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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

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# House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. COOKSEY).

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*May 9, 2000.*

I hereby appoint the Honorable JOHN COOKSEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 317. Concurrent resolution expressing the sense of the Congress on the death of John Cardinal O'Connor, Archbishop of New York.

## MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH) for 5 minutes.

## ON SOCIAL SECURITY

Mr. SMITH of Michigan. Mr. Speaker, I would like to make a couple of comments on Social Security.

If the American people insist that it be an issue in this presidential campaign, it will receive the kind of discussion and debate that is needed and very appropriate.

Social Security is one of our most important government programs. Spendingwise it is our largest government program. Social Security benefits takes a larger percentage of the Federal budget than the Department of Defense, more than we spend on the other 12 appropriation bills.

The interest on the total debt is about 20 percent of our total budget. Social Security payments represent approximately 22 percent of the total Federal budget.

It has been suggested by some that Social Security is not that big a problem; that if we are able to have the kind of economic growth that we have had in the past, then the economy will take care of the problems. Two facts need to be considered: One, that the official estimate of increase in GDP, (gross domestic product), is not going to be as great in the next 30 years as it has been in the last 30 years, simply because, even with the increase in productivity, we have fewer workers trying to produce the gidgets, the gadgets, the goods and services that represent the GDP. GDP ultimately represents productivity times the number of people involved in trying to utilize that productivity. So the growth in GDP is slowing down.

Secondly, because of the fact that Social Security's benefits are based on earnings, the greater the earnings, the higher the eventual benefits are going to be. So even if we were to have an exceptionally strong increase in the economy, GDP, the cost of benefits would grow proportionally.

Existing retirees have a cost of living or inflation index to adjust their benefits. Future retirees, as they retire, have their Social Security benefits increased based on wage inflation that is higher than standard inflation. So, again, as the economy expands, with lower unemployment and higher wages, so will the cost of eventual benefits.

So over the short run, we see an increase in Social Security taxes coming in that makes the situation look somewhat better than it is because, ultimately, eventually, when those workers retire, they are going to receive that much higher Social Security benefit.

Now, some have said let us do nothing. We do not want to disrupt this great program where we are guaranteed a monthly payment for the rest of our lives. The problem is that we are running out of money in the Social Security system. It is, in effect, going broke.

Some people have said, well, look, somehow government is going to keep those promises. But in that regard, let me just bring to the attention of those interested, what happened in the past when Social Security had problems. The Congress and the President in 1977, reduced benefits and increased taxes. In 1983, again short of money. What happened? Again, benefits were reduced and taxes were increased.

Seventy-five percent of Americans, Mr. Speaker, now pay more in Social Security tax than they do their income tax. It is important we face up to this problem this election; that we do not put it aside, that we do not demagogue it; that we do not start criticizing some of the solutions. Because if we start criticizing particular parts of the solutions, it will be that much tougher, when Democrats and Republicans ultimately get together, hopefully under the leadership of a President that is willing to move ahead on this issue, to save Social Security, to keep it solvent.



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## MOTHER'S DAY AND GUN SAFETY RECOGNITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, one of the most cherished holidays is pending this week, when so many families will gather to honor mothers, those that live and those who have gone on. This is a special time to recognize the value of an important component of our family.

Many mothers will take this opportunity this week to show their complete horror and great concern for the number of children that we have lost to gun violence. They will take this challenge and take this cause not in a political manner but in a manner of compassion and belief. We expect millions of mothers to come to Washington, D.C. to express to the world, not only this Nation, that America is, indeed, a civilized country that values life and recognizes that it does not have to have this macho holding of guns to be able to show itself a Nation of dignity and laws and humanity.

I would hope that Americans will take a moment as they honor mothers to reflect upon the importance of this message; that Americans will also put aside politics and ask themselves the same question: Do we need to arm ourselves with the numbers of guns that we have so that the guns in America now almost outnumber the population?

Even though we would imagine and hope that our children go to schools that are safe, we pray every day that that is the case, and I applaud the Nation's school districts, urban and rural alike, in their efforts that they have made to be safe and to have our children safe, there is no refusing to acknowledge that the world knows America through the eyes of Jonesboro, and Pennsylvania and Columbine, and it knows this Nation of laws and of dignity and of respect for the Constitution as a somewhat violent Nation.

It seems appalling that we cannot listen to the majority of Americans who are willing to accept reasonable gun safety laws, such as the legislation that many of us have put forward, in particular I have put forward legislation, that asks for adults to be held responsible if guns get in the hands of children; to support trigger locks; to, in fact, provide a nationwide educational effort that reasonably stays away from politics and begins to tell children about the dangers of guns.

But lo and behold, here we go again, to take a moment when mothers are coming forward as mothers, organized by mothers and organized by respective communities, using the resources of their own, not being propelled by any emotion other than there is too much bloodshed with respect to our children, because more of our children die from homicide and die from guns than any other civilized nation or any other nation, yet the National Rifle Association takes this week, I guess this is their counterproposal, to promote advertisement to suggest that they are prepared to give $1 million to provide for gun safety in America's schools or to deal with America's children.

Really, what I say to the National Rifle Association and Charlton Heston, and all of those who would propose that they are sincere, is to join the mothers in their march; stand up and actually be seen not as antagonists but a sincere person who believes in gun safety, not the hypocrisy and the outrage of putting on advertisements and to suggest that they have one iota of the slightest concern about passing real gun safety legislation.

For if they did, then they would see the ridiculousness of the gun show loopholes; that anyone, no matter what their background, can walk into the thousands of gun shows unrestricted across America and buy guns. They would understand that that does not violate the second amendment if we simply ask that there be regulations and restrictions on those purchases. It does not interfere with law-abiding citizens who buy guns, it does not interfere with sports enthusiasts, gun collectors, no one who is seriously interested in abiding by the law and holding their guns safely in their homes. And, yes, it does not prohibit anyone from protecting themselves against that intruder, although the statistics show that most gun violence in homes is family to family because the guns are there.

So we are quick to be able to prosecute an 11-year-old boy that tragically shot another human being, but we do not look to the systemic problem of that little boy's condition and the exposure to guns. And we are appalled when a 6-year-old shoots a 6-year-old, but we do not address the question of the systemic problem of guns in America.

So I applaud the mothers and will be supporting them as a mother myself, and I hope that we will mourn over no more lost and dying babies and children because of guns. And to the National Rifle Association I say, take the ads off and stand up and be counted for something that is real; real gun safety, real support for the stopping of the killing of our babies.

## SELF-DEFENSE AND RIGHT-TO-CARRY LAWS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, after the speech by my colleague, I think it is useful to perhaps tone down the rhetoric and bring some statistics and some information from Dr. John Lott, a distinguished scholar at the Yale University Law School, and talk about experts on crime and what they have to say.

Mr. Speaker, I have an article from the Washington Times that is dated April 26 that I will make a part of the RECORD wherein Dr. Lott highlights a number of cases in his article detailing how anti-gun advocates routinely admit facts, figures, and they change statistics to generally develop a misinterpretation of gun ownership in America.

Along with Dr. Lott, a Professor Bill Landes from the University of Chicago has done extensive research on waiting periods, sentencing laws, background checks, and other current gun control laws and they compare those with the effect on deterring so-called ''rampage killings.'' As to their conclusions, Mr. Speaker, I will quote directly from their article:

''While higher arrests and conviction rates, longer prison sentences and the death penalty reduce murders generally, neither these measures nor restrictive gun laws had a discernible impact on mass public shootings. We found only one policy that effectively reduces these attacks: The passage of right-to-carry laws.''

Both these professors confirm that law-abiding citizens, possessing a legal right to carry concealed hand guns, had a dramatic impact on multiple victim shootings.

□ 0945

Indeed, these laws, on average, decreased multiple-victim shootings by one-fifth.

Now, in my home State of Florida, they recognized this fact. In 1987, they passed a law to allow law-abiding citizens to carry a licensed, concealed weapon.

What were the results? Florida's homicide rate dropped from 37 percent above the national average to 3 percent below the national average. The decrease in violent offenses involving firearms in Florida continues to decline.

Now, according to the Florida Department of Law Enforcement Uniform Crime Report, in 1989, firearms accounted for 30 percent of all violent offenses. Last year, firearms only accounted for 20 percent of all violent offenses.

Mr. Speaker, 31 States today now have right-to-carry laws and have experienced similar results like Florida.

Dr. Lott's article further highlights the need for individual Americans to be able to defend themselves outside their home.

To address this issue, I developed and introduced legislation, H.R. 492, which is identical to my bill in the 105th Congress which was debated in the House Committee on the Judiciary. My bill establishes a national standard providing for reciprocity in regard to the manner in which nonresidents of a State may carry certain concealed firearms into the State.

Now, in order to carry a concealed firearm across State lines, a person

would have to be properly licensed for carrying a concealed weapon in his home State and would have to obey the concealed weapon laws of that State they are entering.

If the State they are entering does not have a concealed weapons law, the national standard provision in this legislation would dictate the rules in which a concealed weapon would have to be maintained. For instance, the national standard would disallow the carrying of a concealed weapon in a school, police station, or a bar serving alcoholic beverages.

My bill also exempts qualified former and current law enforcement officers from State laws prohibiting the carrying of concealed handguns. Now, this language was adopted during debate on the juvenile justice bill last year.

Mr. Speaker, right-to-carry laws are an effective deterrent to these mass killings and random murders. States which have adopted such laws, on the average, have 24 percent less violent crime, 19 percent less homicides, and 39 percent less robberies. These are precisely the type of statistics which gun control supporters refuse to acknowledge.

Yesterday, the President stated that he is ''subdued, frustrated, and very saddened'' as he reflected on the lack of pending gun control legislation in Congress.

Mr. President, we, too, are frustrated, frustrated that those who seek to curb gun violence refuse to acknowledge the one effective deterrent, the right to carry.

So, as I stated earlier, the right-to-carry defense should not be confined to State boundaries. A law-abiding citizen legally carrying a concealed firearm in his or her State should be entitled to the same protection in any State.

I urge my colleagues to support my bill.

## CORPORATE INVESTMENT IN AUTHORITARIAN REGIMES

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, it is an interesting time to be in our Nation's capital. There are more chief executive officers, more CEOs, of the country's largest corporations roaming the halls this week and next week than perhaps anytime in recent American political history.

The reason? The United States Congress is considering giving Permanent Most Favored Nation status trading privileges to the People's Republic of China.

When it comes to competing for U.S. trade and investment dollars, democratic countries in the developing world are losing ground to more authoritarian countries in the developing world, like China.

The CEOs that come to our offices and implore us to support permanent trade advantages for the People's Republic of China and its communist regime tell us that China is a lucrative market, with 1.2 billion potential consumers.

What they do not tell us, but what is the most important to them, is that China is a nation of 1.2 billion potential workers, workers who are paid 30 cents an hour, workers who do not talk back, workers who cannot form unions, workers who do not benefit from any worker safety legislation or environmental laws or food safety standards.

In the post-Cold War decade, the share of developing country exports to the U.S. for democratic nations fell from 53 percent to 34 percent, a decrease of 18 percentage points.

American CEOs prefer doing business in totalitarian countries like China because western investors enjoy the benefits of child labor and slave labor and 25-cent-an-hour wages.

In manufacturing goods, developing democracies' share of developing country exports fell 21 percentage points, from 56 to 35 percent. American CEOs prefer doing business in countries like China, authoritarian countries like China, where workers can never speak up, where human rights are dismissed, where worker rights are simply nonexistent.

Nations that do not support democracy have gained five percent of U.S. investment over the last 10 years. China was responsible for 95 percent of foreign investment gained for nondemocratic countries.

American CEOs prefer doing business in authoritarian nations like China with an obedient, docile workforce that has no ability to organize unions. Western corporations have shown they want to invest in countries that have below poverty wages, poor environmental standards, no opportunities for unions. They love to invest in authoritarian countries that suppress labor rights, allow slave labor, allow child labor, pay 25 cents an hour.

The United States talks a good game about democratic ideals worldwide through all of our trade programs. But, as developing nations make progress toward democracy, something we say we applaud in this institution, the American business community penalizes those countries that are becoming more democratic by pulling its trade and investment in favor of totalitarian countries like China.

CEOs tell us that engaging with China will bring more democracy to that country and more freedom and more enterprise and all of that. But who are the real decision-makers in China? Who gains from the system the way it is in China? Who is in charge in the People's Republic of China?

First, the Chinese Communist Party makes most decisions in that country; second, the People's Liberation Army, which owns many of the export businesses in China, the big manufacturing concerns; and third, the western investors are very influential that have businesses set up in China.

Which of those groups wants to see change? Which of those groups wants China to democratize? Which of those groups wants workers in that country to have more rights, to have more ability to speak up, to be able to form unions and bargain collectively and bring their wages up? The Chinese Communist Party? I do not think so. The People's Liberation Army? I do not think so. Western investors in China? I do not think so.

Those three groups, the Chinese Communist Party, the People's Liberation Army, western investors, lump them all together and they are all aiming for the same thing. They like doing business. They like the synergism that results when the three of them work together. They like the way things are in the People's Republic of China.

That is why we should vote ''no'' on Permanent Most Favored Nation status for China.

Shame on us, shame on this Congress if we give Permanent Most Favored Nation status trading privileges to the People's Republic of China, a communist government that flies in the face of all human rights, that cares nothing about its workers, that exploits child labor, slave labor, that persecutes Christians, allows and encourages forced abortion. Shame on us in this Congress if we give Permanent Most Favored Nation status to that country.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m.

Accordingly (at 9 o'clock and 54 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 11 a.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Prophets of old longed to see Your Salvation, O God. They investigated the times You revealed Yourself in history.

They searched for words to describe Your encounter. It was Your Spirit who gave meaning to suffering and brought forth rejoicing in the glories of humanity.

For decades historians have been unwinding the story of this Nation as the wisdom of its founders is taken to heart.

Immigrants and natives have toiled to fulfill its secret promise; parents still dream and plant hopes in their children.

Help us, ever-revealing God, to see with prophetic vision; to realize in our own day America's promise; and to bring to the rest of the world, respect for law, the sanctity of life, and the joy of freedom.

For You live in our midst now and forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. PASCRELL led the Pledge of Allegiance as follows:

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

## PERMANENT NORMAL TRADE RELATIONS WITH CHINA

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

Mr. ARMEY. Mr. Speaker, the coming vote to expand our trade with China is a vote for the new economy. It is a vote that will clearly show whether the Members in this Congress are in favor of advancing America's high-tech economy or whether they want to flee from that future into the failed protectionist policies of the past.

Mr. Speaker, China is a key market for America's high-tech industry. It is now the second largest information technology market in Asia, second only to Japan.

It is an information technology market that is growing at 20 to 40 percent annually. Next year, China will be the third largest semiconductor market in the world, and by 2010 it will be the number two largest.

This is a boon for America and for the Chinese people. As information technology spreads in China, it will help the Chinese learn about their government and, more importantly, the world beyond. It will encourage democratic reform in China and help make China a more free and open society.

Mr. Speaker, our high-tech industry got everything it needed in the trade agreement with China. We must not throw that away.

Mr. Speaker, I urge my colleagues to approve PNTR. A vote for permanent normal trade relations is a vote for the new economy.

## INTERNATIONAL ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, I rise today in hopes that my colleagues will be moved by the stories that I tell and help bring our children home. Since February 16, I have been coming down to the floor and talking about American children who have been abducted to foreign countries, asking my colleagues, the media, and the American people to focus their attention on these kids, and the message is starting to get out.

Mr. Speaker, just this Sunday, The Washington Post ran a two-page article on Joseph Cooke and his two children, Danny and Michelle. I spoke about Joseph and his children on April 5, and this article details their tragic story of abduction to Germany.

Mr. Speaker, there are 10,000 American children out there whose stories are similar, 10,000 American children and their parents who experience the same kind of pain and devastation every day of their separation. These daily 1-minutes, events and the resolution I introduced along with the gentleman from Ohio (Mr. CHABOT) are just the tip of the iceberg. This Congress must take action to solve this problem and help reunite parents with their children.

Mr. Speaker, we must bring our children home.

## AMERICA'S NATIONAL SECURITY

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

Mr. GARY MILLER of California. Mr. Speaker, I rise today because of my deep concern for America's national security. A recent Associated Press which ran on May 5 reported that the U.S. Air Force readiness to fight is now at a 15-year low, representing a 28 percent decline since the Cold War. Roughly 115 of it 329 combat units were not fully capable of performing their mission.

In the article, a senior military official blamed the budgets that did not allow enough for spare parts and did not offer service members salaries competitive in today's booming economy.

That is why I find it ironic that I also came across an article in the May issue of National Defense magazine which quoted Vice President AL GORE as saying the Pentagon's budget is currently in the ''right zone'' to meet today's national security needs.

Mr. Speaker, current White House advisers, as well as the Vice President, have publicly stated while ample financial resources to increase defense are available, they are not needed. It is this lackadaisical attitude that has contributed to the monumental problems that we now face.

As a Member of Congress, I am becoming more and more concerned about our national leaders' attitude and how they impact our ability to, as our Constitution states, ''provide for the common defense'' of this country.

This trend must be reversed. We must have strong leadership and redefine our national security policy. Resources must be provided to replace our aging ships, helicopters, tanks, artillery and other equipment.

Most importantly, we must begin to treat our servicemen and women and their families with the respect they deserve.

## NATIONAL HOSPITAL WEEK

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

Mr. PASCRELL. Mr. Speaker, this is National Hospital Week, when communities all across America honor the individuals that make hospitals the foundations of our community.

This year's theme sums it up very nicely: ''Touching the Future With Care.'' It recognizes the health care workers, volunteers, and other health professionals who are there 24 hours a day, 365 days a year, curing and caring.

An example of this dedication is the Caritas Connection at St. Mary's Hospital in Passaic, New Jersey. The program won the American Hospital Association's prestigious NOVA Award, which recognizes hospitals' innovative and collaborative efforts to improve the health of their communities.

The Caritas Connection is a collaborative project created by St. Mary's Hospital and the Sisters of Charity to focus on the needs of a large urban immigrant population. The majority of the resident workers are in factories with low pay, long hours, and no benefits of job security.

It is this type of partnership that lifts us, and I felt it fitting during National Hospital Week to bring this success to the attention of my colleagues.

## CONGRATULATIONS TO STUDENTS FROM HEMPFIELD HIGH SCHOOL ON PARTICIPATION IN ''WE THE PEOPLE'' COMPETITION

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

Mr. PITTS. Mr. Speaker, I rise to congratulate the students of Hempfield High School, who are here in Washington again this year. They are representing Pennsylvania in the national ''We the People'' competition. Elaine Savukas' AP government class is competing with other schools showing their knowledge about the U.S. Constitution and the Bill of Rights. There are more than 1,200 students here from all over America.

The format is a simulated congressional hearing before a panel of scholars, lawyers, journalists, and government leaders. I have met with these bright young Pennsylvanians and was impressed with their knowledge and interest in our unique form of government.

These students from Hempfield High School are to be congratulated for studying so hard and taking such a serious interest in our Constitution. They are tomorrow's leaders, and I am proud to have them representing the 16th Congressional District of Pennsylvania here today.

## CALLING FOR A FULL INVESTIGATION INTO THE DEATH OF CARL GHIGLIOTTI

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

Mr. TRAFICANT. Mr. Speaker, Carl Ghigliotti, the 42-year-old scientist who investigated the Waco massacre, whose body has been missing for 2 weeks, was found dead. Ghigliotti is the man who flat out said, ''The FBI is lying about Waco. The FBI did fire automatic weapons into the burning building.''

Something is wrong here, Mr. Speaker. Records now show the FBI lodged an alleged or false child abuse charge against the Davidians. The FBI denied, then admitted, using tear gas. The FBI confiscated, then supposedly lost, vital autopsy evidence that would prove what happened in Waco.

Beam me up. We have developed a stone cold police state in America, believe me, from Waco, Ruby Ridge, to Miami, Florida. Every American knows it, no one is doing anything about it. There must be a full investigation into the death of Carl Ghigliotti.

I yield back the need to pass some oversight on this Justice Department and pass my bill, H.R. 4105.

## URGING SUPPORT FOR H.R. 4386, BREAST AND CERVICAL CANCER TREATMENT ACT

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

Mrs. FOWLER. Mr. Speaker, I rise today to urge my colleagues to support the Breast and Cervical Cancer Treatment Act when it comes to the floor later today. This bill will literally save the lives of thousands of women.

In 1990, Congress recognized the importance of screening for breast and cervical cancer, and authorized the CDC to provide such services to uninsured, low-income women. The program has been very successful, screening more than 1 million women. But once these women have been diagnosed, many cannot afford the necessary treatment.

It is time we allowed States to offer treatment to these women through their Medicaid programs. I do not want us to look another one of these women in the eye and say, you do have cancer, but we cannot help you.

I appreciate the commitment of the Speaker, the gentleman from Illinois (Mr. HASTERT), to bring this bill to the floor by Mothers Day, out of respect to all women who face these serious health threats. I urge my colleagues' support.

## NATIONAL TEACHER DAY AND ANNUAL TEACHER APPRECIATION WEEK

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

Mr. GIBBONS. Mr. Speaker, May 7 through the 13th is annual Teacher Appreciation Week. Today is National Teacher Day. It is a day to honor and recognize the best of our Nation's teachers.

I would like to congratulate Mr. Dennis Digenan of Elko, Nevada, who has been named Nevada's Teacher of the Year. I think it is wonderful that we take this opportunity to recognize and thank teachers like Mr. Digenan, who dedicate their lives to educating our children. Their job is very difficult, and their responsibility is great.

Teachers literally hold the future of our Nation in their hands. The education of our children, the education they receive today will lead to their success later in life. Today's teachers not only teach, they serve as mentors, role models, and confidantes for our children.

Mr. Speaker, our teachers deserve our gratitude and praise. It is my hope that we continue to support and honor our teachers, not only day but all year long.

## NATIONAL TEACHER DAY

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

Mr. GUTKNECHT. Mr. Speaker, as my colleague, the gentleman from Nevada, just indicated, today is National Teacher Day. Every day of every week in the school year our children are influenced by their teachers. In my district back in Minnesota, we have a number of excellent professional teachers who every day give their all to the students that they work with.

I want to especially call attention to two teachers. I have had the opportunity to visit a number of the schools in my district. Recently I visited Missy Nelson's second grade class at Kasson-Mantorville Elementary School in Kasson, Minnesota. Teaching second grade is a challenge. She does a fabulous job of keeping those kids excited and motivated about learning.

I also want to say a special congratulations to another teacher who is sort of at the other end of her teaching career. That is Eunice Swenson, a Business Ed teacher at John Marshall High School. She is all-world when it comes to business education. She has influenced so many students over the years, including my oldest daughter.

I want to say a special thank you and congratulations to teachers like Missy Nelson and Eunice Swenson, because every day they are having a powerful influence on the students that they work with. Today is National Teacher Day, but every day is a good day to thank and congratulate the people who work with our children every day.

## PROTECTING CONSUMERS' PRIVACY IN BANKING

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

Mr. INSLEE. Mr. Speaker, I rise to advise my colleagues of a disturbing blow against our efforts to protect consumers' privacy in banking. Last November, this Chamber passed and the President signed into law a bill that would allow consumers for the first time to advise their banks not to violate their privacy, to tell their banks not to give away their credit card numbers to telemarketing agencies.

In that bill, the regulations were to be adopted and they were to be enforced this November by a Federal law signed by the President, passed by this House and the other Chamber. Yet, we are now told that the regulatory officers whose constitutional duty it is to follow the law we passed are going to unilaterally delay implementation of those rules, not for a week, not for a month, not for 2 months, but for another 231 days before they are going to enforce the law of this country.

This delay is inexcusable. It is unprecedented. It defies the constitutional obligation of the executive authority. We have to move forward in privacy, and do it on a timely basis.

## CONDEMNING IRAN FOR ITS TRIAL OF 13 IRANIAN JEWS

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

Mr. REYNOLDS. Mr. Speaker, a trial is underway in Iran where the judge serves as investigator, prosecutor, and judge. There is no jury. In fact, this court operates outside the control of the Iranian president. I am referring to the trial of the revolutionary courts of 13 Iranian Jews held in an Iranian prison for over a year.

These men are accused of spying for Israel and the United States. After a year, charges have yet to be filed. Both Israel and the United States deny that these men, who include a rabbi, three Hebrew teachers, and a shoe store clerk, were conducting espionage on their behalf. Yet, they are still held.

Mr. Speaker, recent election victories by reformers in Iran have shown that the country is attempting to reject the old ways of the hard-liners.

□ 1115

This trial is a step in the wrong direction. Iran's mock justice is outrageous and should not be tolerated. The world is watching.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

## THE AK-CHIN WATER USE AMENDMENTS ACT OF 1999

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2647) to amend the Act entitled ''An Act relating to the water rights of the Ak-Chin Indian Community'' to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

The Clerk read as follows:

H.R. 2647

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

**SECTION 1. CONSTITUTIONAL AUTHORITY.**

The Constitutional authority for this Act rests in article I, section 8, authorizing Congress to ''regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes''.

**SEC. 2. TECHNICAL AMENDMENTS TO AK-CHIN WATER USE ACT OF 1984.**

(a) SHORT TITLE.—This section may be cited as the ''Ak-Chin Water Use Amendments Act of 1999''.

(b) AUTHORIZATION OF USE OF WATER.—Section 2(j) of the Act of October 19, 1984 (Public Law 98–530; 98 Stat. 2698), as amended by section 10 of the Act of October 24, 1992 (Public Law 102–497; 106 Stat. 3258), is amended to read as follows:

''(j)(1) The Ak-Chin Indian Community (hereafter in this Act referred to as the 'Community') shall have the right to devote the permanent water supply provided for by this Act to any use, including agricultural, municipal, industrial, commercial, mining, recreational, or other beneficial use, in the areas initially designated as the Pinal, Phoenix, and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1. The Community is authorized to lease or enter into options to lease, to renew options to lease, to extend the initial terms of leases for the same or a lesser term as the initial term of the lease, to renew leases for the same or a lesser term as the initial term of the lease, to exchange or temporarily dispose of water to which it is entitled for the beneficial use in the areas initially designated as the Pinal, Phoenix, and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1.

''(2) Notwithstanding paragraph (1), the initial term of any lease entered into under this subsection shall not exceed 100 years and the Community may not permanently alienate any water right. In the event the Community leases, enters into an option to lease, renews an option to lease, extends a lease, renews a lease, or exchanges or temporarily disposes of water, such action shall only be valid pursuant to a contract that has been accepted and ratified by a resolution of the Ak-Chin Indian Community Council and approved and executed by the Secretary.''.

(c) APPROVAL OF LEASE AND AMENDMENT OF LEASE.—The option and lease agreement among the Ak-Chin Indian Community, the United States of America, and Del Webb Corporation, dated as of December 14, 1996, and the Amendment Number One thereto among the Ak-Chin Indian Community, the United States of America, and Del Webb Corporation, dated as of January 7, 1999, are hereby ratified and approved. The Secretary of the Interior is hereby authorized and directed to execute Amendment Number One, and the restated agreement as provided in Amendment Number One, not later than 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Congress passed the Ak-Chin water settlement in 1978. It was amended subsequently in 1984. And then in the 1992 amendment, off-reservation leasing of the Indian community's water entitlement was allowed, but the period of the lease was limited to 100 years. The amendment in 1992 did not allow for an extension of the lease after the 100-year period had been completed.

This legislation would provide a legal avenue for the Ak-Chin tribe to extend or renew their existing lease with an Arizona development company that must obtain a State of Arizona Assured Water Supply certificate for municipal water use.

The administration, I understand, has indicated that it is still opposed to the bill. However, it is my understanding that the minority does not object to this legislation, and I would urge Members to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, H.R. 2647 is an amendment to the 1984 Ak-Chin Water Use Act. The 1984 act confirms the Ak-Chin Indian Community's rights to receive water from the Central Arizona Project, but it did not include the authority for the community to lease its Central Arizona Project water for use off reservation. Congress granted leasing authority to the Ak-Chin in 1992.

The community now desires to lease these 10,000 acre-feet of water annually to the Del Webb Corporation for use in a new planned community. The Ak-Chin Community and Del Webb entered into a 100-year lease agreement in 1996. It was believed at the time this would meet the State's requirement for an ''assured water supply'' of at least 100 years. However, since several years have passed and since the lease agreement was signed, it is now apparent that the availability of an ''assured water supply'' under this lease would, in fact, be for less than 100 years.

Mr. Speaker, this legislation will extend to the Ak-Chin leasing authority for longer term, making the lease consistent with the requirements of the Arizona state law.

The administration has expressed some concerns about the legislation; however, at this time we do support it and ask that the House support moving this bill forward.

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

Mr. DOOLITTLE. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. SHADEGG) for his statement on the bill.

(Mr. SHADEGG asked and was given permission to revise and extend his remarks.)

Mr. SHADEGG. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for yielding me this time.

Mr. Speaker, I want to begin by commending both the gentleman from Alaska (Mr. YOUNG), chairman of the committee, and the gentleman from California (Mr. DOOLITTLE), chairman of the subcommittee, for their assistance with this legislation. I also commend the gentleman from California (Mr. GEORGE MILLER), ranking member, who has spoken on this legislation, for their assistance with H.R. 2647, the Ak-Chin Water Use Amendment Act of 1999.

As both of my colleagues have indicated, this legislation is critically important for the Ak-Chin Indian Community. The history has already been recited. The United States Congress in 1984 established the Ak-Chin Indian Community's right to 75,000 acre-feet per year of CAP water. In 1992, the tribe sought the authority to lease this water for off-reservation use. That is a critically important issue in Arizona, because there is tremendous demand for this water for off-reservation uses.

The Congress extended the tribe that authority, but it placed a 100-year maximum term on the lease, and this is where the issue comes, it failed to allow the tribe to extend into options to renew such leases or to extend such leases in any way, shape or form, setting a maximum period of 100 years.

Mr. Speaker, this legislation corrects that defect by providing that the tribe may enter into either options to renew a lease or renewals of a lease for no more than the original term. And, importantly, it provides that the tribe may not permanently alienate the water at issue. What this legislation does is that it enables the Indian tribe to get the highest value for its Indian water rights and for its CAP water. Without this legislation, the tribe is restricted to only being able to alienate the water, or lease the water, for 100

years. As the gentleman from California (Mr. GEORGE MILLER) explained, that simply does not meet the requirements of Arizona law, which requires a 100-year assured water supply.

This legislation has the support of Governor Hull of Arizona, it has the support of the Arizona Department of Water Resources, and most importantly it is sought and has the active support of the Ak-Chin Indian Community. It will enable them to lease this water, or enter into a renewal or option to extend the lease of the water, for an additional period of up to 100 years. That is critically important to making the water valuable. It is also critically important to the development of the water supply for Arizona and for the community affected by this existing lease.

Mr. Speaker, I commend my colleagues for their support of the legislation on the committee, again, and I call for its passage.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. DOOLITTLE. Mr. Speaker, I have no further requests for time. I urge support of the legislation, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 2647.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## PLAQUE TO HONOR VIETNAM VETERANS WHO DIED AS A RESULT OF SERVICE IN THE VIETNAM WAR

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3293) to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service, as amended.

The Clerk read as follows:

H.R. 3293

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

**SECTION 1. ADDITION OF COMMEMORATIVE PLAQUE, VIETNAM VETERANS MEMORIAL.**

Public Law 96–297 (94 Stat. 827; 16 U.S.C. 431 note), which authorized the Vietnam Veterans Memorial in the District of Columbia, is amended by adding at the end the following new section:

**''SEC. 5. PLAQUE TO HONOR OTHER VIETNAM VETERANS WHO DIED AS A RESULT OF SERVICE IN THE VIETNAM WAR.**

''(a) PLAQUE AUTHORIZED.—Notwithstanding section 3(c) of the Commemorative Works Act (40 U.S.C. 1003(c)), the American Battle Monuments Commission is authorized to place within the Vietnam Veterans Memorial a suitable plaque containing an inscription intended to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service, and whose names are not otherwise eligible for placement on the memorial wall.

''(b) SPECIFICATIONS.—The plaque shall be at least 6 square feet in size and not larger than 18 square feet in size, and of whatever shape as the American Battle Monuments Commission determines to be appropriate for the site. The plaque shall bear an inscription prepared by the American Battle Monuments Commission.

''(c) RELATION TO COMMEMORATIVE WORKS ACT.—Except as provided in subsection (a), the Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the design and placement of the plaque within the site of the Vietnam Veterans Memorial.

''(d) CONSULTATION.—In designing the plaque, preparing the inscription, and selecting the specific location for the plaque within the Vietnam Veterans Memorial, the American Battle Monuments Commission shall consult with the architects of the Vietnam Veterans Memorial Fund, Inc., and the Vietnam Women's Memorial, Inc.

''(e) FUNDS FOR PLAQUE.—

''(1) PROHIBITION ON USE OF FEDERAL FUNDS.—Federal funds may not be used to design, procure, or install the plaque. However, the preceding sentence does not apply to the payment of the salaries, expenses, and other benefits otherwise authorized by law for members of the American Battle Monuments Commission or other personnel (including detailees) of the American Battle Monuments Commission who carry out this section.

''(2) PRIVATE FUNDRAISING AUTHORITY.—The American Battle Monuments Commission shall solicit and accept private contributions for the design, procurement, and installation of the plaque. The American Battle Monuments Commission shall establish an account into which the contributions will be deposited and shall maintain documentation of the contributions. Contributions in excess of the amounts necessary for the design, procurement, and installation of the plaque shall be deposited in the United States Treasury.

''(f) VIETNAM VETERANS MEMORIAL DEFINED.—In this section, the term 'Vietnam Veterans Memorial' means the structures and adjacent areas extending to and bounded by the south curb of Constitution Avenue on the north, the east curb of Henry Bacon Drive on the west, the north side of the north Reflecting Pool walkway on the south and a line drawn perpendicular to Constitution Avenue 200 feet from the east tip of the memorial wall on the east (this is also a line extended from the east side of the western concrete border of the steps to the west of the center steps to the Federal Reserve Building extending to the Reflecting pool walkway). This is the same definition used by the National Park Service as of the date of the enactment of this section, as contained in section 7.96(g)(1)(x) of title 36, Code of Federal Regulations.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself 3 minutes and 15 seconds.

Mr. Speaker, I would like to thank the leadership for scheduling this bill between Memorial Day and the 25th anniversary of the end of the Vietnam War. This timing reminds us that there are many who fought in Vietnam and died because of their service there, but whose sacrifices have still gone unrecognized.

Mr. Speaker, H.R. 3293 will remedy this situation. It will create a plaque honoring those Vietnam veterans who died as a result of the war, but who are not eligible to have their names placed on the Vietnam Veterans Memorial Wall. The wall is opened to some veterans who died after the conflict, but the criteria for eligibility does not include all veterans whose post-war deaths were a direct result of the war, including those who died from such factors as Agent Orange and post traumatic stress syndrome.

Families of these veterans deserve a place to mourn the loss of loved ones who served honorably and who died years later as a result of that service.

Mr. Speaker, we had a hearing on this bill in the subcommittee on March 22. The often emotional testimony by Ed Croucher, the Director of Vietnam Veterans of America, Captain Mike Fluke, board member of In Memory, and Lieutenant Colonel Jim Zumwalt demonstrated the strong feelings of veterans and their families on this issue.

Among the groups who have endorsed the plaque are the Vietnam Veterans of America, Veterans of Foreign Wars, AMVETS, Vietnam Women's Memorial, Inc., Rolling Thunder, the Korean War Veterans Association, the National Congress of American Indians, the National Conference of Vietnam Veteran Ministers, In Memory Inc., the American Gold Star Mothers, the Agent Orange Widows Awareness Coalition, and the Society of 173rd Airborne Brigade. In addition, the bill has 290 bipartisan cosponsors.

H.R. 3293 is simple and straightforward, Mr. Speaker. This bill will honor the sacrifices of these veterans by creating a small plaque that will be placed in a suitable location within the 13-acre Vietnam Veterans Memorial. On the plaque will be a short, fitting inscription that honors these fallen heroes.

The plaque will not be placed on the ''Wall'' or directly in front of the ''Wall.'' This will ensure the plaque

does not impact the integrity and solemn nature of the Vietnam Memorial.

Mr. Speaker, H.R. 3293 was passed by voice vote in both the Subcommittee on National Parks and Public Lands and the full Committee on Resources. No amendments were offered by anyone who may have opposed the bill. However, in response to some concerns raised by H.R. 3293, we have modified it in two ways.

First, the bill now clarifies the mechanism in which the ABMC can receive funds. Second, the bill now adds the Vietnam Women's Memorial, Inc., as a consultant to the design and placement of the plaque.

Mr. Speaker, it is vital to us as a Nation to have hallowed ground to honor these men and women, and I would ask that the Members would support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3293 is the most recent in a series of legislative proposals to add memorials to the National Mall. This particular measure would authorize a plaque to be placed within sight of the Vietnam Veterans Memorial intended to honor soldiers who died as a result of their service in Vietnam, but who were ineligible for inclusion in the Wall because their deaths occurred after the war ended.

While I am a cosponsor of H.R. 3293, it has been my hope all along that one particular aspect of this legislation might be improved upon. The legislation identifies a governmental agency, the American Battle Monuments Commission, as the organization which will oversee the placement of the plaque. Selection of the Battle Monuments Commission for this task is inappropriate for several important reasons.

First, this project is inconsistent with the Battle Monument Commission's mission. The Battle Monument Commission is an independent, executive branch agency which operates 24 cemeteries and 27 monuments, the vast majority of which are located on foreign soil. The ABMC has had no involvement in the creation and administration of the Vietnam Veterans Memorial, as most of its responsibilities lie overseas. The major exception of this overseas focus, responsibility for the proposed World War II Memorial, is likely to occupy most of their domestic efforts.

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What is more, the ABMC does not want the job. In testimony before the National Capitol Monument Commission, the Battle Monuments Commission stated that the responsibility for the design, procurement and installation of the plaque should rest with either the proponent or the Vietnam Veterans Memorial Fund.

In addition, the Commission has had no mechanism to pay for this proposed plaque. The legislation specifies that no Federal funds are to be used to design, procure, and install the plaque. Since the Battle Monuments Commission is a federally-funded agency, the bill had to be amended to exempt salaries, expenses and other benefits for ABMC personnel. Now the bill is being amended further to create a fund-raising program for the monument. While we realize that we are talking about a fairly small amount of money, it is troubling to think that any amount of time or attention might be diverted from the ABMC's efforts on behalf of the World War II Memorial.

All of these complications could have been avoided by replacing the Battle Monument Commission with the Vietnam Veterans Memorial Fund as the organization responsible for placing this plaque at the Vietnam Veterans Memorial. This organization conceived the idea for the Memorial, raised more than $8 million needed for its construction, conducted the design contest, oversaw the construction, organized the dedicated ceremonies and continues to raise funds for educational programs and maintenance. No memorial in Washington is more closely associated with one organization. We continue to believe that they should be involved.

As it stands, we support the intent of H.R. 3293, but continue to feel that it has an obvious flaw. Fortunately, an obvious solution exists, and we hope that working with the bill's sponsor, our colleagues in the other body, the administration, this change will be adopted.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise today in support of H.R. 3293, a bill to honor our Nation's Vietnam veterans. In my home State of Nevada, we have over 65,000 Vietnam veterans. In my district alone, there are 41,000.

These courageous men and women sacrificed their lives to defend our country during a time that their efforts were not always appreciated by their fellow countrymen. They deserved our praise and admiration then, and they deserve our praise and admiration now.

Today, the Vietnam Memorial Wall stands as a vivid reminder of those who gave their lives to fight in the Vietnam War. I recently had the opportunity to take my 14-year-old son to see the Vietnam Memorial. It was a moving experience for us both. However, there are many veterans whose lives were also cut tragically short by the war in Vietnam who are not listed on the wall.

My colleague has introduced legislation which will honor this special group of Vietnam veterans. These fallen heroes deserve recognition for their sacrifice, and I urge my colleagues to support this legislation. Join with me and my colleague who introduced it, and I thank him very much for doing so.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from San Diego, California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me the time, and the gentlemen from California (Mr. GALLEGLY) for bringing this bill to the floor.

I, too, rise in support of H.R. 3293, which creates a plaque to honor Vietnam veterans who died as a result of the Vietnam War, but who are just not eligible under the rules to have their names placed directly on the Vietnam War Memorial.

Like my own bill, H. Con. Res. 134, this will honor the many individuals who served in the armed forces in Vietnam and who later died as a result of illnesses and conditions associated with service in that war. Many Vietnam veterans, for example, have died from exposure to Agent Orange or from posttraumatic stress syndrome.

A small plaque will be placed on the 13-acre parcel that surrounds the Vietnam Veterans Memorial, but not on the Wall or in front of the Wall. In this way, the plaque will not interfere with the integrity of the Memorial, but will add a place for families to mourn and remember their loved ones who served honorably and who died years after the war because of their service.

This bill has been endorsed by many veterans groups, including but not limited to the Vietnam Veterans of America, the VFW, AMVETS, Vietnam Women's Memorial, the Korean War Veterans Association, American Gold Star Mothers, and the Agent Orange Widows Awareness Coalition.

I join the 290 cosponsors of this bill from a bipartisan call for passage of this bill, and I thank, again, the gentleman from California (Mr. GALLEGLY) for his leadership.

Mr. GALLEGLY. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. MCKEON), a member of the Committee on Veterans' Affairs.

Mr. MCKEON. Mr. Speaker, I rise today in strong support of H.R. 3293, and I want to commend the gentleman from California (Mr. GALLEGLY) for his leadership in bringing this bill to the floor. This important legislation recognizes a group of veterans that are all too often forgotten, but are nonetheless heroes. The American Vietnam veteran faced adversity that few can ever imagine in order to keep this Nation free.

Unfortunately, these veterans are the victims of a technicality that keeps them from being honored with their fallen soldiers. The Vietnam Wall, while open to some veterans who died following the war, is not open to veterans who passed away due to complications from Agent Orange or posttraumatic stress syndrome. These veterans died as a result of their service for this Nation. The least that our

Nation can do is honor them near their fellow servicemen and women.

This important legislation would allow us to do so without diminishing, in any way, the service of these men and women who died in the field of battle in Vietnam. Instead, this measure would provide a plaque for those fallen heroes to be placed in the vicinity of the current Vietnam Memorial.

So I ask my colleagues to join me and the many veteran service organizations in supporting H.R. 3293.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from California for yielding me the time. I also want to thank the gentleman from California (Mr. GALLEGLY) for his leadership on this, the gentleman from Alaska (Chairman YOUNG), and also the gentleman from California (Mr. GEORGE MILLER), our very able ranking member.

This bill honors those who have died after their service in the Vietnam War but as a direct result of that service.

I would like to share one example of a Vietnam war veteran who many of my colleagues may have heard of and who exemplifies why we are acting today. His name is Lewis B. Puller, Jr. who took his own life as a result of posttraumatic stress disorder. Lew, as he was called, was a seriously wounded Vietnam War Veteran, Pulitzer Prize winning author of ''Fortunate Son'', and son of the most decorated U.S. Marine in history, ''Chesty'' Puller.

Although Lew's book was an inspiration to many, he ultimately took his own life because of his inability to deal with his wounds, his dependence on drugs and alcohol, and because of posttraumatic stress disorder.

While Lew Puller's case has been a higher profile than others have, there have been thousands of Vietnam War veterans who have suffered the same casualty.

This bill sends a clear message that our Nation has not, nor will it ever, forget the Vietnam veterans who have fallen as a result of these unfortunate and often invisible traumas.

I urge my colleagues to support this very worthy bill.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. QUINN), who serves on the Committee on Veterans' Affairs.

Mr. QUINN. Mr. Speaker, I thank the gentleman from California (Mr. GALLEGLY) for yielding me this time.

I also want to associate myself with the remarks of the gentleman from California (Mr. FILNER), my ranking member on our Subcommittee on Benefits of the Committee on Veterans' Affairs.

As I rise in support of H.R. 3293, as we have said, a bill that will create a place honoring those Vietnam veterans who died as a result of the war but, through some technicality, are ineligible to be placed on the Vietnam Veterans Memorial here in Washington, D.C.

Mr. Speaker, this is a very straightforward bill. In no way will it affect the current Memorial, which has become a place for Americans to solemnly remember those veterans who gave their lives in Vietnam. It requires a small plaque to be honored and placed somewhere on the 13 acres.

I want to add my support to the bill and urge all our colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise in support of H.R. 3293, authorizing the placement of a plaque to memorialize those who died as a direct result from service in the Vietnam War, but who perished after war's end.

Thousands of individuals put their life on the line to protect the freedoms that we hold dear and to save a Nation desperately trying to hold on to those freedoms.

We have recognized the sacrifice of those who died on the battlefield, but we have yet to realize those who perished afterwards.

This bill would honor those who died after the war as a direct result of serving in the war by placing a small plaque somewhere near the Vietnam Memorial. The plaque, funded by private donations, would recognize the entire group of courageous individuals for their service to our country.

After 25 years since the fall of Saigon, is it not time that we finally recognize everyone who has made the ultimate sacrifice by serving our country in Southeast Asia?

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, the casualty list states that over 58,000 Americans lost their lives in the conflict we know as the Vietnam War. The lists contain the names of another 300,000 Americans sailors, soldiers, and airmen who were wounded. Half of these wounds were very serious. Many of our soldiers recovered fully while others were permanently wounded.

But there is a third class of wounded soldiers whose wounds did not kill immediately but ultimately caused death. In some cases, posttraumatic stress syndrome or exposure to Agent Orange may have led to the death years, perhaps decades, after the wound was first suffered.

Despite the delay, the veteran's death is linked with his or her service to this Nation by participating in the Vietnam War.

H.R. 3293 seeks to honor these veterans with a plaque located within the 13 acres set aside for the Vietnam War Veterans Memorial. The plaque will be located near the Wall to preserve the memory of those veterans whose service on behalf of their fellow citizens, in the end, cost them their lives.

Mr. Speaker, I urge our colleagues to support this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise today to support H.R. 3293, the establishment of a Vietnam Veterans Plaque at the Vietnam Veterans Memorial. I support this measure because we have a responsibility to honor those who made the ultimate sacrifice for their country.

We can never forget the travesties of war. We can never get our fighting forces who marched on battlefields, roamed the oceans, and flew the skies. We can never forget the family shattered by the loss of fallen children. My own family, my sister's brother-in-law, John H. Walker's name, appears on that Wall along with the names of many of my childhood friends. With the Vietnam Veterans Plaque, we will never forget the names of those who lost their lives in service of their Nation.

The effects of Vietnam live with many Americans today. We must include the heroes whose post-war deaths were a direct result of conditions such as Agent Orange. We must forever etch in the annals of time the names of those fallen heroes so that future generations may see the names and celebrate their fellow countrymen who believed in duty, honor, and service. What a small token to be established relative to the loss due to war.

Mr. Speaker, I am proud to rise and be a cosponsor of H.R. 3293 and urge the passage of the Vietnam Veterans Plaque.

Mr. GALLEGLY. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, we have been there either in person or witnessed it on television, people silently and slowly walking by the Vietnam Veterans Memorial in contemplation of the sacrifices made for this Nation, some tracing on paper names embedded in stone, some leaving flowers or little gifts at the foot of that Wall.

But there is something missing, men and women whose deaths are related to the war and caused by the war who died after that conflict and whose names are not otherwise eligible to be inscribed on the wall.

Today we fill in that which is missing. Today, by passing H.R. 3293, as to which I am a cosponsor, we authorize a plaque, demonstrating the love of this Nation for the men and women who gave the supreme sacrifice and whose names are not on the Wall.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the

gentleman from New York (Mr. CROWLEY).

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Mr. CROWLEY. Mr. Speaker, I thank the gentleman from California for yielding me this time. I rise in strong support of H.R. 3293, the Vietnam Veterans Memorial Authorization, and I congratulate the gentleman from California (Mr. GALLEGLY), the sponsor of this important legislation to commemorate those brave men and women who fought in Vietnam.

I signed onto this legislation because I believe the time has come to commemorate those brave veterans of the Vietnam War who gave up their lives for their country but have yet to receive any public tribute. But this legislation should only be a starting point here in Congress. We should all work together to advance the priorities of all of our Nation's veterans', including providing a fair distribution of health care resources to veterans regardless of where they reside in our Nation.

We should make the term ''homeless veteran'' an oxymoron. We must keep letting our Nation's veterans know that the people who fought to allow us to come to this floor every day and debate issues both large and small that we do and did value their services. Our veterans have provided so much while requesting so little.

