terribly unfair to those who create music. When a person profits from a public performance of music, he or she should fairly compensate the creator of that music through royalty payments. This is an elemental necessity for the creation of music. To paraphrase Justice Holmes, if music did not pay, no one would write it. The average songwriter receives less than $5,000 per year in royalties, and the average restaurateur pays only a few hundred dollars a year to play music in his establishment, about 1% of revenues. At the same time, the restaurateur uses music to create an ambience that will cause people to come to his establishment, and to spend more time and money there than they would without the music.

But the restaurateurs, retailers, and others wanted something for nothing. The songwriters were even willing to help out the mom and pop restaurants by exempting broadcast performances of their music in about two-thirds of the Nation's restaurants. But that was not good enough for the music users, who had the House pass outrageous legislation that amounted almost to stealing from the songwriters. A House that purports to defend property rights passed the most anti-property rights legislation in many years.

We worked in the Senate to improve that House-passed bill. We preserved vicarious liability, a necessity to ensure that royalties are paid. We prevented retailers and restaurants from challenging their rates in any city they chose, which would have been an unacceptable burden on the ability of songwriters to protect their rights. We eliminated provisions that would have enabled department stores to use music for free. In addition, we increased enforcement of payments because a judge can award double the licensing fees for up to three years instead of current law's limits of statutory damages.

But I still have major concerns about S. 505, even with these changes. Songwriters' property taken from them and used by others without payment. The exemptions are too generous, as they go well beyond the interest of small establishments. In fact, the vast majority of songwriters are smaller business people than many of the establishments that will be exempted from paying royalties by this bill.

At the same time, this bill runs counter to our international treaty obligations under the Berne Convention and the TRIPS Agreement. Those treaties benefit Americans more than any other country. We have the greatest interest in ensuring compliance by all signatory countries with these treaties. Yet we have passed a bill that is inconsistent with these treaty obligations. What will happen when foreign countries do not live up to their promises to protect intellectual property, citing our own example of this legislation back to us? Songwriters may not be the only losers; copyright protects computer software and other non-performing arts creative material. Some of the companies who may be hurt by international retaliation may be member companies of organizations that insisted on the music licensing provisions.

Only time will tell if the World Trade Organization will find that this bill violates international treaties that are binding on this country. But there is a good chance that these unfair music licensing provisions will not be able to stand.

It became clear in the final days of this Congressional session that in order to obtain copyright term extension and the WIPO implementing legislation, unfair music licensing legislation would have to be included. Although the music licensing provisions are considerably better than those contained in the House-passed bill, they are still unfair. However, the 20-year extension in copyright terms is a significant benefit to songwriters, and the WIPO Treaty implementing legislation will assist creative artists in the digital age, as well as enhance worldwide protection of copyrighted materials. In implementing this treaty, it is unfortunate that my colleagues have passed legislation that violates our existing treaty obligations.

Mr. President, there are times when the bad has to be taken with the good. The music licensing provisions are indefensible, but a necessary cost of obtaining very important legislation for the benefit of creative artists. It should not have been this way. I am confident that the music licensing issue is not yet over, and I regret the likely embarrassment that will ultimately fall upon this body when the language it has passed is ruled to violate our treaty obligations.●

ORDER FOR RECESS

Mr. JEFFORDS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess, under the previous order, following the remarks of the Democratic leader, Senator DASCHLE.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

FAREWELL TO OUR DEPARTING COLLEAGUES

Mr. DASCHLE. Mr. President, on Saturday, I had a chance to talk about our good friend, DALE BUMPERS. I'd like to take a few minutes to talk about four other friends who will be leaving us at the end of this Congress.

Shortly after he left the White House, Calvin Coolidge was called on to fill out a standard form. After filling in his name and address, he came to a line marked ''occupation.'' He wrote ''retired.'' When he came to the next line, labeled ''remarks,'' he wrote ''Glad of it.'' I suspect that our colleagues who are retiring at the end of this Congress are also ''glad of it''—at least in some small measure. But, in addition to relief, I hope they also feel a sense of pride—both for what they have accomplished here, and the dignity with which they have served.

In a short time here, DIRK KEMPTHORNE has made all of our lives a little better. Thanks in large part to him, the Safe Drinking Water Act is now the law. Senator KEMPTHORNE has also reminded us of the importance of state

and local involvement in our decisions. We will all miss him.