In my opinion, this memorial should be constructed in the honor of these brave men and women, and I am pleased the House of Representatives is debating this legislation today. Again, I would like to thank my colleague, the gentleman from California (Mr. GALLEGLY), for bringing this legislation to the floor. This is a good bill. It is long overdue. I urge all of my colleagues to support this legislation today.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me this time.

Andy Rooney, a number of years ago, wrote a book about war, and he revealed in that book a little known phenomenon that is very rarely, if ever, discussed about war. That phenomenon is in essence this: The combat soldier in combat is dependent and dependable. He is loved and he loves others. He deals with those who are dying. He deals with those who are sick. He deals with those who are afraid. He deals with those who cannot rise up to the difficult challenge, emotional challenge, of viewing the slaughter on a daily basis.

Many of those men who were afraid, or who may not have been wounded in the body, their spirit was wounded. Their mind was wounded. Some of them picked up disease. Those young men deserve some recognition along this magnificent wall that represents that conflict so that their families may come and have some resolution.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from California (Mr. GALLEGLY) for this very important legislation. This is an important gesture on the part of the United States Congress because I think it is going to go a long way towards closing one of the festering wounds from our national history.

I worked very closely with a family, the Fitzgibbon family, over a 2-year period, to deal with an inequity that had affected their family. Sergeant Richard Fitzgibbon died in Vietnam in 1956. But because the United States Government did not in fact admit that we controlled the war in Vietnam after the French pulled out earlier that year, no one who had died in Vietnam from 1956 through 1961 was eligible for inscription on the Vietnam Wall. He was the first casualty of the war in Vietnam, and yet he received no recognition and his family received no recognition.

In fact, so strongly did his family believe that he had died in the war in Vietnam that his own son went to Vietnam, and his son was killed in 1965, Richard, Junior, the only father and son in the Vietnam War. But the son was allowed to have his name inscribed on the Wall, but the father not. And it took a long battle to finally change the rules and regulations of the Defense Department 2 years ago to have the father join the son.

The son obviously believed he was on the same mission, the mission to bring freedom to the people in Vietnam, a mission that had been engaged in by the United States Government. So that inequity has been dealt with.

What the gentleman from California is doing here today is trying to deal with another inequity. It is one that will ensure that those Vietnam veterans who died after service in the Vietnam War, but as a direct result of such service, and whose names are not otherwise eligible for placement on the memorial wall, will continue the healing of their pain as well.

I think that this is a very important gesture to every single family in America who has suffered this most horrible of all fates that can befall a family, and I think that this is one of the most fitting things that we can do as a Nation in order to continue to heal the wounds of every family that made the sacrifice. I congratulate the gentleman and I hope it passes unanimously here today.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from California for yielding me this time, and I too would like to join other Members who thanked him for stepping forward and bringing forth this very important resolution.

I could not help but hear the previous gentleman from Massachusetts. A couple of words he said really rang true in my mind, where he talked about these gentlemen, these men and women that went over to Vietnam because they believed they were fighting for freedom. They fought, unfortunately, under a cloud throughout most of the 1960s and the early 1970s, with people protesting on college campuses and protesting in the streets. But they really went over there and so many of them really did believe they were fighting for freedom.

Thirty years later, looking back after all the divisiveness of the Vietnam War and all the debates about whether it was a noble cause or not, all we have to do is look at the repression that people in Vietnam still live under to recognize that they were fighting a noble cause.

I think this is an absolutely fantastic thing to do for those men and women that were willing to go over there and risk their lives to fight for freedom.

One other final closing thought, though unrelated to this matter. I think we should go the next step forward this year and we should give those men and women that were willing to give their all in World War II and in the Korean War the health care that they were promised. We made them a promise and we have broken that promise. And just as the resolution of the gentleman from California helps to recognize the service of those Vietnam veterans today, we need to go another step forward. I thank the gentleman for this fantastic resolution.

Mr. GALLEGLY. Mr. Speaker, how much time remains on our side?

The SPEAKER pro tempore (Mr. LaTourette). The gentleman from California (Mr. Gallegly) has 7½ minutes remaining.

Mr. GALLEGLY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, I would like to recognize the years of hard work and dedication by Vietnam veterans and their families in turning this idea of building a simple plaque to honor those who died after their service due to war-related causes into a reality.

I would like to particularly recognize and mention the efforts of Ruth Coder Fitzgerald, who began working on this memorial within weeks of the death of her brother John in 1992. John Coder died from non-Hodgkins lymphoma, a cancer linked to exposure to Agent Orange in Vietnam. It is Ms. Fitzgerald's dedication to our Vietnam veterans and their families that is the reason we are here today in the House of Representatives considering this legislation.

Mr. Speaker, a creation of this plaque will not in any way diminish the impact of the Vietnam Veterans Memorial area. On the contrary, it will fill a void by honoring those whose names were not found on the Wall. As Ed Croucher of the Vietnam Veterans of America testified before the Subcommittee on National Parks and Public Lands of the Committee on Resources: ''It meets a clear need. It is a

very significant and appropriate project. It adds to the collective history of the Vietnam War.''

Mr. Speaker, the building of this small but powerful plaque is the right thing to do to honor those who died for our country because of their service to Vietnam, and I ask for the support of the Members of the House in passing this legislation.

Mr. CROWLEY. Mr. Speaker, I strongly support H.R. 3293, the Vietnam Veterans Memorial Authorization.

I congratulate Congressman ELTON GALLEGLY, the sponsor of this important legislation to commemorate those brave men and women who fought in Vietnam.

I signed on to this legislation because I believe the time has come to commemorate those brave veterans of the Vietnam War who gave up their lives for their country but have yet to receive any public tribute.

But this legislation should only be a starting point in this Congress.

We should all work together to advance the priorities of all our nation's veterans, including providing a fair distribution of health care resources to veterans regardless of where they reside in our nation.

We should make the term ''homeless veteran'' an oxymoron.

And we must keep letting our nation's veterans know—the people who fought to allow us to come to the floor every day and debate issues both large and small—that we do value their service.

Our veterans have provided so much while requesting so little.

In my opinion, a memorial should be constructed in honor of these brave men and women.

I am pleased the House of Representatives is debating this legislation today and would again like to thank my friend and colleague Representative ELTON GALLEGLY for bringing this legislation to the floor today.

This is a good bill.

It is long overdue and I urge all of my colleagues to support this legislation today.

Mr. SHAYS. Mr. Speaker, as a cosponsor of H.R. 3293, I am in strong support of its passage today.

This legislation, introduced by Representative GALLEGLY of California, authorizes placement of a plaque near the Vietnam Veterans Memorial to honor those Vietnam veterans who died as a direct result of their service after leaving Vietnam, including those who died of post traumatic stress disorder and of the effects of Agent Orange.

The men and women who serve our country to defend freedom deserve to be treated with nothing less than the highest level of dignity and respect. All of those who died following their service in the Vietnam War—including those who died of post traumatic stress disorder and of the effects of Agent Orange—should be honored alongside those who died in combat.

In the years since Vietnam, we've learned a great deal about the lingering effects of modern combat. Unfortunately, too many of those we thought were survivors had already been afflicted with conditions or exposed to chemical agents that would tragically cut short their lives.

Passage of H.R. 3293 will go a long way toward honoring the men and women who lost their lives as a direct result of service to our great nation, and I urge my colleagues on both sides of the aisle to support this important piece of legislation.

Mr. REYES. Mr. Speaker, I am in strong support of this bill.

With over 60,000 military retirees and veterans in my district including thousands of Vietnam veterans, I am proud to be a cosponsor of this bill and support its passage today on the House floor.

The 25th anniversary of the end of the Vietnam War is a time for all Americans to reflect on the incredible sacrifices made by our men and women in preserving liberty in Southeast Asia.

All of our Vietnam veterans are heroes for their incredible courage and bravery.

They fought for freedom in a far away land, inserting themselves in the name of liberty in a conflict which had already raged for decades. They withstood the ravages of jungle warfare, and endured the onslaught of extremely deadly and indiscriminate weaponry.

Furthermore, those who returned back home faced a nation which was divided over our involvement in Vietnam, and for too many, the injuries they sustained and the sacrifices they made were taken for granted.

While we have an extremely meaningful and powerful memorial to our nation's veterans who perished in Vietnam here in Washington, D.C. with the Vietnam Wall, there has been a significant absence of a symbol of recognition of those Vietnam veterans who died after the war as a direct result of their service.

These men and women deserve to be recognized for their service, and I am proud that this bill authorizes the placement of a plaque within the site of the Vietnam Veterans Memorial wall to honor those veterans who died after their service in the Vietnam War as a direct result of that service.

These American soldiers left their families, friends, and lives to defend another people in another land and their service should never be forgotten.

As someone who serves on the House Veterans Affairs Committee, I salute all of our Vietnam Veterans and am proud to co-sponsor this legislation.

Mr. GILMAN. Mr. Speaker, I am in strong support of H.R. 3293, a bill to make an important modification to the Vietnam Veterans Memorial. I urge my colleagues to support this worthy measure.

H.R. 3293 amends the law that established the Vietnam Veterans Memorial by authorizing the placement within the grounds of the memorial of a plaque honoring those Vietnam veterans who died after the war from a direct result of injuries sustained in the conflict. These veterans were not eligible for placement on the memorial wall at the time of its construction.

This legislation directs the American Battle Monuments Commission to consult with the Veterans of the Vietnam Veterans Memorial Fund in deciding where to locate the plaque and further requires that the design, acquiring and placement of the plaque will be completed with private funds.

Mr. Speaker, H.R. 3293 makes a worthy addition to one of the most visited monuments in our Nation's Capital. It is also a fitting tribute to those veterans who served in Vietnam, but due to the timing of their deaths, were not eligible for inclusion in the original memorial.

Accordingly, I urge my colleagues to give their support to this worthwhile piece of legislation.

Mr. BILIRAKIS. Mr. Speaker, I am in strong support of H.R. 3293, which authorizes the placement within the site of the Vietnam Veterans Memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam War, but as a direct result of that service. Establishing a plaque to recognize the efforts of this group of Vietnam veterans is a fitting tribute to the men and women who have sacrificed for their country.

Each year, the Department of Defense adds some names to the Vietnam Veterans Memorial. However, the Department does not recognize many conditions as being service-related, such as Agent Orange exposure and post traumatic stress syndrome. The plaque authorized by H.R. 3293 would honor those whose deaths are not otherwise recognized by the monument.

This year marks the 25th anniversary of the end of the Vietnam War. A plaque honoring those who continued to suffer and die years after the war ended—and their families—is a proper way to mark this anniversary.

I am proud to be an original cosponsor of H.R. 3293 and I urge my colleagues to support this important legislation.

Mr. GARY MILLER of California. Mr. Speaker, I rise on behalf of the families of California's 41st district which continue to grieve over the loss of a loved one who died as a result of serving our Nation in Vietnam.

While the Vietnam Memorial is a commanding monument which demands its observers' attention in a compelling and somber way, it does not recognize the ultimate sacrifice made by many of our soldiers. Although numerous men and women returned home, for some, the battle did not end. Many lives were destroyed by cancer as a result of exposure to Agent Orange. For others, the battles raged on nightly in the form of terrible, extremely stressful dreams that were inescapable.

These service men and women should be remembered alongside their colleagues on the mall. With Memorial Day quickly approaching, I urge you to support this measure. While it is simple in nature—just a plaque—it speaks volumes about our respect for these soldiers.

Mr. GALLEGLY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and pass the bill, H.R. 3293, as amended.

The question was taken.

Mr. GALLEGLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## LONG-TERM CARE SECURITY ACT

Mr. SCARBOROUGH. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 4040) to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4040

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Long-Term Care Security Act''.

**SEC. 2. LONG-TERM CARE INSURANCE.**

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

**''CHAPTER 90—LONG-TERM CARE INSURANCE**

''Sec.
''9001. Definitions.
''9002. Availability of insurance.
''9003. Contracting authority.
''9004. Financing.
''9005. Preemption.
''9006. Studies, reports, and audits.
''9007. Jurisdiction of courts.
''9008. Administrative functions.
''9009. Cost accounting standards.

**''§ 9001. Definitions**

For purposes of this chapter:

''(1) EMPLOYEE.—The term 'employee' means—

''(A) an employee as defined by section 8901(1); and

''(B) an individual described in section 2105(e);

but does not include an individual employed by the government of the District of Columbia.

''(2) ANNUITANT.—The term 'annuitant' has the meaning such term would have under paragraph (3) of section 8901 if, for purposes of such paragraph, the term 'employee' were considered to have the meaning given to it under paragraph (1) of this subsection.

''(3) MEMBER OF THE UNIFORMED SERVICES.—The term 'member of the uniformed services' means a member of the uniformed services, other than a retired member of the uniformed services, who is—

''(A) on active duty or full-time National Guard duty for a period of more than 30 days; and

''(B) a member of the Selected Reserve.

''(4) RETIRED MEMBER OF THE UNIFORMED SERVICES.—The term 'retired member of the uniformed services' means a member or former member of the uniformed services entitled to retired or retainer pay, including a member or former member retired under chapter 1223 of title 10 who has attained the age of 60 and who satisfies such eligibility requirements as the Office of Personnel Management prescribes under section 9008.

''(5) QUALIFIED RELATIVE.—The term 'qualified relative' means each of the following:

''(A) The spouse of an individual described in paragraph (1), (2), (3), or (4).

''(B) A parent, stepparent, or parent-in-law of an individual described in paragraph (1) or (3).

''(C) A child (including an adopted child, a stepchild, or, to the extent the Office of Personnel Management by regulation provides, a foster child) of an individual described in paragraph (1), (2), (3), or (4), if such child is at least 18 years of age.

''(D) An individual having such other relationship to an individual described in paragraph (1), (2), (3), or (4) as the Office may by regulation prescribe.

''(6) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' refers to an individual described in paragraph (1), (2), (3), (4), or (5).

''(7) QUALIFIED CARRIER.—The term 'qualified carrier' means an insurance company (or consortium of insurance companies) that is licensed to issue long-term care insurance in all States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

''(8) STATE.—The term 'State' includes the District of Columbia.

''(9) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—The term 'qualified long-term care insurance contract' has the meaning given such term by section 7702B of the Internal Revenue Code of 1986.

''(10) APPROPRIATE SECRETARY.—The term 'appropriate Secretary' means—

''(A) except as otherwise provided in this paragraph, the Secretary of Defense;

''(B) with respect to the Coast Guard when it is not operating as a service of the Navy, the Secretary of Transportation;

''(C) with respect to the commissioned corps of the National Oceanic and Atmospheric Administration, the Secretary of Commerce; and

''(D) with respect to the commissioned corps of the Public Health Service, the Secretary of Health and Human Services.

**''§ 9002. Availability of insurance**

''(a) IN GENERAL.—The Office of Personnel Management shall establish and, in consultation with the appropriate Secretaries, administer a program through which an individual described in paragraph (1), (2), (3), (4), or (5) of section 9001 may obtain long-term care insurance coverage under this chapter for such individual.

''(b) GENERAL REQUIREMENTS.—Long-term care insurance may not be offered under this chapter unless—

''(1) the only coverage provided is under qualified long-term care insurance contracts; and

''(2) each insurance contract under which any such coverage is provided is issued by a qualified carrier.

''(c) DOCUMENTATION REQUIREMENT.—As a condition for obtaining long-term care insurance coverage under this chapter based on one's status as a qualified relative, an applicant shall provide documentation to demonstrate the relationship, as prescribed by the Office.

''(d) UNDERWRITING STANDARDS.—

''(1) DISQUALIFYING CONDITION.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be made available in the case of any individual who would be eligible for benefits immediately.

''(2) SPOUSAL PARITY.—For the purpose of underwriting standards, a spouse of an individual described in paragraph (1), (2), (3), or (4) of section 9001 shall, as nearly as practicable, be treated like that individual.

''(3) GUARANTEED ISSUE.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be guaranteed to an eligible individual.

''(4) REQUIREMENT THAT CONTRACT BE FULLY INSURED.—In addition to the requirements otherwise applicable under section 9001(9), in order to be considered a qualified long-term care insurance contract for purposes of this chapter, a contract must be fully insured, whether through reinsurance with other companies or otherwise.

''(5) HIGHER STANDARDS ALLOWABLE.—Nothing in this chapter shall, in the case of an individual applying for long-term care insurance coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of underwriting standards more stringent than those that would have applied if that opportunity had not yet expired.

''(e) GUARANTEED RENEWABILITY.—The benefits and coverage made available to eligible individuals under any insurance contract under this chapter shall be guaranteed renewable (as defined by section 7A(2) of the model regulations described in section 7702B(g)(2) of the Internal Revenue Code of 1986), including the right to have insurance remain in effect so long as premiums continue to be timely made. However, the authority to revise premiums under this chapter shall be available only on a class basis and only to the extent otherwise allowable under section 9003(b).

**''§ 9003. Contracting authority**

''(a) IN GENERAL.—The Office of Personnel Management shall, without regard to section 5 of title 41 or any other statute requiring competitive bidding, contract with 1 or more qualified carriers for a policy or policies of long-term care insurance. The Office shall ensure that each resulting contract (hereinafter in this chapter referred to as a 'master contract') is awarded on the basis of contractor qualifications, price, and reasonable competition.

''(b) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—Each master contract under this chapter shall contain—

''(A) a detailed statement of the benefits offered (including any maximums, limitations, exclusions, and other definitions of benefits);

''(B) the premiums charged (including any limitations or other conditions on their subsequent adjustment);

''(C) the terms of the enrollment period; and

''(D) such other terms and conditions as may be mutually agreed to by the Office and the carrier involved, consistent with the requirements of this chapter.

''(2) PREMIUMS.—Premiums charged under each master contract entered into under this section shall reasonably and equitably reflect the cost of the benefits provided, as determined by the Office. The premiums shall not be adjusted during the term of the contract unless mutually agreed to by the Office and the carrier.

''(3) NONRENEWABILITY.—Master contracts under this chapter may not be made automatically renewable.

''(c) PAYMENT OF REQUIRED BENEFITS; DISPUTE RESOLUTION.—

''(1) IN GENERAL.—Each master contract under this chapter shall require the carrier to agree—

''(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

''(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

''(i) to establish internal procedures designed to expeditiously resolve such disputes; and

''(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the carrier.

''(2) ELIGIBILITY.—A carrier's determination as to whether or not a particular individual is eligible to obtain long-term care insurance coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable master contract.

''(3) OTHER CLAIMS.—For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a carrier and the Office—

''(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

''(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

''(4) RULE OF CONSTRUCTION.—Nothing in this chapter shall be considered to grant authority for the Office or a third-party reviewer to change the terms of any contract under this chapter.

''(d) DURATION.—

''(1) IN GENERAL.—Each master contract under this chapter shall be for a term of 7 years, unless terminated earlier by the Office in accordance with the terms of such contract. However, the rights and responsibilities of the enrolled individual, the insurer, and the Office (or duly designated third-party administrator) under such contract shall continue with respect to such individual until the termination of coverage of the enrolled individual or the effective date of a successor contract thereto.

''(2) EXCEPTION.—

''(A) SHORTER DURATION.—In the case of a master contract entered into before the end of the period described in subparagraph (B), paragraph (1) shall be applied by substituting 'ending on the last day of the 7-year period described in paragraph (2)(B)' for 'of 7 years'.

''(B) DEFINITION.—The period described in this subparagraph is the 7-year period beginning on the earliest date as of which any long-term care insurance coverage under this chapter becomes effective.

''(3) CONGRESSIONAL NOTIFICATION.—No later than 180 days after receiving the second report required under section 9006(c), the President (or his designee) shall submit to the Committees on Government Reform and on Armed Services of the House of Representatives and the Committees on Governmental Affairs and on Armed Services of the Senate, a written recommendation as to whether the program under this chapter should be continued without modification, terminated, or restructured. During the 180-day period following the date on which the President (or his designee) submits the recommendation required under the preceding sentence, the Office of Personnel Management may not take any steps to rebid or otherwise contract for any coverage to be available at any time following the expiration of the 7-year period described in paragraph (2)(B).

''(4) FULL PORTABILITY.—Each master contract under this chapter shall include such provisions as may be necessary to ensure that, once an individual becomes duly enrolled, long-term care insurance coverage obtained by such individual pursuant to that enrollment shall not be terminated due to any change in status (such as separation from Government service or the uniformed services) or ceasing to meet the requirements for being considered a qualified relative (whether as a result of dissolution of marriage or otherwise).

**''§ 9004. Financing**

''(a) IN GENERAL.—Each eligible individual obtaining long-term care insurance coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

''(b) WITHHOLDINGS.—

''(1) IN GENERAL.—The amount necessary to pay the premiums for enrollment may—

''(A) in the case of an employee, be withheld from the pay of such employee;

''(B) in the case of an annuitant, be withheld from the annuity of such annuitant;

''(C) in the case of a member of the uniformed services described in section 9001(3), be withheld from the pay of such member; and

''(D) in the case of a retired member of the uniformed services described in section 9001(4), be withheld from the retired pay or retainer pay payable to such member.

''(2) VOLUNTARY WITHHOLDINGS FOR QUALIFIED RELATIVES.—Withholdings to pay the premiums for enrollment of a qualified relative may, upon election of the appropriate eligible individual (described in section 9001(1)–(4)), be withheld under paragraph (1) to the same extent and in the same manner as if enrollment were for such individual.

''(c) DIRECT PAYMENTS.—All amounts withheld under this section shall be paid directly to the carrier.

''(d) OTHER FORMS OF PAYMENT.—Any enrollee who does not elect to have premiums withheld under subsection (b) or whose pay, annuity, or retired or retainer pay (as referred to in subsection (b)(1)) is insufficient to cover the withholding required for enrollment (or who is not receiving any regular amounts from the Government, as referred to in subsection (b)(1), from which any such withholdings may be made, and whose premiums are not otherwise being provided for under subsection (b)(2)) shall pay an amount equal to the full amount of those charges directly to the carrier.

''(e) SEPARATE ACCOUNTING REQUIREMENT.—Each carrier participating under this chapter shall maintain records that permit it to account for all amounts received under this chapter (including investment earnings on those amounts) separate and apart from all other funds.

''(f) REIMBURSEMENTS.—

''(1) REASONABLE INITIAL COSTS.—

''(A) IN GENERAL.—The Employees' Life Insurance Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office of Personnel Management in administering this chapter before the start of the 7-year period described in section 9003(d)(2)(B), including reasonable implementation costs.

''(B) REIMBURSEMENT REQUIREMENT.—Such Fund shall be reimbursed, before the end of the first year of that 7-year period, for all amounts obligated or expended under subparagraph (A) (including lost investment income). Such reimbursement shall be made by carriers, on a pro rata basis, in accordance with appropriate provisions which shall be included in master contracts under this chapter.

''(2) SUBSEQUENT COSTS.—

''(A) IN GENERAL.—There is hereby established in the Employees' Life Insurance Fund a Long-Term Care Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the 7-year period described in section 9003(d)(2)(B).

''(B) REIMBURSEMENT REQUIREMENT.—Each master contract under this chapter shall include appropriate provisions under which the carrier involved shall, during each year, make such periodic contributions to the Long-Term Care Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year (adjusted to reconcile for any earlier overestimates or underestimates under this subparagraph) are defrayed.

**''§ 9005. Preemption**

''The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to long-term care insurance or contracts.

**''§ 9006. Studies, reports, and audits**

''(a) PROVISIONS RELATING TO CARRIERS.—Each master contract under this chapter shall contain provisions requiring the carrier—

''(1) to furnish such reasonable reports as the Office of Personnel Management determines to be necessary to enable it to carry out its functions under this chapter; and

''(2) to permit the Office and representatives of the General Accounting Office to examine such records of the carrier as may be necessary to carry out the purposes of this chapter.

''(b) PROVISIONS RELATING TO FEDERAL AGENCIES.—Each Federal agency shall keep such records, make such certifications, and furnish the Office, the carrier, or both, with such information and reports as the Office may require.

''(c) REPORTS BY THE GENERAL ACCOUNTING OFFICE.—The General Accounting Office shall prepare and submit to the President, the Office of Personnel Management, and each House of Congress, before the end of the third and fifth years during which the program under this chapter is in effect, a written report evaluating such program. Each such report shall include an analysis of the competitiveness of the program, as compared to both group and individual coverage generally available to individuals in the private insurance market. The Office shall cooperate with the General Accounting Office to provide periodic evaluations of the program.

**''§ 9007. Jurisdiction of courts**

''The district courts of the United States have original jurisdiction of a civil action or claim described in paragraph (1) or (2) of section 9003(c), after such administrative remedies as required under such paragraph (1) or (2) (as applicable) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

**''§ 9008. Administrative functions**

''(a) IN GENERAL.—The Office of Personnel Management shall prescribe regulations necessary to carry out this chapter.

''(b) ENROLLMENT PERIODS.—The Office shall provide for periodic coordinated enrollment, promotion, and education efforts in consultation with the carriers.

''(c) CONSULTATION.—Any regulations necessary to effect the application and operation of this chapter with respect to an eligible individual described in paragraph (3) or (4) of section 9001, or a qualified relative thereof, shall be prescribed by the Office in consultation with the appropriate Secretary.

''(d) INFORMED DECISIONMAKING.—The Office shall ensure that each eligible individual applying for long-term care insurance under this chapter is furnished the information necessary to enable that individual to evaluate the advantages and disadvantages of obtaining long-term care insurance under this chapter, including the following:

''(1) The principal long-term care benefits and coverage available under this chapter, and how those benefits and coverage compare to the range of long-term care benefits and coverage otherwise generally available.

''(2) Representative examples of the cost of long-term care, and the sufficiency of the

benefits available under this chapter relative to those costs. The information under this paragraph shall also include—

''(A) the projected effect of inflation on the value of those benefits; and

''(B) a comparison of the inflation-adjusted value of those benefits to the projected future costs of long-term care.

''(3) Any rights individuals under this chapter may have to cancel coverage, and to receive a total or partial refund of premiums. The information under this paragraph shall also include—

''(A) the projected number or percentage of individuals likely to fail to maintain their coverage (determined based on lapse rates experienced under similar group long-term care insurance programs and, when available, this chapter); and

''(B)(i) a summary description of how and when premiums for long-term care insurance under this chapter may be raised;

''(ii) the premium history during the last 10 years for each qualified carrier offering long-term care insurance under this chapter; and

''(iii) if cost increases are anticipated, the projected premiums for a typical insured individual at various ages.

''(4) The advantages and disadvantages of long-term care insurance generally, relative to other means of accumulating or otherwise acquiring the assets that may be needed to meet the costs of long-term care, such as through tax-qualified retirement programs or other investment vehicles.

**''§ 9009. Cost accounting standards**

''The cost accounting standards issued pursuant to section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) shall not apply with respect to a long-term care insurance contract under this chapter.''.

(b) CONFORMING AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by adding at the end of subpart G the following:

''90. Long-Term Care Insurance ... 9001.''.

**SEC. 3. EFFECTIVE DATE.**

The Office of Personnel Management shall take such measures as may be necessary to ensure that long-term care insurance coverage under title 5, United States Code, as amended by this Act, may be obtained in time to take effect not later than the first day of the first applicable pay period of the first fiscal year which begins after the end of the 18-month period beginning on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SCARBOROUGH).

GENERAL LEAVE

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 4040.

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

There was no objection.

Mr. SCARBOROUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Long-Term Care Security Act that we are considering today is a consensus bill. It is reflective of the hard work and dedication of Members on both sides of the aisle.

I want to begin by thanking my distinguished ranking member, the gentleman from Maryland (Mr. CUMMINGS), for his continued hard work and cooperation through this process. I also appreciate the leadership of my predecessor as chairman of this subcommittee, the gentleman from Florida (Mr. MICA). The gentleman from Florida (Mr. MICA) initiated the subcommittee's examination of long-term care, introducing the first long-term care bill during last Congress.

The gentlewoman from Maryland (Mrs. MORELLA) has also worked hard to create a long-term care insurance program for Federal employees and retirees. And I would also like to thank the chairman of the committee, the gentleman from Indiana (Mr. BURTON), and the ranking member, the gentleman from California (Mr. WAXMAN), for their support and hard work on this bill, and so many others, Mr. Speaker, including just everybody on the subcommittee, who really have done so much to make this work.

As chairman of the subcommittee, long-term care insurance has been my top priority. During this Congress the subcommittee held three hearings on long-term care which demonstrated the importance of long-term care insurance. Longer life spans are leading to a rise in the number of Americans who are likely to need some form of long-term care, which today can cost as much as $50,000 a year. By 2030, the American Council of Life Insurers estimates that a year in a nursing home will cost as much as $190,000. Mr. Speaker, few Federal employees would be able to bear these costs without liquidating everything that they have worked so long for.

Long-term care insurance will help Federal workers plan for this risk while protecting themselves and their loved ones of the indignities of the Medicaid spend-down process that so many have to go through right now. Under the Long-Term Care Security Act, Federal employees, members of the uniformed services, and both civilian and military retirees may purchase long-term care insurance sponsored by their employer.

As one of the Nation's largest employers, the success of our program will undoubtedly influence other employers across this land. Just as we are following the lead of many private employers who offer this benefit to their workforces today, I really believe that other companies are likely to follow the government's lead and offer their own employees this very important protection.

□ 1200

This legislation will allow insurance carriers and the Office of Personnel Management to design flexible benefit packages to satisfy the widely varying needs of our diverse population. Employees, members of the uniformed services, and retirees will also have the opportunity to obtain long-term care insurance for their spouses, their children, and other close relatives.

We expect competition between the carriers in the bidding process to keep premiums affordable for the entire Federal community. And that is important.

Coupled with less stringent underwriting requirements for those who enroll at their first opportunity, reasonable premiums should encourage many employees to purchase long-term care insurance.

Ultimately, the success of our collective efforts will be measured by the number of employees who buy insurance under this program. That is why this bill provides for close Congressional scrutiny as the program develops. Congress will receive periodic reports from the General Accounting Office and the Office of Personnel Management. The subcommittee will carefully monitor the implementation of this program to ensure that it offers high quality coverage at very competitive premiums.

Mr. Speaker, I encourage all Members to support this very, very important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from Florida (Chairman SCARBOROUGH) and the gentleman from California (Mr. WAXMAN), the gentleman from Maine (Mr. ALLEN), the gentleman from Florida (Mr. MICA) and the gentlewoman from Maryland (Mrs. MORELLA) for working diligently to bring this bipartisan bill to fruition.

And another one of our Members, the gentlewoman from the District of Columbia (Ms. NORTON), has worked so hard on this legislation.

Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from Washington, D.C. (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for his kindness in yielding to me. I have an appointment off campus, and I appreciate his interrupting his opening remarks to yield to me.

Mr. Speaker, I want to thank the gentleman from Florida (Chairman SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS), the ranking member, because we have been working on this bill for 3 years, but this chairman and ranking member have brought this to fruition. There will be millions of Americans not only who work for the Federal workforce, but who see this leadership by example who will benefit by their leadership here.

I want to thank the gentleman from Indiana (Chairman BURTON) and the gentleman from California (Mr. WAXMAN) for coming together. This is a true bipartisan effort because the administration has been struggling for this, as well. What happened was that the three parties got together, the administration, the majority and minority, and we have an important breakthrough bill here.

Mr. Speaker, there has been lots of concern on both sides of the aisle about prescription drugs. And while there might be, long-term care is the real sleeper. It is the nuclear bomb of health care because of the baby boom generation and what they are going to bring to the health care system.

To be sure, 40 million Americans are without health care at all. And if that many do not have basic health care, imagine where the average American stands on long-term health care. People are living longer. The need for long-term health care is as plain as the nose on our faces. This bill is, therefore, major for its implications for the entire country.

In providing no Federal contribution, this bill breaks with precedent. And I do regret that, because the Federal workforce has indeed always made some contribution. But given the cost and what it would mean to get that contribution and the importance of this bill, I believe we have done the right thing in coming forward, particularly since the group coverage means that employees will get a 15- to 20-percent discount and, therefore, will be able very often to afford this health care.

Mr. Speaker, we have a huge workforce. What this bill does is to use the size of that workforce to advantage in the marketplace to bring long-term health care to the largest workforce in the United States.

The effect on the largest population in the United States, the baby boomers, is going to be especially dramatic because their health care presents the greatest challenge to us all.

What this bill does, very simply, is to prevent the spend-down of resources so that people then go on Medicaid. That is what happens now to middle-class Americans, they spend down everything they have; and then we end up picking up the cost.

That is not what the average American wants to do. Affordable access to long-term health care will keep that from happening.

Mr. Speaker, finally, I point to a series in The Washington Post this week. Every Member should read that series, because what it talks about is the depletion of the workforce with no replacements of any numbers coming in.

The glamor of the private sector today, it used to be the public sector that was glamorous, but it is the private sector now, not to mention the high-tech sector, means that they are going everywhere, but the Federal sector, this is the kind of benefit that can help us draw badly needed workers to the Federal workforce.

I am particularly grateful to the chairman and the ranking member for their work together that brought this moment to the House.

Mr. SCARBOROUGH. Mr. Speaker, I yield myself such time as I may consume to thank the gentlewoman for her kind remarks. The hard work, really, that she and her staff contributed to this process made a huge difference.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA) who, as I said previously, had a huge impact on this debate, along with the gentleman from Florida (Mr. MICA) and others that have been fighting for it for some time.

Mrs. MORELLA. Mr. Speaker, I certainly thank the gentleman for yielding me the time.

Mr. Speaker, I must say I am thrilled that this bill is on the floor of the House of Representatives. I think it is a very important issue. I join my colleagues in supporting this legislation to provide group long-term care insurance for Federal employees and annuitants, active and retired military personnel, and their families. That means a policy of, like, 20 million people.

It is critical that we pass this legislation. It takes an important step in helping our Nation's families cope with the enormous financial burden of long-term care. This bill, in its inception, has had long-term care because we have been working on it for some time, and it was for more than a year and a half that I led Congressional efforts to make long-term care group insurance more accessible and more affordable.

The legislation we are considering today, I am pleased to say, is really pretty much a template of the bill I introduced, H.R. 1111, the Federal Civilian and Uniformed Services Long-Term Care Insurance Act of 1999.

I do want to thank the 152 bipartisan cosponsors of that bill that was introduced on March 16, 1999, and ask that they support H.R. 4040.

I also want to extend my gratitude and thanks to the many organizations who played an essential role in devising the framework for this legislation.

First of all, Dan Adcock of the National Association of Retired Federal Employees was instrumental in guiding us every step of the way, as was Allen Lopatin, Frank Rohrbough of the Retired Officers Association, Cynthia Brock-Smith, Frank Titus, and Abby Block at the Office of Personnel Management also contributed; and the Alzheimer's Association, the Committee to Preserve Social Security and Medicare, the American Health Care Association, and the National Association of Uniformed Services. They all helped in developing this legislation before us.

Until recently, my legislation was the only bill in the House that would make long-term care insurance available at group rates to active and retired Federal and military personnel, foreign service officers and their families at no cost to the Government.

Indeed, now more than ever, Americans must take a long hard look at the way we finance the future health care needs of the Nation's seniors. The average senior turning 65 today can expect to live nearly 20 more years, maybe even more; and nearly one-fourth of them will require nursing facility care at some point.

Simply put, longer lives increase the likelihood of long-term care. This bill provides consumer protections. It also offers a series of choices. So it is good legislation.

When the need for long-term care occurs, the financial and emotional impact can be devastating. Promoting this coverage will help to ease the pressure on Federal entitlement spending while protecting the assets of our Federal families. I also see this as a national model that the private sector may tend to look at and emulate.

So I urge my colleagues to support this very important legislation.

I also want to thank the staff who have been involved in putting this legislation together.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to debate consensus legislation that would provide long-term care insurance as a benefit package for Federal employees.

I do pause again to thank the gentleman from Indiana (Mr. BURTON), the chairman of our committee, and the gentleman from California (Mr. WAXMAN), our ranking member, and certainly the gentleman from Florida (Mr. SCARBOROUGH), the chairman of the subcommittee, and all the members of our committee for making this happen.

During the 105th Congress, several bills were introduced in the House and Senate that would establish a long-term care insurance benefit for Federal employees.

A little over a year ago on, January 6, 1999, I introduced H.R. 110, the Federal Employees Group Long-term Care Insurance Act of 1999. H.R. 110 is the Federal employee portion of the administration's four-pronged initiative to help families who need long-term care insurance.

It provided a framework for implementing a long-term care program. It authorized the Office of Personnel Management to purchase group insurance policies from qualified private sector contractors, thereby making long-term care insurance more available to Federal employees, Federal retirees, and family families at more affordable group rates.

The gentlewoman from Maryland (Mrs. MORELLA) introduced long-term care legislation which provided a framework similar to that proposed in H.R. 110, but extended coverage to active military personnel retirees and their families.

The gentleman from Florida (Chairman SCARBOROUGH) introduced H.R. 602, which was previously introduced by the gentleman from Florida (Mr. MICA), the former chairman in the 105th Congress.

Though H.R. 602 provided a framework which allowed numerous insurance companies to sell long-term insurance policies to Federal employees, it further extended coverage to children, including adopted children, stepchildren, and stepparents.

To his credit, the gentleman from Florida (Chairman SCARBOROUGH) introduced a true bipartisan consensus

long-term care bill that reflects the hard work of this subcommittee over the past year and a half on this issue.

Hours of research and collaboration with the administration, the insurance industry, and employee organizations have resulted in the introduction of H.R. 4040, the Long-Term Care Security Act.

H.R. 4040 includes elements of all of the previously mentioned bills and adds a provision for spousal parity negotiated by ranking minority member, the gentleman from California (Mr. WAXMAN).

I am pleased that the framework proposed in H.R. 110, allowing OPM to contract with a single carrier or consortia to provide long-term care insurance to Federal employees and permitting OPM to negotiate premiums and benefits on behalf of Federal employees, is adopted in H.R. 4040.

This employer group model will allow Federal employees to realize from 15- to 20-percent in premium savings. And I emphasize that, 15 to 20 percent.

Due to the gentlewoman from Maryland (Mrs. MORELLA), coverage has been extended to the uniformed services in the bill. Blended families can thank the gentleman from Florida (Chairman SCARBOROUGH) for having the foresight to extend coverage to adopted children, stepchildren and stepparents.

To ensure the financial solvency of the marital unit, the gentleman from California (Mr. WAXMAN), the ranking member, negotiated a provision in the act that would provide the spouses of Federal employees with the same, if not very similar, underwriting standards as at-work Federal employees.

The enhanced underwriting for spouses would protect the assets of the couple by making it easier for spouses to qualify for participation in the program.

During the Subcommittee on Civil Service markup, the gentleman from California (Mr. WAXMAN) offered an amendment that further improved the bill by including a section that provides that OPM furnish employees information on the average cost of nursing home care to the percentage of individuals who failed to maintain their coverage, the need for inflation protection and a summary of how long-term care premiums can be raised.

I was pleased to support his amendment, which was unanimously agreed to.

Private long-term care insurance provides one of the few available mechanisms for individuals to protect themselves against the catastrophic costs of long-term care. In addition, it provides alternatives to the type of care we receive when we need assistance with our personal care and other activities of daily living.

□ 1215

Whether enrollees choose the type of care that will allow them to ''age in place,'' which will allow them to stay at home with their loved ones, community-based care, or nursing home care, they will be protected when they need it the most.

I am pleased to be a part of this effort to bring long-term care insurance to Federal employees. Again I commend all the Members for their contribution to this bipartisan effort. In the end, civil servants who work diligently for the citizenry of this great country will benefit. As we take this action today, I am reminded of the discussion that took place in a hearing in Jacksonville, Florida, when we saw numerous people come forward and talk about the problems that they were experiencing not only taking care of their children but taking care of their parents. I know that their hearts must be glad today.

At the minimum, the implementation of a long-term care benefit program by the Federal Government will challenge Federal employees to think about how they are going to finance and live out their elder years, something we should all be thinking about.

Mr. Speaker, I reserve the balance of my time.

Mr. SCARBOROUGH. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Maryland again for his hard work at our field hearings up in Baltimore, for his hard work in Jacksonville, and for the kind words that both he and the gentlewoman from the District of Columbia (Ms. NORTON) have said today. He is right, this is a consensus bill. We have brought the best of all bills together. I thank him. We could not have done it without him.

Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, as a proponent and author of legislation designed to encourage the purchase of private long-term care insurance in general, I commend the Subcommittee on Civil Service chairman, the gentleman from Florida, for his hard work on this issue and also the gentleman from Maryland, the ranking member. I would also like to recognize the third part of that triumvirate, the gentlewoman from Maryland (Mrs. MORELLA), for her longstanding commitment to providing access to private long-term care for Federal employees.

The Federal Employees Health Benefits Plan has long been held up as a model of health care delivery. It is really the best in the country. By providing all Federal employees access to private long-term care insurance, we are taking an important step toward recognizing the financial risks posed by long-term care and the need to plan for it.

The Long Term Care Security Act that we are debating today, sets an example and encourages non-governmental employers to offer similar benefit options to their employees.

Medicare does not pay for long-term care and seniors are forced, as we all know, to spend down their assets to qualify for Medicaid, which provides $33 billion in long-term care services each year for those who have few resources. This has serious financial repercussions for retirees and taxpayers who ultimately pay for long-term care assistance through public programs. As the baby boom generation retires, the purchase of private long-term care insurance is crucial to ease the financial strain on public resources.

Mr. Speaker, I strongly support the Long Term Care Security Act, and thank all of those who were involved in bringing this important legislation to the floor. I would naturally urge all my colleagues on both sides of the aisle to support it.

Again I thank the gentleman from Florida (Mr. SCARBOROUGH), the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, it is my privilege to yield 4 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform and one who has really played a very instrumental role in bringing us to where we are today. In introducing him, I also thank him for all that he has done to put this on the front burner and to bring us to where we are today.

Mr. WAXMAN. I thank the gentleman very much for yielding time to me. I also am grateful for the kind words that he has said about me.

Mr. Speaker, I rise in support of H.R. 4040, the Long Term Care Security Act, and I want to commend the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS) for their work in producing a truly bipartisan bill.

The need for long-term care affects us all. Those who need long-term care are our parents, our spouses, and inevitably ourselves. Many Americans have already dealt personally with a loved one in need of home or nursing home care. Many Americans have had the experience of trying to find services and to arrange for payment. Most people know that such care is hard to get and even harder to pay for.

I support offering long-term care insurance as a benefit option to Federal employees. However, I also know that this is a product that can be misunderstood. When the Federal Government offers this option, it has a responsibility to ensure that Federal employees have the information necessary to make an informed choice.

Mr. Speaker, I am especially pleased that a number of issues I raised were addressed in this legislation. I want to commend the gentleman from Florida for his willingness to work with us to ensure that these issues were addressed.

The first issue of concern to me was that of spousal parity. I believe that spouses should be treated like Federal employees. The purpose of long-term care insurance is to protect the assets

of the insured when they are incapacitated. If one spouse has long-term care insurance and the other does not, the couple's financial assets as a family unit are at risk. For this reason, I am pleased that this bill includes a provision on spousal parity.

Second, I believe that long-term care insurance should be available to everyone who needs it. Underwriting standards for employees and their spouses should be as minimal as possible. If we weed out through underwriting everyone who is likely to need long-term care, we will have failed to help those who most need help. For this reason, it was important to me to learn from OPM that their goal is to offer insurance on a modified guaranteed issue basis which would allow any Federal employee who is not immediately eligible for benefits to purchase long-term care insurance. Their goal is also to apply these same standards to spouses if possible.

My final concern, which was addressed in an amendment that I offered and was approved during the subcommittee markup, was to ensure that Federal employees are fully informed about the advantages and disadvantages of long-term care insurance.

Long-term care insurance is a complicated product. For some it is a good way to save for the future but for others it can have serious drawbacks. Furthermore, the benefits of policies vary considerably in terms of duration of coverage, per diem allowances and other features such as inflation protection. Without adequate inflation protection, a long-term care policyholder may find that the benefits have simply eroded.

Consumers do need to be aware of the consequences of dropping their policies. Many consumer protections are options, not part of a basic package. I am pleased this legislation requires that OPM provide employees with information on all these important aspects so they can make an informed decision.

Long-term care insurance is a relatively new product and it has a limited track record. If the Federal Government begins offering long-term care insurance, I believe it has a special responsibility to set high standards for informing consumers.

Again I want to compliment the chairman of the Subcommittee on Civil Service of the Committee on Government Reform and the subcommittee's ranking minority member, the gentleman from Maryland, for their leadership on this issue. I urge my colleagues to support the bill.

Mr. SCARBOROUGH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I am pleased today to rise in strong support of H.R. 4040, the Long-Term Care Security Act, introduced by the gentleman from Florida (Mr. SCARBOROUGH). I would like to thank the gentleman from Florida for his attention to this important issue as well as recognizing another committee colleague the gentlewoman from Maryland (Mrs. MORELLA) for her extensive efforts in developing similar legislation on this subject and the assistance of the gentleman from Maryland (Mr. CUMMINGS) in bringing this measure to the floor at this time.

Finding quality long-term care options is fast becoming a major issue of concern for our Nation's seniors. Revolutionary advances in medicine over the past decade have helped to greatly expand our senior population as well as offering those individuals improvements in their quality of life. These trends will continue over the next 25 years as the baby boomer generation enters their retirement days and our medical community continues to develop new products to offset or eliminate problems common to our elderly population.

This legislation takes an important first step in addressing this growing challenge that faces our aging population. By giving Federal employees the opportunity to purchase a long-term care insurance policy, this bill encourages those employees to make plans for their future medical needs while they are still young and can take advantage of lower premiums. Such policies will protect employees from the catastrophically high costs associated with long-term care provision which could become necessary due to accident or illness at any time.

Accordingly, I urge our colleagues to give their full support to this worthy piece of legislation.

Mr. CUMMINGS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maine (Mr. ALLEN), who is also a member of the Subcommittee on Civil Service and one who has worked very hard on this legislation and has constantly done everything that he can to uplift the lives of our Federal employees.

Mr. ALLEN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 4040, the Long-Term Care Security Act. The bill before us today is the product of bipartisan cooperation. I applaud the efforts of the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS) in bringing it to the floor today.

As the baby boom generation ages, the need for long-term care will become acute. For example, the average cost of nursing home care is expected to double in the next 30 years. We cannot expect Medicare or Medicaid to absorb such costs and still pay reasonable benefits for acute care needs. It is therefore essential that individuals begin to plan for an almost certain increase in health care costs in their later years.

To plan for their retirement needs, younger employees need information about long-term care insurance and access to private sector insurance plans through their employers. The private sector must be involved in planning for employees' long-term care needs.

H.R. 4040 allows the Federal Government to act as a responsible employer by offering its employees the opportunity to acquire group long-term care insurance with no significant cost to the taxpayer. Under the provisions in this bill, long-term care insurance will be made available to all Federal workers, military service members and retirees at group rates. Employees will pay the full cost of the premium but have the advantage of a reduced rate. I hope that the example set by the Federal Government will encourage all employers to offer group long-term care insurance to their employees. This program has the potential to create a national model for long-term care insurance and for retirement planning.

I again want to thank the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from Maryland (Mr. CUMMINGS), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN) for all their hard work in bringing this legislation forward. H.R. 4040 is an example of the kind of work this House can do when we act in a fair and bipartisan manner. I thank them for their leadership and urge the swift passage of this bill.

Mr. CUMMINGS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER). He has certainly been a mentor to me, particularly with regard to the issues affecting Federal employees and has consistently been at the forefront of the fight to make sure that their rights and privileges are upheld and expanded.

Mr. HOYER. Mr. Speaker, I want to thank my friend the distinguished ranking member from Baltimore for his remarks. I also want to thank him for his outstanding service on this subcommittee. He brings a perspective that is critical to the subcommittee and his leadership I think will redound to the benefit of Federal employees for years to come. I thank him for all his work and leadership.

I also want to thank the gentleman from Florida. The gentleman from Florida brings, in my opinion, a new perspective to the chairmanship of this subcommittee, a perspective that is a positive one and I too think that that will also redound to the benefit of Federal employees. And so I thank him for his leadership and service on this committee.

□ 1230

Mr. Speaker, this measure before us would allow activity and retired Federal employees, military personnel and their spouses to purchase long-term care insurance as a group.

I do not see her here on the floor, but I wanted to make some comments as well about my colleague, the gentlewoman from Maryland (Mrs. MORELLA).

She has played a critical role in the formulation of this particular piece of legislation that is important to Federal employees and she has an appreciation for the long-term care costs and the challenges that families face. I want to congratulate her for her efforts.

The advantages of pooling, Mr. Speaker, incorporated in this bill for the Federal workforce is significant. The Office of Personnel Management estimates that using the leverage of a risk pool this size could drive down the costs of insurance as much as 15 percent to 20 percent. My colleagues often hear me say that it is incumbent on the Federal Government to be a model employer, whether it be in pay, benefits or diversity, I think that it is critical that the Federal Government be a standard for other employers to emulate.

Mr. Speaker, hopefully, other employers will follow our lead in this legislation and start providing this benefit because it makes such a difference and is such an important area.

In the Washington metropolitan area, Mr. Speaker, the costs of long-term care can exceed $50,000 per year, average at least $3,000 to $3,500 a year, well beyond the means of almost every family; I do not mean poor families, almost every family will find this cost too much for them.

This bill gives families some measure of security, and I urge all of my colleagues to support it.

Mr. Speaker, once again, I thank the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from Maryland (Mr. CUMMINGS), the gentlewoman from Maryland (Mrs. MORELLA), and others who have worked so hard to bring this matter to the floor.

Mr. Speaker, I thank my distinguished friend for yielding me the time.

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from Maryland for his kind words and his hard work for Federal employees.

Mr. Speaker, I do not have any more speakers. I will defer to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, may I inquire as to how much time we have?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Maryland (Mr. CUMMINGS) has 1 minute.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to take a moment to, again, emphasize that sometimes I think we need to take a look at what we do and put it in some historical perspective, and it is no question that what we are doing here today will affect Federal employees and their families for years to come and will affect generations actually yet unborn, because it will allow those Federal employees who have parents where they are now trying to help their parents and help their children to be able to afford to help their parents and take good care of their children.

It does have some real long-term effect, but the fact is, as the gentleman from Maryland (Mr. HOYER), who said it best when he said that it is truly a bipartisan effort, all of us coming together, addressing the things that we have in common, and what we have in common is lifting our people and making their lives better.

Mr. Speaker, again, I want to thank the gentleman from Florida (Mr. SCARBOROUGH), thank all of the staff. I want to thank Ms. Tania Shand on behalf of my staff who has worked very, very hard on bringing this legislation to us today.

Mr. Speaker, with that, I urge all the Members of the House to support this legislation.

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

Mr. SCARBOROUGH. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman from Florida has 7½ minutes remaining.

Mr. SCARBOROUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI), as long as he is not the only Member to come to the floor in opposition of this wonderful bill.

Mr. BALDACCI. Mr. Speaker, I thank the gentleman from Florida (Mr. SCARBOROUGH) for yielding me the 2 minutes.

Mr. Speaker, I want to compliment the gentleman for his hard work and that of the subcommittee and the ranking member, the gentleman from Maryland (Mr. CUMMINGS), because this legislation is very important to retirees, but I also think it is very important to everybody else, because the plan with this was to get this going among retirees, Federal retirees, but also to be able to demonstrate and educate and offer information to the general public at large so that we could begin to expand this program.

Mr. Speaker, we look at this as a beginning, a good beginning, and I compliment the gentleman from Florida (Mr. SCARBOROUGH) and his staff and the minority Members and the ranking member, the gentleman from Maryland (Mr. CUMMINGS) and his staff for doing a terrific job in working on this.

Mr. Speaker, I appreciate being able to work on it with the gentleman and to be able to bring this piece of legislation, which I encourage all Members to support.

I strongly support the hard work and legislative effort of the chairman of the subcommittee, the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Maine (Mr. BALDACCI) for his kind words. And, again, I thank the gentleman from Maryland (Mr. CUMMINGS) and all of those that have worked together to make passage of this bill possible.

Mr. Speaker, under our current health care system, access to long-term care services in the home and communities is influenced not just by one's health status, but by their location, economic situation and the availability of family support.

A recent study of American Council of Life Insurers highlighted the need for private long-term care insurance. The study found that baby boomers' chances of ending their lives in a nursing home are far higher than most imagined, and the costs are projected to quadruple by the year 2030.

Mr. Speaker, for middle-income families, the likelihood of receiving government funded care at home or in an assisted living facility is likely to remain small.

Federal employees who plan ahead for their long-term care needs can potentially postpone or avoid institutionalization. If a substantial number of baby boomers purchase long-term care insurance now, consumer out-of-pocket costs for services such as home health care and adult daycare can be cut in half by 2030.

Encouraging Federal employees and others to buy private long-term care insurance is also a winner for taxpayers. Adequate insurance will allow more Americans likely to be able to live at home during their last years as most would prefer to do.

With private insurance strengthening family support systems, savings in Medicaid nursing home expenditures could reach up to 30 percent.

Since introducing my original bill, I have conducted a continuing dialogue with the minority, the industry organizations representing civilian and military retirees and military families and the administration.

I am very pleased that all of our efforts have resulted in this consensus product.

I am also pleased, Mr. Speaker, that this bill will supplement other steps this House has taken to bring peace of mind to many Americans by making their long-term care insurance more affordable.

Already this House has passed legislation to provide an above-the-line deduction for long-term care premiums and to allow employers to offer long-term care insurance through cafeteria plans. Today's bill is one more step in our overall effort to provide Americans with peace of mind about their future needs, and I urge all members to lend their support.

Mr. WELDON of Florida. Mr. Speaker, as a cosponsor of H.R. 4040, I rise in strong support of The Long-Term Care Security Act. This bill directs the Office of Personnel Management (OPM) to solicit competitive bids from private insurers to provide long-term health care plans for federal workers, including military and civilian employees and retirees. This insurance may also be extended to include eligible spouses, children, adopted children, stepchildren, and stepparents.

Employees who enroll in the group coverage must pay 100 percent of the premium and may choose to have the premium deducted from their pay, which is paid directly to

the insurance carrier. It is estimated, however, that these employees, by getting a group rate, may realize a savings of between 15 and 20 percent on insurance premiums.

It is important that we encourage Americans to prepare for their long-term health care needs. Too often Americans are unprepared for this need and the failure to have such coverage often forces families to deplete their resources. It is important that we pass this bill for the benefit of our federal employees and members of our armed services and retirees. This will help them in their efforts to provide for their families and their retirement security.

In addition to the passage of this bill, I will continue to work to ensure that the costs of long-term care insurance are deductible from taxes. I am disappointed that we have not been able to get this tax relief signed into law, and I am hopeful that we can move this forward this year. This will benefit all Americans in preparing for needs that they may have in the future.

I urge all of my colleagues to join me in passing H.R. 4040 and to commit to work to make these premiums tax deductible.

Mr. STARK. Mr. Speaker, insurance coverage for long-term care services is a gaping hole in our nation's healthcare safety net. H.R. 4040, the Long-term Care Security Act, will establish a long-term care insurance program for federal employees. It is a small step in the right direction. But, this bill is more notable for unmasking the shortcomings of private long-term care insurance than for meeting the long-term care needs of the American people.

Americans deserve long-term care insurance that satisfies three criteria: reasonable cost, broad access and high quality. The main lesson of this bill is that the only way to achieve reasonable cost is to sacrifice both access and quality. We are in the dark about the actual provisions of the long-term care insurance plan that will ultimately be offered to federal employees. But the Office of Personnel Management's primary objective is clear to negotiate a competitive price. OPM has been upfront in telling us that limitations on access and quality of these policies will be necessary to negotiate this price.

Will FEHBP's long-term care insurance program be available to all federal employees and their families? The answer is ''no''. One form of underwriting known as ''short-form'', will exclude active employees who are most likely to require long-term care services in the near future. More extensive ''long-term'' underwriting, which requires a more detailed medical history, will exclude larger numbers of retired employees and their family members.

Will FEHBP's long-term insurance program guarantee basic consumer protections such as inflation protection, and provisions that guarantee that policies are still good in the event of carrier buyout or bankruptcy? Again, the answer is ''no''. Inflation protection under H.R. 4040 will only be available as an option. Yet, without inflation protection, the average 60 year old purchaser will be shopping for long-term care services in 2020 with year 2000 dollars! In other words, by design, many of the policies will not meet purchasers' needs when they become eligible for benefits.

The bottom line is that high quality private long-term care insurance policies with universal access result in an excessively high price tag, while affordable long-term care insurance policies may be inferior in quality and not accessible to all. The real lesson of H.R. 4040 is that even the formidable purchasing power of the federal employees is not enough to turn private long-term care insurance into the answer to the long-term care problem.

I will vote for H.R. 4040 today because it does inch us forward on long-term care products. However, private long-term care insurance falls far short in delivering comprehensive and high quality long-term care services to all who need it.

The only way we will actually assure long-term care protections for people is through a national social insurance program like Medicare. That's where the debate needs to move next.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to offer my strong support for H.R. 4040, the Long-Term Care Security Act. For the first time, the federal government will make a concerted effort to provide the men and women who have dedicated their lives to the service of this country, with long-term health care.

Under this bill, the Office of Personnel Management will simply fulfill the role of a Human Resources department and solicit competitive bids from private insurers to provide the most equitable and comprehensive long-term health care to federal employees. That commitment by OPM represents the extent of the Government's active participation in this process. Once the contract is awarded and the program is established, all federal employees who chose to participate will be responsible for paying 100% of the insurance premiums.

I think it is important to note that this bill has some minor administrative costs associated with it, I believe roughly $21 million over two years, that are necessary implementation costs. After that initial two year period, the benefits of H.R. 4040, which will be available to both current Uniformed Services and civilian employees, as well as military and civilian retirees, will actually start showing a profit. That makes this bill a win-win both in terms of cost and in services provided.

I would like to commend my good friend from Florida, the Chairman of the Civil Service Subcommittee, Mr. SCARBOROUGH, for managing this bill on the floor today. I would also like to take a moment to thank the gentlelady from Maryland, Mrs. MORELLA. Her dedication to protecting and promoting issues important to federal employees is well known. Specifically, Mrs. MORELLA has long championed the cause of providing all federal employees and retirees with the most comprehensive and affordable health care available, and without her work on this issue, H.R. 4040 would not be on the Floor today.

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of H.R. 4040, the ''Long Term Care Security Act.'' The Government Reform Committee, in particular the Civil Service Subcommittee chaired by Congressman JOE SCARBOROUGH worked in a bipartisan manner to bring forward this legislation. The bill will allow all federal employees, retirees, active duty and retired members of the Uniformed Services, as well as their qualified relatives to purchase long term care insurance. By offering the program through the federal government, we can provide long term care options at affordable rates.

The Civil Service Subcommittee held several hearings on long term care. We found that as Americans have begun to live much longer, the number of individuals needing long term care is on the rise. As the baby boomers are reaching retirement age, we will only see our elderly population increase. As a result, the need for long term care will continue to grow.

The cost of long term care, whether in a professional facility or at home presently exceeds $45,000 a year. What many people do not realize is that their health plans, disability insurance, or even Medicare will not cover these costs. Unfortunately, many find out that they are not covered when it is too late—when a family member suddenly needs that care. Our Committee has heard from people who have depleted their entire life savings caring for a loved one. A family's assets are sometimes just not enough. Without the proper insurance, the vast majority of families is unprepared for the burden of long term care. Through our hearings, we found that for many, the best way to maintain retirement security is to purchase long term care insurance.

I am pleased that our Committee was able to work together in a bipartisan manner to bring that security to our federal workforce and Uniformed Services. Mr. SCARBOROUGH, along with Mrs. MORELLA and Mr. CUMMINGS, worked very hard to ensure that the long term care bill took into account everyone's concerns. We wanted to ensure that there would be open competition in the contracting process in order to achieve the best rates. H.R. 4040 is a strong consensus bill which the Committee believed would provide the framework for a strong long term care plan. Under the legislation, the Office of Personnel Management would be able to negotiate with the insurers for the best plans with the most options while keeping premiums affordable for all federal employees.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SCARBOROUGH) that the House suspend the rules and pass the bill, H.R. 4040, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, as amended.

The Clerk read as follows:

H.R. 3244

*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 ''Trafficking Victims Protection Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes and findings.
Sec. 3. Definitions.
Sec. 4. Annual Country Reports on Human Rights Practices.
Sec. 5. Interagency task force to monitor and combat trafficking.
Sec. 6. Prevention of trafficking.
Sec. 7. Protection and assistance for victims of trafficking.
Sec. 8. Minimum standards for the elimination of trafficking.
Sec. 9. Assistance to foreign countries to meet minimum standards.
Sec. 10. Actions against governments failing to meet minimum standards.
Sec. 11. Actions against significant traffickers.
Sec. 12. Strengthening protection and punishment of traffickers.
Sec. 13. Authorization of appropriations.

**SEC. 2. PURPOSES AND FINDINGS.**

(a) PURPOSES.—The purposes of this Act are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.

(b) FINDINGS.—The Congress finds that:

(1) Millions of people every year, primarily women or children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.

(2) Many of these persons, of whom the overwhelming majority are women and children, are trafficked into the international sex trade, often by means of force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, within activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The rapid expansion of the sex industry and the low status of women in many parts of the world have contributed to a burgeoning of the trafficking industry, of which sex trafficking by force, fraud, and coercion is a major component.

(3) Trafficking in persons is not limited to sex trafficking, but often involves forced labor and other violations of internationally recognized human rights. The worldwide trafficking of persons is a growing transnational crime, migration, economics, labor, public health, and human rights problem that is significant on nearly every continent.

(4) Traffickers primarily target women and girls, who are disproportionately affected by poverty, lack of access to education, chronic unemployment, discrimination, and lack of viable economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of good working conditions at relatively high pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models. Traffickers also buy girls from poor families and sell them into prostitution or into various types of forced or bonded labor.

(5) Traffickers often facilitate victims' movement from their home communities to unfamiliar destinations, away from family and friends, religious institutions, and other sources of protection and support, making the victims more vulnerable.

(6) Victims are often forced to engage in sex acts or to perform labor or other services through physical violence, including rape and other forms of sexual abuse, torture, starvation, and imprisonment, through threats of violence, and through other forms of psychological abuse and coercion.

(7) Trafficking is perpetrated increasingly by organized and sophisticated criminal enterprises. Trafficking in persons is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized criminal activity in the United States and around the world. Trafficking often is aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.

(8) Traffickers often make representations to their victims that physical harm may occur to them or to others should the victim escape or attempt to escape. Such representations can have the same coercive effects on victims as specific threats to inflict such harm.

(9) Sex trafficking, when it involves the involuntary participation of another person in sex acts by means of fraud, force, or coercion, includes all the elements of the crime of forcible rape, which is defined by all legal systems as among the most serious of all crimes.

(10) Sex trafficking also involves frequent and serious violations of other laws, including labor and immigration codes and laws against kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud, and extortion.

(11) Women and children trafficked into the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking victims are sometimes worked or physically brutalized to death.

(12) Trafficking in persons substantially affects interstate and foreign commerce. The United States must take action to eradicate the substantial burdens on commerce that result from trafficking in persons and to prevent the channels of commerce from being used for immoral and injurious purposes.

(13) Trafficking of persons in all its forms is an evil that calls for concerted and vigorous action by countries of origin, transit countries, receiving countries, and international organizations.

(14) Existing legislation and law enforcement in the United States and in other nations around the world have proved inadequate to deter trafficking and to bring traffickers to justice, principally because such legislation and enforcement do not reflect the gravity of the offenses involved. No comprehensive law exists in the United States that penalizes the range of offenses involved in the trafficking scheme. Instead, even the most brutal instances of forcible sex trafficking are often punished under laws that also apply to far less serious offenses such as consensual sexual activity and illegal immigration, so that traffickers typically escape severe punishment.

(15) In the United States, the seriousness of the crime of trafficking in persons is not reflected in current sentencing guidelines for component crimes of the trafficking scheme, which results in weak penalties for convicted traffickers. Adequate services and facilities do not exist to meet the health care, housing, education, and legal assistance needs for the safe reintegration of domestic trafficking victims.

(16) In some countries, enforcement against traffickers is also hindered by official indifference, by corruption, and sometimes even by active official participation in trafficking.

(17) Because existing laws and law enforcement procedures often fail to make clear distinctions between victims of trafficking and persons who have knowingly and willfully violated laws, and because victims often do not have legal immigration status in the countries into which they are trafficked, the victims are often punished more harshly than the traffickers themselves.

(18) Because victims of trafficking are frequently unfamiliar with the laws, cultures, and languages of the countries into which they have been trafficked, and because they are often subjected to coercion and intimidation including physical detention, debt bondage, fear of retribution, and fear of forcible removal to countries in which they will face retribution or other hardship, these victims often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes.

(19) The United States and the international community are in agreement that trafficking in persons often involves grave violations of human rights and is a matter of pressing international concern. The Universal Declaration of Human Rights; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and other relevant instruments condemn slavery and involuntary servitude, violence against women, and other components of the trafficking scheme.

(20) One of the founding documents of the United States, the Declaration of Independence, recognizes the inherent dignity and worth of all people. It states that all men are created equal and that they are endowed by their Creator with certain unalienable rights. The right to be free from slavery and involuntary servitude is among those unalienable rights. Acknowledging this fact, the United States outlawed slavery and involuntary servitude in 1865, recognizing them as evil institutions that must be abolished. Current practices of sexual slavery and trafficking of women and children are similarly abhorrent to the principles upon which our country was founded.

(21) The Universal Declaration of Human Rights recognizes the right to be free from slavery and involuntary servitude, arbitrary detention, degrading or inhuman treatment, and arbitrary interference with privacy or the family, as well as the right to protection by law against these abuses.

(22) The United Nations General Assembly has passed three resolutions during the last 3 years (50/167, 51/66, and 52/98) recognizing that the international traffic in women and girls, particularly for purposes of forced prostitution, is a matter of pressing international concern involving numerous violations of fundamental human rights. The resolutions call upon governments of receiving countries as well as countries of origin to strengthen their laws against such practices, to intensify their efforts to enforce such laws, and to ensure the full protection, treatment, and rehabilitation of women and children who are victims of trafficking.

(23) The Final Report of the World Congress against Sexual Exploitation of Children, held in Stockholm, Sweden, in August 1996, recognized that international sex trafficking is a principal cause of increased exploitation and degradation of children.

(24) The Fourth World Conference on Women (Beijing Conference) called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls who are victims of trafficking, to address the root factors that put women and girls at risk to traffickers, and to take measures to dismantle the national, regional, and international networks on trafficking.

(25) In the 1991 Moscow Document of the Organization for Security and Co-operation in Europe, participating states, including the

United States, agreed to seek to eliminate all forms of violence against women, and all forms of traffic in women and exploitation of prostitution of women including by ensuring adequate legal prohibitions against such acts and other appropriate measures.

(26) Numerous treaties to which the United States is a party address government obligations to combat trafficking, including such treaties as the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which calls for the complete abolition of debt bondage and servile forms of marriage, and the 1957 Abolition of Forced Labor Convention, which undertakes to suppress and requires signatories not to make use of any forced or compulsory labor.

(27) Trafficking in persons is a transnational crime with national implications. In order to deter international trafficking and to bring its perpetrators to justice, nations including the United States must recognize that trafficking is a serious offense and must act on this recognition by prescribing appropriate punishment, by giving the highest priority to investigation and prosecution of trafficking offenses, and by protecting rather than punishing the victims of such offenses. The United States must work bilaterally and multilaterally to abolish the trafficking industry and take steps to promote and facilitate cooperation among countries linked together by international trafficking routes. The United States must also urge the international community to take strong action in multilateral fora to engage recalcitrant countries in serious and sustained efforts to eliminate trafficking and protect trafficking victims.

**SEC. 3. DEFINITIONS.**

For the purposes of this Act:

(1) ''Sex trafficking'' means the purchase, sale, securing, recruitment, harboring, transportation, transfer or receipt of a person for the purpose of a commercial sex act.

(2) ''Severe forms of trafficking in persons'' means—

(A) sex trafficking in which either a commercial sex act or any act or event contributing to such act is effected or induced by force, coercion, fraud, or deception, or in which the person induced to perform such act has not attained the age of 18 years; and

(B) the purchase, sale, securing, recruitment, harboring, transportation, transfer or receipt of a person for the purpose of subjection to involuntary servitude, peonage, or slavery or slavery-like practices which is effected by force, coercion, fraud, or deception.

(3) ''Slavery-like practices'' means inducement of a person to perform labor or any other service or act by force, by coercion, or by any scheme, plan, or pattern to cause the person to believe that failure to perform the work will result in the infliction of serious harm, debt bondage in which labor or services are pledged for debt on terms calculated never to allow full payment of the debt or otherwise amounting to indentured servitude for life or for an indefinite period, or subjection of the person to conditions so harsh or degrading as to provide a clear indication that the person has been subjected to them by force, fraud, or coercion.

(4) ''Coercion'' means the use of force, violence, physical restraint, or acts or circumstances not necessarily including physical force but calculated to have the same effect, such as the credible threat of force or of the infliction of serious harm.

(5) ''Act of a severe form of trafficking in persons'' means any act at any point in the process of a severe form of trafficking in persons, including any act of recruitment, harboring, transport, transfer, purchase, sale or receipt of a victim of such trafficking, or any act of operation, management, or ownership of an enterprise in which a victim of such trafficking engages in a commercial sex act, is subjected to slavery or a slavery-like practice, or is expected or induced to engage in such acts or be subjected to such condition or practice, or sharing in the profits of the process of a severe form of trafficking in persons or any part thereof.

(6) ''Victim of sex trafficking'' and ''victim of a severe form of trafficking in persons'' mean a person subjected to an act or practice described in paragraphs (1) and (2) respectively.

(7) ''Commercial sex act'' means a sex act on account of which anything of value is given to or received by any person.

(8) ''Minimum standards for the elimination of trafficking'' means the standards set forth in section 8.

(9) ''Appropriate congressional committees'' means the Committee on Foreign Relations of the United States Senate and the Committee on International Relations of the United States House of Representatives.

(10) ''Nonhumanitarian foreign assistance'' means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(i) assistance under chapter 8 of part I of that Act;

(ii) any other narcotics-related assistance under part I of that Act or under chapter 4 or 5 of part II of that Act, but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act;

(iii) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(iv) antiterrorism assistance under chapter 8 of part II of that Act;

(v) assistance which involves the provision of food (including monetization of food) or medicine;

(vi) assistance for refugees; and

(vii) humanitarian and other development assistance in support of programs of nongovernmental organizations under chapters 1 and 10 of that Act;

(B) sales, or financing on any terms, under the Arms Export Control Act, other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961; and

(C) financing under the Export-Import Bank Act of 1945.

**SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.**

The Secretary of State, with the assistance of the Assistant Secretary of Democracy, Human Rights and Labor, shall, as part of the annual Country Reports on Human Rights Practices, include information to address the status of trafficking in persons, including—

(1) a list of foreign countries that are countries of origin, transit, or destination for a significant number of victims of severe forms of trafficking;

(2) a description of the nature and extent of severe forms of trafficking in persons in each country;

(3) an assessment of the efforts by the governments described in paragraph (1) to combat severe forms of trafficking. Such an assessment shall address—

(A) whether any governmental authorities tolerate or are involved in such trafficking;

(B) which governmental authorities are involved in activities to combat such trafficking;

(C) what steps the government has taken against its officials who participate in, facilitate, or condone such trafficking;

(D) what steps the government has taken to investigate and prosecute officials who participate in or facilitate such trafficking;

(E) what steps the government has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking;

(F) what steps the government has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of stays of deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter;

(G) whether the government—

(i) is cooperating with governments of other countries to extradite traffickers when requested;

(ii) is assisting in international investigations of transnational trafficking networks and in other co-operative efforts to combat trafficking;

(iii) refrains from prosecuting victims of severe forms of trafficking and from other discriminatory treatment of such victims due to such victims having been trafficked, or due to their having left or entered the country illegally; and

(iv) recognizes the rights of victims and ensures their access to justice.

(4) Information described in paragraph (2) and, where appropriate, in paragraph (3) shall be included in the annual Country Reports on Human Rights Practices on a country-by-country basis.

(5) In addition to the information described in this section, the Annual Country Reports on Human Rights Practices may contain such other information relating to trafficking in persons as the Secretary determines to be appropriate.

**SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.**

(a) ESTABLISHMENT.—The President shall establish an Interagency Task Force to Monitor and Combat Trafficking (in this section referred to as the ''Task Force'').

(b) APPOINTMENT.—The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Director of the Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of the Central Intelligence Agency, and such other officials as may be designated by the President.

(c) CHAIRMAN.—The Task Force shall be chaired by the Secretary of State.

(d) SUPPORT FOR THE TASK FORCE.—The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be administered by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this Act and may have additional responsibilities as determined by the Secretary. The Director shall consult with domestic, international nongovernmental and intergovernmental organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The Office is authorized to retain

staff members from agencies represented on the Task Force.

(e) ACTIVITIES OF THE TASK FORCE.—In consultation with nongovernmental organizations, the Task Force shall carry out the following activities:

(1) Coordinate the implementation of this Act.

(2) Measure and evaluate progress of the United States and countries around the world in the areas of trafficking prevention, protection and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking.

(3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking. Any data collection procedures established under this subsection shall respect the confidentiality of victims of trafficking.

(4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking.

(5) Examine the role of the international ''sex tourism'' industry in the trafficking of women and children and in the sexual exploitation of women and children around the world and make recommendations on appropriate measures to combat this industry.

**SEC. 6. PREVENTION OF TRAFFICKING.**

(a) ECONOMIC ALTERNATIVES TO PREVENT AND DETER TRAFFICKING.—The President, acting through the Administrator of the United States Agency for International Development and the heads of other appropriate agencies, shall establish and carry out initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—

(1) microcredit lending programs, training in business development, skills training, and job counseling;

(2) programs to promote women's participation in economic decision making;

(3) programs to keep children, especially girls, in elementary and secondary schools and to educate persons who have been victims of trafficking;

(4) development of educational curricula regarding the dangers of trafficking; and

(5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

(b) PUBLIC AWARENESS AND INFORMATION.—The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.

(c) CONSULTATION REQUIREMENT.—The President shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of initiatives described in subsection (a).

**SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.**

(a) ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.—

(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking and their children. Such programs and initiatives shall be designed to meet the mental and physical health, housing, legal, and other assistance needs of such victims and their children, as identified by the Inter-Agency Task Force to Monitor and Combat Trafficking established under section 5.

(2) ADDITIONAL REQUIREMENT.—In establishing and conducting programs and initiatives described in paragraph (1), the Secretary of State and the Administrator of the United States Agency for International Development shall take all appropriate steps to enhance cooperative efforts among foreign countries, including countries of origin of victims of trafficking, to assist in the integration, reintegration, or resettlement, as appropriate, of victims of trafficking including stateless victims.

(b) VICTIMS IN THE UNITED STATES.—

(1) ASSISTANCE.—

(A) Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, an alien who is a victim of a severe form of trafficking in persons shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any official or agency described in subparagraph (B) to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act.

(B) Subject, in the case of nonentitlement programs, to the availability of appropriations, the Secretary of Health and Human Services, the Secretary of Labor, and the Board of Directors of the Legal Services Corporation shall expand benefits and services to victims of severe forms of trafficking in persons in the United States.

(C) For the purposes of this paragraph, the term ''victim of a severe form of trafficking in persons'' means only a person—

(i) who has been subjected to an act or practice described in section 3(2) as in effect on the date of the enactment of this Act; and

(ii)(I) who has not attained the age of fifteen years, or

(II) who is the subject of a certification under subparagraph (E).

(D) Not later than December 31 of each year, the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the Board of Directors of the Legal Services Corporation, shall submit a report, which includes information on the number of persons who received benefits or other services under this paragraph in connection with programs or activities funded or administered by such agencies or officials during the preceding fiscal year, to the Committee on Ways and Means, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate.

(E)(i) The certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after consultation with the Attorney General, that the person referred to in subparagraph (C)(ii)(II)—

(I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons; and

(II) has made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act that has not been denied or is a person whose presence in the United States the Attorney General is ensuring under subsection (c)(4).

(ii) For the purpose of a certification under this subparagraph, the term ''investigation and prosecution'' includes—

(I) identification of a person or persons who have committed severe forms of trafficking in persons;

(II) location and apprehension of such persons; and

(III) testimony at proceedings against such persons.

(F) A person, who is the subject of a certification under subparagraph (E) because the Attorney General is ensuring such person's presence under subsection (c)(4) in order to effectuate prosecution, is eligible for benefits and services under this paragraph only for so long as the Attorney General determines such person's presence is necessary to effectuate such prosecution.

(2) BENEFITS.—Subject to the availability of appropriations and notwithstanding any other provision of law, victims of severe forms of trafficking in persons in the United States shall be eligible, without regard to their immigration status, for any benefits that are otherwise available under the Crime Victims Fund, established under the Victims of Crime Act of 1984, including victims' services, compensation, and assistance.

(3) GRANTS.—

(A) Subject to the availability of appropriations, the Attorney General may make grants to States, territories, and possessions of the United States (including the Commonwealths of Puerto Rico and the Northern Mariana Islands), Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of trafficking.

(B) To receive a grant under this paragraph, an eligible unit of government or organization shall certify that its laws, policies, and practices, as appropriate, do not punish or deny services to victims of severe forms of trafficking in persons on account of the nature of their employment, services, or other acts performed in connection with such trafficking.

(C) Of amounts made available for grants under this paragraph, there shall be set aside 3 percent for research, evaluation and statistics; 2 percent for training and technical assistance; and 1 percent for management and administration.

(D) The Federal share of a grant made under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted.

(4) CIVIL ACTION.—An individual who is a victim of a violation of section 1589, 1590, 1591 of title 18, United States Code, regarding trafficking, may bring a civil action in United States district court. The court may award actual damages, punitive damages, reasonable attorneys' fees, and other litigation costs reasonably incurred.

(c) TRAFFICKING VICTIM REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:

(1) Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall be housed in appropriate shelter as quickly as possible; receive prompt medical care, food, and other assistance; and be provided protection if a victim's safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker.

(2) Victims of severe forms of trafficking shall not be jailed, fined, or otherwise penalized due to having been trafficked, but the

authority of the Attorney General under the Immigration and Nationality Act to detain aliens shall not be curtailed by any regulation promulgated to implement this paragraph.

(3) Victims of severe forms of trafficking shall have access to legal assistance, information about their rights, and translation services.

(4) Federal law enforcement officials shall act to ensure an alien's continued presence in the United States, if after an assessment, it is determined that such alien is a victim of a severe form of trafficking in persons, or a material witness to such trafficking, in order to effectuate prosecution of those responsible and to further the humanitarian interests of the United States. Such officials, in investigating and prosecuting persons engaging in such trafficking, shall take into consideration the safety and integrity of such victims, but the authority of the Attorney General under the Immigration and Nationality Act to detain aliens shall not be curtailed by any regulation promulgated to implement this paragraph.

(5) Appropriate personnel of the Department of State and the Department of Justice are trained in identifying victims of severe forms of trafficking and providing for the protection of such victims. Training under this paragraph should include methods for achieving antitrafficking objectives through the nondiscriminatory application of immigration and other related laws.

(d) CONSTRUCTION.—Nothing in subsection (c) shall be construed as creating any private cause of action against the United States or its offices or employees.

(e) FUNDING.—Funds from asset forfeiture under section 1594 of title 18, United States Code, (as added by section 12 of this Act) shall first be disbursed to satisfy any judgments awarded victims of trafficking under subsection (b)(4) or section 1593 of title 18, United States Code, (as added by section 12 of this Act). The remaining funds from such asset forfeiture are authorized to be available in equal amounts for the purposes of subsections (a) and (b) and shall remain available for obligation until expended.

(f) PROTECTION FROM REMOVAL FOR CERTAIN VICTIMS OF TRAFFICKING.—

(1) NONIMMIGRANT CLASSIFICATION FOR CERTAIN VICTIMS OF TRAFFICKING.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) by striking ''or'' at the end of subparagraph (R);

(B) by striking the period at the end of subparagraph (S) and inserting ''; or''; and

(C) by adding at the end the following:

''(T) subject to section 214(n), an alien, and the spouse and children of the alien if accompanying or following to join the alien, who the Attorney General determines—

''(i) is or has been a victim of a severe form of trafficking in persons (as defined in section 3 of the Trafficking Victims Protection Act of 2000);

''(ii) is physically present in the United States or at a port of entry into the United States by reason of having been transported to the United States or the port of entry in connection with such severe form of trafficking in persons;

''(iii)(I) has not attained 15 years of age; or

''(II) was induced to participate in the commercial sex act or condition of involuntary servitude, peonage, or slavery or slavery-like practices that is the basis of the determination under clause (i) by force, coercion, fraud, or deception, did not voluntarily agree to any arrangement including such participation, and has complied with any reasonable request for assistance in the investigation or prosecution of severe forms of trafficking in persons; and

''(iv)(I) has a well-founded fear of retribution involving the infliction of severe harm upon removal from the United States; or

''(II) would suffer extreme hardship in connection with the victimization described in clause (i) upon removal from the United States;

and, if the Attorney General considers it to be necessary to avoid extreme hardship, the sons and daughters (who are not children), of any such alien (and the parents of any such alien, in the case of an alien under 21 years of age) if accompanying or following to join the alien.''.

(2) CONDITIONS ON NONIMMIGRANT STATUS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) by redesignating the subsection (l) added by section 625(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–1820) as subsection (m); and

(2) by adding at the end the following:

''(n)(1) No alien shall be eligible for admission to the United States under section 101(a)(15)(T) if there is substantial reason to believe that the alien has committed an act of a severe form of trafficking in persons (as defined in section 3 of the Trafficking Victims Protection Act of 2000).

''(2) The total number of aliens who may be issued visas or otherwise provided nonimmigrant status during any fiscal year under section 101(a)(15)(T) may not exceed 5,000.

''(3) The numerical limitation of paragraph (2) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.

''(4) Aliens who are subject to the numerical limitation of paragraph (2) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status.''.

(3) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following:

''(13)(A) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T).

''(B) In addition to any other waiver that may be available under this section, in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General's discretion, may waive the application of—

''(i) paragraphs (1) and (4) of subsection (a); and

''(ii) any other provision of such subsection (excluding paragraphs (3), (10)(C), and (10(E)) if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i).

''(C) Nothing in this paragraph shall be regarded as prohibiting the Attorney General from instituting removal proceedings against an alien admitted as a nonimmigrant under section 101(a)(15)(T) for conduct committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under section 101(a)(15)(T).''.

(4) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(l)(1) If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States under section 101(a)(15)(T)—

''(A) has been physically present in the United States for a continuous period of at least 3 years since the date of such admission;

''(B) has, throughout such period, been a person of good moral character;

''(C) has, during such period, complied with any reasonable request for assistance in the investigation or prosecution of severe forms of trafficking in persons; and

''(D)(i) has a well-founded fear of retribution involving the infliction of severe harm upon removal from the United States; or

''(ii) would suffer extreme hardship in connection with the victimization described in section 101(a)(15)(T)(i) upon removal from the United States;

the Attorney General may adjust the status of the alien (and the spouse, parents, married and unmarried sons and daughters of the alien if admitted under such section) to that of an alien lawfully admitted for permanent residence.

''(2) Paragraph (1) shall not apply to an alien admitted under section 101(a)(15)(T) who is inadmissible to the United States by reason of a ground that has not been waived under section 212, except that, if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General's discretion, may waive the application of—

''(A) paragraphs (1) and (4) of section 212(a); and

''(B) any other provision of such section (excluding paragraphs (3), (10)(C), and (10(E)), if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i).

''(3) An alien shall be considered to have failed to maintain continuous physical presence in the United States for purposes of paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

''(4)(A) The total number of aliens whose status may be adjusted under paragraph (1) during any fiscal year may not exceed 5,000.

''(B) The numerical limitation of subparagraph (A) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.

''(C) Aliens who are subject to the numerical limitation of subparagraph (A) shall have their status adjusted in the order in which applications are filed for such adjustment.

''(D) Upon the approval of adjustment of status under paragraph (1)—

''(i) the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval; and

''(ii) the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under this Act for any fiscal year.''.

**SEC. 8. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.**

(a) MINIMUM STANDARDS.—Minimum standards for the elimination of trafficking for a country that is a country of origin, of transit, or of destination for a significant number of victims are as follows:

(1) The country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving fraud, force, or coercion or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the country should prescribe punishment commensurate with that for the most serious crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the

country should prescribe punishment which is sufficiently stringent to deter and which adequately reflects the heinous nature of the offense.

(4) The country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(b) CRITERIA.—In determinations under subsection (a)(4) the following factors should be considered:

(1) Whether the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons that take place wholly or partly within the territory of the country.

(2) Whether the country cooperates with other countries in the investigation and prosecution of severe forms of trafficking in persons.

(3) Whether the country extradites persons charged with acts of severe forms of trafficking in persons on the same terms and to the same extent as persons charged with other serious crimes.

(4) Whether the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner which is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of victims and the internationally recognized human right to leave countries and to return to one's own country.

(5) Whether the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provision for legal alternatives to their removal to countries in which they would face retribution or other hardship.

(6) Whether the country vigorously investigates and prosecutes public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking.

**SEC. 9. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.**

The Secretary of State and the Director of the Agency for International Development are authorized to provide assistance to foreign countries for programs and activities designed to meet the minimum international standards for the elimination of trafficking, including drafting of legislation to prohibit and punish acts of trafficking, investigation and prosecution of traffickers, and facilities, programs, and activities for the protection of victims.

**SEC. 10. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.**

(a) STATEMENT OF POLICY.—It is the policy of the United States not to provide nonhumanitarian foreign assistance to countries which do not meet minimum standards for the elimination of trafficking.

(b) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—Not later than April 30 of each year, the Secretary of State shall submit to the appropriate congressional committees a report with respect to the status of severe forms of trafficking in persons which shall include a list of those countries, if any, to which the minimum standards for the elimination of trafficking under section 8 are applicable and which do not meet such standards, and which may include additional information, including information about efforts to combat trafficking and about countries which have taken appropriate actions to combat trafficking.

(2) INTERIM REPORTS.—The Secretary of State may submit to the appropriate congressional committees in addition to the annual report under subsection (b) one or more interim reports with respect to the status of severe forms of trafficking in persons, including information about countries whose governments have come into or out of compliance with the minimum standards for the elimination of trafficking since the transmission of the last annual report.

(c) NOTIFICATION.—For fiscal year 2002 and each subsequent fiscal year, for each foreign country to which the minimum standards for the elimination of trafficking are applicable and which has failed to meet such standards, as described in an annual or interim report under subsection (b), not less than 45 days and not more than 90 days after the submission of such a report the President shall submit a notification to the appropriate congressional committees of one of the determinations described in subsection (d).

(d) DETERMINATIONS.—The determinations referred to in subsection (c) are as follows:

(1) WITHHOLDING OF NONHUMANITARIAN ASSISTANCE.—The President has determined that—

(A)(i) the United States will not provide nonhumanitarian foreign assistance to the government of the country for the subsequent fiscal year until such government complies with the minimum standards; or

(ii) in the case of a country whose government received no nonhumanitarian foreign assistance from the United States during the previous fiscal year, the United States will not provide funding for participation by officials or employees of such governments in educational and cultural exchange programs for the subsequent fiscal year until such government complies with the minimum standards; and

(B) the President will instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use his or her best efforts to deny, any loan or other utilization of the funds of his or her institution to that country (other than for humanitarian assistance, or for development assistance which directly addresses basic human needs, is not administered by the government of the sanctioned country, and confers no benefit to that country) for the subsequent fiscal year until such government complies with the minimum standards.

(2) SUBSEQUENT COMPLIANCE.—The Secretary of State has determined that the country has come into compliance with the minimum standards.

(3) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the country to comply with minimum standards for the elimination of trafficking, the President has determined that the provision of nonhumanitarian foreign assistance to the country is in the national interest of the United States.

(4) EXERCISE OF WAIVER AUTHORITY.—The President may exercise the authority under paragraph (3) with respect to all nonhumanitarian foreign assistance to a country or with respect to one or more programs, projects, or activities.

(e) CERTIFICATION.—Together with any notification under subsection (c), the President shall provide a certification by the Secretary of State that with respect to assistance described in clause (i), (ii), or (iv) of subparagraph 3(10)(A) or in subparagraph 3(10)(B), no assistance is intended to be received or used by any agency or official who has participated in, facilitated, or condoned a severe form of trafficking in persons.

**SEC. 11. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN PERSONS.**

(a) AUTHORITY TO SANCTION SIGNIFICANT TRAFFICKERS IN PERSONS.—

(1) IN GENERAL.—The President may exercise IEEPA authorities (other than authorities relating to importation) without regard to section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1705) in the case of any foreign person who is on the list described in subsection (b).

(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) apply to violations of any license, order, or regulation issued under this section.

(3) IEEPA AUTHORITIES.—For purposes of clause (i), the term ''IEEPA authorities'' means the authorities set forth in section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)).

(b) LIST OF TRAFFICKERS OF PERSONS.—

(1) COMPILING LIST OF TRAFFICKERS IN PERSONS.—The Secretary of State is authorized to compile a list of the following persons:

(A) any foreign person that plays a significant role in a severe form of trafficking in persons, directly or indirectly in the United States or any of its territories or possessions;

(B) foreign persons who materially assist in, or provide financial or technological support for or to, or providing goods or services in support of, activities of a significant foreign trafficker in persons identified pursuant to subparagraph (A); and

(C) foreign persons that are owned, controlled, or directed by, or acting for or on behalf of, a significant foreign trafficker so identified pursuant to subparagraph (A).

(2) REVISIONS TO LIST.—The Secretary of State shall make additions or deletions to any list published under paragraph (1) on an ongoing basis based on the latest information available.

(3) CONSULTATION.—The Secretary of State shall consult with the following officers in carrying out paragraphs (1) and (2).

(A) the Attorney General;

(B) the Director of Central Intelligence;

(C) the Director of the Federal Bureau of Investigation;

(D) the Secretary of Labor; and

(E) the Secretary of Health and Human Services.

(4) PUBLICATION OF LIST.—Upon compiling the list referred to in paragraph (1) and within 30 days of any revisions to such list, the Secretary of State shall submit the list or revisions to such list to the Committees on the International Relations and Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives; and to the Committees on the Foreign Relations and the Select Committee on Intelligence of the Senate; and publish the list or revisions to such list in the Federal Register.

(c) REPORT TO CONGRESS ON IDENTIFICATION AND SANCTIONING OF SIGNIFICANT TRAFFICKERS IN PERSONS.—Upon exercising the authority of subsection (a), the President shall report to the Committees on the International Relations and Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives; and to the Committees on the Foreign Relations and the Select Committee on Intelligence of the Senate—

(1) identifying publicly the foreign persons that the President determines are appropriate for sanctions pursuant to this section; and

(2) detailing publicly the sanctions imposed pursuant to this section.

(d) EXCLUSION OF CERTAIN INFORMATION.—

(1) INTELLIGENCE.—Notwithstanding any other provision of this section, the list and report described in subsections (b) and (c) shall not disclose the identity of any person, if the Director of Central Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

(2) LAW ENFORCEMENT.—Notwithstanding any other provision of this section, the list and report described in subsections (b) and

(c) shall not disclose the name of any person if the Attorney General, in coordination as appropriate with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, and the Secretary of the Treasury, determines that such disclosure could reasonably be expected to—

(A) compromise the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis;

(B) jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(C) endanger the life or physical safety of any person; or

(D) cause substantial harm to physical property.

(3) NOTIFICATION REQUIRED.—(A) Whenever either the Director of Central Intelligence or the Attorney General makes a determination under this subsection, the Director of Central Intelligence or the Attorney General shall notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and explain the reasons for such determination.

(B) The notification required under this paragraph shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate not later than July 1, 2000, and on an annual basis thereafter.

(e) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED.—Nothing in this section prohibits or otherwise limits the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

(f) EXCLUSION OF PERSONS WHO HAVE BENEFITED FROM ILLICIT ACTIVITIES OF TRAFFICKERS IN PERSONS.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by inserting the following new subparagraph at the end:

''(H) SIGNIFICANT TRAFFICKERS IN PERSONS.—Any alien who—

''(i) is on the most recent list of significant traffickers provided in section 10 of the Trafficking Victims Protection Act of 1999, or who the consular officer or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons as defined in the section 3 of such Act; or

''(ii) who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.''.

(g) IMPLEMENTATION.—

(1) The Secretary of State, the Attorney General, and the Secretary of Treasury are authorized to take such actions as may be necessary to carry out this section, including promulgating rules and regulations permitted under this Act.

(2)(A) Subject to subparagraph (B), such rules and regulations shall require that a reasonable effort be made to provide notice and an opportunity to be heard, in person or through a representative, prior to placement of a person on the list described in subsection (b).

(B) If there is reasonable cause to believe that such a person would take actions to undermine the ability of the President to exercise the authority provided under subsection (a), such notice and opportunity to be heard shall be provided as soon as practicable after the placement of the person on the list described in subsection (b).

(h) DEFINITION OF FOREIGN PERSONS.—As used in this section, the term ''foreign person'' means any citizen or national of a foreign state or any entity not organized under the laws of the United States, including a foreign government official, but does not include a foreign state.

(i) CONSTRUCTION.—Nothing in this section shall be construed as precluding judicial review of the placement of any person on the list of traffickers in person described in subsection (b).

**SEC. 12. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS.**

(a) TITLE 18 AMENDMENTS.—Chapter 77 of title 18, United States Code, is amended—

(1) in each of sections 1581(a), 1583, and 1584—

(A) by striking ''10 years'' and inserting ''20 years''; and

(B) by adding at the end the following: ''If death results from a violation of this section, or if such violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.'';

(2) by inserting at the end the following:

**''§ 1589. Forced labor**

''Whoever knowingly provides or obtains the labor or services of a person—

''(1) by threats of serious harm to, or physical restraint against, that person or another person;

''(2) by use of fraud, deceit, or misrepresentation if the person is a minor, mentally disabled, or otherwise particularly susceptible to undue influence;

''(3) by means of any scheme, plan, or pattern intended to cause the person to believe that if the person did not perform such labor or services, serious harm or physical restraint would be inflicted on that person or another person; or

''(4) by means of the abuse or threatened abuse of law or the legal process;

shall be fined under this title or imprisoned not more than 20 years, or both. If death results from a violation of this section, or if such violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

**''§ 1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor**

''Whoever knowingly—

''(1) recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter; or

''(2) benefits, financially or otherwise, from an enterprise in which a person has been subjected to labor or services in violation of this chapter;

shall be fined under this title or imprisoned not more than 20 years, or both. If death results from a violation of this section, or if such violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

**''§ 1591. Sex trafficking of children or by coercion, fraud, deceit, or misrepresentation**

''(a) IN GENERAL.—Whoever knowingly—

''(1) recruits, harbors, transports, provides, or obtains by any means a person, or

''(2) benefits, financially or otherwise, from an enterprise in which a person has been recruited, enticed, harbored, transported, provided, or obtained in violation of paragraph (1);

knowing that coercion, fraud, deceit, misrepresentation, or other abusive practices described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

''(b) PUNISHMENT.—The punishment for an offense under subsection (a) is—

''(1) if the offense was effected by coercion, fraud, deceit, misrepresentation, or other abusive practices or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

''(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.

''(c) DEFINITION.—In this section—

''(1) The term 'commercial sex act' means any sex act, on account of which anything of value is given to or received by any person, and—

''(A) which takes place in the United States;

''(B) which affects United States foreign commerce; or

''(C) in which either the person caused or expected to participate in the act or the person committing the violation is a United States citizen or an alien admitted for permanent residence in the United States.''

''(2) The term 'other abusive practices' means —

''(A) threats of serious harm to, or physical restraint against, the person or other person; and

''(B) the abuse or threatened abuse of law or the legal process.

**''§ 1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor**

''(a) Whoever destroys, conceals, removes, confiscates, or possesses any identification, passport, or other immigration documents, or any other documentation of another person—

''(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, or 1591 or a conspiracy or attempt to commit such a violation; or

''(2) to prevent or restrict, without lawful authority, the person's liberty to move or travel in interstate or foreign commerce in furtherance of a violation of section 1581, 1583, 1584, 1589, 1590, or 1591 or a conspiracy or attempt to commit such a violation;

shall be fined under this title or imprisoned for not more than 5 years, or both.

''(b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons as defined in section 3(6) of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.

**''§ 1593. Mandatory restitution**

''(a) Notwithstanding sections 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

''(b)(1) The order of restitution under this section shall direct the defendant to pay the

victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.

''(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

''(3) As used in this subsection, the term 'full amount of the victim's losses' has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201, et seq.).

''(c) As used in this section, the term 'victim' means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

**''§ 1594. General provisions**

''(a) An attempt or conspiracy to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

''(b)(1) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

''(A) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 7(e) of the Trafficking Victims Protection Act of 2000.