I had the good fortune to travel with Senator KEMPTHORNE to the Far East. As most of our colleagues know, as we travel we get to know one another even better. I know him and I admire him and I wish him well in his life after the Senate. I also applaud him for the nature with which he has continued to work with all of us. He has a very conciliatory, very thoughtful, a very civil way with which to deal with colleagues on issues. If we would all follow DIRK KEMPTHORNE's example, in my view, we would be a lot better off in this body. His manner, his leadership, his character, his personality is one that we are going to miss greatly here in the U.S. Senate.

We will also miss DAN COATS. With his thoughtful approach and uncompromising principles, Senator COATS has followed his heart above all else. And, as a result of his support of the Family and Medical Leave Act, millions of Americans are able to follow their hearts, too, and spend more time with their families when they need them most.

When Senator COATS announced his retirement in 1996, he said, ''I want to leave (politics) when I am young enough to contribute somewhere else * * * I want to leave when there is still a chance to follow God's leading to something new.'' Wherever Senator COATS and Senator KEMPTHORNE are led, we wish them both the best. I am confident that they will continue to contribute much to their country and to their fellow citizens.

And we will surely miss our own 3 departing Senators.

DALE BUMPERS, WENDELL FORD and JOHN GLENN are 3 of the sturdiest pillars in this institution. They have much in common. They came here—all 3 of them—in 1974. For nearly a quarter-century, they have worked to restore Americans' faith in their government.

Their names have been called with the roll of every important question of our time. And they have answered that call with integrity and dignity.

They are sons of small town America who still believe in the values they learned back in Charlestown, Arkansas; Owensboro, Kentucky; and New Concord, Ohio. They are also modest men.

Perhaps because they had already accomplished so much before they came to the Senate, they have never worried about grabbing headlines here. Instead, they have been content to work quietly, but diligently—often with colleagues from across the aisle—to solve problems as comprehensively as they can. They have been willing to take on the ''nuts and bolts'' work of the Senate—what JOHN GLENN once called ''the grunt work'' of making the government run more efficiently.

They were all elected to the Senate by wide margins, and re-elected by even wider margins. And they all would have been re-elected this year, I have no doubt, had they chosen to run again.

What I will remember most about each of them, though, is not how much they are like each other they are, but how unlike anyone else they are. Each of them is an American original.

As I said, I've already shared my thoughts about DALE BUMPERS. No Senator has ever had more courage than DALE BUMPERS.

And no Senate Leader has ever had the benefit of a better teacher than WENDELL FORD.

No Leader has ever enjoyed such a loyal partnership as I have. No Leader has ever had a better friend and counselor.

For the past 4 years, Senator FORD has been my right hand and much more. He is as skilled a political mind, and as warm a human being, as this Senate has ever known.

Carved inside the drawer of the desk in which WENDELL sits is the name of another Kentucky Senator, ''the Great Compromisor,'' Henry Clay. It is a fitting match.

Like Henry Clay, WENDELL FORD believes that compromise is honorable and necessary in a democracy. But he also understands that compromise is, as Clay said, ''negotiated hurt.''

I suspect that is why he has always preferred to try to work out disagreements behind the scenes. It allows both sides to bend, and still keep their dignity.

In 1991, WENDELL's quiet, bipartisan style convinced a Senator from across the aisle, Mark Hatfield, to join him in sponsoring the ''Motor Voter'' bill. Working together, they convinced the Senate to pass that legislation. To this day, it remains the most ambitious effort Congress has made since the Voting Rights Act to open up the voting booth to more Americans.

WENDELL FORD has served the Bluegrass State as a state senator, lieutenant governor, governor and United States Senator. His love for his fellow Kentuckians is obvious, and it is reciprocated.

In his 1980 Senate race, WENDELL FORD became the first opposed candidate in Kentucky history to carry all 120 counties. In 1992, he received the highest number of votes ever cast for any candidate in his state.

Throughout his years in the Senate, Senator FORD has also been a tenacious fighter for the people of Kentucky. He has also been a leader on aviation issues, a determined foe of government waste and duplication, a champion of campaign finance reform, and—something we are especially grateful for on this side of the aisle—a tireless leader for the Democratic Party.