''(c)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

''(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

''(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

''(d) WITNESS PROTECTION.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).''; and

(3) by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:

''1589. Forced labor.
''1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor.
''1591. Sex trafficking of children or by coercion, fraud, deceit, or misrepresentation.
''1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor
''1593. Mandatory restitution.
''1594. General provisions.''.

(b) AMENDMENT TO THE SENTENCING GUIDELINES.—

(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking, and the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act.

(2) In carrying out this subsection, the Sentencing Commission shall—

(A) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and

(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

**SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE INTERAGENCY TASK FORCE.—To carry out the purposes of section 5, there are authorized to be appropriated to the Secretary of State $1,500,000 for fiscal year 2000 and $3,000,000 for fiscal year 2001.

(b) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—To carry out the purposes of section 7(b) there are authorized to be appropriated to the Secretary of Health and Human Services $5,000,000 for fiscal year 2000 and $10,000,000 for fiscal year 2001.

(c) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF STATE.—To carry out the purposes of section 7(a) there are authorized to be appropriated to the Secretary of State $5,000,000 for fiscal year 2000 and $10,000,000 for fiscal year 2001.

(d) AUTHORIZATION OF APPROPRIATIONS TO ATTORNEY GENERAL.—To carry out the purposes of section 7(b) there are authorized to be appropriated to the Attorney General $5,000,000 for fiscal year 2000 and $10,000,000 for fiscal year 2001.

(e) AUTHORIZATION OF APPROPRIATIONS TO PRESIDENT.—

(1) FOREIGN VICTIM ASSISTANCE.—To carry out the purposes of section 6 there are authorized to be appropriated to the President $5,000,000 for fiscal year 2000 and $10,000,000 for fiscal year 2001.

(2) ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.—To carry out the purposes of section 9 there are authorized to be appropriated to the President $5,000,000 for fiscal year 2000 and $10,000,000 for fiscal year 2001.

(f) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF LABOR.—To carry out the purposes of section 7(b) there are authorized to be appropriated to the Secretary of Labor $5,000,000 for fiscal year 2000 and $10,000,000 for fiscal year 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I am pleased to rise in strong support of H.R. 3244, the Trafficking Victims Protection Act of 2000. I am pleased to cosponsor H.R. 3244.

This legislation would not be before us today without the strong leadership and extensive work by the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights of our Committee on International Relations. He was joined in refining this legislation by the gentleman from Connecticut (Mr. GEJDENSON), the distinguished ranking Democratic member of our committee. Together they produced a very fine product which deserves the support of every Member of this body.

As noted in the legislation, Mr. Speaker, millions of people, primarily women and children, are trafficked every year across the international borders for sexual or other exploitive purposes. Approximately 50,000 women and children are trafficked into the United States for such purposes every year. H.R. 3244 contains a number of provisions designed to ensure that our government uses its influence around the world to stop this abominable trafficking in human beings. Moreover, it enhances the protections under U.S. law for victims of trafficking in the United States.

This legislation establishes minimum standards that should be achieved in nations with significant trafficking problems in order for them to begin eliminating trafficking. The bill also authorizes U.S. foreign assistance to help countries meet those minimum standards and beginning in the year 2002, requires the withholding of nonhumanitarian U.S. foreign assistance from countries that fail to meet those standards.

Mr. Speaker, this measure enables the President to exercise a national interest waiver to permit the delivery of nonhumanitarian assistance, notwithstanding this requirement. But in the

typical case, this threat should provide a powerful incentive to nations with trafficking problems to meet the minimum standards.

Within our Nation, the legislation permits certain victims of trafficking to remain in the country so that among other things, they can assist in the prosecution of the traffickers. Victims of severe forms of trafficking are also made eligible for special programs set up for crime victims. This legislation strengthens the criminal penalties for trafficking under U.S. law in a number of very critical respects.

Taken together, this is a solidly-crafted piece of legislation that addresses an urgent moral and humanitarian problem. Regrettably, the administration has opposed this legislation, but I am optimistic that a strong expression of support in the House of Representatives today will prompt the administration to reconsider its position.

Accordingly, Mr. Speaker, I urge our colleagues to fully support H.R. 3244.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume. I thank the distinguished chairman of the Committee on International Relations for his very kind words; the feeling is mutual and the respect is mutual.

Mr. Speaker, I am deeply grateful that the House is meeting today to consider H.R. 3244, the Trafficking Victims Protection Act of 2000 which I introduced last year along with the gentleman from Connecticut (Mr. GEJDENSON), the gentlewoman from Ohio (Ms. KAPTUR), the gentlewoman from New York (Ms. SLAUGHTER), the gentleman from Virginia (Mr. WOLF), and a number of other bipartisan cosponsors.

Before discussing the merits of the legislation, I would like to point out that the bill now has 36 cosponsors, 18 Democrats and 18 Republicans. Among the Republican cosponsors are the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, who last year gave us a very firm commitment that this bill would be brought to the floor because of the egregious nature of the situation that we are facing; the gentleman from Texas (Mr. DELAY), the majority whip; the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations who just spoke; the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce; and the gentleman from Florida (Mr. CANADY), the chairman of the Subcommittee on the Constitution. The Democratic cosponsors include not only the gentleman from Connecticut (Mr. GEJDENSON), the distinguished ranking minority member of the Committee on International Relations, but also the gentleman from Michigan (Mr. CONYERS), the gentleman from Illinois (Mr. GUTIERREZ), and the gentlewoman from Georgia (Ms. MCKINNEY), my friend and the ranking member on my subcommittee.

Another index of the broad support for the Trafficking Victims Protection Act is that it has both the support of Charles Colson and Gloria Steinem, of the Family Research Council and of Equality Now; of the Religious Action Center of Reform Judaism, as well as the National Association of Evangelicals.

In crafting this legislation, we have also had the assistance of impartial experts, such as Michael Horowitz of the Hudson Institute, Gary Haugen of the International Justice Mission, which goes out and rescues trafficked women and children one-by-one. I especially want to thank Grover Joseph Rees, the chief counsel and chief of staff of the Subcommittee on International Operations and Human Rights, for his remarkable skill in helping to craft this measure and, in like manner, I would like to thank David Abramowitz, the chief counsel for the Minority staff, who has done tremendous work on it as well. I would also like to thank Dr. Laura Lederer of the Protection Project whose painstaking research has been indispensable in ensuring that we have the facts about this worldwide criminal enterprise and its victims.

As a matter of fact, Mr. Speaker, in testimony at a Helsinki Commission sexual trafficking hearing that I chaired on June 28, Dr. Lederer told the story of Lydia. Lydia's story, she told us, is an amalgamation of several true stories of women and girls who have been trafficked in Eastern Europe in recent years.

□ 1245

Lydia was 16 and hanging around with friends on streets, she told us. You can fill in the name of the country here, the Ukraine, Russia, Rumania, Lithuania, the Czech Republic, when they were approached by an older, beautifully dressed woman who befriended them and told them they were so nice looking she could get them a part-time job in modeling.

She took them to dinner, bought them some small gifts, and when the dinner was over she invited them back to her home for a drink. Taking the drink is the last thing that Lydia remembers. The woman drugged her and handed her and her friends over to an agent who drove them, unconscious, across the border. Here you can fill in another set of countries, be it Germany, the Netherlands, Italy, some Middle Eastern countries, even as far as Japan, Canada, and of course, the United States.

When Lydia awoke she was alone in a strange room in a foreign country. Her friends were gone. A while later a man came into the room and told her that she now belonged to him. I own you, he said. You are my property. You will work for me until I say stop. Don't try to leave. You have no papers. You have no passport. You don't speak the language in this country. He told her if she tried to escape his men would come in after her and beat her and bring her back. He told her that her family back home was in danger. He told her that she owed the agency $35,000, which she would work off in a brothel by sexually servicing men, sometimes 10 to 20 men a day.

Stunned, angry, rebellious, Lydia refused. The man then hit her. He beat her. He raped her. He sent friends in to gang rape her. She was left in the room alone without food or water for 3 days. Frightened and broken, she succumbed. For the next 6 months she was held in virtual confinement and forced to prostitute herself. She received no money. She had no hope of escape.

She was rescued when the brothel was raided by local police. They arrested the young women and charged them with working without a visa. They arrested the brothel manager and charged him with procuration, but he was later released. They did not attempt to arrest the brothel owners or to identify the traffickers.

The girls were interviewed, and those who were not citizens of the country were charged as illegal aliens and transferred to a woman's prison where they awaited deportation.

A medical examiner found that Lydia had several sexually transmitted diseases. In addition, she was addicted to a potent cough syrup, and she was physically weak. She was spiritually broken. There was no one to speak for Lydia. She feared the future because she knew her keepers. They had the networks, the power, the resources to track her down, kidnap her, and bring her back again.

The risk is low so the potential profits are high, and girls like Lydia are the real target. There seems to be no one who cares about Lydia's life. The authorities do not have an interest in tracking down the organizations or the individuals in this trafficking chain, from the woman who drugged Lydia to the agent who brought her across the border to the agent who broke her will to the brothel managers and to the brothel owners.

In addition, there are corrupt law enforcement officers involved, because the process of getting Lydia across the borders and keeping the brothels running involves payoffs to local visa officials and police in the country of origin, border patrols for both countries, and local police in the destination countries. Lydia is without protection. The traffickers have bought theirs.

Now, think of Lydia's story multiplied by hundreds of thousands and you get the picture of the scope of the problem. UNICEF is estimating that 1 million children are forced into prostitution in southeast Asia alone, another 1 million worldwide. These are just children. An estimated 250,000 women and children from Russia, the newly-independent States, and Eastern Europe are trafficked into Western Europe, the Middle East, Japan, Canada, and the U.S. each and every year.

An estimated 20,000 children from Central American countries, and this is a new figure from the Working Group on Contemporary Forms of Slavery,

are being trafficked for the purposes of commercial sexual exploitation up through Central America and into the United States.

Mr. Speaker, on an OSCE human rights trip to St. Petersburg last July, my wife Marie and I, joined by several other Members, met with Dr. Juliette Engel of MiraMed Institute, an NGO dedicated to helping women exploited by trafficking. We met with girls and young women who told us their heartbreaking stories of their captivity.

Dr. Engel's group has supported H.R. 3244 and points out that, unfortunately for Russian girls, sexual trafficking is the most profitable of all the criminal enterprises. Estimates are as high as $4 billion last year, because unlike one-time sales of weapons and narcotics, women can be sold over and over again. Dreams are shattered, she writes, families are broken apart, lives are destroyed.

Mr. Speaker, our legislation, H.R. 3244, has attracted such broad support not only because it is pro-women, pro-child, pro-human rights, pro-family values, and anticrime, but because it addresses a problem that absolutely cries out for a solution.

The Trafficking Victims Protection Act focuses on the most severe forms of trafficking in human beings: on the buying and selling of children into the international sex industry, on sex trafficking of women and children alike by force, fraud, or coercion, and on trafficking into slavery, involuntary servitude, and forced labor.

Each year, as many as 2 million innocent victims, of whom the overwhelming majority of are women and children, are brought by force and/or fraud into the international commercial sex industry.

Efforts by the U.S. Government, international organizations, and others to stop this brutal practice have thus far proved, unfortunately, unsuccessful. Indeed, all the evidence suggests that instances of forcible and/or fraudulent sexual trafficking are far more numerous than just a few years ago.

Mr. Speaker, let me just say a couple of final points. Part of the problem is that current laws and enforcement strategies in the U.S. and other countries often punish the victims more severely than they punish the perpetrators. When a sex-for hire establishment is raided, the women and sometimes children in the brothel are typically deported if they are not citizens of the country in which the establishment is located, without reference to whether their participation was voluntary or involuntary, and without reference to whether they will face retribution or other serious harm upon return.

This not only inflicts further cruelty on the victims, it also leaves nobody to testify against the real criminals, and frightens other victims from coming forward.

My legislation, Mr. Speaker, seeks the elimination of slavery and particularly sex slavery by a comprehensive, balanced approach of prevention, prosecution and enforcement, and victim protection.

The central principle behind the Trafficking Victims Protection Act is that criminals who knowingly operate enterprises that profit from sex acts involving persons who had been brought across international boundaries for such purposes by force or fraud, or who force human beings into slavery, should receive punishments commensurate with the penalties for kidnapping and forcible rape. That means up to life imprisonment. Putting these gangsters away for life would not only be just punishment but also a powerful deterrent, and the logical corollary of this principle is that we need to treat victims of these terrible crimes as victims who desperately need protection.

Let me just say, this bill needs to be passed, Mr. Speaker and it needs to be passed today.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to start joining my colleagues, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. GILMAN), and commend them for working together on something that has a broad bipartisan and broad ideological support. These are clearly some of the most vulnerable people on the planet: people who are impoverished, often; people who have not had the opportunities to defend themselves. This legislation begins a process of giving them some protection.

I would like to particularly thank Alethia Gordon, a Fellow in my office, for the work that she did in establishing the boundaries of this legislation and in doing much of the research; and also my friend, Gloria Steinem, for her work. This legislation crosses the political boundaries that often are dividing this House, again, both political and ideological.

I think, as Mr. SMITH pointed out, what is so frustrating in the present situation is often the laws that we have punish only the victims, people who are tricked from their small villages or large cities in either the former Soviet Union or poor countries around the world, Africa, Asia, almost anywhere, tricked and then threatened, intimidated, their passports taken away, people who do not know what rights they may have and often may understand that the laws even in our country only apply to them and not so much, often, to those who enslave them.

We in this legislation begin the process to both shift the burden to those who traffic not just in sexual slavery, but employment slavery. People are brought to this country as employees, often, legally and illegally, and are then worked beyond all reasonable length of time in completely abhorrent conditions.

We have seen that happen from Mexicans who are deaf brought to work the U.S. airports to oftentimes even people brought up with diplomats and international organizations coming here. Their passports are taken away.

We do more than just work on the punishment end, though. We also in this legislation begin the process of getting the information back to the villages.

I was with a group of people who were in Groton, Connecticut, the other day who were having a march for MADD, the organization that has done so much to raise awareness about drinking.

Of all the things they have done, and they have done some wonderful things, it occurs to me probably the most important thing they have done is make people aware of the problem, getting the messages back to the villages so families will not be fooled into thinking their child is going off to work in a factory somewhere, or work as a domestic and bring back resources to a hungry and impoverished community. That is also an important part of this legislation. We need to make sure that message gets out.

In the dissolution of the Soviet Union, the poverty that has enveloped many of those former Soviet countries, the poverty in countries around the world, that ought not be an excuse for allowing people's lives to be enslaved.

Again, I applaud all the cosponsors, particularly the gentleman from New Jersey (Mr. SMITH), and all those who have worked on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise today in support of the Trafficking Victims Protection Act, a bill that my good friend, the gentleman from New Jersey (Mr. SMITH) has worked on so tirelessly.

I would like to share a story with my colleagues. It is the story of a young girl from a very poor family in a developing country who had hopes for a better life in a wealthier land. This attractive young woman came from a good family, but it was a family that could provide her with very little. Like young people everywhere, she had dreams, dreams of nicer clothes, dreams of new opportunities, dreams of seeing foreign places.

One day she was offered the chance to make her dreams come true. She would have to leave her family and make her own way, but if she worked hard, she was promised a new life in a land of opportunity. She was nervous, but she took the chance.

When she got where she was going, she could tell something was wrong. She was led to a hot, dirty trailer and locked inside with a handful of other women, women with emotionless faces and broken spirits. It was there that her life as a sex slave began.

At first, she refused to do what she was told, but she could only take so many beatings. Then 30 men a day entered her trailer and raped her, sometimes beating her, always robbing her of her dignity and self-respect, almost constantly abused, crying until tears would no longer flow, month after month.

She could not escape because she was locked in a trailer. She didn't know where she was. She didn't know the language. This is a true story. It did not happen in Bangkok, it did not happen in Amsterdam, it did not happen in Rio de Janeiro, it happened in Florida. It is happening today in this country. Every year, 2 million women and children are trafficked into sexual slavery in this country and around the world, 45,500 to 50,000 times in America a year.

The sad ending to this story is that this poor girl, who was freed in an FBI raid 2 years ago, spent a year in jail waiting to be deported back to Mexico.

Mr. Speaker, if this country stands for justice at all, we can do better for this girl. Dr. Laura Lederer, director of the Protection Project of the John F. Kennedy School of Government, has taken the lead in researching and exposing the shockingly widespread nature of the international sex trade.

Here is what she says: ''To conceptualize how immense the problem is, imagine a city the size of Minneapolis or St. Louis made up entirely of women and children. Imagine that those women and children are kidnapped, raped, and forced into prostitution. Imagine that it happens every year. Then stop imagining, because it is happening now in those numbers.''

□ 1300

We all owe Dr. Lederer a debt that we cannot repay for the work he has done for the forgotten victims of this underprosecuted area of organized crime. I urge my colleagues to vote for this important bill.

Mr. GEJDENSON. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Ms. SLAUGHTER), who spent a tremendous amount of effort on this piece of legislation.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Connecticut (Mr. GEJDENSON) for yielding me this time. As he mentioned, on June 1994, I first introduced legislation addressing the growing problem of Burmese women and children who were being sold to work in a thriving sex industry in Thailand. It is an awful tragedy. These were sometimes young girls as young as 5 years.

This legislation responded to credible reports that indicated that thousands of Burmese women and girls were being trafficked into Thailand with false promises of good-paying jobs in restaurants or factories, and then being forced into brothels under slavery-like conditions.

Unfortunately, as I learned more and more about the issue, it became abundantly clear that the issue was not limited to one region of the world. In fact, in the wake of the discovery of a prostitution ring of trafficked women in Florida and the Carolinas, as well as a group of Thai garment workers held captive in California, I soon realized this was an issue that must also be dealt with in our own backyard.

Six years later, I am pleased to be standing here today to support this important legislation. H.R. 3244 sets forth policies not only to monitor but to eliminate trafficking here in the United States and abroad. More importantly, it does so in a way that punishes the true perpetrators, the traffickers themselves, while at the same time taking the necessary steps to protect the victims of this awful crime.

Finally, Mr. Speaker, it uses our Nation's considerable influence throughout the world to put pressure on other nations to adopt policies that will hopefully lead to an end to this abhorrent practice. I am especially pleased to see that this bill recognizes the fact that trafficking is not exclusively a crime of sexual exploitation. Taken independently, this action is an egregious practice in and of itself. But it is also important to be aware that people are being illegally smuggled across borders to work in sweatshops, domestic servitude, or other slavery-like conditions.

Mr. Speaker, developing this initiative has been a long and arduous process. At the beginning of this endeavor, many of the groups involved had different approaches to defining and dealing with the issue. And in addition, we also had to deal with a State Department that was often less than cooperative when dealing with the Congress.

Nevertheless, we are here today because this is an issue important enough to cross party lines and personality divides. I offer my personal thanks to the gentleman from New Jersey (Chairman SMITH) and the gentleman from Connecticut (Mr. GEJDENSON), ranking member, for moving the legislation and look forward to its passage.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), my good friend who has been very earnest on all human rights issues, but this one as well.

Mr. WOLF. Mr. Speaker, I rise in strong support of H.R. 3244, the Trafficking Victims Protection Act, and I want to compliment the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. GEJDENSON). Both have done an outstanding job. If it was not for the both of these gentlemen, last year when we passed the religious freedom bill, I remember they went in there and that bill passed. What the gentleman from Connecticut and the gentleman from New Jersey are doing today is a continuation of that policy.

The gentleman from New Jersey (Mr. SMITH) has a heart for these issues and really cares deeply. My main purpose was to congratulate Mr. SMITH and Mr. GEJDENSON. It is a strong bill. It is a tough bill. It is comprehensive. It is another initiative fitting in with what their committee did last year with the religious freedom legislation. Hopefully, now this bill will be picked up in the Senate and passed quickly.

Mr. Speaker, I again thank the gentleman from Connecticut (Mr. GEJDENSON) for his efforts here and all the good work that he has done on human rights over the years. He has always been there on these issues. And the gentleman from New Jersey (Mr. SMITH) who, frankly, his people back in his congressional district can be very proud of him and his good work. Whenever there has been an issue like religious freedom, abortion, China, the Soviet Union, gulag, sex trafficking, the gentleman has been there; not in the crowd, but he has been right out in front and has made the big difference. So I thank him for the great job that he has done, and the staff as well. Mr. SMITH is a credit to the Congress and we are all better for his service.

Mr. GEJDENSON. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WOOLSEY), who also spent immeasurable efforts on this legislation.

Ms. WOOLSEY. Mr. Speaker, I want to compliment the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. GEJDENSON) for good work.

Mr. Speaker, I wholeheartedly agree that we must address the problem of sexual trafficking of women and children throughout the globe, and I support H.R. 3244 with a lot of enthusiasm.

More than 2 million women and girls are enslaved around the world. In the United States, estimates run as high as 100,000 being enslaved into sexual and domestic servitude as a result of lax protections.

Present laws in the United States are inadequate. This bill, H.R. 3244, addresses ways to deter trafficking and assist victims and it must be passed. But what is this Congress doing to strengthen women's human rights around the world in order to eradicate international sexual trafficking? Unfortunately, the Senate Foreign Relations Committee has not ratified the United Nation's women's treaty known as CEDAW, Convention to End Discrimination Against All Women.

The people's House must go on record to urge the Senate to ratify this Bill of Rights. Why? Because CEDAW establishes basic human rights for women around the globe, rights that are not fully addressed in any other international treaty. Ratification of CEDAW puts the United States in a position to be a real player when advocating for women's human rights and fighting against sexual trafficking.

Mr. Speaker, 165 countries, including Nepal, have ratified CEDAW. However, Nepal still struggles in its effort to fight against enslavement of nearly 200,000 women in Indian brothels. This is an example of where United States

ratification of CEDAW would lend muscle to the fight against sexual trafficking. We need to protect women from the human rights abuses they face simply as a result of their gender, and we can help to make that happen if the United States ratifies CEDAW.

It is time for Congress to take strides against sexual trafficking and having the Senate ratify CEDAW is key to this effort. Passing H.R. 3244 is also key.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the time of the gentleman from Connecticut (Mr. GEJDENSON) will be controlled by the gentleman from Ohio (Mr. BROWN).

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank my colleagues on both sides of the aisle for introducing this wonderful piece of legislation. I am sure, Mr. Speaker, there are many Americans who think that the buying and selling of people ended in the 19th century when slavery was abolished, and most people here are sure at least that if it happens, it certainly does not happen here.

Wrong. It is estimated that over 50,000 women and children are brought to the United States under false pretenses and forced to work as prostitutes, abused laborers or servants. And worldwide, it is even worse. Each year 1 to 2 million women and children are trafficked around the world. This is by far one of the worst human rights violations of our time. Women and children are easy targets for exploitation and are often the most marginalized members of society, the last to be educated, and the last to have economic independence.

Mr. Speaker, when I had the privilege of traveling with the President to South Asia, I saw a young girl named Nurjahan in Bangladesh. She was about 15 years old. All she knows for sure is that she thinks she is about 15 years old, but she knows for sure that at 8, she was bought by a brothel in Pakistan probably for between $200 and $1,500.

She finally escaped from a life as a sex slave. I met her and eight other girls at the headquarters of an organization called Action Against Trafficking and Sexual Exploitation of Children in Dhaka, Bangladesh. They all looked like the children they were, except for the acid scars borne by a few of them. The invisible scars one can hardly bear to imagine.

Many of these girls could not go home because even if their families would accept them, their communities would not. Adding to their unspeakable tragedy, some are infected with HIV and all require counseling, a relatively new practice in South Asia.

I am committed to advancing the economic, legal and political status of women and children here in the United States and worldwide, and urge my colleagues to support H.R. 3244, the Trafficking Victims Protection Act of 1999. Nurjahan and so many others are waiting for us to take seriously the horrendous practices involved in the trafficking of human beings.

Mr. BROWN of Ohio. Mr. Speaker, I have no further speakers on this side, and I yield back the balance of my time and ask for House support of H.R. 3244.

Mr. SMITH of New Jersey. Mr. Speaker, I thank all of those who have supported this bill through an incredibly arduous process, as well as for the kind and important comments that were made on the floor.

Mr. Speaker, the Trafficking Victims Protection Act contains several mutually reinforcing provisions, probably two most notable of which are reforms to the United States criminal law to provide severe punishment, up to life imprisonment in the worse cases, for criminals who buy and sell human beings or who profit from the deliberate, premeditated and repeated rape of women and children. This includes people who recruit, transport, purchase, and sell these innocent victims as well as those who manage or share in the proceeds of trafficking enterprises. And of equal importance the bill establishes preventive programs, and provides real, tangible protections for the victims.

Finally, Mr. Speaker, we cannot wait one more day to begin saving these millions of women and children who are forced every day to submit to the most atrocious offenses against their persons and against their dignity as human beings. I urge unanimous support for the Trafficking Victims Protection Act of 2000.

Mr. ABERCROMBIE. Mr. Speaker, I wish to express my support for H.R. 3244, the Trafficking Victims Protection Act of 2000.

Trafficking in human beings is an evil which many assume was abolished long ago. Sadly, this is not the case. Human trafficking remains one of the worst human rights violations of the contemporary world. Its victims are typically the poorest, the most vulnerable and most disadvantaged. Trafficking is global in scope, fed by poverty, lawlessness, dictatorship and indifference. Each year, more than one million people, mostly women and children, are lured or forced into slavery. Traffickers buy young girls from relatives, kidnap children from their homes or lure women with false promises of legitimate employment. Traffickers use rape, starvation, torture, extreme physical brutality and psychological abuse to force victims to work in horrible conditions as prostitutes, in sweatshops or domestic servitude. Every American should be concerned and ashamed that many of these victims—perhaps numbering in the thousands—are trafficked into the United States each year.

It is clear that we need stronger laws to deter trafficking. We especially need to impose disincentives to deter the international criminal rings which profit from the practice. H.R. 3244 includes these disincentives and other provisions to deter and punish traffickers by:

Establishing new criminal provisions and increasing criminal and other penalties for traffickers;

Establishing initiatives to prevent trafficking by educating potential victims and improving their economic conditions to decrease the lure of traffickers;

Authorizing assistance for countries where victims originate to help them;

Authorizing a new visa for trafficking victims and providing certain federal benefits for such victims to create a safe haven so that victims will escape their conditions and help prosecute the traffickers;

Cutting off non-humanitarian assistance to countries that do not effectively combat trafficking, while providing the President a national interest waiver; and

Focusing U.S. Government efforts in order to create greater interagency coordination to combat this problem.

Trafficking in human beings is a shameful blot on the contemporary world. It imposes unspeakable hardship and cruelty on millions of people. I support the Trafficking Victims Protection Act of 2000, because it provides a legal framework to attack this contemporary evil. This measure deserves our support, because it affirms our adherence to universally accepted norms of human rights and it gives concrete expression to our will to defend and extend those rights.

Mr. GEORGE MILLER of California. Mr. Speaker, I am in support of this legislation to address the issue of international sex trade. I thank the author, Mr. SMITH, for offering this legislation and the Committee on International Relations for bringing it to the floor for discussion.

The approach of this legislation is admirable. It sets up a process whereby the United States will motivate other countries to strengthen their laws with regard to the illegal trafficking of women for sex. It recognizes that women and children from poorer nations are the primary targets for the sex trade industry. They are often lured into a scheme of travel, opportunity, and jobs, only to find themselves as indentured servants and sex slaves. They are isolated and have no means of escape. The legislation addresses this issue and provides a mechanism for the U.S. to withhold non-humanitarian aid to those countries which refuse to be proactive in their approach to help stop human trafficking from happening. Foreign countries must meet a minimum criteria to protect against illegal trafficking and to prosecute those individuals that profit from this despicable business. Along with providing states and territories with funding to establish programs designed to assist victims, H.R. 3422 also allows for victims to seek a change in their residential status under the Immigration and Nationality Act (INA) so that they can become permanent residents of the United States while seeking redress from their abusers.

The problem is this bill will not help the victims of sexual slavery in the U.S. territory of the Commonwealth of the Northern Mariana Islands (US/CNMI) where the INA does not apply. Just last month, the Central Intelligence Agency released a report entitled, International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime. The report identifies the CNMI as a United States locality used by international criminal organizations to import women for the sex industry. The US/CNMI is used both as a transfer point and a point of destination for human smugglers. Unfortunately, local enforcement of immigration in the

CNMI has been unable and unwilling to halt this importation of sexual slaves. In fact, local immigration just permitted the importation of 300 young women from Russia to work in a new casino in the US/CNMI purportedly as waitresses and public relations staff even though none of them speak English.

The Republican leadership of this House has consistently refused to address the human rights abuses in the US/CNMI and now this legislation neglects to assist its victims. We need to be sure that as we encourage other countries to address the issue of illegal trafficking of women in the sex industry that we also make ourselves and our system a model for countries to look upon. The first and perhaps the easiest step is to make sure we protect victims of this industry beneath our own flag.

Mr. CONYERS. Mr. Speaker, of all the human rights violations currently occurring in our world, the trafficking of human beings, predominantly women and children, has to be one of the most horrific practices of our time. At its core, the international trade in women and children is about abduction, coercion, violence and exploitation in the most reprehensible ways. H.R. 3244 is a modest effort to eradicate forcible and/or fraudulent trafficking of persons into prostitution or involuntary servitude. The bill provides some protection for victims who would otherwise be deportable if identified by law enforcement by creating a new ''T'' visa category for eligible victims. Unfortunately, the bill reported out of the Judiciary Committee is much more restrictive than the bill originally introduced by Representative CHRIS SMITH and Representative SAM GEJDENSON. A compromise bill was substituted by the Republicans immediately prior to the Judiciary Committee mark-up to satisfy their unrealistic concerns that the bill would enable persons to fraudulently obtain a lawful status by claiming that they were a victim of sex trafficking or involuntary servitude.

In particular, the Committee-reported bill incorporated several significant restrictions on the availability of visas for victims of sex trafficking and involuntary servitude. Among other things, the bill requires that victims establish that their presence is a ''direct result of trafficking;'' that they did not ''voluntarily agree'' to such trafficking; that they have a ''a well-founded fear of retribution involving the infliction of severe harm upon removal from the United States'' or ''would suffer extreme hardship in connection with the trafficking upon removal from the United States;'' and limits the Attorney General's authority to waive grounds of inadmissibility for trafficking victims. Each one of these requirements represents a marked departure from the spirit and text of the introduced version of the legislation, and each has the potential to prevent real victims of the legislation, and each has the potential to prevent real victims of sex trafficking and involuntary servitude from receiving refuge from their tormentors.

Further, the bill unnecessarily caps at 5,000 per year the number of victims who can receive a nonimmigrant visa and caps at 5,000 per year the number of victims who can become permanent residents. Because estimates of the number of trafficking victims entering the United States are greater than 5,000 per year, we see no reason not to provide protection to the 5,001st who has been the subject of such terrible acts.

Not only would the original bill have been more helpful to victims and their families, I believe that we should be doing far more to protect not just the victims of sex traffickers and involuntary servitude but also the victims of other forms of abuse such as battered immigrants and sweatshop laborers. I hope we have the opportunity to consider such legislation in the near future.

Finally, I would like to note for the record my understanding of two somewhat technical issues. First, regarding the phrase in the new ''T'' visa provision that makes visas available to, ''an alien, and the children and spouse of the alien if accompanying or following to join the alien, who * * *.'' It is clear that the principal foreign national who is applying for the visa must meet the criterion for eligibility which includes proof that he or she is or has been a victim of a severe form of trafficking and several other requirements. The possible ambiguity is with respect to whether a child or spouse accompanying or following to join the principal foreign national also has to meet those requirements. However, I have been assured that the intention of the provision is for the child or spouse to receive derivative benefits from the principal foreign national who is applying for the visa. The spouse and child do not have to meet the eligibility requirements themselves.

The bill also would permit trafficking victims who have been here for three years to become lawful permanent residents of the United States. This issue concerns the possibility of a misinterpretation in this provision too. Whereas the new nonimmigrant visa provision applies one eligibility criterion to ''children'' and another criterion to ''sons and daughters (who are not children),'' the provision for adjustment of status only addresses criterion applicable to ''unmarried sons and daughters.'' In a perfect world, I would have preferred to use the term ''children'' in the adjustment of status context to explicitly state that ''children are eligible for derivative permanent resident status. That being said, I accept the sponsors position that in the case of adjustment of status, derivative status is available to unmarried sons and daughters, which includes children, of the principal foreign national.

Mr. HOEFFEL. Mr. Speaker, I rise in support of H.R. 3244, the Trafficking Victims Protection Act of 2000.

The illegal trafficking of women and children for prostitution and forced labor is one of the fastest growing criminal enterprises in the world.

Globally, between 1 and 2 million people are trafficked each year. Of these, 45,000 to 50,000 are brought to the United States. Some are made to work in illegal sweatshops, while many more are forced into prostitution or domestic servitude here in the United States.

There is an increasing need for adequate laws to deter trafficking. This legislation is meant to combat this modern day form of slavery by including provisions to punish traffickers and protect its victims.

Specifically, H.R. 3244 would require the Secretary of State to include informaiton on trafficking in the Annual Country Reports on Human Rights Practices. This bill would also require the President to appoint an Interagency Task Force to Monitor and Combat Trafficking and authorizes the Secretary of State to establish an Office to Monitor and Combat Trafficking to assist the Task Force.

This bill also has strong enforcement mechanisms. For example, H.R. 3244 would establish minimum standards applicable to those countries found to have significant trafficking problems to prevent, punish, and eliminate trafficking. If these countries do not meet the minimum standards, the President would be authorized to withhold nonhumanitarian assistance. This legislation would also require the Secretary of State to publish a list of those believed to be involved with illegal trafficking and would allow the President to impose International Emergency Economic Powers Act (IEEPA) sanctions against any individual on this list.

Mr. Speaker, I urge passage of this important legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3244, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT OF 2000

Mr. LAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes, as amended.

The Clerk read as follows:

H.R. 4386

*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 ''Breast and Cervical Cancer Prevention and Treatment Act of 2000''.

**SEC. 2. OPTIONAL MEDICAID COVERAGE OF CERTAIN BREAST OR CERVICAL CANCER PATIENTS.**

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XVI), by striking ''or'' at the end;

(B) in subclause (XVII), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(XVIII) who are described in subsection (aa) (relating to certain breast or cervical cancer patients);''.

(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

''(aa) Individuals described in this paragraph are individuals who—

''(1) are not described in subsection (a)(10)(A)(i);

''(2) have not attained age 65;

''(3) have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) in accordance with the requirements of section 1504 of that Act (42 U.S.C. 300n) and need treatment for breast or cervical cancer; and

''(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (45 U.S.C. 300gg(c)).''.

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking ''and (XIII)'' and inserting ''(XIII)''; and

(B) by inserting '', and (XIV) the medical assistance made available to an individual described in subsection (aa) who is eligible for medical assistance only because of subparagraph (A)(10)(ii)(XVIII) shall be limited to medical assistance provided during the period in which such an individual requires treatment for breast or cervical cancer'' before the semicolon.

(4) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (xi), by striking ''or'' at the end;

(B) in clause (xii), by adding ''or'' at the end; and

(C) by inserting after clause (xii) the following:

''(xiii) individuals described in section 1902(aa),''.

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following:

''PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR CERVICAL CANCER PATIENTS

''SEC. 1920B. (a) STATE OPTION.—A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(aa) (relating to certain breast or cervical cancer patients) during a presumptive eligibility period.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

''(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(aa); and

''(B) ends with (and includes) the earlier of—

''(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

''(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

''(2) QUALIFIED ENTITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

''(i) is eligible for payments under a State plan approved under this title; and

''(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

''(B) REGULATIONS.—The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

''(c) ADMINISTRATION.—

''(1) IN GENERAL.—The State agency shall provide qualified entities with—

''(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

''(B) information on how to assist such individuals in completing and filing such forms.

''(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

''(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

''(B) inform such individual at the time the determination is made that an application for medical assistance under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.

''(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance under such plan by not later than the last day of the month following the month during which the determination is made.

''(d) PAYMENT.—Notwithstanding any other provision of this title, medical assistance that—

''(1) is furnished to an individual described in subsection (a)—

''(A) during a presumptive eligibility period;

''(B) by a entity that is eligible for payments under the State plan; and

''(2) is included in the care and services covered by the State plan;

shall be treated as medical assistance provided by such plan for purposes of section 1903(a)(5).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: ''and provide for making medical assistance available to individuals described in subsection (a) of section 1920B during a presumptive eligibility period in accordance with such section''.

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking ''or for'' and inserting '', for''; and

(ii) by inserting before the period the following: '', or for medical assistance provided to an individual described in subsection (a) of section 1920B during a presumptive eligibility period under such section''.

(c) ENHANCED MATCH.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking ''and'' before ''(3)''; and

(2) by inserting before the period at the end the following: '', and (4) the Federal medical assistance percentage shall not be less than 75 percent with respect to medical assistance provided to individuals who are eligible for such assistance only on the basis of section 1902(a)(10)(A)(ii)(XVIII)''.

(d) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 2001, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

(e) SENSE OF CONGRESS.—It is the sense of Congress that the amendments made by this section, as enacted into law, should conform to the levels of new budget authority and budget outlays of the most recently adopted concurrent resolution on the budget for the fiscal years that are subject to such resolution, and to the extent that those amendments result in estimated expenditures for the five-fiscal-year period beginning with fiscal year 2001 in excess of such levels, that excess for such period should be fully offset before this section is enacted by both houses of Congress.

**SEC. 3. HUMAN PAPILLOMAVIRUS; ACTIVITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.**

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317G the following section:

''HUMAN PAPILLOMAVIRUS

''SEC. 317H. (a) SURVEILLANCE.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(A) enter into cooperative agreements with States and other entities to conduct sentinel surveillance or other special studies that would determine the prevalence in various age groups and populations of specific types of human papillomavirus (referred to in this section as 'HPV') in different sites in various regions of the United States, through collection of special specimens for HPV using a variety of laboratory-based testing and diagnostic tools; and

''(B) develop and analyze data from the HPV sentinel surveillance system described in subparagraph (A).

''(2) REPORT.—The Secretary shall make a progress report to the Congress with respect to paragraph (1) not later than one year after the effective date of this section.

''(b) PREVENTION ACTIVITIES; EDUCATION PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall conduct prevention research on HPV, including—

''(A) behavioral and other research on the impact of HPV-related diagnoses on individuals;

''(B) formative research to assist with the development of educational messages and information for the public, for patients, and for their partners about HPV;

''(C) surveys of physician and public knowledge, attitudes, and practices about genital HPV infection; and

''(D) upon the completion of and based on the findings under subparagraphs (A) through (C), develop and disseminate educational materials for the public and health care providers regarding HPV and its impact and prevention.

''(2) REPORT; FINAL PROPOSAL.—The Secretary shall make a progress report to the Congress with respect to paragraph (1) not later than one year after the effective date of this section, and shall develop a final proposal not later than two years after such effective date, including a detailed summary of the significant findings and problems. The report shall outline the further steps needed to make HPV a reportable disease and the best strategies to prevent future infections.

''(c) CONDOM EFFECTIVENESS; EDUCATION.—The Secretary shall require that the Department of Health and Human Services and all contractors, grantees, and subgrantees of such Department specifically state the effectiveness or lack of effectiveness of condoms in preventing the transmission of HPV, herpes, and other sexually transmitted diseases in all informational materials related to condoms or sexually transmitted diseases that are made available to the public. The Secretary shall assure that such information is made available to relevant operating divisions and offices of the Department of Health and Human Services. This subsection shall be effective within 6 months of the date of its enactment.''.

**SEC. 4. LABELING OF CONDOMS WITH RESPECT TO HUMAN PAPILLOMAVIRUS.**

(a) IN GENERAL.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

''(u) If it is a condom, unless its label and labeling bear information providing that condoms do not effectively prevent the transmission of the human papillomavirus and that such virus can cause cervical cancer.''.

(b) APPLICABILITY.—The amendment made by subsection (a) applies to condoms manufactured on or after the expiration of the 180-day period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. LAZIO) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. LAZIO).

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

Mr. LAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today Mother's Day comes a few days early in this House because of the hard work in a bipartisan fashion of a number of different leaders in the House of Representatives, beginning with the Speaker of the House, the gentleman from Illinois (Mr. HASTERT). Without his support and his commitment to this legislation, we simply would not be here right now.

Mr. Speaker, the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce, deserves our respect and our appreciation for having addressed the merits of this bill in hearings and then supported it throughout the process.

I also commend the gentlewoman from Florida (Ms. ROS-LEHTINEN), the gentlewoman from Florida (Mrs. FOWLER) and the gentlewoman from Ohio (Ms. PRYCE), my colleagues, for their considerable influence with the leadership and with the membership to help move this along.

Finally, I want to thank the gentlewoman from North Carolina (Mrs. MYRICK), who for her entire tenure in the House has been focused on issues involving those people who are in struggles and need to build better partnerships. She has been an incredible advocate for women who face breast and cervical cancer and as the lead sponsor on this bill, I express my deep appreciation.

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Mr. Speaker, I want to tell my colleagues a story. It is a true story. It is a story about one of my constituents, but she can just as well have been born or lived somewhere else in America. It is about a woman named Judy Lewis.

See, Judy is a woman of modest means. She is an honest woman. She works as a waitress. Her employer, like a lot of employers throughout America, cannot afford to give his employees health insurance. On a waitress' salary, Judy cannot afford to purchase a policy either.

So imagine Judy's delight when she heard of a Federal program that would provide breast and cervical cancer screenings free of charge. So Judy went out and had herself screened, just as the Federal Government has encouraged her to do.

Mr. Speaker, one can imagine how Judy's delight turned to devastation when she received the diagnosis of breast cancer. One can imagine how her devastation turned to utter despondency when she was told that this Federal program was limited solely to cancer screening and that there was no treatment to be had.

Mr. Speaker, Judy Lewis found herself facing hard, hard options that I would not wish on anyone. She was forced to spend her life savings, to reduce herself to penury, in order to qualify for the Medicaid program that might just save her life.

Mr. Speaker, there are thousands of Judy Lewises out there. Thousands of women who are forced to face a Hobsons choice between a flatline or the bread line, between chemotherapy or the homeless shelter.

Mr. Speaker, it is about time that Congress acted, and it is about time that we filled in this deadly crack in our medical system that is consuming thousands of women like Judy Lewis each and every year.

Mr. Speaker, this is a good bill. This is a just bill. Let us work to make sure that no American woman would needlessly die of these deadly yet treatable diseases.

I want to conclude by emphasizing once again, Mr. Speaker, the bipartisan nature of this bill. I want to thank the gentleman from Ohio (Mr. BROWN), and I want to thank the gentlewoman from California (Mrs. CAPPS), and I would like to thank the gentlewoman from California (Ms. ESHOO) for their work on this as well.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentlewoman from California (Ms. ESHOO) and the gentleman from New York (Mr. LAZIO) for their hard work on behalf of women screened under the CDC National Breast and Cervical Cancer screening program. H.R. 1070 has tremendous support with 315 cosponsors.

In 1990, Congress passed a Breast and Cervical Cancer Mortality Prevention Act authorizing funding for a national breast and cervical cancer screening program, focusing on uninsured and under-insured women. The program is federally funded and locally operated, and it works.

My home State of Ohio set up 12 local screening sites providing coverage for all of Ohio's 88 counties. Since its inception, some 16,000 women in my State have been screened for cervical and breast cancer, and cancer has been detected in more than 200 women.

Early detection alters the odds of successful treatment dramatically, restoring precious years otherwise lost to these devastating cancers. But there is a catch. Early detention is a futile and ultimately cruel exercise if the cancer diagnosis does not trigger appropriate treatment. They go hand in hand.

The 1990 bill authorizes funding for screening but not for treatment. Screening alone surely cannot reduce cancer mortality. Thankfully, only a small percentage of women screened under the CDC program were actually diagnosed with cancer.

Imagine if one of these women was your sister, your mother, your wife, your daughter. Maybe she works for a company that does not offer health insurance. Maybe she is out of a job. Maybe you are.

With our encouragement, she participates in the CDC cancer screening program and learned she has life threatening cancer. What is next? If we pass this bill, she will face cancer with doctors and in a setting that makes sense. If we do not, she will be relegated to charity care. It is as simple as that.

The Nation can make a small investment and, in so doing, reduce cancer mortality, promote cost-effective early detection and prevention of cancer, and spare seriously ill women the added trauma of cobbled together often-ineffective care. Or we can look the other way.

There is only one right answer, Mr. Speaker. We need to pass this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LAZIO. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), the primary sponsor of this legislation.

Mrs. MYRICK. Mr. Speaker, I thank the gentleman from New York (Chairman LAZIO) for yielding me this time.

I am so pleased to be able to be here today and support this bill because it is a great day for American women. Today we can actually pass a bill that is going to ensure that low-income

working women can get treatment for their breast or cervical cancer.

This is a bill that covers women who are not eligible for Medicaid and too young for Medicare, but are caught in that crack of not having insurance coverage for a lot of reasons. Some, their employer does not provide it. Other times, they just flat cannot afford it.

So this program is a follow-up to something Congress has been doing for the last 10 years. We have been providing screening for breast and cervical cancer. But then if the woman is told that she has cancer, the critical aspect of treatment is not there. A lot of them are sent home with no treatment options.

By establishing this service, they are going to have that peace of mind that they will receive the care that they need. If we care enough to screen the women, we certainly should care enough to be able to provide the treatment.

I am very fortunate. I am currently undergoing treatment for breast cancer, but I have insurance. It is paying my thousands and thousands of dollars of medical bills. But the women that we are talking about today do not have that luxury. I cannot imagine anything more devastating than being told one has cancer, but I am sorry, there is no way one can get treated. I mean, one goes through enough emotional turmoil when one has to deal with this disease alone, let alone knowing that there is no hope there for one as a human being to continue to lead the rest of one's life, live the rest of one's life in a healthy manner.

So this is not only a great day for American women, it is a great Mother's Day gift for American women because, yes, Sunday is Mother's Day.

I would like so much to thank the gentleman from New York (Mr. LAZIO) and the gentlewoman from California (Ms. ESHOO) who have taken the lead on this bill. I thank Speaker HASTERT for his willingness to bring it to the floor.

I urge all of my colleagues to support the bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. ESHOO) who has done yeoman's work in pushing this bill to the House floor.

Ms. ESHOO. Mr. Speaker, I thank the gentleman from Ohio, the ranking member, for yielding me this time.

Mr. Speaker, I rise in support of the legislation that is here on the floor under suspension, which, to the American people, what that means is that there are so many people that support this that we do not have to worry about its passage.

On March 11, 1999, we held a press conference. The gentleman from New York (Mr. LAZIO) and myself brought about this bill, and I am very proud to be the chief Democratic sponsor of it.

On that day, I issued a challenge, our challenge to ourselves and the women around the country, that we would lobby the Congress and all of its Members so that, by Mother's Day of last year, we would have more than a simple majority to pass the bill. I did not realize what a fight we had on our hands.

We are here today for a bill that today, as brought to the floor, has three cosponsors. Why did it go from 315 to 3? Because last Friday the bill was gutted, plain and simple.

Now, this bill is not about my work. This bill is really not about the work of the gentleman from New York (Mr. LAZIO). This bill is about a need of women to have treatment for breast and cervical cancer. That is why I brought everything that I could to it.

The reason the bill was reconstituted with money in it, make no mistake about it, is because of the National Breast Cancer Coalition and its brave and courageous members. They were the ones that put in the telephone calls to the Speaker's office and to the leadership and said, unless you retain money in the bill, the Congress might as well send a greeting card to the families of America who have been victimized by either breast or cervical cancer, and said we are thinking about you on Mother's Day.

So I rejoice for them and their courageous advocacy, because, were it not for the National Breast Cancer Coalition, Mr. Speaker, we would not be here today with the reconstituted bill, because it was gutted and thrown by the side of the road last week.

This is a need in our Nation. Imagine women being victimized, not once, but twice, first by the breast or cervical cancer and then by a lack of insurance coverage. These are the waitresses, these are the uninsured or the underinsured women of our Nation.

So we do noble work for them today by passing this and saying to them that America is a better country, that she can, indeed, step up to and fund and advocate for and recognize where there is a weak link, where something is broken in our society.

I want to salute everyone in the House that was a cosponsor of H.R. 1070. That was the legislation that really allowed this to happen today. I want to thank all of my colleagues for having done that. It was a very important bipartisan effort. No major legislation in this House, no meaningful legislation can ever pass the Congress unless it is bipartisan.

So as we used to say when we were kids, sticks and stones may break my bones, but no one is going to break the spirit of those that need the most of what they need; and those of us in this House are going to insist that it be done the way it should be done in order to make it happen for them.