He chaired the Democratic Senate Campaign Committee for three Congresses, from 1976 through 1982. And, in 1990, Democratic Senators elected him unanimously to be our party whip, our second-in-command, in the Senate—a position he still holds today.

We will miss his raspy and unmistakable voice, his good humor and wise counsel.

Finally, there is JOHN GLENN. What can one say about JOHN GLENN that has not already been said?

In all these 24 years, as hard as he tried to blend in with the rest of us, as hard as he tried to be just a colleague among colleagues, it never quite worked, did it?

I used to think that maybe I was the only one here who still felt awed in his presence. Two years ago, on a flight from China with JOHN and a handful of other Senators and our spouses, I learned that wasn't so.

During the flight, we were able to persuade JOHN to recollect that incredible mission aboard *Friendship 7*, when he became the first American to orbit the Earth. He told us about losing all radio communication during re-entry, about having to guide his spacecraft manually during the most critical point in re-entry, about seeing pieces of his fiberglass heat panel bursting into flames and flying off his space capsule, knowing that at any moment, he could be incinerated.

We all huddled around him with our eyes wide open. No one moved. No one said a word.

Listening to him, I felt the same awe I had felt when I was 14 years old, sitting in a classroom in Aberdeen, South Dakota, watching TV accounts of that flight. Then I looked around me, and realized everyone else there was feeling the same thing.

I saw that same sense of awe in other Senators' faces in June, when we had a dinner for JOHN at the National Air and Space Museum. Before dinner, we were invited to have our photographs taken with John in front of the *Friendship 7* capsule. I don't think I've ever seen so many Senators waiting so patiently for anything as we did for that one picture.

A lot of people tend to think of two JOHN GLENNs: Colonel JOHN GLENN, the astronaut-hero; and Senator JOHN GLENN. The truth is, there is only John GLENN—the patriot.

Love for his country is what sent JOHN into space. It's what brought him to Washington, and compelled him to work so diligently all these years in the Senate.

People who have been there say you see the world differently from space. You see the ''big picture.'' You see how small and interconnected our planet is.

Perhaps it's because he came to the Senate with that perspective that JOHN has fought so hard against nuclear proliferation and other weapons of mass destruction.

Maybe because he'd had enough glamour and tickertape parades by the time he came here, JOHN chose to immerse himself in some decidedly unglamorous causes.

He immersed himself in the scientific and the technical. He looked at government with the eyes of an engineer, and tried to imagine ways it could work better and more efficiently.

As early as 1978, he called for Congress to live by the same workplace

rules it sets for everyone else. More recently, he spearheaded the overhaul of the federal government procurement system, enabling the government to buy products faster, and save money at the same time.

In 1974, the year he was elected to the Senate, JOHN GLENN carried all 88 counties in Ohio. In 1980, he was re-elected with the largest margin in his state's history. The last time he ran, in 1992, he became the first Ohio Senator ever to win 4 terms.

As I said, I'm sure he would have been re-elected had he chosen to run again. But, as we all know, he has other plans.

For 36 years, JOHN GLENN has wanted to go back into space. On October 29, he will finally get his chance. At 77 years old, he will become the oldest human being ever to orbit the earth—by 16 years.

Many of us will be in Houston to see JOHN and his *Discovery* crew mates blast off. If history is any indication, I suspect we will be wide-eyed once again.

In closing, let me say, Godspeed, JOHN GLENN and DALE BUMPERS, WENDELL FORD, DIRK KEMPTHORNE and DAN COATS. You have served this Senate well. You are all ''Senators' Senators,'' and we will miss you dearly.

KOSOVO

Mr. DASCHLE. Mr. President, the closing hours of the 105th Congress are fast approaching. I could not let this Congress end without coming to the Senate floor to address the tragedy in Kosovo. It is a human crisis of immense proportion, and it poses an increasing threat to the United States and the global community.

The last several years have been marked by Yugoslavian President Milosevic's steady escalation of political repression and violence against the people of Kosovo. Acting at Milosevic's behest, Yugoslav forces have driven nearly 400,000 Kosovar Albanians from their homes. Fourteen thousand homes and 400 villages have been razed. Over 700 Kosovar Albanian men, women, and children have been killed.