So God bless the women. Happy Mother's Day. They deserve it. They earned it. I thank the National Breast Cancer Coalition.

Mr. LAZIO. Mr. Speaker, I include for the RECORD the letter of glowing support of H.R. 4386 from the National Breast Cancer Coalition, as follows:

NATIONAL BREAST CANCER COALITION,
*May 9, 2000.*

DEAR CONGRESSPERSON: On behalf of the National Breast Cancer Coalition (NBCC) and the 2.6 million American women living with breast cancer. I urge you to support H.R. 4386, the substitute for H.R. 1070, the Breast and Cervical Cancer Treatment Act, when it comes to the House floor for a vote today. H.R. 4386 is bi-partisan legislation offered by Representatives Myrick (R–NC), Danner (D–MO), and Lazio (R–NY). This legislation is very similar to H.R. 1070, the Breast and Cervical Cancer Treatment Act, offered by Representatives Lazio (R–NY), Eschoo (D–CA), Ros-Lehtinen (R–FL) and Capps (D–CA), one of NBCC's priority issues for the 106th Congress.

H.R. 4386 would give states the option of providing Medicaid coverage to low-income women who are screened and diagnosed with breast and cervical cancer through the Centers for Disease Control and Prevention's (CDC) National Breast and Cervical Cancer Early Detection Program. While the CDC Early Detection Program currently provides screening for breast and cervical cancer for low-income, uninsured and underinsured women, if lacks a critical aspect—funding for treatment for women diagnosed with these cancers. These women are often working mothers who are too young for Medicare and whose incomes are too high for Medicaid, but who do not have health insurance. Screening must be coupled with treatment to reduce mortality.

H.R. 4386, like H.R. 1070, also includes the enhanced match of 75% Federal-25% State dollars for treatment, instead of the basic 60% Federal-40% State dollars. This enhanced match is a major incentive for governors to enroll their states in the program once the bill is signed into law so that these women can be created for their cancers. Many governors, including George W. Bush, have endorsed this legislation.

Congress provided funding for H.R. 4386 in the FY 01 Budget Resolution. President Clinton also included funding for this program in his FY 01 budget. H.R. 1070, which contains almost all of the same provisions as H.R. 4385, has 315 co-sponsors. The Breast and Cervical Cancer Treatment Act passed unanimously out of the House Commerce Committee.

Please vote ''yes'' on H.R. 4386. NBCC will record Members' votes on this legislation in our 2000 Voting Record, which will come out prior to the November elections.

With all of this support, we must pass H.R. 4386. Let's give all the mothers in this country the best gift we can this Mothers Day week—peace of mind that we are one step closer to assurance that if they are diagnosed with breast or cervical cancer they will receive the life-saving treatment they need.

Sincerely,

FRAN VISCO,
*President.*

Mr. LAZIO. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN) who has been just an amazing advocate for this bill and for women who struggle with breast and cervical cancer.

Ms. ROS-LEHTINEN. Mr. Speaker, I congratulate the gentleman from New York (Mr. LAZIO) for his tireless leadership efforts on this bill because today marks a significant day in women's history as we will help decide the fate of scores of women throughout our country.

The bill before us, the Breast and Cervical Cancer Treatment Act, is a

bill that has long been awaited by our Nation's mothers and daughters whose lives have been touched by breast or cervical cancer.

Women's cancers are sweeping the Nation at high speeds. While researchers continue to look for cures and effective treatments, many women will never be able to see the benefits of such research because they simply are not able to afford it.

The bill before us will enable many low-income women to receive the necessary life treatment, life saving treatment through a State-optional Medicaid benefit which will help provide coverage for treatment for women who are screened and diagnosed through the Federal CDC Early Detection Program.

Today, if we pass our bill, our Nation's women will finally be given a fighting chance at beating a life-threatening disease. Today if we pass the bill of the gentleman from New York (Mr. LAZIO), low-income women everywhere will have peace of mind that, should she ever be diagnosed with breast or cervical cancer, life-saving treatment will be made available to them.

Despite education on preventative measures and early detection, the rate of cancer among women continues to increase at an alarming rate. Every 64 minutes, a woman is diagnosed with a reproductive tract cancer; and just today, one in eight women will be diagnosed with breast cancer.

The gentlewoman from North Carolina (Mrs. MYRICK), our own colleague, shared with us how her life has been directly touched by breast cancer. Fortunately for the gentlewoman, she is among the fortunate ones who can afford life-saving treatment after diagnosis, but many women unfortunately are not as lucky.

As cancer eats away at their spirits, many women are left to scramble and search for funding. They are forced to hold bake sales and car washes just to be able to afford the necessary life-saving treatment they so desperately need.

As role models and community leaders, we encourage all mothers and daughters to have mammogram screenings and take early detection measures. Today, Congress can make a difference and give mothers all over the country the best gift this coming Mother's Day by giving them life.

By passing the bill of the gentleman from New York, (Mr. LAZIO), the Breast and Cervical Cancer Treatment Act, we can give women a fighting chance at beating cancer. It is the very least that all of us in Congress can do for mothers and women everywhere.

I thank our colleagues for their extraordinary leadership, especially the gentleman from New York (Mr. LAZIO). I also thank the gentlewoman from North Carolina (Mrs. MYRICK) whose perseverance in the battle to eradicate breast cancer has been a strong inspiration for all of us.

When battling a fierce and treacherous disease such as cancer, every minute counts. Mr. Speaker, many of our Nation's mothers and daughters cannot wait any longer. I urge my colleagues to vote for passage of H.R. 4386, to extend to them the gift of life.

□ 1330

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in support of H.R. 4386, the Breast and Cervical Cancer Treatment Act of 2000. This bill is a variation of legislation originally introduced by the gentlewoman from California (Ms. ESHOO) and the gentleman from New York (Mr. LAZIO) as H.R. 1070. Because of the untiring efforts of both of these sponsors, that legislation was finally considered by the Committee on Commerce and passed by a vote last October.

The gentlewoman from California (Ms. ESHOO) has continued to work to see that this legislation would receive consideration by the full House. She has been a driving force for this legislation. In view of those efforts, I find it disturbing that her name appears nowhere on the legislation before us today. Instead, we have a new bill and new Republican lead sponsors.

The bipartisan way this bill has been approached from the beginning is now paid lip service at best. Well, that will not fool the many groups who have long fought for this bill and who know the dedication of the gentlewoman from California (Ms. ESHOO) and many other Democrats who have fought for this effort as well. It will not fool the women of America.

I think it reflects poorly on the Republican leadership for trying to take sole partisan credit for a bill that has been bipartisan from the very beginning and is bipartisan in support of this legislation today. The Republicans are trying to take partisan credit for this bill, and by the time we are finished, they will take partisan credit for Mother's Day.

I regret also that the bill that is before us is not going to even be put into effect until the year 2001. This bill should have been effective immediately. It should have been brought up last year. Instead, what we have is a bill that will not be effective until 2001 but is called the Breast and Cervical Cancer Treatment Act of 2000.

Notwithstanding these last-minute changes, this bill will provide crucial treatment and follow-up services under Medicaid for women screened under the Breast and Cervical Cancer Screening Program who are found to have cancer.

Mr. Speaker, I was chairman of the Subcommittee on Health and the Environment when we originally passed the Breast and Cervical Cancer Screening Program into law. It was an important step forward. We did it on a bipartisan basis. It has proved to be a real success story in helping women. It remains a law that I am proud of. But when we have no services available for women who find that they have breast cancer, it, one, discourages many from even going in to be screened, and it is inhumane not to have those services available.

However, there is one part of this bill that was added in committee that is of great concern to me, and I want to point that out. I believe the mandate concerning human papilloma virus, HPV, was a well-intended but deeply misguided provision. From a public health point of view, this provision will not achieve a meaningful improvement in health or in the prevention of HPV. On the contrary, it threatens to discourage the use of condoms in preventing other sexually transmitted diseases, including HIV and AIDS.

I urge my colleagues to support the bill because of its important contributions to the treatment and care of American women with breast and cervical cancer.

Mr. Speaker, I rise in support of H.R. 4365, "The Children's Health Research and Prevention Amendments of 2000." This bill includes many important provisions which will advance the treatment, cure and prevention of many childhood diseases and disorders.

IMPORTANT TITLES ON ASTHMA AND AUTOIMMUNE DISEASES

I am very pleased that H.R. 4365 includes two titles which I have authored. Both titles promise to make significant advances in the treatment and prevention of childhood asthma and of autoimmune diseases, like multiple sclerosis, juvenile diabetes and lupus: Title V of this bill consists of H.R. 2840, "The Children's Asthma Relief Act of 1999," introduced by Congressman FRED UPTON and myself; and title XIX is based on H.R. 2573, "The NIH Office of Autoimmune Diseases Act of 1999," which was authored by Congresswoman CONNIE MORELLA and myself.

CHILDREN'S ASTHMA RELIEF ACT

Today, more than 5 million American children have asthma, one of the most significant and prevalent chronic diseases in America. Surgeon General David Satcher recently concluded that the United States is "moving in the wrong direction, especially among minority children in the urban communities."

That is why the Children's Asthma Relief Act provides new funding for pediatric asthma prevention and treatment programs, allowing States and local communities to target and improve the health of low-income children suffering from asthma. The act would also increase the enrollment of these children into Medicaid and State Children's Health Insurance Programs, (CHIP), such as California's Healthy Families.

I am particularly pleased that title V of H.R. 4365 includes mobile "breathmobiles" among the community-based programs eligible for funding. These school-based mobile clinics were developed by the southern California chapter of the Asthma and Allergy Foundation of America, in conjunction with Los Angeles County, Los Angeles Unified School District, and the University of Southern California.

Finally, this title reflects the leadership and work of Senators DICK DURBIN and MIKE DEWINE. It also has the strong support of leading child health and asthma organizations, including the American Lung Association, the American Academy of Pediatrics, Association

of Maternal and Child Health Programs, the National Association of Children's Hospitals, the American Academy of Chest Physicians, and the Children's Health Fund.

NIH INITIATIVE ON AUTOIMMUNE DISEASES

I am also pleased that H.R. 4365 establishes a new initiative at NIH to ''expand, intensify and coordinate'' research and education on autoimmune diseases.

Last year, Congresswoman MORELLA and I introduced ''The NIH Office of Autoimmune Diseases Act of 1999.'' This legislation created an office in the NIH Office of the Director to ensure the Federal funding of autoimmune disease research is used optimally and that clinical treatments are developed as rapidly as possible.

There are more than 80 autoimmune diseases—including multiple sclerosis, lupus, and rheumatoid arthritis—in which the body's immune system mistakenly attacks healthy tissues. These diseases affect more than 13.5 million Americans and are major causes of disability. Most striking of all, three-quarters of those afflicted with an autoimmune disease are women.

Research on autoimmune diseases is spread through many institutes of the National Institutes of Health (NIH), just as treatments involve many clinical specialties. Increasingly, however, scientists are identifying the common risk factors and symptoms of autoimmune diseases. This is why greater coordination and additional resources are needed in our Nation's autoimmune research effort.

Title XIX of H.R. 4365 adopts our office, transferring its activities and mission to an Autoimmune Diseases Coordinating Committee. Composed of NIH institute directors and permanently staffed with scientists and health professionals, the coordinating committee would be advised by a public advisory council.

Most significantly, the coordinating committee, in close consultation with the advisory council, will develop a plan for research and education on autoimmune diseases. The plan will establish NIH priorities and the Director of NIH will ensure the plan is fully and appropriately funded. The strategic plan would create crucial new funding opportunities for autoimmune research, based on the professional and scientific judgments of researchers, patients, and clinicians.

Finally, the committee would report to Congress on implementation of the plan, including the actual amounts dedicated by NIH to autoimmune disease research. The committee will also prospectively identify areas and projects of great promise which Congress should support.

I cannot overstate the importance of these activities. In conjunction with the strategic plan, these reports will provide an objective, scientifically sound roadmap to Congress and NIH to follow in the pursuit of new treatments and cures for autoimmune diseases.

CONTROVERSY CONCERNING TITLE XII ON ADOPTION AWARENESS

However, I do have serious concerns over one section of this bill—title XII's adoption awareness provisions. This title was the subject of great controversy and debate. The original language raised many serious objections concerning adoption policy as well as abortion policy.

These objections were made by Members, including myself, and important public health organizations including the American College of Obstetricians and Gynecologists, the National Association of Community Health Centers, and the National Abortion and Reproductive Rights Action League.

I recognize the sincerity of Chairman BLILEY's concern on the issue of adoption. And he has clearly made significant efforts to achieve a compromise and to remove the more troubling provisions from this title.

But while I support the passage of H.R. 4365, I join many colleagues in calling for careful scrutiny of this title when the legislation is in conference with the Senate. We must assure that its provisions do no harm to the provision of federally funded reproductive health services or to sensible adoption policy across the country.

Again, I urge passage of this bill's important provisions for children's health, and ask every Member to join me in voting for H.R. 4365.

Mr. LAZIO. Mr. Speaker, I yield myself 30 seconds just to respond, if I can, to the remarks of the gentleman from California.

First of all, I want to say it has been 10 years now since the Federal Government developed the screening program for low-income women who have breast and cervical cancer, and I am proud of the leadership in allowing us to bring this to the floor to finally address this. That is number one.

Number two, we are going to work very hard to try to ensure that we will move the effective date up to October of 2000 in conference. We are trying to make adjustments. Because of budgetary constraints and the budget resolution, we cannot move it any further until then.

Finally, let me just note that the gentlewoman from Missouri (Ms. DANNER), the last time I checked, was on the other side of the aisle and is a cosponsor of this bill. It is a bipartisan bill and I did try to pay tribute, in fact, to the gentlewoman from California (Ms. ESHOO), who has played an important role in moving this bill forward.

Mr. Speaker, I yield 2½ minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, first of all, I would like to pay tribute to the gentlewoman from California (Ms. ESHOO) and to the gentleman from New York (Mr. LAZIO) for their work on this bill. I do not think it would have come about without their efforts.

And I do not believe this has anything to do with partisan politics, and I am sorry that that has been raised as a part of this. The human papilloma virus, breast cancer, does not care what one's political affiliation is. It just is coming after us.

I also want to make clear the statements by the gentleman from California are erroneous. The number one sexually transmitted disease in this country today, that claims 15,000 lives, more lives than AIDS, is human papilloma virus. And for the American College of Obstetricians and Gynecologists to stick their head in the sands and say they do not really care about women because they do not want them educated about the number one risk factor for them developing cervical cancer.

It is true that 15,000 women will be diagnosed with cervical cancer this year. Fifteen thousand women will die. But hundreds of thousands of women will be treated for precancer dysplasia because we, as a government and health policy, have decided we are not going to let everybody know about the most dangerous sexually transmitted disease out there. This bill moves a long way toward that, of informing women of the actual method of transmission and the fact that prophylactic use of condoms will not prevent this disease.

ACOG did not dispute the facts. They just said they did not want the public to know. I think it is highly ironic in this day and time of advances in health care that those that control the power over the medical institutions have chosen to go against knowledge, against informing women. If they were to apply the same logic to breast cancer, they would not tell women about annual screening with mammograms, they would not tell women about how important it is for them to get a report back on their mammogram or to have a follow-up doctor visit or to do annual self-breast exams.

So I find it very ironic that, number one, this bill can be claimed to be partisan. It is not. The gentlewoman from Missouri (Ms. DANNER), the gentlewoman from California (Ms. ESHOO), and many others in this Chamber have worked hard to see that this bill came to fruition, including the ranking minority member of this subcommittee. Let us not let it be partisan.

Number two, let us not deny scientific truth. Let us let people know what they are at risk for. That is all this is about, to inform the public of the risks that are out there in terms of a disease that causes more deaths than AIDS in this country, and it is preventable.

And, Mr. Speaker, I am providing for insertion into the RECORD a letter from the Medical Institute on Human Papilloma Virus.

THE MEDICAL INSTITUTE,
*Austin, TX, May 9, 2000.*

PRESS RELEASE

HOUSE TO DECIDE WHETHER AMERICANS SHOULD BE TOLD THE TRUTH ABOUT THE MOST COMMON STD, HUMAN PAPILLOMA VIRUS (HPV)

AUSTIN, TEXAS (May 9, 2000).—Today the House of Representatives will consider the Breast and Cervical Treatment Act legislation (H.R. 4386). This important legislation has the potential to dramatically decrease the number of lives shortened each year by cervical cancer, which results from the most common STD, human papilloma virus (HPV).

H.R. 4386 would make HPV and cervical cancer prevention a new public health priority. The bill directs the CDC to determine the prevalence of HPV, and to develop and disseminate educational materials for the public and for health care providers regarding the impact and prevention of HPV. In addition, condom labels and government sponsored informational materials would be required to state that condoms do not prevent the transmission of HPV and that HPV can cause cervical cancer.

This bill is particularly significant in that it would make HPV a reportable disease to the Centers for Disease Control and Prevention. This action would make it possible to accurately assess how many individuals are hurt by the disease each year. Current estimates suggest that 75 percent of all sexually active adults currently have, or previously had, an HPV infection—that's over 80 million Americans between the ages of 15 and 49.

Current labeling on condom packages suggests that condoms protect users from HIV and other sexually transmitted diseases, including HPV. This bill would require condom packaging and public health messages to warn the public that condoms do not provide adequate protection for HPV transmission, which can lead to cervical cancer.

Most Americans—including American health care professionals—are currently unaware of HPV's dramatic prevalence.

HPV is the most common viral STD in the United States. Current estimates suggest that 5.5 million Americans acquire the infection each year.

HPV is the virus present in over 93 percent of all cervical cancers (according to a 1995 study in the Journal of the National Cancer Institute).

More women die from cervical cancer than die from AIDS each year in the U.S.

In addition to cervical cancer, HPV can lead to vaginal, vulvar, penile, anal and oral cancer. According to the National Cancer Institute, the evidence that condoms do not protect against HPV is so definitive that ''additional research efforts by NCI on the effectiveness of condoms in preventing HPV transmission is not warranted.''

Dr. Richard Klausner of the National Cancer Institute has stated, ''condoms are ineffective against HPV because the virus is prevalent not only in mucosal tissue, but also on dry skin of the surrounding abdomen and groin, and can migrate from those areas into the vagina and cervix.''

Despite these findings, The American College of Obstetricians and Gynecologists (ACOG) does not support this legislation. In a letter sent to the members of the House, the College states, ''We believe that the HPV language included in H.R. 4386 is not medically appropriate. Indeed, we feel the language, if passed, would discourage condom use although condoms are effective in preventing other serious STDs such as HIV/AIDS.''

This statement indicates that ACOG has abandoned its responsibility to inform the American public about the truth: condoms don't protect against the transmission of the most common STD—HPV. It's worth noting that ACOG is not questioning the medical accuracy of the legislation. They are simply fearful that the data might discourage condom usage (although there is no scientific or anecdotal evidence to support this conclusion).

H.R. 4386 must be passed to protect the future health of Americans. Americans have a right to know the truth about human papilloma virus (HPV). It is only when individuals know the facts that they can make informed decisions that impact their personal health and future happiness. The Medical Institute applauds the House for addressing this important issue.

The Medical Institute is a nonprofit medical organization founded in 1992 to confront the worldwide epidemics of nonmartial pregnancy and sexually transmitted infection with incisive health care data.

Mr. BROWN of Ohio. Mr. Speaker, how much time is remaining for each side?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Ohio (Mr. BROWN) has 11½ minutes remaining, and the gentleman from New York (Mr. LAZIO) has 9 minutes remaining.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Ms. DANNER).

Ms. DANNER. Mr. Speaker, during the break between the first and second session of the 106th Congress the gentlewoman from North Carolina (Mrs. MYRICK) and I had similar schedules to many of our compatriots here on the floor; cutting ribbons, going to civic affairs, meeting with our constituents in general. However, she and I differed from other Members in a very significant way. We each began our personal battle against breast cancer.

Fortunately, we were diagnosed very early. And since each of us have routine physical checkups and mammograms, our diagnoses were followed immediately by treatment because we both had insurance to cover us. And I might mention that we do pay premiums for that insurance. Some people wonder about that.

Unfortunately, there are many women who do not have the ability to pay for treatment after being diagnosed with breast or cervical cancer. This is a most tragic situation that this legislation seeks to address.

Because of my early diagnosis and subsequent treatment, along with millions of other women in America, I am a survivor. The early detection of my cancer has strengthened my belief in the vital role of having a regular mammogram and an annual physical checkup. I attribute my favorable and fortunate outcome to this diligence, and I encourage all women to take similar action for themselves, their families and their loved ones.

There is no denying that this short examination each year can be rather unnerving, rather trying, but I promise it may be a life-changing and, indeed, it may be a lifesaving experience for any woman and her family.

I urge all Members of this body to adopt this legislation, Mr. Speaker.

Mr. LAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health and Environment of the Committee on Commerce, and a true advocate for all people suffering with cancer.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of H.R. 4386, this bipartisan bill, and I emphasize bipartisan bill, which was introduced by our colleagues the gentleman from New York (Mr. LAZIO), the gentlewoman from North Carolina (Mrs. MYRICK), and the gentlewoman from Missouri (Ms. DANNER).

This bill would allow States to expand coverage under the Medicaid program to breast and cervical cancer patients who have been screened through the National Breast and Cervical Cancer Early Detection Program. I was pleased to secure passage of similar legislation through my Subcommittee on Health and Environment last year, and that legislation was clearly ramrodded by the gentlewoman from California (Ms. ESHOO), and we must really credit her for starting the ball rolling in this regard.

The screening program is administered by the Centers for Disease Control and Prevention. I had the opportunity to learn more about the agency's important work in this area during a trip which I took with the gentleman from Ohio (Mr. BROWN) to its Atlanta headquarters last year, and I was also proud to sponsor women's health legislation which was enacted into law in 1998 to reauthorize the screening program.

H.R. 4386 will close the gap, as others have already said, left open when the screening program was first created, and it represents an important step forward in the battle against breast and cervical cancer. I urge my colleagues to support passage of this critical measure which will give new hope to breast and cervical cancer patients in need as we continue the fight to find a cure for these terrible, terrible diseases.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, in the past decade, over 2 million women were diagnosed with breast or cervical cancer. One quarter of these women, America's mothers, daughters, sisters, and wives, will be taken from their loved ones by the disease.

As a cancer survivor, I recognize the importance of cancer research and I am committed to increasing funding for research. Today, over 8 million people are alive as a result of the progress of cancer research. It has increased the cancer survival rate. With early detection, there is hope. I am living proof of that. I survived ovarian cancer because it was caught early. It gave me a fighting chance.

Congress made a commitment to early detection when it passed the Breast and Cervical Cancer Mortality Prevention Act, providing low-income women with access to a mammogram or a Pap smear through the Centers for Disease Control's Breast and Cervical Cancer Screening. An important step. Early detection can make all the difference. As a result of this program, over three-quarters of a million women receive breast and cervical cancer screenings.

Because it helped detect their cancers early, many of these women were easily treated and cured. In too many cases, women who are screened receive the awful news that they are facing cancer. They are without treatment because they are without insurance. This is wrong and, thankfully, today, we can do something about it. By passing the Breast and Cervical Cancer Treatment Act, we can ensure that these women are not left to battle cancer alone. The legislation will make these women eligible for Medicaid so that they can get

the care and the treatment that they need.

Being told that one has cancer is frightening enough; a million fears run through the mind all at once: Will I survive? What will happen to my family? The fear can be crippling. It takes the help of loved ones to build up strength to battle back. But love alone will not battle and defeat cancer. Access to treatment is critical. This legislation ensures that these women are given a fighting chance. I urge my colleagues to give it their full support.

Mr. LAZIO. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. FOLEY), a member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I want to thank the gentleman for yielding me this time, and I strongly support passage of H.R. 4386.

Breast cancer is a disease that can strike almost anyone, no matter how young or how healthy, no matter how rich or how poor. One of my friends was recently diagnosed with breast cancer. When she got her diagnosis, she was able to get the best care money could buy. She was soon on a plane to Sloan-Kettering to be treated by one of the foremost cancer doctors in the country. Once there, she received quick treatment and top quality reconstructive surgery. Then she was able to return to the comfort of her own home for a long recovery.

□ 1345

Tricia was also fortunate that she had a loving and supportive family to help her cope with this disease. Even though she was fortunate enough to have these benefits, she has still suffered great emotional and physical pain from the breast cancer, painful surgery, the sickness of chemotherapy, the loss of hair, and the terrible uncertainty of whether the cancer would spread or be eliminated completely.

I think of someone in Tricia's situation, and then I try to imagine what breast or cervical cancer would mean to someone with no health insurance, no good medical care, and no support network.

These women not only face the fear of having this disease, they must also cope with the costs associated with their medical treatment, they have to worry about how to pay for their treatment, about whether they will be fired from their job, if their recovery period is too long, and about who will take care of their children while they recover.

These fears also lead to denial and to a delay in diagnosis and treatment. This delay is one of the leading factors in breast and cervical cancer morbidity and mortality.

The passage of this bill will help eliminate these fears and give uninsured women the hope and help that they need to get treated quickly and, God willing, to get back their lives.

Saving someone's life should not be determined by how much money or health insurance someone has. Let us give those who do not have wealth or good insurance the same chance at life the rest of us enjoy.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise in support of H.R. 4386, the Breast and Cervical Cancer Treatment Act, which has the potential to save the lives of thousands of American women.

Right now, with limited resources, only 15 percent of eligible women are being screened. But even if we could screen all eligible women, early detection is not enough. If we are serious about eradicating the scourge of breast and cervical cancer, all women diagnosed must have access to medical treatment.

The screening program was not designed to do that, and States have found themselves haphazardly and frantically cobbling together whatever resources they can. That is why this bill is so important.

I am truly delighted that this leadership brought the bill to the floor today. Yet, while I strongly support the overall bill, I do want to express my disappointment about the provisions dealing with human papillomavirus, which would make HPV a reportable disease and allow condoms to be labeled with a disclaimer that they do not effectively protect against HPV. I think it is critical that we get more research done and more education done with regard to HPV.

While there is a relationship between HPV and cervical cancer, the overwhelming majority of HPV cases do not result in cancer, and it is entirely too early to make HPV a reportable disease.

We also do not yet fully understand how condom use affects the transmission of HPV, and that is why again we must bolster the funding for HPV-related research and prevention programs. But it is imperative that we provide accurate information about HPV.

So I hope as the bill moves through the Senate we can work with our colleagues to address this issue, protect the health and safety of American women. Again, I want to reiterate my strong support for this bill.

Mr. LAZIO. Mr. Speaker, I now have the pleasure of yielding 2 minutes to the distinguished gentlewoman from Ohio (Ms. PRYCE) a member of the House leadership.

Ms. PRYCE of Ohio. Mr. Speaker, let me first congratulate my good friend the gentleman from New York (Mr. LAZIO) for his dedication to this cause and for his hard work in the battle against cancer on every front.

I also want to recognize the courage of my colleague the gentlewoman from North Carolina (Mrs. MYRICK). Her own personal fight against cancer is truly inspiring. The battle she is waging is not just for her own survival but also to promote awareness so that other women may prevail against this dreaded and all too familiar disease.

The public education that promotes early detection is absolutely crucial for cancer patients. And in the case of breast cancer, education is no small task, since one in eight American women will develop breast cancer in her lifetime.

After breast cancer, cervical cancer is the second most commonly diagnosed malignancy in women, 15,000 each year. This cancer often has no symptoms, and regular pap smears are our best defense.

This legislation builds on efforts Congress has already taken to encourage early detection of these cancers among low-income women. While these services are absolutely critical, their value is significantly diminished if these women find out they have cancer but do not have the resources to access treatment.

Imagine coping with the fear of being diagnosed with cancer compounded by the prospect of having no way to pay for the treatment that could save your life.

This bill helps these vulnerable women by encouraging States to provide Medicaid coverage to those diagnosed. And, in my mind, if it is a good public policy to use tax dollars to help these women detect their disease, then certainly it is worth every penny we spend to help them fight it.

I urge all of my colleagues to join with me in giving these women hope by voting for the Breast and Cervical Cancer Treatment Act.

I congratulate the gentleman from New York (Mr. LAZIO) and the gentlewoman from North Carolina (Mrs. MYRICK).

Mr. BROWN of Ohio. Mr. Speaker, I yield 1½ minutes to my friend, the gentleman from Texas (Mr. BENTSEN).

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, if this Congress does anything this year, this might be the bill to pass and get signed into law. This bill underscores the whole issue of the uninsured in this country.

When women are diagnosed with breast cancer or cervical cancer and do not have the means to get the treatment, it is effectively giving them a death sentence. This bill will, at least, start the process of trying to help these women and help them beat this disease, which they can.

Now, I want to give my colleagues a story about somebody in my district, a woman named Barbara Mitchell, who was recently diagnosed with Stage 3 breast cancer at the Rose Center at Pasadena, Texas. The Rose in my district does free examinations.

The problem is, once they you examined, if they cannot get treatment, they are pretty much out of luck.

Ms. Mitchell is 35 years old and cannot afford the treatment for her breast cancer. She fought her first battle with cancer in 1988. Although uninsured at the time, Ms. Mitchell beat her cervical cancer and she managed to pay for her services. But because of her previous cancer history, she cannot afford to buy prohibitively expensive health insurance.

At 32, when she discovered a lump in her breast and was treated for breast cancer through the public health system, because she owns a dance studio, she is considered to have assets and, thus, has to pay $26,000 and probably will have to sell her only business, her only asset.

Now, this is counterproductive to what Democrats and Republicans would want to see Americans do. We want to see them create more jobs, create small businesses, and beat this terrible disease. This bill will allow it to happen, and I think we ought to pass it and get it signed into law.

Mr. LAZIO. Mr. Speaker, may I inquire as to the remaining time.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from New York (Mr. LAZIO) has 4 minutes remaining, and the gentleman from Ohio (Mr. BROWN) has 4½ minutes remaining.

Mr. LAZIO. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, to honor Mother's Day on May 14, with passage of this bill, H.R. 4386, the Breast and Cervical Cancer Act, we will celebrate another step forward to stop the violence of cancer against women.

I want to congratulate the gentleman from New York (Mr. LAZIO), the gentlewoman from California (Ms. ESHOO), certainly the gentlewoman from North Carolina (Mrs. MYRICK), and the gentlewoman from Missouri (Ms. DANNER) who have indicated their own personal experiences have shown the need for this bill.

The legislation will provide treatment for low-income, uninsured working women who are diagnosed with breast or cervical cancer. Today the program provides screening for breast or cervical cancer but does not provide treatment. This must change. This bill will do it.

However, Mr. Speaker, while I strongly support this overall bill and its potential for saving lives, I am troubled with the provision on HPV and concerned that the proposed language could be problematic from a public health perspective. I hope the provision will be dropped in conference.

I do understand that there will be a meeting of some medical experts to discuss this issue and that meeting will be forthcoming. I look forward to that meeting to help to ameliorate this problem.

H.R. 4386 deserves to be passed unanimously by this body. Because, indeed, if we offer screening, we must offer treatment. Congress must and should pass the Breast and Cervical Cancer Treatment Act.

I again applaud the cosponsors and those who worked so hard, including the leadership, to help bring it to the floor now.

The proposed language on HPV and condom labeling could discourage condom use, thereby exposing men and women to the risks of HPV and other STDs, including HIV/AIDS.

The language of HPV belies the fact that condoms are highly effective in reducing the risk of contracting HPV and other STDs, including HIV/AIDS.

Mr. Speaker, there are over 100 strains of the HPV virus, and very few of these have the potential to lead to cervical cancer. It is misleading to have a label that does not clarify this point.

The HPV provision also suggests working to make HPV a reportable disease. Over 80 percent of the population has been found to carry one of the 100's of HPV strains. Reporting 80 percent of the population would not only be costly, but it is unrealistic.

Mr. Speaker, our goal should be to educate Americans about how to best prevent all STDs.

I support this H.R. 4386, it will save lives. This legislation will provide treatment for low-income, uninsured working women who are diagnosed with breast or cervical cancer.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, as co-chair of the Congressional Caucus for Women's Issues, I rise in strong support of this bill and congratulate my colleagues who have been leaders on this issue on both sides of the aisle, the gentleman from New York (Mr. LAZIO), the gentlewoman from California (Ms. ESHOO), the gentlewoman from California (Mrs. CAPPS), the gentlewoman from Missouri (Ms. DANNER), the gentlewoman from North Carolina (Mrs. MYRICK) and the gentlewoman from Connecticut (Ms. DELAURO).

Some of them have come to the floor today and shared their personal experiences that have highlighted the important need for this bill. This particular bill is one of the top priorities of the Women's Caucus, and we urge its passage.

The Center for Disease Control's National Breast and Cervical Cancer Early Detection Program provides screening services for low-income people who have little or no health insurance. But for many women who find that they have cancer from this important screening program, there is no guarantee of complete and comprehensive treatment.

This bill underscores the need for the uninsured and it underscores the fact that many, many women and, actually, many men cannot afford treatment. It is clear that much more needs to be done to provide coverage.

The bill, H.R. 4386, the Breast and Cervical Cancer Treatment Act, will help low-income women find resources to combat and, hopefully, cure cancer. I am a proud cosponsor of this legislation, and I encourage its swift enactment. It will save thousands and thousands of lives.

Mr. LAZIO. Mr. Speaker, it is now my pleasure to yield 1½ minutes to the distinguished gentlemen from Kentucky (Mr. FLETCHER), a fine Member of the House and a physician in his own right.

Mr. FLETCHER. Mr. Speaker, I stand before the House today to express my strong support for the Breast and Cancer Prevention Treatment Act.

Back a few weeks ago during the budget debate, myself, along with a number of colleagues, worked very hard to set aside what ended up being $250 million to provide treatment for those women that were identified to have breast and cervical cancer to make sure that they got Medicaid, that they got treatment if they were uninsured. So this certainly is a very important issue.

Also, in the State of Kentucky, we were able to get last year and worked very hard to get a CDC Cancer Prevention Center at the University of Kentucky. Because we have in Kentucky the highest rates of cervical cancer in the Nation. And, so, this bill is very important.

We also have a degree, unfortunately, levels of poverty and uninsured in Kentucky. This bill will be very important to make sure we address those needs, that those individuals first get detected early and, second, so that they can get the kind of treatment.

When we look at medical studies, we find that an individual that is hospitalized without insurance or coverage and matched demographically with others is three times more likely to die if they have no insurance versus having insurance.

So this bill is substantially, I believe, going to reduce morbidity and mortality to our women across the Nation and especially help at the University of Kentucky and in central Kentucky as we work to screen more individuals for breast and cervical cancer.

Let me talk briefly about HPV. Its unequivocally associated with cervical cancer. No question from a medical standpoint that it is associated. I think it is time for us to be honest to make sure that we report this and reduce the number of deaths.

I rise to support this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado (Ms. DEGETTE) who has done excellent work on this bill.

(Ms. DEGETTE asked and was given permission to revise and extend her remarks.)

Ms. DEGETTE. Mr. Speaker, I want to thank everybody who has worked on

this legislation, most particularly my colleague the gentlewoman from California (Mrs. ESHOO) and my colleague the gentleman from New York (Mr. LAZIO).

In general, it is a good piece of legislation. However, I am deeply concerned about the provision included on human papilloma virus, or HPV, because I think from a public health perspective it is misguided.

I agree with the American College of Obstetrics and Gynecology that the condom labeling requirement may very well have the unintended consequence of discouraging condom use, which, as we all know, is very effective in preventing other diseases, including HIV/AIDS.

Taking steps to make HPV a reportable disease also does not make sense, since most all of these cases do resolve on their own and only a very small percentage lead to cervical cancer.

We should not be trying to instill panic here. Rather, we should be trying to encourage every American woman to have regular pap smear examinations, which are still the state of the art; and then we should finish researching all of these other issues.

□ 1400

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair advises that the gentleman from New York (Mr. LAZIO) has 1 minute remaining; the gentleman from Ohio (Mr. BROWN) has 2 minutes remaining.

Mr. LAZIO. Mr. Speaker, I want to reserve the right to close. I have no other additional speakers.

Mr. BROWN of Ohio. Mr. Speaker, I have one additional speaker, and then I will close on our side.

Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER).

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I rise to express some serious concerns about a section of the bill that has gone largely unnoticed, that dealing with human papillomavirus virus, or HVP.

First and foremost, I would like to express my strong support for the underlying bill. I am proud to be an original cosponsor on which this legislation is based. Our consideration of this measure is long overdue, and I commend my friend, the gentlewoman from California (Ms. ESHOO), for her hard work and perseverance in advancing it.

My colleagues should be aware, however, of a troublesome provision that was added to H.R. 4386 in committee dealing with HPV issues. HPV is a group of viruses composed of over a 100 strains, of which approximately 30 are sexually transmitted. Recent research has shown that a few select strains appears to have precursors to cervical cancer. Promising research is being done on preventing and treating HPV as a method of reducing cervical cancer rates.

Mr. Speaker, unfortunately, this bill could damage our efforts to reduce HPV transmission and, by extension, cases of cervical cancer. During a markup, the language was added to the bill that directs the Department of Health and Human Services to outline further steps toward making HPV a reportable disease.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask House support for H.R. 4386. When women are diagnosed under a Federal program that has been in existence for about a decade with breast cancer, some women clearly have nowhere to turn, they must cobble together various kind of charitable care and any health services that they can get.

I would hope this legislation, Mr. Speaker, will change that and take care of those women once they are diagnosed with breast cancer. I hope that H.R. 4386 will set the tone in this House and set the direction in this House for universal coverage for all Americans.

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

Mr. LAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the 310-plus Members of this House who have been cosponsors of H.R. 1070, and let me thank the two lead sponsors of H.R. 4386, the gentlewoman from North Carolina (Mrs. MYRICK) and the gentlewoman from Missouri (Ms. DANNER), one a Republican and one a Democrat, both Members of this House, and both breast cancer survivors. How could we have better advocates for this bill than those two?

Mr. Speaker, de Tocqueville said ''America is a great Nation because America is a good Nation, and the moment that America ceases to be good, she will cease to be great.''

Mr. Speaker, what greater test of goodness can there be to our willingness to take care of our own who are in need? Mr. Speaker, let us pass this bill. Let us give thousands of American women the gift of life. The cost is nominal. The benefit is enormous. It is the only fair and decent thing to do.

Mr. Speaker, I urge my colleagues to vote aye.

Mr. KLECZKA. Mr. Speaker, I would like to add my comments to those of my colleagues who have taken the floor in support of the Breast and Cervical Cancer Treatment Act.

Every year more than 4,400 American women die of cervical cancer. Breast cancer, the leading cause of death among women between 40 and 45, kills more than 46,000 women a year. This year it is estimated that in Wisconsin alone over 800 women will die of breast or cervical cancer. In many cases, early detection and treatment would have prevented these deaths. Nine years ago, Congress enacted the Breast and Cervical Cancer Mortality Prevention Act of 1990, authorizing the Centers for Disease Control to offer a breast and cervical cancer-screening program for low-income, uninsured, or underinsured women.

Unfortunately, the screening program lacks a critical aspect: treatment services for women diagnosed with breast cancer. Under current law, cancer therapy for Medicaid-eligible women is provided through an ad hoc patchwork of providers, volunteers, and local programs and often results in unpredictable, delayed, or incomplete treatment. Women are often forced to rely on charity care, donated services by physicians, or funds from bake sales and quilting bees. The Breast and Cervical Cancer Treatment Act would solve this problem by allowing States to establish an optional State Medicaid benefit for the treatment of low-income women diagnosed under the 1990 law.

I am pleased to see that the Breast and Cervical Cancer Treatment Act is supported by a bipartisan majority of the House. I salute the efforts of the advocacy groups, including the Wisconsin Breast Cancer Coalition to make this day possible.

Mr. WATTS of Oklahoma. Mr. Speaker, today I urge my colleagues to provide relief for low-income women who are screened and diagnosed with breast and cervical cancer. As you know, breast and cervical cancer is killing too many of our wives, mothers, sisters and daughters. Currently, the early detection screening program does not provide treatment for women who discover they have cancer as a result of that screening. This screening must be coupled with treatment in order to save lives.

Cancer is often fatal and the women who are tested can't afford critical treatment without help. These women face numerous difficulties in trying to obtain and pay for treatment for cancer. Resources are limited and yet the numbers of women being diagnosed are increasing.

Today, we have an opportunity to do something about this devastating disease by allowing states to expand Medicaid coverage to these women. Follow-up and treatment are the key to saving lives.

The fight against cancer transcends party lines and partisan bickering. So today, I urge all of my colleagues to join me in the fight against breast and cervical cancer. We must act now.

Mrs. KELLY. Mr. Speaker, I am in support of H.R. 4386, the Breast and Cervical Cancer Treatment Act. This legislation will give the States the ability to provide a reliable method of treatment for uninsured and underinsured women battling breast or cervical cancer.

The program currently provides screening for cancer, but it provides no treatment options for these women. If they are diagnosed with cancer, they have no options for their cure, which is a harsh problem. Giving States the option of providing Medicaid coverage for women will help save thousands of lives.

The present CDC program is a tremendous first step in identifying this disease early enough to make a difference in the lives of these women, but we need to help cover the cost of treatment when necessary. Being diagnosed with cancer is terrifying. Women shouldn't have the pain of knowing they have cancer, compounded with the despair of not being able to do anything about it.

The Breast and Cervical Cancer Treatment Act will allow women to focus their efforts on getting well instead of worrying about how they or their family will pay for their treatment. This legislation is a very important step in the process of getting treatment to women who need it. With Mother's Day just around the

corner, it is critical that we pass this legislation in time to give our mothers, our sisters, our daughters the most important gift of all, the gift of life.

Mr. WELDON of Florida. Mr. Speaker, I am in strong support of H.R. 4386, the Breast and Cervical Cancer Treatment Act. This measure amends title XIX of the Social Security Act to provide medical assistance for certain women under 65 who have been screened and found to have breast or cervical cancer by the Center for Disease Control and Prevention [CDC] early detection program.

In the United States, one out of eight women will develop breast cancer at some point in her lifetime. It is the second most common form of cancer in the country, afflicting three million women—including one million women who do not know they have breast cancer. Cervical cancer kills 4,400 women a year, and is increasingly becoming a nationwide concern due to a lack of proper education and research.

The Breast and Cervical Cancer Treatment Act will protect women who are diagnosed with breast and cervical cancer but do not have insurance to pay for treatment. Currently, the National Breast and Cervical Cancer Early Detection Program provides screening services for low-income women who have little or no health insurance. Treatment, however, is not provided through the program. Women who earn too much to be on federal assistance, but do not earn enough to afford private insurance are left without resources to cover the treatment they need to fight this dreaded disease. This bill will provide that much needed treatment.

As a physician I have treated hundreds of cancer patients and the key to providing a successful remedy to their life-threatening illness is, when possible, prevention, otherwise early detection, followed by immediate treatment. This bill will offer much needed assistance to thousands of American women who need these vital medical resources.

I am also very pleased with the provisions in this bill relating to the human papillomavirus [HPV] which affects at least 24 million Americans and is the principal cause of cervical cancer. H.R. 4386 makes cervical cancer prevention a priority. This bill requires the CDC to develop educational materials for health care providers and the public regarding HPV. And, it requires condom packages to include information stating that HPV is a cause of cervical cancer and that condoms do not prevent HPV transmission.

Many sexually active Americans have been mislead to believe a condom will protect them; however, this is not the case with HPV. In fact, the American Cancer Society has stated ''research shows that condoms cannot protect against infection with HPV.'' Our young people need to know this and H.R. 4386 takes a big step toward informing them.

This is a good bill and I urge all of my colleagues to support its passage.

Mr. TOWNS. Mr. Speaker, I am pleased that we will have an opportunity to vote on this important health bill before this weekend's celebration of Mother's Day. Certainly, no action is more important than the preventive breast and cervical cancer health screenings which will be authorized by this bill. As an advocate for retaining mammography screenings at age 40, I am pleased that H.R. 4386 will afford us the opportunity to provide breast and cervical cancer screenings for early detection and treatment.

For the grandmothers, mothers and aunts who are too young for Medicare and whose incomes are too high for Medicaid, but who still do not have health insurance, this bill can literally be the difference between life and death. H.R. 4386 includes the enhanced match of 75 percent Federal to 25 percent state dollars for treatment, instead of the basic 60 percent Federal to 40 percent State dollars. Hopefully, this enhanced match will be a major incentive for Governors to enroll their States in the program once the bill is signed into law so that these women can receive the treatment they need. I remain hopeful that our Senate colleagues will soon join us in passing this important initiative.

Mr. CROWLEY. Mr. Speaker, this year more than 200,000 American women will be diagnosed with breast and cervical cancer. These women are our mothers, our sisters, our friends, and our colleagues.

I am proud to be a cosponsor of the bipartisan Breast and Cervical Treatment Act that will enable low-income, uninsured women diagnosed with breast or cervical cancer in the National Breast and Cervical Cancer early detection program [NBCCEDP] to obtain treatment. Currently, the CDC detection programs provide eligible women with screening, but if cancer is detected, there are no funds to provide much-needed treatment. Instead, these women have to find other funds for treatment. No woman should have to worry about funding her treatment.

H.R. 4386 is bipartisan legislation that would add the life-saving treatment component to the NBCCEDP. The Breast and Cervical Cancer Treatment Act has overwhelming support and was passed unanimously by the Commerce Committee. I support this critical legislation and urge every member to vote for passage.

It is simply unfair that low-income, uninsured women are not given every treatment available to save their lives because they cannot afford costly medication and treatments.

Passage of this legislation is the best Mother's Day gift we can give our mothers, wives, sisters, and daughters. All women and their families in this country deserve the peace of mind that if diagnosed with one of these terrible illnesses, they will have access to the treatment they deserve.

While I strongly support the overall bill, I am deeply concerned about the provision included on human papillomavirus [HPV] and believe it is misguided from a public health perspective. The condom labeling requirement may have the unintended effect to discouraging condom use, which, as we all know, is effective in preventing other serious STDs, including HIV/AIDS. HPV is a serious public health issue, which deserves Federal funding and a coordinated response to educate men and women on its causes, effects, and treatment. I urge my colleagues to provide that by supporting more funding for title X, and other programs that work in a comprehensive and holistic way to improve women's health.

We should be advocating for public health policy that encourages women to be screened through Pap smear examinations to prevent the potential for cervical cancer, not discouraging condom use. I urge my colleagues to reexamine this issue.

Mr. QUINN. Mr. Speaker, I am in support of H.R. 4386, to provide financial assistance to women for the treatment of breast and cervical cancer.

Breast and cervical cancer together claim the lives of approximately 50,000 women each year. As Americans we must continue to address this crisis which today constitutes the number one cause of death among women aged 40–45. In 1990 we took a critical step in fighting this battle by passing the Breast and Cervical Cancer Mortality Prevention Act. This act authorized a screening program for low-income, uninsured or underinsured women. This was an important step since detection is the first step in fighting breast and cervical cancer. Indeed, more widespread use of regular screening mammography has been a major contributor to recent improvements in the breast cancer survival rate.

Providing financial assistance for screening and testing for women in financial need has been a major accomplishment in the fight against breast and cervical cancer. If detected early, breast cancer can be treated effectively with surgery that preserves the breast, followed by radiation therapy. However, screening and early detection are meaningless without following through with cancer treatment. For many women however, the costs of treatment are prohibitive and merely knowing that their cancer has been detected is inadequate when they are unable to seek treatment. The time has come for us to comprehensively confront these cancers and provide women with the power to conquer these odds. I urge the support of this bill critical to protecting women's health.

Mr. BEREUTER. Mr. Speaker, this Member is in support of H.R. 4386, the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

The American Cancer Society estimates that within his home state of Nebraska, approximately 1,000 women will be diagnosed with breast cancer this year and nearly 300 will die as a result of breast cancer. We must provide this enhanced Medicaid matching funds to our states to continue to promote early detection and prevention of breast and cervical cancer.

The five-year survival rate is over 95 percent if breast cancer can be detected early. Because only 5–10 percent of breast cancers are due to heredity, early detection must be made available to all women.

Mr. Speaker, this Member encourages his colleagues to continue to support the early detection and prevention of breast and cervical cancer and support H.R. 4386.

Mr. GILMAN. Mr. Speaker, I am in support of H.R. 4368, the Breast and Cervical Cancer Treatment Act. I am an original cosponsor of the legislation on which this bill is based, H.R. 1070 and I commend the gentleman from New York Mr. LAZIO, the gentlewoman from Missouri, Ms. DANNER and the gentlewoman from North Carolina Mrs. MYRICK for their commitment to fighting breast and cervical cancers and for helping to bring this legislation before us today.

This legislation will provide medical assistance for certain women under 65 who have been screened and found to have breast or cervical cancer by the Center for Disease Control and Prevention (CDC) Early Detection Program. Many women simply cannot afford to undergo prevention screenings and especially medical treatments. By providing screenings for breast and cervical cancer for the uninsured, many will benefit from early detection

and by following up a screening with medical treatment, fewer women will succumb to these devastating diseases.

Mr. Speaker, this issue is especially important to me and to my constituents, especially those in Rockland county. Recent studies have found that Rockland county has the highest rate of breast cancer in New York State and according to some studies, in the Nation. This legislation will help many of my constituents during a very difficult time in their lives. Providing medical treatment to those women who have been screened by the CDC will vastly improve their chances of survival and reduce the rate of mortality due to these cancers. I strongly support this legislation.

Accordingly, I urge my colleagues to support this important measure.

Mr. DINGELL. Mr. Speaker, I am in support of a bill that will make a big difference in the lives of low-income women with cancer, H.R. 4386, the Breast and Cervical Cancer Treatment Act.

Two individuals have campaigned tirelessly for this bill and the rights of low-income women. First, I commend Representative ANNA ESHOO. Were it not for the energy and attention that Ms. ESHOO brought to this issue, this bill would not be on the floor today. Secondly, I would like to remember Senator John Chafee, the original cosponsor of the companion bill in the Senate. The late Senator Chafee's advocacy for women, children, the poor, and the disabled will continue with the passage of this bill.

We all know that early detection and treatment are the key to surviving cancer. This is the reason why the Centers for Disease Control (CDC) uses Federal funds to provide free diagnostic tests for breast and cervical cancer for low-income uninsured women, many of whom are minorities.

With this bill, the Federal Government will complete its commitment to the low-income women who are diagnosed with cancer through the CDC's screening program. No longer will women diagnosed through the program have to scramble to find state funds, rely on charity care, or incur enormous debts in order to pay for radiation or chemotherapy. H.R. 4386 will allow women to enroll in the Medicaid program for the duration of their cancer treatment, so that they can focus their energies on fighting cancer instead of the health care system.

I hope that my colleagues will join me in voting for H.R. 4386. Advocates of this bill have waited a long time for this day. Let's not make women with breast and cervical cancer wait any longer.

Mr. BLILEY. Mr. Speaker, I commend the gentlelady from North Carolina, Mrs. MYRICK, for her personal courage in the face of breast cancer and for her many hours of work in persuading the House Leadership to bring this important bill to the floor today.

I also wish to recognize one of the original cosponsors of H.R. 4386, Mr. LAZIO of New York for his many months of hard work on the Commerce Committee persuading members and forging alliances with the American Cancer Society, the National Women's Health Network, the National Cervical Cancer Coalition, the National Breast Cancer Coalition, the Cancer Research Foundation of America, and so many others to make this day possible.

Like so many women with whom I have met over the last few years advocating for this legislation, my own wife is a breast cancer survivor. I know firsthand the fears that families face when they first hear that word. It is with those memories in my mind that I work in Congress to help find new ways that we can help more women from falling victim to cancer.

In the closing days of the last session, the Committee I chair reported out H.R. 1070, the Lazio ''Breast and Cervical Cancer Prevention and Treatment Act of 1999.'' I am very pleased that we are now on the floor debating a bill based on the Committee's work, which addresses both breast cancer, the leading cause of cancer deaths among women, and cervical cancer, a form of cancer caused by a viral infection that kills more women in America than AIDS.

Again, I thank Congresswoman MYRICK, my Commerce Committee colleagues, and many other Members who have contributed to bringing this legislation to the floor today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. LAZIO) that the House suspend the rules and pass the bill, H.R. 4386, as amended.

The question was taken.

Mr. LAZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## CHILDREN'S HEALTH ACT OF 2000

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4365) to amend the Public Health Service Act with respect to children's health, as amended.

The Clerk read as follows:

H.R. 4365

*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 ''Children's Health Act of 2000''.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTISM

Subtitle A—Surveillance and Research Regarding Prevalence and Pattern of Autism

Sec. 101. Short title.
Sec. 102. Surveillance and research programs; clearinghouse; advisory committee.

Subtitle B—Expansion, Intensification, and Coordination of Autism Activities of National Institutes of Health

Sec. 111. Short title.
Sec. 112. Expansion, intensification, and coordination; information and education; interagency coordinating committee.

TITLE II—RESEARCH AND DEVELOPMENT REGARDING FRAGILE X

Sec. 201. Short title.
Sec. 202. National Institute of Child Health and Human Development; research on fragile X.
Sec. 203. National Institute of Child Health and Human Development; loan repayment program regarding research on fragile X.

TITLE III—JUVENILE ARTHRITIS AND RELATED CONDITIONS

Sec. 301. National Institute of Arthritis and Musculoskeletal and Skin Diseases; research on juvenile arthritis and related conditions.
Sec. 302. Information clearinghouse.

TITLE IV—REDUCING BURDEN OF DIABETES AMONG CHILDREN AND YOUTH

Sec. 401. Programs of Centers for Disease Control and Prevention.
Sec. 402. Programs of National Institutes of Health.

TITLE V—ASTHMA TREATMENT SERVICES FOR CHILDREN

Sec. 501. Short title.

Subtitle A—Treatment Services

Sec. 511. Grants for children's asthma relief.
Sec. 512. Technical and conforming amendments.

Subtitle B—Prevention Activities

Sec. 521. Preventive health and health services block grant; systems for reducing asthma-related illnesses through urban cockroach management.

Subtitle C—Coordination of Federal Activities

Sec. 531. Coordination through National Institutes of Health.

Subtitle D—Compilation of Data

Sec. 541. Compilation of data by Centers for Disease Control and Prevention.

TITLE VI—BIRTH DEFECTS PREVENTION ACTIVITIES

Subtitle A—Folic Acid Promotion

Sec. 601. Short title.
Sec. 602. Program regarding effects of folic acid in prevention of birth defects.

Subtitle B—National Center on Birth Defects and Developmental Disabilities

Sec. 611. National Center on Birth Defects and Developmental Disabilities.

TITLE VII—EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING HEARING LOSS IN INFANTS

Sec. 701. Short title.
Sec. 702. Purposes.
Sec. 703. Programs of Health Resources and Services Administration, Centers for Disease Control and Prevention, and National Institutes of Health.

TITLE VIII—CHILDREN AND EPILEPSY

Sec. 801. National public health campaign on epilepsy; seizure disorder demonstration projects in medically underserved areas.

TITLE IX—SAFE MOTHERHOOD; INFANT HEALTH PROMOTION

Subtitle A—Safe Motherhood Monitoring and Prevention Research

Sec. 901. Short title.
Sec. 902. Monitoring; prevention research and other activities.

Subtitle B—Pregnant Mothers and Infants Health Promotion

Sec. 911. Short title.
Sec. 912. Programs regarding prenatal and postnatal health.

TITLE X—REVISION AND EXTENSION OF CERTAIN PROGRAMS

Subtitle A—Pediatric Research Initiative

Sec. 1001. Short title.

Sec. 1002. Establishment of pediatric research initiative.
Sec. 1003. Investment in tomorrow's pediatric researchers.
Subtitle B—Other Programs
Sec. 1011. Childhood immunizations.
Sec. 1012. Screenings, referrals, and education regarding lead poisoning.
TITLE XI—CHILDHOOD SKELETAL MALIGNANCIES
Sec. 1101. Programs of Centers for Disease Control and Prevention and National Institutes of Health.
TITLE XII—ADOPTION AWARENESS
Subtitle A—Infant Adoption Awareness
Sec. 1201. Short title.
Sec. 1202. Grants regarding infant adoption awareness.
Subtitle B—Special Needs Adoption Awareness
Sec. 1211. Short title.
Sec. 1212. Special needs adoption programs; public awareness campaign and other activities.
TITLE XIII—TRAUMATIC BRAIN INJURY
Sec. 1301. Short title.
Sec. 1302. Programs of Centers for Disease Control and Prevention.
Sec. 1303. Programs of National Institutes of Health.
Sec. 1304. Programs of Health Resources and Services Administration.
TITLE XIV—PREVENTION AND CONTROL OF INJURIES
Sec. 1401. Authorization of Appropriations for programs of Centers for Disease Control and Prevention.
TITLE XV—HEALTHY START INITIATIVE
Sec. 1501. Short title.
Sec. 1502. Continuation of healthy start program.
TITLE XVI—ORAL HEALTH PROMOTION AND DISEASE PREVENTION
Sec. 1601. Oral health promotion and disease prevention.
TITLE XVII—VACCINE COMPENSATION PROGRAM
Sec. 1701. Short title.
Sec. 1702. Content of petitions.
TITLE XVIII—HEPATITIS C
Sec. 1801. Short title.
Sec. 1802. Surveillance and education regarding hepatitis C.
TITLE XIX—NIH INITIATIVE ON AUTOIMMUNE DISEASES
Sec. 1901. Short title.
Sec. 1902. Juvenile diabetes, juvenile arthritis, lupus, multiple sclerosis, and other autoimmune-diseases; initiative through Director of National Institutes of Health.
TITLE XX—GRADUATE MEDICAL EDUCATION PROGRAMS IN CHILDREN'S HOSPITALS
Sec. 2001. Extension of authorization of appropriations.
TITLE XXI—SPECIAL NEEDS OF CHILDREN REGARDING ORGAN TRANSPLANTATION
Sec. 2101. Short title.
Sec. 2102. Organ Procurement and Transplantation Network; amendments regarding needs of children.
TITLE XXII—MISCELLANEOUS PROVISIONS
Sec. 2201. Report regarding research on rare diseases in children.
TITLE XXIII—EFFECTIVE DATE
Sec. 2301. Effective date.

## TITLE I—AUTISM

### Subtitle A—Surveillance and Research Regarding Prevalence and Pattern of Autism

**SEC. 101. SHORT TITLE.**

This subtitle may be cited as the ''Autism Statistics, Surveillance, Research, and Epidemiology Act of 2000 (ASSURE)''.

**SEC. 102. SURVEILLANCE AND RESEARCH PROGRAMS; CLEARINGHOUSE; ADVISORY COMMITTEE.**

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317G the following section:

''SURVEILLANCE AND RESEARCH REGARDING AUTISM AND PERVASIVE DEVELOPMENTAL DISORDERS

''SEC. 317H. (a) IN GENERAL.—The Secretary , acting through the Director of the Centers for Disease Control and Prevention, may make awards of grants and cooperative agreements for the collection, analysis, and reporting of data on autism and pervasive developmental disorders. An entity may receive such an award only if the entity is a public or nonprofit private entity ''(including health departments of States and political subdivisions of States, and including universities and other educational entities). In making such awards, the Secretary may provide direct technical assistance in lieu of cash.

''(b) CENTERS OF EXCELLENCE IN AUTISM AND PERVASIVE DEVELOPMENTAL DISORDERS EPIDEMIOLOGY.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall (subject to the extent of amounts made available in appropriations Acts) establish not less than three, and not more than five, regional centers of excellence in autism and pervasive developmental disorders epidemiology for the purpose of collecting and analyzing information on the number, incidence, correlates, and causes of autism and related developmental disorders.

''(2) RECIPIENTS OF AWARDS FOR ESTABLISHMENT OF CENTERS.—Centers under paragraph (1) shall be established and operated through the award of grants or cooperative agreements to public or nonprofit private entities that conduct research, including health departments of States and political subdivisions of States, and including universities and other educational entities.

''(3) CERTAIN REQUIREMENTS.—An award for a center under paragraph (1) may be made only if the entity involved submits to the Secretary an application containing such agreements and information as the Secretary may require, including an agreement that the center involved will operate in accordance with the following:

''(A) The center will collect, analyze, and report autism and pervasive developmental disorders data according to guidelines prescribed by the Director, after consultation with relevant State and local public health officials, private sector developmental disorder researchers, and advocates for those with developmental disorders;

''(B) The center will assist with the development and coordination of State autism and pervasive developmental disorders surveillance efforts within a region;

''(C) The center will provide education, training, and clinical skills improvement for health professionals aimed at better understanding and treatment of autism and related developmental disorders; and

''(D) The center will identify eligible cases and controls through its surveillance systems and conduct research into factors which may cause autism and related developmental disorders; each program will develop or extend an area of special research expertise (including, but not limited to, genetics, environmental exposure to contaminants, immunology, and other relevant research specialty areas).

''(c) CLEARINGHOUSE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out the following:

''(1) The Centers for Disease Control and Prevention shall serve as the coordinating agency for autism and pervasive developmental disorders surveillance activities through the establishment of a clearinghouse for the collection and storage of data generated from the monitoring programs created by this section. The functions of such a clearinghouse shall include facilitating the coordination of research and policy development relating to the epidemiology of autism and other pervasive developmental disorders.

''(2) The Secretary shall coordinate the Federal response to requests for assistance from State health department officials regarding potential or alleged autism or developmental disorder clusters.

''(d) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall establish an Advisory Committee for Autism and Pervasive developmental disorders Epidemiology Research (in this section referred to as the 'Committee'). The Committee shall provide advice and recommendations to the Director of the Centers for Disease Control and Prevention on—

''(A) the establishment of a national autism and pervasive developmental disorders surveillance program;

''(B) the establishment of centers of excellence in autism and pervasive developmental disorders epidemiology;

''(C) methods and procedures to more effectively coordinate government and non-government programs and research on autism and pervasive developmental disorders epidemiology; and

''(D) the effective operation of autism and pervasive developmental disorders epidemiology research activities.

''(2) COMPOSITION.—

''(A) IN GENERAL.—The Committee shall be composed of ex officio members in accordance with subparagraph (B) and 11 appointed members in accordance with subparagraph (C).

''(B) EX OFFICIO MEMBERS.—The following officials shall serve as ex officio members of the Committee:

''(i) The Director of the National Center for Environmental Health.

''(ii) The Assistant Administrator of the Agency for Toxic Substances and Disease Registry.

''(iii) The Director of the National Institute of Child Health and Human Development.

''(iv) The Director of the National Institute of Neurological Disorders and Stroke.

''(C) APPOINTED MEMBERS.—Appointments to the Committee shall be made in accordance with the following:

''(i) Two members shall be research scientists with demonstrated achievements in research related to autism and related developmental disorders. The scientists shall be appointed by the Secretary in consultation with the National Academy of Sciences.

''(ii) Five members shall be representatives of the five national organizations whose primary emphasis is on research into autism and other pervasive developmental disorders. One representative from each of such organizations shall be appointed by the Secretary in consultation with the National Academy of Sciences.

''(iii) Two members shall be clinicians whose practice is primarily devoted to the treatment of individuals with autism and other pervasive developmental disorders. The clinicians shall be appointed by the Secretary in consultation with the Institute of Medicine and the National Academy of Sciences.

''(iv) Two members shall be individuals who are the parents or legal guardians of a person or persons with autism or other pervasive developmental disorders. The individuals shall be appointed by the Secretary in consultation with the ex officio members under subparagraph (B) and the five national organizations referred to in clause (ii).

''(3) ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.—The following apply with respect to the Committee:

''(A) The Committee shall receive necessary and appropriate administrative support from the Department of Health and Human Services.

''(B) Members of the Committee shall be appointed for a term of three years, and may serve for an unlimited number of terms if reappointed.

''(C) The Committee shall meet no less than two times per year.

''(D) Members of the Committee shall not receive additional compensation for their service. Such members may receive reimbursement for appropriate and additional expenses that are incurred through service on the Committee which would not have incurred had they not been a member of the Committee.

''(e) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Congress, after consultation with and comment by the advisory committee under subsection (d), an annual report regarding the prevalence and incidence of autism and other pervasive developmental disorders, the results of research into the etiology of autism and other pervasive developmental disorders, public health responses to known or preventable causes of autism and other pervasive developmental disorders, and the need for additional research into promising lines of scientific inquiry.

''(f) 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 2001 through 2005.''.

**Subtitle B—Expansion, Intensification, and Coordination of Autism Activities of National Institutes of Health With Respect to Autism**

**SEC. 111. SHORT TITLE.**

This subtitle may be cited as the ''Advancement in Pediatric Autism Research Act of 2000''.

**SEC. 112. EXPANSION, INTENSIFICATION, AND COORDINATION; INFORMATION AND EDUCATION; INTERAGENCY COORDINATING COMMITTEE.**

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following section:

''AUTISM

''SEC. 409C. (a) IN GENERAL.—

''(1) EXPANSION OF ACTIVITIES.—The Director of NIH (in this section referred to as the 'Director') shall expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on autism.

''(2) ADMINISTRATION OF PROGRAM; COLLABORATION AMONG AGENCIES.—The Director shall carry out this section (other than subsection (b)) acting through the Director of the National Institute of Mental Health and in collaboration with any other agencies that the Director determines appropriate.

''(b) INTERAGENCY COORDINATING COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall ensure that there is in operation an interagency committee to be known as the 'Autism Coordinating Committee' (referred to in this subsection as the 'Committee') to coordinate all efforts within the Department of Health and Human Services concerning autism, including activities carried out through the National Institutes of Health under this section and activities carried out through the Centers for Disease Control and Prevention under section 317H.

''(2) MEMBERSHIP.—The Committee shall be composed of such directors of the national research institutes, such directors of centers within the Centers for Disease Control and Prevention, and such other officials within the Department of Health and Human Services as the Secretary determines to be appropriate. The Committee may include representatives of other Federal agencies that serve children with autism, such as the Department of Education.

''(3) MEETINGS.—The Committee shall meet not less than twice per year.

''(c) CENTERS OF EXCELLENCE.—

''(1) IN GENERAL.—The Director shall under subsection (a)(1) make awards of grants and contracts to public or nonprofit private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for centers of excellence regarding research on autism.

''(2) RESEARCH.—Each center under paragraph (1) shall conduct basic and clinical research into autism. Such research should include investigations into the cause, diagnosis, early detection, prevention, control, and treatment of autism. These centers, as a group, shall conduct research including but not limited to the fields of developmental neurobiology, genetics, and psychopharmacology.

''(3) SERVICES FOR PATIENTS.—A center under paragraph (1) may expend amounts provided under such paragraph to carry out a program to make individuals aware of opportunities to participate as subjects in research conducted by the centers. The program may, in accordance with such criteria as the Director may establish, provide to such subjects referrals for health and other services, and such patient care costs as are required for research. The extent to which the center can demonstrate availability and access to clinical services shall be considered by the Director in decisions about awarding the grants to applicants which meet the scientific criteria for funding.

''(4) COORDINATION OF CENTERS; REPORTS.—The Director shall, as appropriate, provide for the coordination of information among centers under paragraph (1) and ensure regular communication between such centers, and may require the periodic preparation of reports on the activities of the centers and the submission of the reports to the Director.

''(5) ORGANIZATION OF CENTERS.—Each center under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director.

''(6) NUMBER OF CENTERS; DURATION OF SUPPORT.—The Director shall provide for the establishment of not less than five centers under paragraph (1), subject to the extent of amounts made available in appropriations Acts. Support of such a center may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

''(d) FACILITATION OF RESEARCH.—The Director shall under subsection (a)(1) provide for a program under which samples of tissues and genetic materials that are of use in research on autism are donated, collected, preserved, and made available for such research. The program shall be carried out in accordance with accepted scientific and medical standards for the donation, collection, and preservation of such samples.

''(e) INFORMATION AND EDUCATION.—

''(1) IN GENERAL.—The Director shall establish and implement a program to provide information and education on autism to health professionals and the general public, including information and education on advances in the diagnosis and treatment of autism and training and continuing education through programs for scientists, physicians, and other health professionals who provide care for patients with autism.

''(2) STIPENDS.—The Director may use amounts made available under this section to provide stipends for health professionals who are enrolled in training programs under this section.

''(f) PUBLIC INPUT.—The Director shall under subsection (a)(1) provide for means through which the public can obtain information on the existing and planned programs and activities of the National Institutes of Health with respect to autism and through which the Director can receive comments from the public regarding such programs and activities.

''(g) ANNUAL REPORT TO CONGRESS.—The Director shall prepare and submit to the appropriate committees of the Congress reports regarding the activities carried out under this section. The first report shall be submitted not later than January 10, 2002, and subsequent reports shall be submitted annually thereafter.

''(h) FUNDING.—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 2001 through 2005. Such authorizations of appropriations are in addition to any other authorizations of appropriations that are available for such purpose.''.

**TITLE II—RESEARCH AND DEVELOPMENT REGARDING FRAGILE X**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Fragile X Research Breakthrough Act of 2000''.

**SEC. 202. NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT; RESEARCH ON FRAGILE X.**

Subpart 7 of part C of title IV of the Public Health Service Act is amended by adding at the end the following section:

''FRAGILE X

''SEC. 452E. (a) EXPANSION AND COORDINATION OF RESEARCH ACTIVITIES.—The Director of the Institute, after consultation with the advisory council for the Institute, shall expand, intensify, and coordinate the activities of the Institute with respect to research on the disease known as fragile X.

''(b) RESEARCH CENTERS.—

''(1) IN GENERAL.—The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct research for the purposes of improving the diagnosis and treatment of, and finding the cure for, fragile X.

''(2) NUMBER OF CENTERS.—In carrying out paragraph (1), the Director of the Institute shall, to the extent that amounts are appropriated, provide for the establishment of at least three fragile X research centers.

''(3) ACTIVITIES.—

''(A) IN GENERAL.—Each center assisted under paragraph (1) shall, with respect to fragile X—

''(i) conduct basic and clinical research, which may include clinical trials of—

''(I) new or improved diagnostic methods; and

''(II) drugs or other treatment approaches; and

''(ii) conduct research to find a cure.

''(B) FEES.—A center may use funds provided under paragraph (1) to provide fees to individuals serving as subjects in clinical trials conducted under subparagraph (A).

''(4) COORDINATION AMONG CENTERS.—The Director of the Institute shall, as appropriate, provide for the coordination of the activities of the centers assisted under this section, including providing for the exchange of information among the centers.

''(5) CERTAIN ADMINISTRATIVE REQUIREMENTS.—Each center assisted under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

''(6) DURATION OF SUPPORT.—Support may be provided to a center under paragraph (1) for a period not exceeding 5 years. Such period may be extended for one or more additional periods, each of which may not exceed 5 years, if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period be extended.

''(7) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

**SEC. 203. NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT; LOAN REPAYMENT PROGRAM REGARDING RESEARCH ON FRAGILE X.**

Part G of title IV of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended by inserting after section 487E the following section:

''LOAN REPAYMENT PROGRAM REGARDING RESEARCH ON FRAGILE X

''SEC. 487F. (a) IN GENERAL.—The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program under which the Federal Government enters into contracts with qualified health professionals (including graduate students) who agree to conduct research regarding fragile X in consideration of the Federal Government's agreement to repay, for each year of such service, not more than $35,000 of the principal and interest of the educational loans owed by such health professionals.

''(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart (including section 338B(g)(3)) shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

''(c) 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 2001 through 2005.''.

## TITLE III—JUVENILE ARTHRITIS AND RELATED CONDITIONS

**SEC. 301. NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES; RESEARCH ON JUVENILE ARTHRITIS AND RELATED CONDITIONS.**

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 442 the following section:

''JUVENILE ARTHRITIS AND RELATED CONDITIONS

''SEC. 442A. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in coordination with the Director of the National Institute of Allergy and Infectious Diseases, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning juvenile arthritis and related conditions.

''(b) COORDINATION.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee.

''(c) PEDIATRIC RHEUMATOLOGY.—The Secretary, acting through the appropriate agencies of the Public Health Service, shall develop a coordinated effort to help ensure that a national infrastructure is in place to train and develop pediatric rheumatologists to address the health care services requirements of children with arthritis and related conditions.

''(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 2001 through 2005.''.

**SEC. 302. INFORMATION CLEARINGHOUSE.**

Section 438(b) of the Public Health Service Act (42 U.S.C. 285d–3(b)) is amended by inserting '', including juvenile arthritis and related conditions,'' after ''diseases''.

## TITLE IV—REDUCING BURDEN OF DIABETES AMONG CHILDREN AND YOUTH

**SEC. 401. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.**

Part B of title III of the Public Health Service Act, as amended by section 102 of this Act, is amended by inserting after section 317H the following section:

''DIABETES IN CHILDREN AND YOUTH

''SEC. 317I. (a) NATIONAL REGISTRY ON JUVENILE DIABETES.—The Secretary , acting through the Director of the Centers for Disease Control and Prevention, shall develop a system to collect data on juvenile diabetes, including with respect to incidence and prevalence, and shall establish a national database for such data.

''(b) TYPE 2 DIABETES IN YOUTH.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Administrator of the Health Resources and Services Administration, shall implement a national public health effort to address type 2 diabetes in youth, including—

''(1) enhancing surveillance systems and expanding research to better assess the prevalence of type 2 diabetes in youth and determine the extent to which type 2 diabetes is incorrectly diagnosed as type 1 diabetes among children;

''(2) assisting States in establishing coordinated school health programs and physical activity and nutrition demonstration programs to control weight and increase physical activity among youth; and

''(3) developing and improving laboratory methods to assist in diagnosis, treatment, and prevention of diabetes including, but not limited to, developing noninvasive ways to monitor blood glucose to prevent hypoglycema and improving existing glucometers that measure blood glucose.

''(c) 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 2001 through 2005.''.

**SEC. 402. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.**

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by inserting after section 434 the following section:

''JUVENILE DIABETES

''SEC. 434A. (a) LONG-TERM EPIDEMIOLOGY STUDIES.—

''(1) IN GENERAL.—The Director of the Institute shall conduct or support long-term epidemiology studies in which individuals with type 1, or juvenile, diabetes are followed for 10 years or more. Such studies shall, in order to provide a valuable resource for the purposes specified in paragraph (2), provide for complete characterization of disease manifestations, appropriate medical history, elucidation of environmental factors, delineation of complications, results of usual medical treatment and a variety of other potential valuable (such as samples of blood).

''(2) PURPOSES.—The purposes referred to in paragraph (1) with respect to type 1 diabetes are the following:

''(A) Delineation of potential environmental triggers thought precipitating or causing type 1 diabetes.

''(B) Delineation of those clinical characteristics or lab measures associated with complications of the disease.

''(C) Potential study population to enter into clinical trials for prevention and treatment, as well as genetic studies.

''(b) CLINICAL TRIAL INFRASTRUCTURE/INNOVATIVE TREATMENTS FOR JUVENILE DIABETES.—The Secretary, acting through the Director of the National Institutes of Health, shall support regional clinical centers for the cure of juvenile diabetes and shall through such centers provide for—

''(1) well-characterized population of children appropriate for study;

''(2) well-trained clinical scientists able to conduct such trials;

''(3) appropriate clinical settings able to house such studies; and

''(4) appropriate statistical capability, data, safety and other monitoring capacity.

''(c) DEVELOPMENT OF VACCINE.—The Secretary, acting through the appropriate agencies of the Public Health Service, shall provide for a national effort to develop a vaccine for type 1 diabetes. Such effort shall provide for a combination of increased efforts in research and development of candidate vaccines, coupled with appropriate ability to conduct large clinical trials in children.

''(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 2001 through 2005.''.

## TITLE V—ASTHMA TREATMENT SERVICES FOR CHILDREN

**SEC. 501. SHORT TITLE.**

This title may be cited as the ''Children's Asthma Relief Act of 2000''.

### Subtitle A—Treatment

**SEC. 511. GRANTS FOR CHILDREN'S ASTHMA RELIEF.**

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following part:

**"PART P—ADDITIONAL PROGRAMS**

**"SEC. 399L. CHILDREN'S ASTHMA TREATMENT GRANTS PROGRAM.**

''(a) AUTHORITY TO MAKE GRANTS.—

''(1) IN GENERAL.—In addition to any other payments made under this Act or title V of the Social Security Act, the Secretary shall award grants to eligible entities to carry out the following purposes:

''(A) To provide access to quality medical care for children who live in areas that have a high prevalence of asthma and who lack access to medical care.

''(B) To provide on-site education to parents, children, health care providers, and medical teams to recognize the signs and symptoms of asthma, and to train them in the use of medications to treat asthma and prevent its exacerbations.

''(C) To decrease preventable trips to the emergency room by making medication available to individuals who have not previously had access to treatment or education in the management of asthma.

''(D) To provide other services, such as smoking cessation programs, home modification, and other direct and support services that ameliorate conditions that exacerbate or induce asthma.

''(2) CERTAIN PROJECTS.—In making grants under paragraph (1), the Secretary may make grants designed to develop and expand the following projects:

''(A) Projects to provide comprehensive asthma services to children in accordance with the guidelines of the National Asthma Education and Prevention Program (through the National Heart, Lung and Blood Institute), including access to care and treatment for asthma in a community-based setting;

''(B) Projects to demonstrate mobile health care clinics that in accordance with such guidelines provide preventive asthma care. Such projects shall be evaluated and reports describing the findings of the evaluations shall be submitted to the Congress.

''(C) Projects to conduct validated asthma management education programs for patients with asthma and their families, including patient education regarding asthma management, family education on asthma management, and the distribution of materials, including displays and videos, to reinforce concepts presented by medical teams.

''(2) AWARD OF GRANTS.—

''(A) APPLICATION.—

''(i) IN GENERAL.—An eligible entity shall submit an application to the Secretary for a grant under this section in such form and manner as the Secretary may require.

''(ii) REQUIRED INFORMATION.—An application submitted under this subparagraph shall include a plan for the use of funds awarded under the grant and such other information as the Secretary may require.

''(B) REQUIREMENT.—In awarding grants under this section, the Secretary shall give preference to eligible entities that demonstrate that the activities to be carried out under this section shall be in localities within areas of known or suspected high prevalence of childhood asthma or high asthma-related mortality (relative to the average asthma prevalence rates and associated mortality rates in the United States). Acceptable data sets to demonstrate a high prevalence of childhood asthma or high asthma-related mortality may include data from Federal, State, or local vital statistics, claims data under title XIX or XXI of the Social Security Act, other public health statistics or surveys, or other data that the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, deems appropriate.

''(3) DEFINITION OF ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means a State agency or other entity receiving funds under title V of the Social Security Act, a local community, a nonprofit children's hospital or foundation, or a nonprofit community-based organization.

''(b) COORDINATION WITH OTHER CHILDREN'S PROGRAMS.—An eligible entity shall identify in the plan submitted as part of an application for a grant under this section how the entity will coordinate operations and activities under the grant with—

''(1) other programs operated in the State that serve children with asthma, including any such programs operated under titles V, XIX, or XXI of the Social Security Act; and

''(2) one or more of the following—

''(A) the child welfare and foster care and adoption assistance programs under parts B and E of title IV of such Act;

''(B) the head start program established under the Head Start Act (42 U.S.C. 9831 et seq.);

''(C) the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

''(D) local public and private elementary or secondary schools; or

''(E) public housing agencies, as defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

''(c) EVALUATION.—An eligible entity that receives a grant under this section shall submit to the Secretary an evaluation of the operations and activities carried out under the grant that includes—

''(1) a description of the health status outcomes of children assisted under the grant;

''(2) an assessment of the utilization of asthma-related health care services as a result of activities carried out under the grant;

''(3) the collection, analysis, and reporting of asthma data according to guidelines prescribed by the Director of the Centers for Disease Control and Prevention; and

''(4) such other information as the Secretary may require.

''(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 2001 through 2005.''.

**SEC. 512. TECHNICAL AND CONFORMING AMENDMENTS.**

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended—

(1) in part L, by redesignating section 399D as section 399A;

(2) in part M—

(A) by redesignating sections 399H through 399L as sections 399B through 399F, respectively;

(B) in section 399B (as so redesignated), in subsection (e)—

(i) by striking ''section 399K(b)'' and inserting ''subsection (b) of section 399E''; and

(ii) by striking ''section 399C'' and inserting ''such section'';

(C) in section 399E (as so redesignated), in subsection (c), by striking ''section 399H(a)'' and inserting ''section 399B(a)''; and

(D) in section 399F (as so redesignated)—

(i) in subsection (a), by striking ''section 399I'' and inserting ''section 399C'';

(ii) in subsection (a), by striking ''subsection 399J'' and inserting ''section 399D''; and

(iii) in subsection (b), by striking ''subsection 399K'' and inserting ''section 399E'';

(3) in part N, by redesignating section 399F as section 399G; and

(4) in part O—

(A) by redesignating sections 399G through 399J as sections 399H through 399K, respectively;

(B) in section 399H (as so redesignated), in subsection (b), by striking ''section 399H'' and inserting ''section 399I'';

(C) in section 399J (as so redesignated), in subsection (b), by striking ''section 399G(d)'' and inserting ''section 399H(d)''; and

(D) in section 399K (as so redesignated), by striking ''section 399G(d)(1)'' and inserting ''section 399H(d)(1)''.

**Subtitle B—Prevention Activities**

**SEC. 521. PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT; SYSTEMS FOR REDUCING ASTHMA-RELATED ILLNESSES THROUGH URBAN COCKROACH MANAGEMENT.**

Section 1904(a)(1) of the Public Health Service Act (42 U.S.C. 300w–3(a)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(2) by adding a period at the end of subparagraph (G) (as so redesignated);

(3) by inserting after subparagraph (D), the following:

''(E) The establishment, operation, and coordination of effective and cost-efficient systems to reduce the prevalence of asthma and asthma-related illnesses among urban populations, especially children, by reducing the level of exposure to cockroach allergen through the use of integrated pest management, as applied to cockroaches. Amounts expended for such systems may include the costs of building maintenance and the costs of programs to promote community participation in the carrying out at such sites of integrated pest management, as applied to cockroaches. For purposes of this subparagraph, the term 'integrated pest management' means an approach to the management of pests in public facilities that combines biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.'';

(4) in subparagraph (F) (as so redesignated), by striking ''subparagraphs (A) through (D)'' and inserting ''subparagraphs (A) through (E)''; and

(5) in subparagraph (G) (as so redesignated), by striking ''subparagraphs (A) through (E)'' and inserting ''subparagraphs (A) through (F)''.

**Subtitle C—Coordination of Federal Activities**

**SEC. 531. COORDINATION THROUGH NATIONAL INSTITUTES OF HEALTH.**

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 424A the following section:

''COORDINATION OF FEDERAL ASTHMA ACTIVITIES

''SEC. 424B (a) IN GENERAL.—The Director of Institute shall, through the National Asthma Education Prevention Program Coordinating Committee—

''(1) identify all Federal programs that carry out asthma-related activities;

''(2) develop, in consultation with appropriate Federal agencies and professional and voluntary health organizations, a Federal plan for responding to asthma; and

''(3) not later than 12 months after the date of the enactment of the Children's Health Act of 2000, submit recommendations to the appropriate committees of the Congress on ways to strengthen and improve the coordination of asthma-related activities of the Federal Government.

''(b) REPRESENTATION OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—A representative of the Department of Housing and Urban Development shall be included on the National Asthma Education Prevention Program Coordinating Committee for the purpose of performing the tasks described in subsection (a).

''(c) 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 2001 through 2005.''.

### Subtitle D—Compilation of Data

**SEC. 541. COMPILATION OF DATA BY CENTERS FOR DISEASE CONTROL AND PREVENTION.**

Part B of title III of the Public Health Service Act, as amended by section 401 of this Act, is amended by inserting after section 317I the following section:

''COMPILATION OF DATA ON ASTHMA

''SEC. 317J. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Director of the National Heart, Lung, and Blood Institute, shall—

''(1) conduct local asthma surveillance activities to collect data on the prevalence and severity of asthma and the quality of asthma management;

''(2) compile and annually publish data on the prevalence of children suffering from asthma in each State; and

''(3) to the extent practicable, compile and publish data on the childhood mortality rate associated with asthma nationally.

''(b) NATIONAL COORDINATING COMMITTEE.—The Director of the National Heart, Lung, and Blood Institute shall in carrying out subsection (a) consult with the National Asthma Education Prevention Program Coordinating Committee.

''(c) COLLABORATIVE EFFORTS.—The activities described in subsection (a)(1) may be conducted in collaboration with eligible entities awarded a grant under section 399L.''.

## TITLE VI—BIRTH DEFECTS PREVENTION ACTIVITIES

### Subtitle A—Folic Acid

**SEC. 601. SHORT TITLE.**

This subtitle may be cited as the ''Folic Acid Promotion and Birth Defects Prevention Act of 2000''.

**SEC. 602. PROGRAM REGARDING EFFECTS OF FOLIC ACID IN PREVENTION OF BIRTH DEFECTS.**

Part B of title III of the Public Health Service Act, as amended by section 541 of this Act, is amended by inserting after section 317J the following section:

''EFFECTS OF FOLIC ACID IN PREVENTION OF BIRTH DEFECTS

''SEC. 317K. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out a program (directly or through grants or contracts) for the following purposes:

''(1) To provide education and training for health professionals and the general public for purposes of explaining the effects of folic acid in preventing birth defects and for purposes of encouraging each woman of reproductive capacity (whether or not planning a pregnancy) to consume on a daily basis a dietary supplement that provides an appropriate level of folic acid.

''(2) To conduct research with respect to such education and training, including identifying effective strategies for increasing the rate of consumption of folic acid by women of reproductive capacity.

''(3) To conduct research to increase the understanding of the effects of folic acid in preventing birth defects, including understanding with respect to cleft lip, cleft palate, and heart defects.

''(4) To provide for appropriate epidemiological activities regarding folic acid and birth defects, including epidemiological activities regarding neural tube defects.

''(b) CONSULTATIONS WITH STATES AND PRIVATE ENTITIES.—In carrying out subsection (a), the Secretary shall consult with the States and with other appropriate public or private entities, including national nonprofit private organizations, health professionals, and providers of health insurance and health plans.

''(c) TECHNICAL ASSISTANCE.—The Secretary may (directly or through grants or contracts) provide technical assistance to public and nonprofit private entities in carrying out the activities described in subsection (a).

''(d) EVALUATIONS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of activities under subsection (a) in order to determine the extent to which such activities have been effective in carrying out the purposes of the program under such subsection, including the effects on various demographic populations. Methods of evaluation under the preceding sentence may include surveys of knowledge and attitudes on the consumption of folic acid and on blood folate levels. Such methods may include complete and timely monitoring of infants who are born with neural tube defects.

''(e) 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 2001 through 2005.''.

### Subtitle B—National Center on Birth Defects and Developmental Disabilities

**SEC. 611. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.**

Section 317C of the Public Health Service Act (42 U.S.C. 247b–4) is amended—

(1) by striking the heading for the section and inserting the following:

''NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES'';

(2) by striking ''SEC. 317C. (a)'' and all that follows through the end of subsection (a) and inserting the following:

''SEC. 317C. (a) IN GENERAL.—

''(1) NATIONAL CENTER.—There is established within the Centers for Disease Control and Prevention a center to be known as the National Center on Birth Defects and Developmental Disabilities (referred to in this section as the 'Center'), which shall be headed by a director appointed by the Director of the Centers for Disease Control and Prevention.

''(2) GENERAL DUTIES.—The Secretary shall carry out programs—

(A) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects;

(B) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects; and

(C) to provide information and education to the public on the prevention of such defects.

''(3) FOLIC ACID.—The Secretary shall carry out section 317K through the Center.

''(4) CERTAIN PROGRAMS.—

''(A) TRANSFERS.—All programs and functions described in subparagraph (B) are transferred to the Center, effective on the date of the enactment of the Children's Health Act of 2000.

''(B) RELEVANT PROGRAMS.—The programs and functions described in this subparagraph are all programs and functions that—

''(i) relate to birth defects, folic acid, cerebral palsy, mental retardation, child development, newborn screening, autism, fragile X syndrome, fetal alcohol syndrome, pediatric genetics, or disability prevention; and

''(ii) were carried out through the National Center for Environmental Health as of the day before the date of the enactment of the Act referred to in subparagraph (A).

''(C) RELATED TRANSFERS.—Personnel employed in connection with the programs and functions specified in subparagraph (B), and amounts available for carrying out the programs and functions, are transferred to the Center, effective on the date of the enactment of the Act referred to in subparagraph (A). Such transfer of amounts does not affect the period of availability of the amounts, or the availability of the amounts with respect to the purposes for which the amounts may be expended.''; and

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''(a)(1)'' and inserting ''(a)(2)(A)''.

## TITLE VII—EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING HEARING LOSS IN INFANTS

**SEC. 701. SHORT TITLE.**

This title may be cited as the ''Newborn and Infant Hearing Screening and Intervention Act of 2000''.

**SEC. 702. PURPOSES.**

The purposes of this title are to clarify the authority within the Public Health Service Act to authorize statewide newborn and infant hearing screening, evaluation and intervention programs and systems, technical assistance, a national applied research program, and interagency and private sector collaboration for policy development, in order to assist the States in making progress toward the following goals:

(1) All babies born in hospitals in the United States and its territories should have a hearing screening before leaving the birthing facility. Babies born in other countries and residing in the United States via immigration or adoption should have a hearing screening as early as possible.

(2) All babies who are not born in hospitals in the United States and its territories should have a hearing screening within the first 3 months of life.

(3) Appropriate audiologic and medical evaluations should be conducted by 3 months for all newborns and infants suspected of having hearing loss to allow appropriate referral and provisions for audiologic rehabilitation, medical and early intervention before the age of 6 months.

(4) All newborn and infant hearing screening programs and systems should include a component for audiologic rehabilitation, medical and early intervention options that ensures linkage to any new and existing state-wide systems of intervention and rehabilitative services for newborns and infants with hearing loss.

(5) Public policy in regard to newborn and infant hearing screening and intervention should be based on applied research and the recognition that newborns, infants, toddlers, and children who are deaf or hard-of-hearing have unique language, learning, and communication needs, and should be the result of consultation with pertinent public and private sectors.

**SEC. 703. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION, CENTERS FOR DISEASE CONTROL AND PREVENTION, AND NATIONAL INSTITUTES OF HEALTH.**

Part P of title III of the Public Health Service Act, as added by section 511 of this Act, is amended by adding at the end the following section:

**''SEC. 399M. EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING HEARING LOSS IN INFANTS.**

''(a) STATEWIDE NEWBORN AND INFANT HEARING SCREENING, EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—The Secretary, acting through the Administrator of

the Health Resources and Services Administration, shall make awards of grants or cooperative agreements to develop statewide newborn and infant hearing screening, evaluation and intervention programs and systems for the following purposes:

''(1) To develop and monitor the efficacy of state-wide newborn and infant hearing screening, evaluation and intervention programs and systems. Early intervention includes referral to schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard of hearing newborns, infants, toddlers, and children.

''(2) To collect data on statewide newborn and infant hearing screening, evaluation and intervention programs and systems that can be used for applied research, program evaluation and policy development.

''(b) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH.—

''(1) CENTERS FOR DISEASE CONTROL AND PREVENTION.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall make awards of grants or cooperative agreements to provide technical assistance to State agencies to complement an intramural program and to conduct applied research related to newborn and infant hearing screening, evaluation and intervention programs and systems. The program shall develop standardized procedures for data management and program effectiveness and costs, such as—

''(A) to ensure quality monitoring of newborn and infant hearing loss screening, evaluation, and intervention programs and systems;

''(B) to provide technical assistance on data collection and management;

''(C) to study the costs and effectiveness of newborn and infant hearing screening, evaluation and intervention programs and systems conducted by State-based programs in order to answer issues of importance to state and national policymakers;

''(D) to identify the causes and risk factors for congenital hearing loss;

''(E) to study the effectiveness of newborn and infant hearing screening, audiologic and medical evaluations and intervention programs and systems by assessing the health, intellectual and social developmental, cognitive, and language status of these children at school age; and

''(F) to promote the sharing of data regarding early hearing loss with State-based birth defects and developmental disabilities monitoring programs for the purpose of identifying previously unknown causes of hearing loss.

''(2) NATIONAL INSTITUTES OF HEALTH.—The Director of the National Institutes of Health, acting through the Director of the National Institute on Deafness and Other Communication Disorders, shall for purposes of this section, continue a program of research and development on the efficacy of new screening techniques and technology, including clinical studies of screening methods, studies on efficacy of intervention, and related research.

''(c) COORDINATION AND COLLABORATION.—

''(1) IN GENERAL.—In carrying out programs under this section, the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall collaborate and consult with other Federal agencies; State and local agencies, including those responsible for early intervention services pursuant to title XIX of the Social Security Act (Medicaid Early and Periodic Screening, Diagnosis and Treatment Program); title XXI of the Social Security Act (State Children's Health Insurance Program); title V of the Social Security Act (Maternal and Child Health Block Grant Program); and part C of the Individuals with Disabilities Education Act; consumer groups of and that serve individuals who are deaf and hard-of-hearing and their families; appropriate national medical and other health and education specialty organizations; persons who are deaf and hard-of-hearing and their families; other qualified professional personnel who are proficient in deaf or hard-of-hearing children's language and who possess the specialized knowledge, skills, and attributes needed to serve deaf and hard-of-hearing newborns, infants, toddlers, children, and their families; third-party payers and managed care organizations; and related commercial industries.

''(2) POLICY DEVELOPMENT.—The Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall coordinate and collaborate on recommendations for policy development at the Federal and State levels and with the private sector, including consumer, medical and other health and education professional-based organizations, with respect to newborn and infant hearing screening, evaluation and intervention programs and systems.

''(3) STATE EARLY DETECTION, DIAGNOSIS, AND INTERVENTION PROGRAMS AND SYSTEMS; DATA COLLECTION.—The Administrator of the Health Resources and Services Administration and the Director of the Centers for Disease Control and Prevention shall coordinate and collaborate in assisting States to establish newborn and infant hearing screening, evaluation and intervention programs and systems under subsection (a) and to develop a data collection system under subsection (b).

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt any State law.

''(e) DEFINITIONS.—For purposes of this section:

''(1) The term 'audiologic evaluation' refers to procedures to assess the status of the auditory system; to establish the site of the auditory disorder; the type and degree of hearing loss, and the potential effects of hearing loss on communication; and to identify appropriate treatment and referral options. Referral options should include linkage to State coordinating agencies under part C of the Individuals with Disabilities Education Act or other appropriate agencies, medical evaluation, hearing aid/sensory aid assessment, audiologic rehabilitation treatment, national and local consumer, self-help, parent, and education organizations, and other family-centered services.

''(2) The terms 'audiologic rehabilitation' and 'audiologic intervention' refer to procedures, techniques, and technologies to facilitate the receptive and expressive communication abilities of a child with hearing loss.

''(3) The term 'early intervention' refers to providing appropriate services for the child with hearing loss, including nonmedical services, and ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, communication options and are given the opportunity to consider the full range of educational and program placements and options for their child.

''(4) The term 'medical evaluation by a physician' refers to key components including history, examination, and medical decision making focused on symptomatic and related body systems for the purpose of diagnosing the etiology of hearing loss and related physical conditions, and for identifying appropriate treatment and referral options.

''(5) The term 'medical intervention' refers to the process by which a physician provides medical diagnosis and direction for medical and/or surgical treatment options of hearing loss and/or related medical disorder associated with hearing loss.

''(6) The term 'newborn and infant hearing screening' refers to objective physiologic procedures to detect possible hearing loss and to identify newborns and infants who, after rescreening, require further audiologic and medical evaluations.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) STATEWIDE NEWBORN AND INFANT HEARING SCREENING, EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated to the Health Resources and Services Administration such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(2) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; CENTERS FOR DISEASE CONTROL AND PREVENTION.—For the purpose of carrying out subsection (b)(1), there are authorized to be appropriated to the Centers for Disease Control and Prevention such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(3) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS.—For the purpose of carrying out subsection (b)(2), there are authorized to be appropriated to the National Institute on Deafness and Other Communication Disorders such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

## TITLE VIII—CHILDREN AND EPILEPSY

### SEC. 801. NATIONAL PUBLIC HEALTH CAMPAIGN ON EPILEPSY; SEIZURE DISORDER DEMONSTRATION PROJECTS IN MEDICALLY UNDERSERVED AREAS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b) is amended by adding at the end the following section:

**''SEC. 330E. EPILEPSY; SEIZURE DISORDER.**

''(a) NATIONAL PUBLIC HEALTH CAMPAIGN.—

''(1) IN GENERAL.—The Secretary shall develop and implement public health surveillance, education, research, and intervention strategies to improve the lives of persons with epilepsy, with a particular emphasis on children. Such projects may be carried out by the Secretary directly and through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects.