Within the last several weeks our newspapers have been filled with accounts of atrocities committed by Milosevic's units against scores of unarmed civilians. Among the list of crimes documented by international observers are politically motivated killings; massacres of women, children and elderly persons; torture; arbitrary arrest; detention without cause; denial of fair, public trial; and destruction of private homes.

Further exacerbating this man-made crisis is the fact that winter is fast approaching, placing at peril the health and well being of tens of thousands of displaced persons who have managed to survive Milosevic's cruelties.

After watching this recent string of atrocities, the international community was compelled to respond. On September 23, the United Nations Security Council adopted a resolution condemning the excessive use of force by Milosevic's thugs and demanding that he cease military actions against civilians, withdraw his security units, facilitate the safe return of refugees and displaced persons to their homes, permit unimpeded access of humanitarian organizations to the people of Kosovo, and engage in meaningful negotiations on Kosovo's final status.

Diplomacy has been and should continue to be a major component of our response to this situation. But we must also acknowledge reality. The reality is that meaningful negotiations toward a settlement of Kosovo's status cannot take place in the current environment. Furthermore, words alone have never been enough to slow Milosevic and his henchmen. This was demonstrated to the world all too painfully in Bosnia. Despite numerous appeals from the international community to end his support for the war in Bosnia, Milosevic repeatedly turned a deaf ear, and the hostilities continued unabated.

It was only after NATO carried out a series of airstrikes against military forces supported by Milosevic that a cease-fire became possible.

The circumstances appear to be similar in Kosovo. And, if Milosevic fails to fully and immediately comply with the terms of the U.N. resolution, I believe the time has come for NATO to respond similarly.

The United States and our NATO allies must be prepared to carry out airstrikes against the Federal Republic of Yugoslavia if such action is determined to be the only means of enforcing the U.N. resolution.

I say this for three reasons. First and foremost, continued repression, violence, and instability in Kosovo directly threaten the national security interests of the United States. Kosovo is a tinderbox in the heart of one of the most unstable and critical regions of the world. Balkan history has clearly demonstrated that a spark in this region can rapidly spread into a blaze that engulfs the world. We have already seen refugee outflows into Albania and Macedonia. Two NATO allies, Greece and Turkey, with their competing regional interests, could easily and quickly get enmeshed in this crisis if it continues and widens.

Second, the credibility of NATO, still our most important alliance, hangs in the balance. For nearly 50 years, NATO has been the organization most responsible for keeping the peace in Europe. NATO had great success in the years after World War II and the Cold War. Its post-Cold War utility was proven earlier this decade in Bosnia. What NATO does in Kosovo will go a long way toward determining this crucial alliance's role in the 21st century. A strong, unified NATO is still the best insurance policy we have against large-scale conflict in Europe.

Third, as the west's history with Milosevic in Bosnia proves, if words are to have the desired effect on his behavior, they must be backed up with a credible threat to use force. Indeed, our recent experience in Kosovo itself bears this out. In the past week or two, Milosevic has launched an effort to convince the world that he is fully complying with the requirements of the September 23 U.N. resolution. Not surprisingly, this behavior occurred precisely as the specter of NATO military action began to loom over him. In fact, there may only be one way to achieve peace in Kosovo without the use of force. NATO must demonstrate to Milosevic that it is prepared to use force to compel his compliance. This is precisely the policy toward which this Administration and our NATO allies appear to be moving.

Mr. President, in offering my endorsement for this approach, let me be clear. If air operations and missile strikes against the Federal Republic of Yugoslavia are necessary to force Milosevic to the negotiating table, the United States and our NATO allies should demonstrate that we are prepared to pursue that option. Certainly we should not give the Administration a blank check, but we must accept our responsibility as a world leader and acknowledge that stronger measures may be required. The Administration should continue to consult closely with Congress every step of the way as events unfold.

Milosevic's atrocities have gone on too long. It's time for the United States to defend its national interests and help restore peace to this troubled region. It's time for the world to say no to the torture and slaughter of innocent civilians in Kosovo.

RECESS UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 11 a.m., October 13, 1998.

Thereupon, the Senate, at 6:15 p.m., recessed until Tuesday, October 13, 1998, at 11 a.m.