''(2) CERTAIN ACTIVITIES.—Activities under paragraph (1) shall include—

''(A) expanding current surveillance activities through existing monitoring systems and improving registries that maintain data on individuals with epilepsy, including children;

''(B) enhancing research activities on patient management and control of epilepsy;

''(C) implementing public and professional information and education programs regarding epilepsy, including initiatives which promote effective management and control of the disease through children's programs which are targeted to parents, schools, daycare providers, patients;

''(D) undertaking educational efforts with the media, providers of health care, schools and others regarding stigmas and secondary disabilities related to epilepsy and seizures, and also its affects on youth;

''(E) utilizing and expanding partnerships with organizations with experience addressing the health and related needs of people with disabilities; and

''(F) other activities the Secretary deems appropriate.

''(3) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this subsection are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding epilepsy and seizure.

''(b) SEIZURE DISORDER; DEMONSTRATION PROJECTS IN MEDICALLY UNDERSERVED AREAS.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States and local governments for the purpose of carrying out demonstration projects to improve access to health and other services regarding seizures to encourage early detection and treatment in children and others residing in medically underserved areas.

''(2) APPLICATION FOR GRANT.—The Secretary may make a grant under paragraph (1) only if the application for the grant is submitted to the Secretary and the application is in such form, is made in such matter, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subsection.

''(c) DEFINITIONS.—For purposes of this section:

''(1) The term ''epilepsy'' refers to a chronic and serious neurological condition which produces excessive electrical discharges in the brain causing recurring seizures affecting all life activities. The Secretary may revise the definition of such term as the Secretary.

''(2) The term ''medically underserved'' has the meaning applicable under section 799B(6).

''(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 2001 through 2005.''.

## TITLE IX—SAFE MOTHERHOOD; INFANT HEALTH PROMOTION

### Subtitle A—Safe Motherhood Monitoring and Prevention Research

**SEC. 901. SHORT TITLE.**

This title may be cited as the ''Safe Motherhood Monitoring and Prevention Research Act''.

**SEC. 902. MONITORING; PREVENTION RESEARCH AND OTHER ACTIVITIES.**

Part B of title III of the Public Health Service Act, as amended by section 602 of this Act, is amended by inserting after section 317K the following section:

''SAFE MOTHERHOOD

''SEC. 317L. (a) MONITORING.—

''(1) PURPOSE.—The purpose of this subsection is to develop monitoring systems at the local, State, and national level to better understand the burden of maternal complications and mortality and to decrease the disparities among population at risk of death and complications from pregnancy.

''(2) ACTIVITIES.—For the purpose described in paragraph (1), the Secretary may carry out the following activities:

''(A) the Secretary may establish and implement a national monitoring and surveillance program to identify and promote the investigation of deaths and severe complications that occur during pregnancy.

''(B) The Secretary may expand the Pregnancy Risk Assessment Monitoring System to provide surveillance and collect data in each of the 50 States.

''(C) The Secretary may expand the Maternal and Child Health Epidemiology Program to provide technical support, financial assistance, or the time-limited assignment of senior epidemiologists to maternal and child health programs in each of the 50 States.

''(b) PREVENTION RESEARCH.—

''(1) PURPOSE.—The purpose of this subsection is to provide the Secretary with the authority to further expand research concerning risk factors, prevention strategies, and the roles of the family, health care providers and the community in safe motherhood.

''(2) RESEARCH.—The Secretary may carry out activities to expand research relating to—

''(A) encouraging preconception counseling, especially for at risk populations such as diabetics;

''(B) the identification of critical components of prenatal delivery and postpartum care;

''(C) the identification of outreach and support services, such as folic acid education, that are available for pregnant women;

''(D) the identification of women who are at high risk for complications;

''(E) preventing preterm delivery;

''(F) preventing urinary tract infections;

''(G) preventing unnecessary caesarean sections;

''(H) an examination of the higher rates of maternal mortality among African American women;

''(I) an examination of the relationship between domestic violence and maternal complications and mortality;

''(J) preventing smoking, alcohol and illegal drug usage before, during and after pregnancy;

''(K) preventing infections that cause maternal and infant complications; and

''(L) other areas determined appropriate by the Secretary.

''(c) PREVENTION PROGRAMS.—

''(1) IN GENERAL.—The Secretary may carry out activities to promote safe motherhood, including—

''(A) public education campaigns on healthy pregnancies and the building of partnerships with outside organizations concerned about safe motherhood;

''(B) education programs for physicians, nurses and other health care providers; and

''(C) activities to promote community support services for pregnant women.

''(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 2001 through 2005.''.

### Subtitle B—Pregnant Mothers and Infants Health Promotion

**SEC. 911. SHORT TITLE.**

This subtitle may be cited as the ''Pregnant Mothers and Infants Health Protection Act''.

**SEC. 912. PROGRAMS REGARDING PRENATAL AND POSTNATAL HEALTH.**

Part B of title III of the Public Health Service Act, as amended by section 902 of this Act, is amended by inserting after section 317L the following section:

''PRENATAL AND POSTNATAL HEALTH

''SEC. 317M. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

''(1) to collect, analyze, and make available data on prenatal smoking, alcohol and illegal drug usage, including data on the implications of such activities and on the incidence and prevalence of such activities and their implications;

''(2) to conduct applied epidemiological research on the prevention of prenatal and postnatal smoking, alcohol and illegal drug usage;

''(3) to support, conduct, and evaluate the effectiveness of educational and cessation programs; and

''(4) to provide information and education to the public on the prevention and implications of prenatal and postnatal smoking, alcohol and illegal drug usage.

''(b) GRANTS.—In carrying out subsection (a), the Secretary may award grants to and enter into contracts with States, local governments, scientific and academic institutions, Federally qualified health centers, and other public and nonprofit entities, and may provide technical and consultative assistance to such entities.

''(c) 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 2001 through 2005.''.

## TITLE X—REVISION AND EXTENSION OF PROGRAMS

### Subtitle A—Pediatric Research Initiative

**SEC. 1001. SHORT TITLE.**

This subtitle may be cited as the ''Pediatric Research Initiative Act of 2000''.

**SEC. 1002. ESTABLISHMENT OF PEDIATRIC RESEARCH INITIATIVE.**

Part B of title IV of the Public Health Service Act, as amended by section 112 of this Act, is amended by adding at the end the following:

''PEDIATRIC RESEARCH INITIATIVE

''SEC. 409D. (a) ESTABLISHMENT.—The Secretary shall establish within the Office of the Director of NIH a Pediatric Research Initiative (referred to in this section as the 'Initiative'). The Initiative shall be headed by the Director of NIH.

''(b) PURPOSE.—The purpose of the Initiative is to provide funds to enable the Director of NIH to provide—

''(1) increased support for pediatric biomedical research within the National Institutes of Health to ensure that the expanding opportunities for advancement in scientific investigations and care for children are realized;

''(2) enhanced collaborative efforts among the Institutes to support multidisciplinary research in the areas that the Director deems most promising; and

''(3) the development of adequate pediatric clinical trials and pediatric use information to promote the safer and more effective use of prescription drugs in the pediatric population.

''(c) DUTIES.—In carrying out subsection (b), the Director of NIH shall—

''(1) consult with the Director of the National Institute of Child Health and Human Development and the Directors of the other national research institutes, in considering their requests for new or expanded pediatric research efforts, and consult with the Administrator of the Health Resources and Services Administration and other advisors as the Director determines to be appropriate;

''(2) have broad discretion in the allocation of any Initiative assistance among the Institutes, among types of grants, and between basic and clinical research so long as the—

''(A) assistance is directly related to the illnesses and conditions of children; and

''(B) assistance is extramural in nature; and

''(3) be responsible for the oversight of any newly appropriated Initiative funds and annually report to Congress and the public on the extent of the total extramural support for pediatric research across the NIH, including the specific support and research awards allocated through the Initiative.

''(d) AUTHORIZATION.—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 2001 through 2005.

''(e) TRANSFER OF FUNDS.—The Director of NIH may transfer amounts appropriated under this section to any of the Institutes for a fiscal year to carry out the purposes of the Initiative under this section.''.

**SEC. 1003. INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS.**

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 921 of this Act, is amended by adding at the end the following:

''INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS

''SEC. 452G. (a) IN GENERAL.—In order to ensure the future supply of researchers dedicated to the care and research needs of children, the Director of the Institute, after consultation with the Administrator of the Health Resources and Services Administration, shall support activities to provide for—

''(1) an increase in the number and size of institutional training grants to pediatric departments of medical schools and to children's hospitals; and

''(2) an increase in the number of career development awards for health professionals who are in pediatric specialties or subspecialties and intend to build careers in pediatric basic and clinical research.

''(b) AUTHORIZATION.—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 2001 through 2005.''.

**Subtitle B—Other Programs**

**SEC. 1011. CHILDHOOD IMMUNIZATIONS.**

Section 317(j)(1) of the Public Health Service Act (42 U.S.C. 247b(j)(1)) is amended in the first sentence by striking ''1998'' and all that follows and inserting ''1998 through 2003.''.

**SEC. 1012. SCREENINGS, REFERRALS, AND EDUCATION REGARDING LEAD POISONING.**

Section 317A(l)(1) of the Public Health Service Act (42 U.S.C. 247b–1(l)(1)) is amended by striking ''1994'' and all that follows and inserting ''1994 through 2003.''.

**TITLE XI—CHILDHOOD SKELETAL MALIGNANCIES**

**SEC. 1101. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION AND NATIONAL INSTITUTES OF HEALTH.**

Part P of title III of the Public Health Service Act, as amended by section 703 of this Act, is amended by adding at the end the following section:

**''SEC. 399N. CHILDHOOD SKELETAL MALIGNANCIES.**

''(a) IN GENERAL.—The Secretary, acting as appropriate through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health, shall study environmental and other risk factors for childhood skeletal cancers, and carry out projects to improve outcomes among children with childhood skeletal cancers and resultant secondary conditions, including limb loss. Such projects shall be carried out by the Secretary directly and through awards of grants or contracts to public or nonprofit entities.

''(b) CERTAIN ACTIVITIES.—Activities under subsection (a) include—

''(1) the expansion of current demographic data collection and population surveillance efforts to include childhood skeletal cancers nationally;

''(2) the development of a uniform reporting system under which treating physicians, hospitals, clinics, and states report the diagnosis of childhood skeletal cancers, including relevant associated epidemiological data; and

''(3) support for the National Limb Loss Information Center to address, in part, the primary and secondary needs of persons who experience childhood skeletal cancers in order to prevent or minimize the disabling nature of these cancers.

''(c) COORDINATION OF ACTIVITIES.—The Secretary shall assure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities focused on childhood cancers and limb loss.

''(d) DEFINITION.—For purposes of this section, the term 'childhood skeletal cancer' refers to any malignancy originating in the connective tissue of a person before skeletal maturity including the appendicular and axial skeleton. The Secretary may for purposes of this section revise the definition of such term to the extent determined by the Secretary to be appropriate.

''(e) 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 2001 through 2005.''.

**TITLE XII—ADOPTION AWARENESS**

**Subtitle A—Infant Adoption Awareness**

**SEC. 1201. SHORT TITLE.**

This subtitle may be cited as the ''Infant Adoption Awareness Act of 2000''.

**SEC. 1202. GRANTS REGARDING INFANT ADOPTION AWARENESS.**

Subpart I of part D of title III of the Public Health Service Act, as amended by section 801 of this Act, is amended by adding at the end the following section:

**''SEC. 330F. CERTAIN SERVICES FOR PREGNANT WOMEN.**

''(a) INFANT ADOPTION AWARENESS.—

''(1) IN GENERAL.—The Secretary shall make grants to national, regional, or local adoption organizations for the purpose of developing and implementing programs to train the designated staff of eligible health centers in providing adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling.

''(2) BEST-PRACTICES GUIDELINES.—

''(A) IN GENERAL.—A condition for the receipt of a grant under paragraph (1) is that the adoption organization involved agree that, in providing training under such paragraph, the organization will follow the guidelines developed under subparagraph (B).

''(B) PROCESS FOR DEVELOPMENT OF GUIDELINES.—

''(i) IN GENERAL.—The Secretary shall establish and supervise a process described in clause (ii) in which the participants are—

''(I) an appropriate number and variety of adoption organizations that, as a group, have expertise in all models of adoption practice and that represent all members of the adoption triad (birth mother, infant, and adoptive parent); and

''(II) affected public health entities.

''(ii) DESCRIPTION OF PROCESS.—The process referred to in clause (i) is a process in which the participants described in such clause collaborate to develop best-practices guidelines on the provision of adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling.

''(iii) DATE CERTAIN FOR DEVELOPMENT.—The Secretary shall ensure that the guidelines described in clause (ii) are developed not later than 180 days after the date of the enactment of the Children's Health Act of 2000.

''(C) RELATION TO AUTHORITY FOR GRANTS.—The Secretary may not make any grant under paragraph (1) before the date on which the guidelines under subparagraph (B) are developed.

''(3) USE OF GRANT.—

''(A) IN GENERAL.—With respect to a grant under paragraph (1)—

''(i) an adoption organization may expend the grant to carry out the programs directly or through grants to or contracts with other adoption organizations;

''(ii) the purposes for which the adoption organization expends the grant may include the development of a training curriculum, consistent with the guidelines developed under paragraph (2)(B); and

''(iii) a condition for the receipt of the grant is that the adoption organization agree that, in providing training for the designated staff of eligible health centers, such organization will make reasonable efforts to ensure that the individuals who provide the training are individuals who are knowledgeable on the process for adopting a child and are experienced in providing adoption information and referrals in the geographic areas in which the eligible health centers are located, and that the designated staff receive the training in such areas.

''(B) RULE OF CONSTRUCTION REGARDING TRAINING OF TRAINERS.—With respect to individuals who under a grant under paragraph (1) provide training for the designated staff of eligible health centers (referred to in this subparagraph as 'trainers'), subparagraph (A)(iii) may not be construed as establishing any limitation regarding the geographic area in which the trainers receive instruction in being such trainers. A trainer may receive such instruction in a different geographic area than the area in which the trainer trains (or will train) the designated staff of eligible health centers.

''(4) ADOPTION ORGANIZATIONS; ELIGIBLE HEALTH CENTERS; OTHER DEFINITIONS.—For purposes of this section:

''(A) The term 'adoption organization' means a national, regional, or local organization—

''(i) among whose primary purposes are adoption;

''(ii) that is knowledgeable on the process for adopting a child and on providing adoption information and referrals to pregnant women; and

''(iii) that is a nonprofit private entity.

''(B) The term 'designated staff', with respect to an eligible health center, means staff of the center who provide pregnancy or adoption information and referrals (or will provide such information and referrals after receiving training under a grant under paragraph (1)).

''(C) The term 'eligible health centers' means public and nonprofit private entities that provide health-related services to pregnant women.

''(5) TRAINING FOR CERTAIN ELIGIBLE HEALTH CENTERS.—A condition for the receipt of a grant under paragraph (1) is that the adoption organization involved agree to make reasonable efforts to ensure that the eligible health centers with respect to which training under the grant is provided include—

''(A) eligible health centers that receive grants under section 1001 (relating to voluntary family planning projects);

''(B) eligible health centers that receive grants under section 330 (relating to community health centers, migrant health centers, and centers regarding homeless individuals and residents of public housing); and

''(C) eligible health centers that receive grants under this Act for the provision of services in schools.

''(6) PARTICIPATION OF CERTAIN ELIGIBLE HEALTH CLINICS.—In the case of eligible health centers that receive grants under section 330 or 1001:

''(A) Within a reasonable period after the Secretary begins making grants under paragraph (1), the Secretary shall provide eligible

health centers with complete information about the training available from organizations receiving grants under such paragraph. The Secretary shall make reasonable efforts to encourage eligible health centers to arrange for designated staff to participate in such training.

''(B) All costs of such centers in obtaining the training shall be reimbursed by the organization that provides the training, using grants under paragraph (1).

''(C) Not later than one year after the date of the enactment the Children's Health Act of 2000, the Secretary shall submit to the appropriate committees of the Congress a report evaluating the extent to which adoption information, and referral upon request, is provided by eligible health centers. Within a reasonable time after training under this section is initiated, the Secretary shall submit to the appropriate committees of the Congress a report evaluating the extent to which adoption information, and referral upon request, is provided by eligible health centers in order to determine the effectiveness of such training. In preparing the reports required by this subparagraph, the Secretary shall in no respect interpret the provisions of this section to allow any interference in the provider-patient relationship, any breach of patient confidentiality, or any monitoring or auditing of the counseling process or patient records which breaches patient confidentiality or reveals patient identity.

''(b) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(c) 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 2001 through 2005.''.

**Subtitle B—Special Needs Adoption Awareness**

**SEC. 1211. SPECIAL NEEDS ADOPTION PROGRAMS; PUBLIC AWARENESS CAMPAIGN AND OTHER ACTIVITIES.**

Subpart I of part D of title III of the Public Health Service Act, as amended by section 1202 of this Act, is amended by adding at the end the following section:

**''SEC. 330G. SPECIAL NEEDS ADOPTION PROGRAMS; PUBLIC AWARENESS CAMPAIGN AND OTHER ACTIVITIES.**

''(a) SPECIAL NEEDS ADOPTION AWARENESS CAMPAIGN.—

''(1) IN GENERAL.—The Secretary shall, through making grants to nonprofit private entities, provide for the planning, development, and carrying out of a national campaign to provide information to the public regarding the adoption of children with special needs.

''(2) INPUT ON PLANNING AND DEVELOPMENT.—In providing for the planning and development of the national campaign under paragraph (1), the Secretary shall provide for input from a number and variety of adoption organizations throughout the States in order that the full national diversity of interests among adoption organizations is represented in the planning and development of the campaign.

''(3) CERTAIN FEATURES.—With respect to the national campaign under paragraph (1):

''(A) The campaign shall be directed at various populations, taking into account as appropriate differences among geographic regions, and shall be carried out in the language and cultural context that is most appropriate to the population involved.

''(B) The means through which the campaign may be carried out include—

''(i) placing public service announcements on television, radio, and billboards; and

''(ii) providing information through means that the Secretary determines will reach individuals who are most likely to adopt children with special needs.

''(C) The campaign shall provide information on the subsidies and supports that are available to individuals regarding the adoption of children with special needs.

''(D) The Secretary may provide that the placement of public service announcements, and the dissemination of brochures and other materials, is subject to review by the Secretary.

''(4) MATCHING REQUIREMENT.—

''(A) IN GENERAL.—With respect to the costs of the activities to be carried out by an entity pursuant to paragraph (1), a condition for the receipt of a grant under such paragraph is that the entity agree to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs.

''(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

''(b) NATIONAL RESOURCES PROGRAM.—The Secretary shall (directly or through grant or contract) carry out a program that, through toll-free telecommunications, makes available to the public information regarding the adoption of children with special needs. Such information shall include the following:

''(1) A list of national, State, and regional organizations that provide services regarding such adoptions, including exchanges and other information on communicating with the organizations. The list shall represent the full national diversity of adoption organizations.

''(2) Information beneficial to individuals who adopt such children, including lists of support groups for adoptive parents and other postadoptive services.

''(c) OTHER PROGRAMS.—With respect to the adoption of children with special needs, the Secretary shall make grants—

''(1) to provide assistance to support groups for adoptive parents, adopted children, and siblings of adopted children; and

''(2) to carry out studies to identify the reasons for adoption disruptions.

''(d) APPLICATION FOR GRANT.—The Secretary may make an award of a grant or contract under this section only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(e) FUNDING.—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 2001 through 2005.''.

**TITLE XIII—TRAUMATIC BRAIN INJURY**

**SEC. 1301. SHORT TITLE.**

This title may be cited as the ''Traumatic Brain Injury Act Amendments of 2000''.

**SEC. 1302. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.**

(a) IN GENERAL.—Section 393A of the Public Health Service Act (42 U.S.C. 280b–1b) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) the implementation of a national education and awareness campaign regarding such injury (in conjunction with the program of the Secretary regarding health-status goals for 2010, commonly referred to as Healthy People 2010), including the national dissemination of information on—

''(A) incidence and prevalence;

''(B) secondary conditions arising from traumatic brain injury upon discharge from hospitals and trauma centers.'';

(2) in subsection (d)—

(A) in the second sentence, by striking ''anoxia due to near drowning.'' and inserting ''anoxia.''; and

(B) in the third sentence, by inserting before the period the following: '', after consultation with States and other appropriate public or nonprofit private entities''.

(b) NATIONAL REGISTRY.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following section:

''NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY REGISTRIES

''SEC. 393B. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States or their designees to operate the State's traumatic brain injury registry, and to academic institutions to conduct applied research that will support the development of such registries, to collect data concerning—

''(1) demographic information about each traumatic brain injury;

''(2) information about the circumstances surrounding the injury event associated with each traumatic brain injury;

''(3) administrative information about the source of the collected information, dates of hospitalization and treatment, and the date of injury; and

''(4) information characterizing the clinical aspects of the traumatic brain injury, including the severity of the injury, the types of treatments received, and the types of services utilized.''.

**SEC. 1303. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.**

(a) INTERAGENCY PROGRAM.—Section 1261(d)(4) of the Public Health Service Act (42 U.S.C. 300d–61(d)(4)) is amended—

(1) in subparagraph (A), by striking ''degree of injury'' and inserting ''degree of brain injury'';

(2) in subparagraph (B), by striking ''acute injury'' and inserting ''acute brain injury''; and

(3) in subparagraph (D), by striking ''injury treatment'' and inserting ''brain injury treatment''.

(b) DEFINITION.—Section 1261(h)(4) of the Public Health Service Act (42 U.S.C. 300d–61(h)(4)) is amended—

(1) in the second sentence, by striking ''anoxia due to near drowning.'' and inserting ''anoxia.''; and

(2) in the third sentence, by inserting before the period the following: '', after consultation with States and other appropriate public or nonprofit private entities''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended by adding at the end the following:

''(i) 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 2000 through 2004.''.

**SEC. 1304. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.**

Section 1252 of the Public Health Service Act (42 U.S.C. 300d–51) is amended—

(1) in subsection (b)(3)—

(A) in subparagraph (A)(iv), by striking ''representing traumatic brain injury survivors'' and inserting ''representing individuals with traumatic brain injury''; and

(B) in subparagraph (B), by striking ''who are survivors of'' and inserting ''with'';

(2) in subsection (c)—

(A) in paragraph (1), by striking '', in cash,''; and

(B) in paragraph (2), by amending the paragraph to read as follows:

''(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.'';

(3) by designating subsections (e) through (h) as subsections (g) through (j), respectively; and

(4) by inserting after subsection (d) the following subsections:

''(e) CONTINUATION OF PREVIOUSLY AWARDED DEMONSTRATION PROJECTS.—A State that received a grant under this section prior to the date of enactment of the Children's Health Act of 2000 may compete for new project grants under this section after such date of enactment.

''(f) USE OF STATE GRANTS.—

''(1) COMMUNITY SERVICES AND SUPPORTS.—A State shall (directly or through awards of contracts to nonprofit private entities) use amounts received under a grant under this section for the following:

''(A) To develop, change, or enhance community-based service delivery systems that include timely access to comprehensive appropriate services and supports. Such service and supports—

''(i) shall promote full participation by individuals with brain injury and their families in decision making regarding the services and supports; and

''(ii) shall be designed for children and other individuals with traumatic brain injury.

''(B) To focus on outreach to underserved and inappropriately served individuals, such as individuals in institutional settings, individuals with low socioeconomic resources, individuals in rural communities, and individuals in culturally and linguistically diverse communities.

''(C) To award contracts to nonprofit entities for consumer or family service access training, consumer support, peer mentoring, and parent to parent programs.

''(D) To provide individual and family service coordination or case management systems.

''(E) To support other needs identified by the advisory board under subsection (b) for the State involved.

''(2) BEST PRACTICES.—

''(A) IN GENERAL.—State services and supports provided under a grant under this section shall reflect the best practices in the field of traumatic brain injury, shall be in compliance with title II of the Americans with Disabilities Act of 1990, and shall be supported by quality assurance measures as well as state-of-the-art health care and integrated community supports, regardless of the severity of injury.

''(B) DEMONSTRATION BY STATE AGENCY.—The State agency responsible for administering amounts received under a grant under this section shall demonstrate or express a willingness to obtain expertise and knowledge of traumatic brain injury and the unique needs associated with traumatic brain injury.

''(3) STATE CAPACITY BUILDING.—A State may use amounts received under a grant under this section to—

''(A) educate consumers and families;

''(B) train professionals in public and private sector financing (such as third party payers, State agencies, community-based providers, schools, and educators);

''(C) develop or improve case management or service coordination systems;

''(D) develop best practices in areas such as family or consumer support, return to work, housing or supportive living personal assistance services, assistive technology and devices, behavioral health services, substance abuse services, and traumatic brain injury treatment and rehabilitation;

''(E) tailor existing State systems to provide accommodations to the needs of individuals with brain injury (including systems administered by the State departments responsible for health, mental health, labor, education, mental retardation/developmental disorders, transportation, and correctional systems);

''(F) improve data sets coordinated across systems and other needs identified by a State plan supported by its advisory council; and

''(G) develop capacity within targeted communities.'';

(5) in subsection (g) (as so redesignated), by striking ''agencies of the Public Health Service'' and inserting ''Federal agencies'';

(6) in subsection (i) (as redesignated by paragraph (3))—

(A) in the second sentence, by striking ''anoxia due to near drowning.'' and inserting ''anoxia.''; and

(B) in the third sentence, by inserting before the period the following: '', after consultation with States and other appropriate public or nonprofit private entities''; and

(7) in subsection (j) (as so redesignated), by amending the subsection to read as follows:

''(j) 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 2001 through 2005.''.

## TITLE XIV—PREVENTION AND CONTROL OF INJURIES

### SEC. 1401. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

Section 394A of the Public Health Service Act (42 U.S.C. 280b–3) is amended by striking ''and'' after ''1994'' and by inserting before the period the following: '', and such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

## TITLE XV—HEALTHY START INITIATIVE

### SEC. 1501. SHORT TITLE.

This title may be cited as the ''Healthy Start Initiative Continuation Act''.

### SEC. 1502. CONTINUATION OF HEALTHY START PROGRAM.

Subpart I of part D of title III of the Public Health Service Act, as amended by section 1203 of this Act, is amended by adding at the end the following section:

### ''SEC. 330H. HEALTHY START FOR INFANTS.

''(a) IN GENERAL.—

''(1) CONTINUATION AND EXPANSION OF PROGRAM.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, Maternal and Child Health Bureau, shall under authority of this section continue in effect the Healthy Start Initiative and may, during fiscal year 2001 and subsequent years, carry out such program on a national basis.

''(2) DEFINITION.—For purposes of paragraph (1), the term 'Healthy Start Initiative' is a reference to the program that, as an initiative to reduce the rate of infant mortality and improve perinatal outcomes, makes grants for project areas with high annual rates of infant mortality and that, prior to the effective date of this section, was a demonstration program carried out under section 301.

''(3) ADDITIONAL GRANTS.— Effective upon increased funding beyond fiscal year 1999 for such Initiative, additional grants may be made to States to assist communities with technical assistance, replication of successful projects, and State policy formation to reduce infant and maternal mortality and morbidity.

''(b) REQUIREMENTS FOR MAKING GRANTS.—In making grants under subsection (a), the Secretary shall require that applicants (in addition to meeting all eligibility criteria established by the Secretary) establish, for project areas under such subsection, community-based consortia of individuals and organizations (including agencies responsible for administering block grant programs under title V of the Social Security Act, consumers of project services, public health departments, hospitals, health centers under section 330, and other significant sources of health care services) that are appropriate for participation in projects under subsection (a).

''(c) COORDINATION.—Recipients of grants under subsection (a) shall coordinate their services and activities with the State agency or agencies that administer block grant programs under title V of the Social Security Act in order to promote cooperation, integrity, and dissemination of information with Statewide systems and with other community services funded under the Maternal and Child Health Block Grant.

''(d) RULE OF CONSTRUCTION.—Except to the extent inconsistent with this section, this section may not be construed as affecting the authority of the Secretary to make modifications in the program carried out under subsection (a).

''(e) MEDICALLY APPROPRIATE ULTRASOUND SERVICES; MEDICALLY APPROPRIATE SERVICES FOR AT-RISK MOTHERS AND INFANTS.—

''(1) IN GENERAL.—The Secretary may make grants to health care entities to provide—

''(A) for pregnant women, ultrasound services provided by qualified health care professionals upon medical indication and referral from health care professionals who provide comprehensive prenatal services; and

''(B) for pregnant women or infants, other health services (including prenatal care, genetic counseling, and fetal and other surgery) that—

''(i) are determined by a qualified treating health care professional to be medically appropriate in order to prevent or mitigate congenital defects (including but not limited to spina bifida and hydrocephaly) or other serious obstetric complications (including but not limited to placenta previa, premature rupture of membranes, or preeclampsia); and

''(ii) are provided during pregnancy or during the first year after birth.

''(2) ELIGIBLE PROJECT AREA.—The Secretary may make a grant under paragraph (1) only if the geographic area in which services under the grant will be provided is a geographic area in which a project under subsection (a) is being carried out, and if the Secretary determines that the grant will add to or expand the level of health services available in such area to pregnant women and infants.

''(3) TRANSPORTATION AND SUBSISTENCE EXPENSES FOR CERTAIN PATIENTS.—The purposes for which a grant under paragraph (1)(B) may be expended include paying, on behalf of a pregnant woman who is in need of the health services described in such paragraph, transportation and subsistence expenses to assist

the pregnant woman in obtaining such health services from the grantee involved. The Secretary may establish such restrictions regarding payments under the preceding sentence as the Secretary determines to be appropriate.

''(4) CERTAIN CONDITIONS.—A condition for the receipt of a grant under paragraph (1) is that the applicant for the grant agree as follows:

''(A) In the case of a grant under paragraph (1)(A), if ultrasound services indicate that there is a fetal anomaly or other serious obstetric complication, the applicant will refer the pregnant woman involved for appropriate medical services, including, as appropriate, for health services described in paragraph (1)(B) provided by grantees under such paragraph.

''(B) If the applicant provides nondirective pregnancy counseling to patients and is not subject to the condition under section 330F(b), such counseling provided by the applicant to patients will include (but is not limited to) the provision of adoption information and referrals.

''(5) RELATIONSHIP TO PAYMENTS UNDER OTHER PROGRAMS.—A grant may be made under paragraph (1) only if the applicant involved agrees that the grant will not be expended to pay the expenses of providing any service under such paragraph to a pregnant woman to the extent that payment has been made, or can reasonably be expected to be made, with respect to such expenses—

''(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

''(B) by an entity that provides health services on a prepaid basis.

''(6) EVALUATION BY GENERAL ACCOUNTING OFFICE.—

''(A) IN GENERAL.—During fiscal year 2004, the Comptroller General of the United States shall conduct an evaluation of activities under grants under paragraph (1) in order to determine whether the activities have been effective in serving the needs of pregnant women with respect to ultrasound services and the other health services described in paragraph (1)(B). The evaluation shall include an analysis of whether such activities have been effective in reducing the disparity in health status between the general population and individuals who are members of racial or ethnic minority groups. Not later than January 10, 2005, the Comptroller General shall submit to the Committee on Commerce in the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions in the Senate, a report describing the findings of the evaluation.

''(B) RELATION TO GRANTS REGARDING MEDICALLY APPROPRIATE SERVICES FOR AT-RISK MOTHERS AND INFANTS.—Before the date on which the evaluation under subparagraph (A) is submitted in accordance with such subparagraph—

''(i) the Secretary shall ensure that there are not more than three grantees under paragraph (1)(B); and

''(ii) an entity is not eligible to receive grants under such paragraph unless the entity has substantial experience in providing the health services described in such paragraph.

''(e) FUNDING.—

''(1) GENERAL PROGRAM.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section (other than subsection (e)), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(B) ALLOCATIONS.—

''(i) PROGRAM ADMINISTRATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary may reserve up to 5 percent for coordination, dissemination, technical assistance, and data activities that are determined by the Secretary to be appropriate for carrying out the program under this section.

''(ii) EVALUATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary may reserve up to 1 percent for evaluations of projects carried out under subsection (a). Each such evaluation shall include a determination of whether such projects have been effective in reducing the disparity in health status between the general population and individuals who are members of racial or ethnic minority groups.

''(2) MEDICALLY APPROPRIATE ULTRASOUND SERVICES; MEDICALLY APPROPRIATE SERVICES FOR AT-RISK MOTHERS AND INFANTS.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (e), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(B) ALLOCATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary shall make available not less than 10 percent for providing ultrasound services under subsection (d)(1)(A) (provided by qualified health care professionals upon medical indication and referral from health care professionals who provide comprehensive prenatal services) through visits by mobile units to communities that are eligible for services under subsection (a).''.

## TITLE XVI—ORAL HEALTH PROMOTION AND DISEASE PREVENTION

### SEC. 1601. ORAL HEALTH PROMOTION AND DISEASE PREVENTION.

Part B of title III of the Public Health Service Act, as amended by section 912 of this Act, is amended by inserting after section 317M the following section:

''ORAL HEALTH PROMOTION AND DISEASE PREVENTION

''SEC. 317N. (a) GRANTS TO INCREASE RESOURCES FOR COMMUNITY WATER FLUORIDATION.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States and Indian tribes for the purpose of increasing the resources available for community water fluoridation.

''(2) USE OF FUNDS.—A State shall use amounts provided under a grant under paragraph (1)—

''(A) to purchase fluoridation equipment;

''(B) to train fluoridation engineers;

''(C) to develop educational materials on the benefits of fluoridation; or

''(D) to support the infrastructure necessary to monitor and maintain the quality of water fluoridation.

''(b) COMMUNITY WATER FLUORIDATION.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with the Director of the Indian Health Service, shall establish a demonstration project that is designed to assist rural water systems in successfully implementing the water fluoridation guidelines of the Centers for Disease Control and Prevention that are entitled ''Engineering and Administrative Recommendations for Water Fluoridation, 1995'' (referred to in this subsection as the 'EARWF').

''(2) REQUIREMENTS.—

''(A) COLLABORATION.—In collaborating under paragraph (1), the Directors referred to in such paragraph shall ensure that technical assistance and training are provided to tribal programs located in each of the 12 areas of the Indian Health Service. The Director of the Indian Health Service shall provide coordination and administrative support to tribes under this section.

''(B) GENERAL USE OF FUNDS.—Amounts made available under paragraph (1) shall be used to assist small water systems in improving the effectiveness of water fluoridation and to meet the recommendations of the EARWF.

''(C) FLUORIDATION SPECIALISTS.—

''(i) IN GENERAL.—In carrying out this subsection, the Secretary shall provide for the establishment of fluoridation specialist engineering positions in each of the Dental Clinical and Preventive Support Centers through which technical assistance and training will be provided to tribal water operators, tribal utility operators and other Indian Health Service personnel working directly with fluoridation projects.

''(ii) LIAISON.—A fluoridation specialist shall serve as the principal technical liaison between the Indian Health Service and the Centers for Disease Control and Prevention with respect to engineering and fluoridation issues.

''(iii) CDC.—The Director of the Centers for Disease Control and Prevention shall appoint individuals to serve as the fluoridation specialists.

''(D) IMPLEMENTATION.—The project established under this subsection shall be planned, implemented and evaluated over the 5-year period beginning on the date on which funds are appropriated under this section and shall be designed to serve as a model for improving the effectiveness of water fluoridation systems of small rural communities.

''(3) EVALUATION.—In conducting the ongoing evaluation as provided for in paragraph (2)(D), the Secretary shall ensure that such evaluation includes—

''(A) the measurement of changes in water fluoridation compliance levels resulting from assistance provided under this section;

''(B) the identification of the administrative, technical and operational challenges that are unique to the fluoridation of small water systems;

''(C) the development of a practical model that may be easily utilized by other tribal, state, county or local governments in improving the quality of water fluoridation with emphasis on small water systems; and

''(D) the measurement of any increased percentage of Native Americans or Alaskan Natives who receive the benefits of optimally fluoridated water.

''(c) SCHOOL-BASED DENTAL SEALANT PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with the Administrator of the Health Resources and Services Administration, may award grants to States and Indian tribes to provide for the development of school-based dental sealant programs to improve the access of children to sealants.

''(2) USE OF FUNDS.—A State shall use amounts received under a grant under paragraph (1) to provide funds to eligible school-based entities or to public elementary or secondary schools to enable such entities or schools to provide children in second and sixth grades with access to dental care and dental sealant services. Such services shall be provided by licensed dental health professionals in accordance with State practice licensing laws.

''(3) ELIGIBILITY.—To be eligible to receive funds under paragraph (1), an entity shall—

''(A) prepare and submit to the State an application at such time, in such manner and containing such information as the state may require; and

''(B) be a public elementary or secondary school—

''(i) that is located in an urban area in which and more than 50 percent of the student population is participating in federal or state free or reduced meal programs; or

''(ii) that is located in a rural area and, with respect to the school district in which the school is located, the district involved has a median income that is at or below 235 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

''(d) DEFINITIONS.—For purposes of this section, the term 'Indian tribe' means an Indian tribe or tribal organization as defined in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

''(e) 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 2001 through 2005.''.

## TITLE XVII—VACCINE COMPENSATION PROGRAM

**SEC. 1701. SHORT TITLE.**

This title may be cited as the ''Vaccine Injury Compensation Program Amendments of 2000.''.

**SEC. 1702. CONTENT OF PETITIONS.**

(a) IN GENERAL.—Section 2111(c)(1)(D) of the Public Health Service Act (42 U.S.C. 300aa–11(c)(1)(D)) is amended by striking ''and'' at the end and inserting ''or (iii) suffered such illness, disability, injury, or condition from the vaccine which resulted in inpatient hospitalization and surgical intervention, and''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect upon the date of the enactment of this Act, including with respect to petitions under section 2111 of the Public Health Service Act that are pending on such date.

## TITLE XVIII—HEPATITIS C

**SEC. 1801. SHORT TITLE.**

This title may be cited as the ''Hepatitis C and Children Act of 2000''.

**SEC. 1802. SURVEILLANCE AND EDUCATION REGARDING HEPATITIS C.**

Part B of title III of the Public Health Service Act, as amended by section 1601 of this Act, is amended by inserting after section 317N the following section:

''SURVEILLANCE AND EDUCATION REGARDING HEPATITIS C VIRUS

''SEC. 317*O*. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may (directly and through grants to public and nonprofit private entities) provide for programs to carry out the following:

''(1) To cooperate with the States in implementing a national system to determine the incidence and prevalence of cases of infection with hepatitis C virus, including the reporting of chronic hepatitis C cases.

''(2) To identify and contact individuals who became infected with such virus as a result of receiving blood transfusions prior to July 1992 when the individuals were infants, small children, or adolescents.

''(3) To provide appropriate referrals for counseling, testing, and medical treatment of individuals identified under paragraph (2) and to ensure, to the extent practicable, the provision of appropriate follow-up services.

''(4) To develop and disseminate public information and education programs for the detection and control of hepatitis C, with priority given to recipients of blood transfusions; women who gave birth by caesarean section; children who were high-risk neonates; veterans of the Armed Forces; and health professionals.

''(5) To improve the education, training, and skills of health professionals in the detection and control of cases of infection with hepatitis C, with priority given to pediatricians and other primary care physicians.

''(b) LABORATORY PROCEDURES.—The Secretary may (directly and through grants to public and nonprofit private entities) carry out programs to provide for improvements in the quality of clinical-laboratory procedures regarding hepatitis C, including reducing variability in laboratory results on hepatitis C antibody and PCR testing.

''(c) 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 2001 through 2005.''.

## TITLE XIX—NIH INITIATIVE ON AUTOIMMUNE DISEASES

**SEC. 1901. SHORT TITLE.**

This title may be cited as the ''NIH Autoimmune Diseases Initiative Act of 2000''.

**SEC. 1902. JUVENILE DIABETES, JUVENILE ARTHRITIS, LUPUS, MULTIPLE SCLEROSIS, AND OTHER AUTOIMMUNE-DISEASES; INITIATIVE THROUGH DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.**

Part B of title IV of the Public Health Service Act, as amended by section 1002 of this Act, is amended by adding at the end the following:

''AUTOIMMUNE DISEASES

''SEC. 409E. (a) EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES.—

''(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate research and other activities of the National Institutes of Health with respect to juvenile-onset diabetes, rheumatoid arthritis, systemic lupus erthematosus, multiple sclerosis, Sjogren's syndrome, scleroderma, chronic fatigue syndrome, Crohn's disease and colitis (in this section referred to as 'autoimmune diseases').

''(2) ALLOCATIONS BY DIRECTOR OF NIH.—With respect to amounts appropriated to carry out this section for a fiscal year, the Director of NIH shall allocate the amounts among the national research institutes that are carrying out paragraph (1).

''(3) ADDITIONAL DISEASES OR DISORDERS.—In addition to the diseases or disorders specified in paragraph (1), the term 'autoimmune disease' includes for purposes of this section such other diseases or disorders as the Secretary determines to be appropriate.

''(b) COORDINATING COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall establish a committee to be known as Autoimmune Diseases Coordinating Committee (referred to in this subsection as the 'Coordinating Committee').

''(2) DUTIES.—The Coordinating Committee shall, with respect to autoimmune diseases—

''(A) provide for the coordination of the activities of the national research institutes; and

''(B) coordinate the aspects of all Federal health programs and activities relating to such diseases in order to assure the adequacy and technical soundness of such programs and activities and in order to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

''(3) COMPOSITION.—The Coordinating Committee shall be composed of the directors of each of the national research institutes involved in research with respect to autoimmune diseases and representatives of all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, including the Centers for Disease Control and Prevention and the Food and Drug Administration.

''(4) CHAIR.—From among the members of the Coordinating Committee, the Committee shall designate an individual to serve as the chair of the Committee. With respect to autoimmune diseases, the Chair shall serve as the principal advisor to the Secretary, the Assistant Secretary for Health, and the Director of NIH, and shall provide advice to the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, and other relevant agencies.

''(5) FULL-TIME STAFF.—The Secretary shall ensure that the Coordinating Committee is staffed and supported by not fewer than three scientists or health professionals for whom such service is a full-time Federal position. The Secretary shall in addition ensure that the Committee is provided with such administrative staff and support as may be necessary to carry out the duties of the Committee.

''(c) ADVISORY COUNCIL.—

''(1) IN GENERAL.—The Secretary shall establish an advisory council to be known as the Autoimmune Diseases Public Advisory Council (referred to in this subsection as the 'Advisory Council').

''(2) DUTIES.—The Advisory Council shall provide to the Director of NIH and the Coordinating Committee under subsection (b) recommendations on carrying out this section, including the plan under subsection (d).

''(3) COMPOSITION.—The Advisory Council shall be composed exclusively of not more than 18 members appointed to the Council by the Secretary from among individuals who are not officers or employees of the United States. The Secretary shall ensure that the membership of the Advisory Council includes—

''(A) scientists or health professionals who are knowledgeable with respect to autoimmune diseases;

''(B) representatives of autoimmune disease patient advocacy organizations, including organizations advocating on behalf of diseases affecting small patient populations; and

''(C) patients and parents of children with such diseases, including autoimmune diseases affecting small patient populations.

''(d) PLAN FOR NIH ACTIVITIES.—

''(1) IN GENERAL.—The Coordinating Committee shall develop a plan for conducting and supporting research and education on autoimmune diseases through the national research institutes, shall review the plan not less frequently than once each fiscal year, and shall revise the plan as appropriate. The plan shall—

''(A) provide for a broad range of research and education activities relating to biomedical, psychosocial, and rehabilitative issues, including studies of the disproportionate impact of such diseases on women; and

''(B) establish priorities among the programs and activities of the National Institutes of Health regarding such diseases.

''(2) CERTAIN ELEMENTS OF PLAN.—The plan under paragraph (1) shall, with respect to autoimmune diseases, provide for the following:

''(A) Research to determine the reasons underlying the incidence and prevalence of the diseases.

''(B) Basic research concerning the etiology and causes of the diseases.

''(C) Epidemiological studies to address the frequency and natural history of the diseases, including any differences among the sexes and among racial and ethnic groups.

''(D) The development of improved screening techniques.

''(E) Clinical research for the development and evaluation of new treatments, including new biological agents.

''(F) Information and education programs for health care professionals and the public.

''(3) RECOMMENDATIONS OF ADVISORY COUNCIL.—In developing the plan under paragraph (1), and reviewing and revising the plan, the Coordinating Committee shall consider the recommendations of the Advisory Council regarding the plan.

''(4) IMPLEMENTATION OF PLAN.—The Director of NIH shall ensure that programs and activities of the National Institutes of Health regarding autoimmune diseases are implemented in accordance with the plan under paragraph (1).

''(e) REPORTS TO CONGRESS.—The Coordinating Committee under subsection (b)(1) shall annually submit to the Committee on Commerce of the House of Representatives, and the Committee on Health, Education, Labor and Pensions of the Senate, a report that describes the research, education, and other activities on autoimmune diseases being conducted or supported through the national research institutes, and that in addition includes the following:

''(1) The plan under subsection (d)(1) (or revisions to the plan, as the case may be).

''(2) The recommendations of the advisory council under subsection (c) regarding the plan (or revisions, as the case may be).

''(3) Provisions specifying the amounts expended by the National Institutes of Health with respect to each of the autoimmune diseases included in the plan.

''(4) Provisions identifying particular projects or types of projects that should in the future be conducted or supported by the national research institutes or other entities in the field of research on autoimmune diseases.

''(f) 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 2001 through 2005. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriations that is available for conducting or supporting through the National Institutes of Health research and other activities with respect to autoimmune diseases.''.

## TITLE XX—GRADUATE MEDICAL EDUCATION PROGRAMS IN CHILDREN'S HOSPITALS

### SEC. 2001. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 340E(f) of the Public Health Service Act (42 U.S.C. 256e(f)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) for each of the fiscal years 2002 through 2005, such sums as may be necessary.''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(C) for each of the fiscal years 2002 through 2005, such sums as may be necessary.''.

## TITLE XXI—SPECIAL NEEDS OF CHILDREN REGARDING ORGAN TRANSPLANTATION

### SEC. 2101. SHORT TITLE.

This title may be cited as the ''Pediatric Organ Transplantation Improvement Act of 2000''.

### SEC. 2102. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK; AMENDMENTS REGARDING NEEDS OF CHILDREN.

(a) IN GENERAL.—Section 372(b)(2) of the Public Health Service Act (42 U.S.C. 274(b)(2)) is amended—

(1) in subparagraph (J), by striking ''and'' at the end;

(2) in each of subparagraphs (K) and (L), by striking the period and inserting a comma; and

(3) by adding at the end the following subparagraphs:

''(M) recognize the differences in health and in organ transplantation issues between children and adults throughout the system and adopt criteria, polices, and procedures that address the unique health care needs of children,

''(N) carry out studies and demonstration projects for the purpose of improving procedures for organ donation procurement and allocation, including but not limited to projects to examine and attempt to increase transplantation among populations with special needs, including children and individuals who are members of racial or ethnic minority groups, and among populations with limited access to transportation, and

''(O) provide that for purposes of this paragraph, the term 'children' refers to individuals who are under the age of 18.''.

(b) STUDY REGARDING IMMUNOSUPPRESSIVE DRUGS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall provide for a study to determine the costs of immunosuppressive drugs that are provided to children pursuant to organ transplants and to determine the extent to which health plans and health insurance cover such costs. The Secretary may carry out the study directly or through a grant to the Institute of Medicine (or other public or nonprofit private entity).

(2) RECOMMENDATIONS REGARDING CERTAIN ISSUES.—The Secretary shall ensure that, in addition to making determinations under paragraph (1), the study under such paragraph makes recommendations regarding the following issues:

(A) The costs of immunosuppressive drugs that are provided to children pursuant to organ transplants and to determine the extent to which health plans, health insurance and government programs cover such costs.

(B) The extent of denial of organs to be released for transplant by coroners and medical examiners.

(C) The special growth and developmental issues that children have pre- and post-organ transplantation.

(D) Other issues that are particular to the special health and transplantation needs of children.

(3) REPORT.—The Secretary shall ensure that, not later than December 31, 2000, the study under paragraph (1) is completed and a report describing the findings of the study is submitted to the Congress.

## TITLE XXII—MISCELLANEOUS PROVISIONS

### SEC. 2201. REPORT REGARDING RESEARCH ON RARE DISEASES IN CHILDREN.

Not later than 180 days after the date of the enactment of this Act, the Director of the National Institutes of Health shall submit to the Congress a report on—

(1) the activities that, during fiscal year 2000, were conducted and supported by such Institutes with respect to rare diseases in children, including Friedreich's ataxia; and

(2) the activities that are planned to be conducted and supported by such Institutes with respect to such diseases during the fiscal years 2001 through 2005.

## TITLE XXIII—EFFECTIVE DATE

### SEC. 2301. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4365.

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to bring H.R. 4365, the Children's Health Act of 2000, to the floor of the House today. Every mother knows that America's children are its future.

On Sunday, we will celebrate Mother's Day to honor millions of women for the loving care they provide. I can think of no better gift to them than passage of this legislation to protect children from the threat of disease.

My subcommittee has examined some of the difficult barriers we face in working to improve children's health. Witnesses have testified about a number of serious childhood afflictions, including autism, childhood asthma and juvenile diabetes. We also discussed measures to promote adoption of children with special health needs.

Mr. Speaker, H.R. 4365 is an extended version of the original children's health bill, H.R. 3301. I was pleased to introduce both bills with the ranking member of the Subcommittee on Health and Environment, the gentleman from Ohio (Mr. BROWN). Together we have worked on a bipartisan basis and overcome significant, significant obstacles to bring this bill to the floor, and towards that end, I would like to personally thank the two members of our staffs, Anne Esposito of my staff, and Eleanor Dehoney from the staff of the gentleman from Ohio (Mr. BROWN), and Mr. Jason Lee and Marc Wheat of the majority staff for all of their efforts in this regard.

The bill before us, like its predecessor, authorizes and reauthorizes children's disease research and prevention activities conducted under the Public Health Service Act. Among its key provisions, the bill establishes a new pediatric research initiative within the National Institutes of Health to enhance opportunities for research and improve coordination of efforts to prevent or cure diseases affecting children.

The bill also addresses a number of specific concerns, including autism, fragile X, birth defects, early hearing loss, epilepsy, asthma, juvenile arthritis, skeletal malignancies, juvenile diabetes, adoption awareness, traumatic brain injury, injury prevention,

Healthy Start, oral health, vaccine injury compensation, hepatitis C, autoimmune diseases, graduate medical education in children's hospitals, organ transplantation needs of children and rare diseases in children. Equally important, it does not include specific funding earmarks or other controversial provisions.

This legislation incorporates a number of separate legislative proposals. I would like to acknowledge the efforts of those Members who worked to develop provisions that were included in the bill. I also want to acknowledge all of the patient advocates and cosponsors of the original children's health bill who lent their strong support to this initiative. Their dedication helped keep this legislation alive.

We can never estimate the human toll of childhood diseases. However, they also have an enormous financial impact through billions of dollars in increased health care costs. Every dollar spent by the Federal Government on disease research and prevention is an extremely wise investment.

Any parent can tell you that nothing is more heart wrenching than watching your own child suffer with an illness. As a father and grandfather myself, I know how terrible that can be. Today, however, we have a rare opportunity to do something that will give hope to families devastated by childhood disease.

It is my hope that Members will put aside their personal agendas and political disagreements to support passage of this consensus-based measure. Childhood diseases inflict pain and disruption on countless American children and their families. For the patients, families, caregivers and friends whose lives have been touched by childhood diseases, we should demonstrate our shared commitment to ending these terrible afflictions by approving H.R. 4365.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

There are times, Mr. Speaker, when I feel especially privileged to be here and this is one of those times. This bill can help children I have met. It gives hope to parents I have met. I have two amazing daughters. I know how it feels when the only thing that matters is to end whatever it is that is causing your child pain. When the only thing that matters is to smooth the path for them to make sure the odds are and stay solidly in their favor. I can only imagine how the parents of a child with autism or arthritis or epilepsy must feel as they seek help for their children only to encounter dead end after dead end; to look for answers and to be told that the knowledge simply is not there, to be told that research is lacking.

H.R. 4365 is not a glamorous bill. Its passage is not going to make or break any campaigns. You are not going to hear about it on Meet the Press. But H.R. 4365 responds to very real needs. It does several good things.

The initiatives authorized in H.R. 4365 intensify efforts to find a cure for autism. The initiatives authorized could contribute to the cure and the prevention of juvenile diabetes, juvenile arthritis, epilepsy and asthma. The initiatives could contribute to the prevention of birth defects. It could help children with traumatic brain injury and protect more children from the environmental injuries like lead poisoning.

H.R. 4365 promotes children's health in other important ways. It extends the authorization for resources to support graduate medical education in our Nation's freestanding children's hospitals. It establishes a pediatric research initiative within NIH to create a more level playing field for research targeting children. The bill offers hope to children and hope to their families and if we put the resources behind it as we should, this bill will deliver children in the future from illnesses and disabilities that compromise their health and their well-being.

I feel privileged to have worked with families and community leaders and Members on both sides of the aisle who are committed to the goals of this bill and who have worked tirelessly to see that something actually gets done to achieve these goals.

I thank the gentleman from Florida (Mr. BILIRAKIS) for his good work, Jason Lee and Anne Esposito in his office and Donna Pignatelli, Ellie Dehoney and Katie Porter in mine. I hope the House will join in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me this time. As the previous speaker, I do not think there is a moment that I have been more proud to be a Member of this body than I am today. The Children's Health Act is Congress's Mother's Day present to the Nation as well as an early Father's Day present. What makes us good mothers and fathers is our devotion to our children. Nothing so sharpens, focuses and deepens a parent's devotion as when their children are ill. When the child's illness is chronic, the parent's devotion becomes life long. Parents will do whatever they can for their children, but sometimes they need our help. They need Congress to fund research about the treatment and the cure for these diseases. They need us to help educate physicians and to monitor the incidence of these diseases. This bill will provide new hope to parents of children with the long list of diseases that the gentleman from Florida (Mr. BILIRAKIS) laid out in the beginning. In addition, it creates a brand new pediatric research initiative at the National Institutes of Health.

I would like to focus my remarks on the story of autism in this bill. Autism is the third most common childhood disorder in America. It affects 400,000 people in the United States. One out of every 500 babies born in this country has autism. Parents with children with autism see their children grow and develop normally and suddenly they seem to vanish. They lose their communication skills, their language skills. It is an agony for the parents.

This disease was misdiagnosed for a generation. Parents were told that their children were autistic because they had been poorly parented or traumatized. It was a cruel misdiagnosis on the part of these physicians. But the parents of these children formed an organization called Cure Autism Now and they did what the civics books told them to. They came to Washington, they told their elected representatives of their experience and they asked for our help. We put together an autism bill and we began the long process.

These parents came to press conferences, sometimes press conferences without press. They came and they did everything humanly possible to make the country and to make the Members of the United States Congress aware of their children's special needs. They came to the hearings and they testified. It is a scary thing to come to a hearing before the United States Congress and talk about your child, but they did that.

Then they suffered the agonies of the congressional clock, and they waited month after month, year after year for Congress to slowly get around to this bill. Today that day has finally come. Then finally in the last few days, they suffered the agonies of watching the possibility that this bill would get hijacked by other agendas, perfectly good agendas but agendas that would make the bill controversial.

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Finally, today, just about when they had been ready to give up hope, the system worked and today we take up their bill, and we should be proud to do so.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE), my friend who has done as much or more on this legislation than any Member of the House.

Ms. DEGETTE. Mr. Speaker, I would like to thank the gentleman from Florida (Mr. BILIRAKIS), the chairman of our subcommittee and the gentleman from Ohio (Mr. BROWN) for their tireless efforts on what was not an easy process here. This is a good bill, and I am proud to support it.

Mr. Speaker, nothing can be more important to our Nation's future than our children. Numerous indicators of the well-being of our children paint a mixed picture of both success and shortcomings. I think this will give us a mixed view of what our Nation's future holds.

Reports of both gains and continued unmet needs are also apparent with regard to a variety of other pediatric

health care needs. Infant mortality, immunization rates, pediatric asthma care, youth violence, and the critically important fact that we still have 11 million children in this country who do not have health insurance.

Mr. Speaker, H.R. 4365 will increase research and prevention efforts targeted to improve the lives of the children. I do not think that we can question such a focus, but some have. If we have any doubt, according to a report issued by the President's National Science and Technology Council, the combined research spending for children in adolescence throughout the Federal Government represents less than 3 percent of the total Federal research enterprise. Thus, the Federal Government commits less than 3 percent of its research focused on the lives of children, despite the fact that they are 30 percent of our population and they are our future.

I would like to take the opportunity to highlight 2 important provisions of this bill. First of all, diabetes affects 16 million Americans and their families, often striking in childhood and becoming a lifelong disease. Type 1 diabetes is one of the most costly, chronic diseases of childhood. Now we are seeing Type 2 diabetes increasing among children.

I am pleased that this bill includes a provision authorizing the Centers for Disease Control and Prevention to implement a national public health effort to address Type 2 in youth. It also expands clinical trials for children with diabetes to move some of the remarkable research on diabetes from the laboratory bench to the patient's bedside.

Today's bill also incorporates the provisions from my legislation, H.R. 4008, that will require the Organ Transplantation Network to adopt criteria policies and procedures that will address the unique health care needs of children and organ transplantation. Virtually identical language was passed by this House just last month by a vote of 420 to zero. It improves the lives of children by requiring the Organ Transplantation Network to adopt criteria policies and procedures that address the unique needs of children.

Through the passage of this bill, we have the opportunity to help millions of children in this country. We owe to our children, our families, and our Nation nothing less than this sound investment in our future.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding me this time.

Mr. Speaker, H.R. 4365, the Child Health Act of 2000, must be passed today and sent swiftly to the President for his signature.

Mr. Speaker, I would like to focus a few moments on the silent epidemic of autism, we are in the midst of a silent epidemic of autism. No State, no county, no Federal agency systematically tracks cases of autism, but even faint glimpses of the truth are terrifying to behold.

According to the Federal Department of Education, autistic special education students have increased by 153 percent from 1994 to 1999. In my home State of New Jersey, the Department of Education has said the number of kids classified as autistic in our school system has increased from 241 in 1991 to an incredible, astonishing 2,354 in 1999, an 876 percent increase.

Mr. Speaker, at my request, the CDC conducted a ground-breaking autism prevalence investigation in Brick Township in New Jersey. The findings of the 2-year investigation were released just last month. We are informed that Brick's rate of classic autism was a whopping 4 per 1,000 children between ages 3 and 10, and the rate of autism spectrum disorders was 6.7 cases per 1,000. That is higher than most people had thought. Normally it is about 2 per 1,000. We had an incidence of 4 per 1,000.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. BILIRAKIS) for including the essence of my ASSURE bill which will create 3 to 5 ''Centers of Excellence in Autism'' under the auspices of the CDC so that the Federal Government will now be able to monitor the prevalence of autism at the national level and develop, hopefully, better teaching methods and health professionals to improve the treatment. It also authorizes CDC to create a National Autism and Pervasive Developmental Disability Surveillance Program. This program would use a combination of grants, cooperative agreements, and technical assistance to improve the collection, analysis and reporting on this very serious anomaly that is afflicting so many of our children.

Mr. Speaker, once again, I want to congratulate the gentleman from Florida (Mr. BILIRAKIS) on a great bill and I hope all of my colleagues will support it.

Most experts in autism research believe that while genetics are a major determinant in developing autism, something else is at work. The epidemiological research provided under H.R. 4365 will help researchers sort out how much of the problem is genetic and how much is environmental or developmental. If autism has a link to certain environmental pollutants, the surveillance programs established under ASSURE will be able to tell us more about these links. If autism is related to an immunological response to certain vaccines, the data provided by ASSURE can be used to support or dismiss this hypothesis.

Regardless of one's opinion on what causes autism, the bottom line is that we will never be able to get the answers parents need without the data generated by this bill. Once the CDC has established the centers of excellence, they will serve as a model for states to copy and form their own registries and surveillance programs. The centers will also improve the standard of care for autistic persons by providing education and training for health professionals, so that the latest proven treatments and interventions can be utilized to the maximum possible extent.

Also included in the Children's Health Act are provisions of H.R. 997, introduced by Congressman JIM GREENWOOD and myself, to improve autism research programs at the National Institutes of Health (NIH). This proposal, Section (B) of Title I, boosts the biomedical research needed to help solve the puzzle of autism.

And that's just Title I. In addition, there are a host of vital initiatives to improve surveillance efforts of children with diabetes, promote adoption, and reduce asthma and enhance services to asthmatics. All of these other provisions deserve out full support.

Today, Congress has an enormous opportunity to speak out on behalf of those whose voices have been silenced by autism. Kids like Alanna and Austin Gallagher in Brick Township, New Jersey.

Today, we can help restore breath to kids afflicted with asthma. People like Tommy Farese of Spring Lake, and my own two daughters Melissa and Elyse.

Today, we may save and extend the lives of children stricken by juvenile diabetes, such as young Charlie Coats of East Windsor.

It is for these children, their mothers and fathers, and the countless others like them across out nation, that we enact H.R. 4365. Join with me in supporting this legislation.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise today in strong support of H.R. 4365, the Children's Health Act of 2000. In particular, I want to commend the authors of this legislation for the great strides it makes in autism research.

Mr. Speaker, autism is not rare. Four hundred thousand people in the United States, mostly children, are affected by this terrible disease. While 5 percent of those with autism may gain some progress with early intervention, 95 percent of them, or more than 350,000 people, will still suffer. They will never marry, they will never live on their own, and more than half of them will never even learn to speak.

Families affected by autism are forced to bear an extraordinary burden. Parents and siblings and friends have to learn to try to communicate with a child, many of whom are incapable of either verbal or nonverbal communication, and children who have often erratic behavior. It is a disease little understood. I have been trying since I came to Congress for find funding for autism research for the various autism clusters that we believe are occurring throughout New Jersey. I am proud that this bill lays the foundation for a comprehensive research effort on autism.

Mr. Speaker, this day has been a long time in coming, and I know those families who have been affected are grateful that it is now here. I urge all of my colleagues on behalf of my nephew, Jack, who suffers with autism and on behalf of a girl by the name of Heather Simms, who has been in confinement

for 5 years, having been brought into an institution at the age of 12, who today celebrates her 17th birthday, that this is a special day for all of the autistic children in the United States, their parents and loved ones. I urge my colleagues to support H.R. 4365 for its dramatic increase in national funding and attention for autism research.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, let me first congratulate the gentleman from Florida (Mr. BILIRAKIS) and my colleague, the gentleman from Ohio (Mr. BROWN) for their very, very important work.

We all hope that the wealth of our Nation and the amazing technological advances that have been made in medicine will give us the necessary resources to protect our children from harm. We have made tremendous progress, but the sad fact is that there are still so many diseases that affect our children for which there is no cure, or even effective treatment.

The legislation before us will give child victims and their families hope by devoting more Federal resources to diseases such as autism, Fragile X, asthma, skeletal malignancies, juvenile diabetes, the list goes on and on. Sadly, it is quite long.

This legislation will also focus on prevention by encouraging healthy pregnancies, analyzing data about birth defects, and investigating the deaths and severe complications through pregnancy. In addition, a new pediatric research initiative at NIH, along with reauthorization for money to train physicians at children's hospitals, will help us better understand the way in which diseases attack children and how to give them the most effective and appropriate care. There are critical differences between medical care for adults and medical care for children, which must be reflected in training of physicians and treatments designed for a child's system, which is still developing. This legislation recognizes and focuses on these important differences.

Mr. Speaker, while we may never be able to make a child understand why they are sick or are made to suffer, we can invest in the research that will allow our best and brightest scientists to solve the mysteries of childhood disease so that more children can live the carefree youths to which they are entitled. What better way to invest our Nation's resources.

Mr. Speaker, I urge my colleagues to support this important child health initiative that will give hope to children and families across America who are searching for answers and praying for a return to the normalcy that will come with good health. As America's leaders, this investment in our children's health is really the least we can do to secure a better future for our Nation.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN), a distinguished member of the committee.

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I want to thank the gentleman from Florida (Mr. BILIRAKIS), the chairman of our Subcommittee on Health of the Committee on Commerce, and the gentleman from Ohio (Mr. BROWN), the ranking member, for this legislation.

Just two weeks ago during our Easter Passover break at Texas Children's Hospital in Houston, the gentleman from Texas (Mr. BENTSEN) and I held a juvenile diabetes forum to hear from parents and experts on that terrible disease. Every member of the audience cried, literally, as we heard from the parents of 3-year-old Larry Baltazar who has recently been diagnosed with this disease. This legislation will help Larry, along with helping millions of other children who are diagnosed with juvenile diabetes, asthma, Fragile X and autism. It will help children who are diagnosed with birth defects and those who suffer a traumatic brain injury.

One thing that this legislation does not do, and I hope we can get this remedied in the conference committee, is increase funds to States for immunizations. Despite gains in recent years, we still are not doing enough to make sure that children get the right immunizations when they need it. In States like Texas, Michigan and Nevada, one in four children are not receiving the proper immunizations. In Houston, over 44 percent of the children do not receive at least one of their immunizations. In California, 27 percent do not receive at least one of their immunizations.

Over the past 5 years, Federal infrastructure funding to States, used by States and cities to identify needs, conduct community outreach, establish registries, deal with disease outbreaks and undertake educational and tracking efforts, among other things, has been cut from $271 million in 1995 to $139 million for the past 3 years. The gentleman from Pennsylvania (Mr. GREENWOOD) and I have introduced H. Con. Res. 315, which calls for an increase in funds to section 317, and we hope this increase will be included in the final version of the children's health legislation as it comes out of conference.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Speaker, I rise today in strong support of H.R. 4365, the Children'S Health Act of 2000. More specifically, I would like to call to the attention of my colleagues one very important aspect of this legislation that authorizes further research into a disease known as Fragile X, the most commonly inherited cause of mental retardation.

Fragile X affects one in every 2,000 newborn boys, and one in every 4,000 newborn girls. One in every 260 women is a carrier and has a 50 percent chance with each pregnancy of having a child with Fragile X. Most of these afflicted children will require a lifetime of special loving care at a cost of over $2 million each.

However, there is good news. One of the first discoveries of the human genome project, the cause of Fragile X has been linked to the absence of a single protein.

□ 1430

Since that time, great strides have been made in understanding how this disease causes mental retardation, seizures, aggressive outbursts, and severe anxiety.

This research has led Dr. James Watson, who shared the Nobel Peace Prize with Dr. Francis Crick on their discovery of DNA, to believe that a cure for this heartbreaking disease is within sight.

H.R. 4365 authorizes the establishment of at least three fragile X research centers through grants or contracts with public or private institutions. It also provides a program encouraging health professionals to conduct fragile X research by repaying a portion of the educational costs.

Mr. Speaker, I dedicate this day and legislation to my friends, David and Mary Beth Busby, who have two mentally retarded sons who suffer because of fragile X and, along with many good people of the FRAXA Research Foundation and many fine scientists within the National Institutes of Health, have completely devoted themselves to finding a cure for this disease.

I also dedicate this legislation to the mentally retarded children of McCall's Chapel in Ada, Oklahoma, and to Harman Samples, a childhood friend, mentally retarded from fragile X, with whom I shared many noon hours in school and shared two-stick nickel popsicle with as a boy in elementary and high school. Harmon's mother, Christine Sample, told me Harmon provided the physical strength to move and lift his invalid father before his death.

Much more remains to be done, however, and having co-sponsored legislation authorizing more research into Fragile X in the past, I whole heartedly offer my support for H.R. 4365 and encourage my colleagues to do likewise.

Ms. DEGETTE. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from California (Mr. WAXMAN), someone who has worked on these issues for many, many years.

Mr. WAXMAN. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in support of this bill. I want to commend the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN), our chairman and ranking member, for their work on this legislation.

Mr. Speaker, this bill includes many important provisions which will advance the treatment, the cure, and prevention of childhood diseases and disorders. I am also pleased to point out that this bill includes two titles which I have authored. Both titles promise to make significant advances in the treatment and prevention of childhood asthma and of autoimmune diseases like multiple sclerosis, juvenile diabetes, and lupus.

Title V of the bill, the Children Asthma Relief Act of 1999, was introduced by the gentleman from Michigan (Mr. UPTON) and myself, and title XIX is based on H.R. 2573, the NIH Autoimmune Disease Initiative Act of 1999, which was authored by the gentlewoman from Maryland (Mrs. MORELLA) and myself.

Today more than 5 million children suffer from asthma. It is one of the most significant and prevalent chronic diseases in America. That is why this bill provides new funding for pediatric asthma prevention and treatment programs, allowing States and local communities to target and improve the health of low-income children suffering from asthma.

As regards the autoimmune diseases, this would expand, intensify, and coordinate the efforts of NIH in research and education on autoimmune diseases. There are more than 80 autoimmune diseases, including multiple sclerosis, lupus, and rheumatoid arthritis, in which the body's immune system mistakenly attacks healthy tissues.

These diseases affect more than 13.5 million Americans and are major causes of disability. Most striking of all, three-quarters of those infected with an autoimmune disease are women.

The research efforts at NIH will be coordinated as a result of an office that would look at the activities throughout the NIH.

I do want to point out some serious concerns over one section of the bill, title XII's adoption awareness provisions. This title was the subject of great controversy and debate. The original language raised many serious objections regarding adoption and abortion policy.

I hope we will continue to look at this part of the bill, because it does offer some troublesome issues to be resolved.

Mr. BILIRAKIS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I certainly thank the chairman for yielding time to me, and thank him most deeply and sincerely for all his leadership on this.

Mr. Speaker, all of us recognize the trauma and heartbreak that parents and all family members endure when serious illness strikes a child in the family. We must take this step today to set us on the way to making a happier, healthy life for all our children and for future generations.

I specifically want to thank Mary Higgins Clark, the notable author, and her son, David Clark, for reaching out to me on behalf of not only of her son and grandson, but for the millions of the dear children who suffer from fragile X.

As has been noted, fragile X is the most common inherited cause of mental retardation. With this legislation, we are clearly on the brink of a breakthrough against this tragic mental defect. The research models that have been identified here in this legislation would put us well on the road to researching recovery and a cure.

Again, I want to thank those who have brought this to my attention. I want to thank all those who did the work on this legislation, but specifically, let me dedicate this research in the name of David Frederick Clark of Hillsdale, New Jersey.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS), our distinguished colleague on the committee.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 4365, the Children's Health Act of 2000.

As a school nurse, a mother, a grandmother, children's health is an issue that has been of great concern to me throughout my life. This bill would dedicate more Federal spending to childhood diseases, including autism, early hearing loss, juvenile diabetes, and many others.

I want to highlight the new focus on infant hearing loss. I recently served as a panelist at a briefing on infant hearing held by the National Campaign for Hearing Health. Every day, 33 newborns leave hospitals in this country with undiagnosed hearing loss. Yet, only one-third of all infants are tested for this most common birth defect. More than half of the infants born today with hearing impairments go undetected until age two or three, which can have a long-term impact on language, social, and cognitive skills.

We can do better than that for our children, especially since new and effective treatments are now available. This legislation will provide needed grants to develop statewide newborn and infant hearing screening evaluations and intervention programs and systems.

Mr. Speaker, I urge my colleagues to join parents and grandparents with children and grandchildren who suffer from these childhood diseases in supporting this very important bill.

Mr. BILIRAKIS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, I thank the gentleman for yielding time to me.

As the original sponsor of H.R. 2511, the Adoption Awareness Act, along with the gentleman from Virginia (Chairman BLILEY), a champion of adoption issues, I am pleased to endorse the Infant Adoption Awareness Act included in the child health bill.

While this language is not as broad as the original legislation, it does reflect significant efforts to advance the purpose of the Adoption Awareness Act. This language was drafted with input from a wide variety of organizations, including those in the adoption and public health communities.

Women facing unplanned pregnancies deserve to hear about their options from a well-trained counselor who can provide accurate, up-to-date information on adoption. This Act provides professional development for pregnancy counselors in adoption counseling. The training will enable pregnancy counselors to feel confident in their knowledge of the adoption process, relevant State and local laws, and the legal, medical, and financial resources which can be provided to women with unplanned pregnancies.

Furthermore, there are true experts in the field of adoption counseling who are extremely familiar with the adoption process from the viewpoint of the birth mother placing a child for adoption. These individuals should be the trainers for the pregnancy counselors receiving the training.

I am pleased to support the Infant Adoption Awareness Act as a step in the right direction to bring complete and accurate adoption information to women facing unplanned pregnancies. I hope that this step significantly advances our Nation in the direction of eliminating a perceived anti-adoption bias in pregnancy counseling in providing lasting answers to difficult circumstances.

I truly believe that in our great Nation, while there may be unwanted pregnancies, there are no unwanted children.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1 minute to our colleague, the gentleman from Iowa (Mr. GANSKE), a member of the committee.

Mr. GANSKE. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I will vote for this bill. It does many good things. But Mr. Speaker, I have to ask, if we are going to legislate on this floor on fragile X, autism, juvenile diabetes, then why do we not address on this floor the number one public health issue before the country, and that is the use of tobacco?

It has been well recognized that tobacco companies for a long time have been targeting kids to get them to smoke. Why? Because nicotine is one of the most addicting substances known. It is as addicting as morphine. Those tobacco companies know if they get kids hooked early it is very, very difficult to get them to quit.

Three thousand kids today will start smoking. One thousand of those kids will eventually die of a tobacco-related disease. I think it is a travesty that we

are not bringing that issue to this floor. I and the gentleman from Michigan (Mr. DINGELL) have a bipartisan bill, the tobacco authorities bill, that gives the FDA authority to regulate tobacco. It is not a tax bill, it is not a liability bill. It simply says that those tobacco companies that have been targeting kids have to stop.

Mr. BILIRAKIS. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of H.R. 4365 and applaud the chairman for the work he is doing here. He has lots of Members who want priorities. I think this is a very important bill.

Part of the bill is this adoption awareness, and specifically infant adoption awareness ensures that family planning counselors have access to training on presenting complete and accurate adoption information and referrals to women facing unplanned pregnancies.

Two, the special needs adoption awareness directs the Secretary of Health and Human Services to make grants to carry out a national campaign to provide information to the public on adoption of special needs children, establishes a toll-free telephone line for providing information, makes grants to support groups for adoptive parents, and for research on reasons for adoption disruptions.

I think this is extremely important here in Congress to realize that adoption awareness is a solution for many women. I applaud the chairman for all the work he is doing. I am pleased to be a cosponsor and to provide support.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to my friend, the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of H.R. 4365, and would like to focus on one element of this bill, the Folic Acid Promotion and Birth Defects Prevention Act, which I introduced last year with the gentlewoman from Missouri (Mrs. EMERSON).

This provision will help prevent an estimated 2,500 U.S. babies a year from being born with serious birth defects of the brain and spine, such as spina bifida. Added to this tragedy is the fact that up to 70 percent of these birth defects can be prevented if women of childbearing age consume 400 micrograms of folic acid daily.

Unfortunately, thousands of U.S. women are unaware of this fact. The Folic Acid Promotion and Birth Defects Prevention Act in this bill addresses this problem by authorizing the Centers for Disease Control to launch a national education and public awareness campaign to inform women of the benefits of folic acid.

Like so many public health needs, common sense tells us that devoting a few extra dollars to this problem today will save thousands of dollars in future health care costs, but more importantly, will prevent the occurrence of these tragic birth defects.

On behalf of our Nation's families, I urge my colleagues to support H.R. 4365.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 4365, the Children's Health Act of 2000.

I want to focus on one point of this bill. While I support every part of it, particularly the pediatric research, I want to talk a little bit about the graduate medical education part of this bill, because I have the honor of representing the Texas Medical Center, which is the largest Medical Center in the world and includes the largest children hospital, Texas Children's Hospital, as well as Hermann Children's Hospital in the Harris County Hospital District.

□ 1445

That being said, there is a great deal of clinical research that is done through graduate medical education at Children's Hospital which is not reimbursed because our medical education system is funded through the Medicare program and really does need to be restructured.

This bill is the first step following up on what we did last year in funding, at least in part, some of that medical education that is conducted at children's hospitals. Congress should go a lot further, frankly, but I am pleased that this bill includes that.

Mr. Speaker, let me say what I regret about this bill. What I regret is where it is lacking, and that is in the Medicaid program itself. There are 3 million children, including 800,000 children in my home State of Texas, who are eligible for Medicaid but not enrolled in the program. Texas leads the Nation in the number of children, nearly a million children, not enrolled in the program.

The gentlewoman from Colorado (Ms. DEGETTE) and myself have both offered bills that would begin to address this problem and bring these children into the system. This creates an even greater burden in our children's hospitals because when these kids get sick, they end up at the children's hospitals and we pay for it through the disproportionate share program. The fact is they ought to be enrolled in the Medicaid program and getting the preventive health care they need, instead of showing up at the emergency room at the last minute at a much higher cost structure.

So I regret the fact that the committee chose not to include these bills in this bill. I think overall, this is a good bill. But I would hope that the Committee on Commerce will move swiftly to bring these children into the Medicaid program and start to address this problem. And I think by doing that, we will not only be doing a lot for these kids, but we will be doing a lot for our children's hospitals throughout the country.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS) for yielding the time to me, and I certainly commend the gentleman for his leadership, along with the leadership of the gentleman from Ohio (Mr. BROWN), ranking member, for this legislation, the Children's Health Act of 2000. I strongly support it.

Mr. Speaker, the bill attempts to foster Federal and State cooperation in creating public awareness about some of the devastating effects of disorders such as autism, epilepsy, fragile X, asthma and skeletal cancer in children.

I am pleased that it authorizes the Director of NIH to expand programs and activities dealing with autoimmune diseases, including the formation of coordinating committee and advisory councils to develop NIH activities in this area and report to Congress on how funds are being spend on autoimmune diseases.

Mr. Speaker, let me put a face on these dreaded diseases. They include juvenile diabetes, juvenile arthritis, rheumatic fever, Crohn's disease, pediatric lupus, Grave's disease, Evans syndrome, autoimmune hepatitis, primary biliary cirrhosis, and the list goes on and on.

There have been so few epidemiology studies on the prevalence of these diseases in children that we can only give a best effort estimate that upwards of 9 million pediatric and adolescent children are afflicted with one or more autoimmune diseases. The lack of epidemiology studies clearly shows that there is a need for comprehensive approach to research in these areas.

This is a comprehensive approach; this is a comprehensive bill. It is a bill that I urge my colleagues to support unanimously, H.R. 4365.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong support of H.R. 4365. By expanding pediatric research efforts and providing additional resources for a number of diseases which afflict children, this bill will go a long way toward improving health care for our children and enhancing their health and safety.

As the main Democratic sponsor of the Safe Motherhood Monitoring and Prevention Research Act, I am particularly pleased that H.R. 4365 includes provisions to ensure that maternal health and safe motherhood research and programs are top public health priorities.

As we all know, the CDC is the premier source of health surveillance in

this country, and for the past 13 years they have been monitoring the maternal deaths, risks, and complications through the Pregnancy Mortality Surveillance System. The CDC also assists States in determining which women may be at increased risk for pregnancy-related complications and what types of interventions can decrease these risks through the Pregnancy Risk Assessment Monitoring System or PRAMS.

While most of us think that childbirth and pregnancy are completely safe, CDC's research tells us otherwise. According to the CDC, two to three women die each day from pregnancy-related conditions and nearly 5,000 women experience major complications either before or after labor begins. Even more disturbing is the news that black women are four times more likely and Hispanic women 1.7 times per likely to die during pregnancy than their white counterparts and that access to prenatal care does not close this gap.

That is why it is critical that we give the CDC the tools they need to collect data, investigate maternal deaths, research risks, and examine problems like domestic violence during pregnancy. Armed with that information and research, the CDC will also get the word out to women who need it most and the doctors who serve them.

Mr. Speaker, no woman should die due to pregnancy in 2000. So as we approach Mother's Day, I am delighted that this bill will enable CDC to do its good work.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Ohio (Mr. BROWN) is advised that he has 30 seconds remaining, as does the gentleman from Florida (Mr. BILIRAKIS).

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask House support of H.R. 4365. This legislation has been a good faith effort with the gentleman from Florida (Mr. BILIRAKIS), my office, and this committee working together. It will mean an absolute difference in children's lives; children who have often been ignored by the system in juvenile arthritis or juvenile diabetes and tests conducted not always for children and the unique diseases they have.

Mr. Speaker, I ask House support of this legislation.

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

Mr. BILIRAKIS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, an awful lot of blood, sweat and tears has gone into trying to secure a better future for our children by helping to reduce the incidence of disease and illness. I thank my Committee on Commerce colleagues, particularly the gentleman from Ohio (Mr. BROWN) and I applaud all the Members for having the good sense to set aside some of our partisan agendas in order to improve the lives of our children and all of their families throughout this country. I ask all of the Members to support this legislation.

Mr. WEYGAND. Mr. Speaker, while I am in support of H.R. 4365, the Child Health Research and Prevention Amendments, this bill should not be on the floor today under the suspension of the rules—where no member can offer an amendment to strengthen and improve this bill.

I commend those of my colleagues who drafted this bill in the back rooms of Congress. They have drafted a good piece of legislation. But Congress works best when more than a minority of the members are involved in developing legislation. As a cosponsor of H.R. 3301, the base bill for this new draft legislation, I will vote in favor of the bill on the floor today. Make no mistake, however, that thousands of extremely ill children are being ignored by the House of Representatives today.

Well over a month ago, my staff contacted the Commerce Committee—both the majority and the minority—asking if this bill could also direct the NIH to review their work on children with the rare illness ''Hutchinson-Gilford Progeria Syndrome,'' similar to the study being asked for in the bill regarding Friedreich's ataxia. Other members of the House worked with me on this effort. I also joined with a member of the Majority to inquire if we could similarly add Spinal Muscular Atrophy to the same section of the bill. These measures are not in the bill today, and this process—which bars amendments—has kept these children and thousands of others from being heard, and helped by this bill.

In fact, this bill has not been open to amendments at any point since its introduction. Two committee mark-up sessions for this bill were canceled, and yet we are here voting for final passage! I ask you, Mr. Speaker, why has the leadership forgone the democratic process in order to pass a children's health bill? I would say it is because of tobacco and guns, the soft spot on the heart of the Republican leadership.

The failure of the leadership with regard to this bill represents a terrible missed opportunity for thousands of sick children. Because the Republican leadership couldn't stomach a vote on tobacco or gun safety—both huge problems for children's health—we bypassed regular order. That act has forced the House to forgo working together to develop a bill that could have helped even more children. My efforts to improve the bill are only one of 435 stories of members in this body. We have not only ignored the democratic process, we have ignored the needs of thousands of children in order to avoid some tough votes.

Shame on the leadership for failing our nation's children—not through the good of this bill, but through the leadership's failure to do even more for children.

Mrs. EMERSON. Mr. Speaker, it is with pleasure that I speak in support of this essential Children's Health Act of 2000. There are many of us who have worked very hard to get to this day, and I applaud the Commerce Committee and Mr. BILIRAKIS and Mr. BROWN for getting a consensus on this bill so it could come to the floor.

I represent 26 rural counties in Southern Missouri. These counties are home to some of the most poverty stricken communities in the State. Most of them lack even basic health care services. And many lack decent roads and reliable phone service. Many people in these communities find themselves isolated from their extended family, their friends and their neighbors.

Many young mothers-to-be in my rural district are isolated from family and friends—and they live miles away from nurses and doctors. This isolation often prevents them from getting prenatal care and adds to the fears and uncertainties that come along with being a new or expectant mother. Many American women fall through the cracks of our health system. Women throughout our nation face great challenges in securing healthy pregnancies and healthy children.

Consider the following: At the turn of this century more American women died in childbirth than from any other cause except for tuberculosis. At the close of this century, after all of the medical advances made in this country, it's easy to assume that today pregnancy and childbirth are safer for American women and their babies.

But this is a false assumption.

Last June, the CDC released a report that makes it painfully clear that the promise of safe motherhood is eluding too many women. In fact, during the past 15 years alone, total maternal deaths have not declined one bit in our nation. Just think of it. Today, tuberculosis claims about one American life out of 1,000 a year. But 2–3 women out of 10,000 lose their lives each day due to pregnancy-related conditions. And out of 1,000 live births in our country each year, 8 babies die. More infants die each year in the United States than in 24 other developed nations.

As a Member of Congress and as a mother of four daughters, this maternal and infant mortality rate is simply unacceptable. We've got to find out why safe motherhood is still out of reach for so many American women. I am very proud to join many of my esteemed colleagues in supporting this legislation that will have significant progress of maternal and infant health in this country.

The legislation includes several provisions that my colleague NITA LOWEY and I introduced as a stand alone bill, Safe Motherhood Monitoring and Prevention Research Act of 1999, which are especially beneficial to pregnant women, infants, and children.

The Safe Motherhood Portion of the bill achieves 3 key goals, all necessary components to true progress in the enhancement of material and infant care.

First, it expands CDC's Pregnancy Risk Assessment Monitoring System (PRAMA) so that all 50 states will benefit from a public health monitoring system of pregnancy-risk related factors.

Second, this bill authorizes an increase in federal funding for preventive research, so we can identify basic health prevention activities to improve maternal health.

The third and final component of this section of the bill directs the Secretary to help states and localities create public education and prevention programs to prevent poor maternal outcomes for American women.

In addition, this bill emphasizes the need to expand existing prevention programs and pregnancy risk assessment systems to include those areas of the country where underserved and at-risk populations reside.

Finally, I am also pleased that this bill includes many of the provisions in a bill I introduced last year called the Healthy Kids 2000

Act. This bill expands the opportunities for Pediatric Research by creating a pediatric research initiative within NIH, promotes the use of folic acid as a way to prevent birth defects, and creates a national Center on Birth Defects and Developmental Disabilities.

There are so many wonderful parts of this bill. On behalf of our youngest and most vulnerable citizens, I urge my colleagues to Vote for the Children's Health Act of 2000, and I urge the Senate to take action on this bill to move the process forward.

Mr. TIERNEY, Mr. Speaker, I commend the bipartisan effort that has produced this important bill, H.R. 4365, the Children's Health Act of 2000. I understand that in the spirit of cooperation, many amendments to this bill were laid aside in order to bring this legislation to the floor and ensure that the urgently needed programs included in H.R. 4365 were not jeopardized by disagreements on other matters.

I would like to mention one change to the bill that I believe is quite worthy and would not raise controversy. Had this bill come up under a rule rather than as a suspension, Mr. WEYGAND and I would have sought an amendment to include Hutchinson-Gilford Progeria Syndrome under Section 2201 of the bill as one of the rare childhood diseases on which NIH would have to report its activities.

This syndrome, commonly known as Progeria, is a genetic condition that manifests itself as accelerated aging in children. While it is quite rare, with an estimated incidence of roughly one in every 8 million newborns, Progeria is devastating. The average life span of an affected child is 13 years, and the disease is, without exception, fatal. Up until now, there has been little to no NIH research directly in this area. However, such research has the potential to benefit many individuals in addition to the victims of Progeria. According to Dr. Ted Brown, Professor and Chairman of the Department of Human Genetics at the New York State institute for Basic Research, ''Finding a cure for Progeria may provide keys for treating millions of people with heart disease associated with natural aging.''

Requiring the NIH report on activities relating to rare childhood diseases to include Progeria as one of those conditions is thoroughly consistent with the purpose of the bill before us today, and we thank the sponsors and managers of the bill who have been sympathetic to our suggested change. However, because of the process by which H.R. 4365 came to the floor, it was not possible to include this important and justified amendment. Mr. WEYGAND and I hope that the Senate's consideration of this legislation will proceed in a more deliberative manner, and we will work with our Senate counterparts to include Progeria language when this bill moves in the other Congressional chamber. It is our hope that the bill that emerges from conference will contain language bringing much-needed attention to this underrecognized and tragic condition.

Mr. BLILEY. Mr. Speaker, I commend the gentlemen from Florida and Ohio for introducing H.R. 4365, the Children's Health Act of 2000. This important legislation, introduced by Representatives BILIRAKIS and BROWN, contains a host of significant provisions that, when enacted into law, will improve the lives of untold numbers of children and families throughout this country.

Though too numerous to mention each provision individually, I want to comment on a few that I believe are parrticularly important. This Act makes important strides in the fight against autism—a heart-breaking condition. Autism is a serious disease, affecting 1 in every 500 children born today. More prevalent than Down's syndrome, childhood cancer or cystic fibrosis, it hits children during the first two years of life and causes severe impairment in language, cognition and communication.

As a proud adoptive father of two, I am pleased that this Act also advances adoption policy in this country by ensuring family planning counselors have access to training on presenting complete and accurate adoption information to women facing unplanned pregnancies. In the interest of time, I ask that I be permitted to extend my remarks for a more full discussion of this aspect of the legislation. Moreover, this bill contains several initiatives that will foster the adoption of special needs children. The Act also authorizes the Healthy Start program for the first time. For at-risk pregnant women served by this program, it authorizes ultra-sound screening and expands access to surgical services to the fetus, mother, and infant during the first year after birth.

The Act will enable the families of children who have had an adverse reaction to rotavirus vaccine to receive compensation under the vaccine injury compensation program. It extends the authorization of appropriations for graduate medical education in children's hospitals—an authorization that the Commerce Committee initiated in a bill signed into law last year.

The list goes on: the Act will bring help to children suffering from juvenile diabetes, pediatric asthma, juvenile arthritis, birth defects, hearing loss, epilepsy, skeletal malignancies, traumatic brain injury, dental disease, and a wide range of autoimmune diseases. It also ensures that our nation's organ transplantation system recognizes children's unique health care needs.

It is important that the Members of this House vote for passage of this critically important bill to secure a better future for America's children by helping to reduce the incidence of disease and illness. We know we can lessen the incidence of these diseases through heightened research activities, and through the use of successful interventions that still remain out of reach by many in our society.

Again, I thank my Commerce Committee colleagues and many other Members who have contributed to this bill. By voting to pass this bill, I applaud those Members for having the good sense to set aside some of our more partisan agendas in order to do a good work for our children and all of their families throughout this country.

Ten months ago, Congressman JIM DEMINT of South Carolina and I introduced H.R. 2511, the Adoption Awareness Act. During consideration by the Committee on Commerce, the language of H.R. 2511 changed but the central purpose remained the same: the Infant Adoption Awareness Act ensures that counselors in health clinics and other settings provide women who have unplanned pregnancies complete and accurate information on adoption.

As Chairman of the Commerce Committee, I have been responsible for the negotiations leading to the Infant Adoption Awareness Act for these many months, and I want to take this opportunity to explain the bill at length to my colleagues in case there is any confusion with the text of the original Adoption Awareness Act, H.R. 2511.

What struck Congressman DEMINT and me was that the studies and statistics available in this field show a lack of activity which may well reflect an anti-adoption bias in pregnancy counseling. According to a University of Illinois study by Professor Edmund Mech, Orientations of Pregnancy Counselors Toward Adoption, 40 percent of self-identified ''pregnancy counselors'' in settings such as health, family planning, and social service agencies do not even raise the issue of adoption with their pregnant clients. Of the 60 percent who raise the issue of adoption in some form, 40 percent provide inaccurate or incomplete information. Furthermore, while pregnancy counselors themselves may not have a negative bias towards adoption, they presuppose that their client is not interested and therefore do not present adoption as a true option for women facing unplanned pregnancies (Source: Mech, Pregnant Adolescents: Communicating the Adoption Option). The Infant Adoption Awareness Act would set up a training program by which clinic workers and others could receive professional inservice training in educational adoption counseling. By being properly trained, these counselors would be equipped to provide valuable information on adoption to their clients.

While many societal factors have changed in the last twenty years, including the acceptance of non-marital teen parenting, the availability of welfare, and increased availability of abortion services, there has been a dramatic drop in the number of adoptions among live births to unwed mothers. Prior to 1973, an adoption placement occurred for almost one of every ten premarital births. By the 1990s, the number had dropped to an adoption placement for one of less than every hundred premarital births. A long-term study of the Adolescent Family Life (AFL) pregnancy programs which included an adoption counseling component showed that—given necessary adjustments for client and community characteristics—more women chose to place their child for adoption when enrolled in an AFL Care project which provided adoption counseling as a part of pregnancy resolution decision-making (Source: McLaughlin and Johnson, Battelle Human Affairs Research Centers, The Relationship of Client and Project Characteristics to the Relinquishment Rates of the AFL Care Demonstration Projects). Thus, this Act intends to ensure that the public health and other professionals coming in contact with a high percentage of women facing unplanned pregnancies—often unwed adolescents—are properly prepared to have a complete and accurate discussion of adoption.

The Act allows for a six month period in which representatives of the adoption community come together to adopt or develop best-practices guidelines for counseling on adoption to women facing unplanned pregnancies. Specifically, the Secretary should include representatives of diverse viewpoints in the adoption community, including organizations representing agencies arranging infant adoptions, adoption attorneys, adoptive parents, social services, and appropriate groups representing the adoption triad (birth parents, infant, and adoptive parents). Organizations with significant expertise and history in this arena include

the National Council For Adoption, Loving and Caring, Bethany Christian Services, the American Academy of Adoption Attorneys, and the American Bar Association Family Law Section's Adoption Committee and these organizations should be represented on the panel. While recognizing the sensitivity of making an adoption decision, the organizations represented should be those which promote adoption in a realistic, positive manner as beneficial to the birth parents, child, and adoptive parents. The best-practices guidelines should focus on the essential components of adoption information and counseling to be presented during a pregnancy counseling session. Furthermore, the guidelines should include important variables to be presented, such as state laws on adoption, and available medical, legal, and financial resources. Previous curricula developed for these purposes should be the starting point and, as an interim set of guidelines, be determinative.

The role of the public health clinics on the panel developing the best practices guidelines (and organizations representing their interests, such as the Family Planning Councils of America) is to ensure the guidelines are relevant to the health clinic setting. The experts in adoption counseling, including those who have a history of developing and delivering training or tools to teach adoption counseling, should shape the best-practices guidelines to provide an excellent model for presenting adoption to women facing unplanned pregnancies. Since different attitudes towards adoption exist throughout the country which can be attributed to racial, ethnic, religious, social, and geographic differences, the best-practices guidelines should act as a blueprint or model while still allowing localities the flexibility to address their local situation. Therefore, the best-practices guidelines would be a model which could be tailored to address the individual needs of the pregnant woman.

After the best-practices guidelines are developed, the Secretary shall make grants to adoption organizations to carry out training, which will often be training trainers, to teach pregnancy counselors how to present complete and accurate information on adoption. The guidelines are meant to be the basis for the adoption, improvement, or development of a training curriculum by grantees. Furthermore, the grantees can carry out the training programs directly or through grants or contracts with other adoption organizations. For instance, a national office could subgrant or contract with local affiliates throughout the nation or a region thereof. The Secretary should use discretion in ensuring that all regions of the nation will have adequate access to the training without having duplicate services in an area with a small number of eligible health clinics. There are no geographic limitations on where the trainers should be trained. The intent is to provide for training of trainers, often on a statewide or regional basis, so truly expert trainers can teach others.

The trainers should be highly qualified individuals with an expertise in adoption counseling. ''Adoption counseling'' in the adoption community implies an in-depth discussion of adoption which includes knowledge of various types of adoption and familiarity with the viewpoint and challenges of birth mothers, putative fathers, adoptive parents, and the best interest of the child. Trainers should have experience in providing adoption information and referrals in the geographic area of the eligible health centers. With a knowledge of state laws and access to local support networks, a trainer will be able to provide a more extensive review of local information and resources to the pregnancy counselors. The most essential component of the training, however, is to teach pregnancy counselors how to accurately and completely present adoption as an option to their clients and to ensure counselors are able to answer the frequently asked questions clients have regarding adoption.

The Infant Adoption Awareness Act refers to pregnancy counselors providing adoption information and referrals as a part of pregnancy counseling. It is important to note that handing a client a piece of paper or booklet explaining the adoption process and providing phone numbers of agencies or attorneys for adoption referrals does not constitute adoption information and referrals. Adoption information means a counselor is able to fully explore the option of adoption with a client. This includes answering relevant questions such as the types of adoptions, financial and medical resources for birth mothers, and state laws regarding relinquishment procedures and putative father involvement. Referral upon request includes following the procedures of the health clinic to make an appointment for the client and follow-up as necessary. Referral may be made to an in-house adoption provider, such as a staff member of a licensed adoption agency. Since adoption is explored in the context of pregnancy counseling sessions in which counselors and clients have a limited amount of time, it is essential that the counselors provide complete and accurate summary information to their clients at that time.

The intent of this Act is to ensure that pregnancy counselors are well-trained, knowledgeable and comfortable presenting adoption to their clients. While adoption may not be the right choice for every woman facing an unplanned pregnancy, each woman should be presented adoption information to make a well-informed decision. Many women have not thought of the possibility of adoption, do not know how to explore the details of adoption, or have misconceptions of the adoption process which hinder their consideration of the alternative of adoption. Since pregnancy counselors act as an important resource for these women, they must be equipped to fully address the option of adoption with their clients.

The adoption organizations eligible to receive grants for training (or subgrants or contracts) are those national, regional, or local private, non-profit institutions among whose primary purposes is adoption, and are knowledgeable on the process of adopting a child and on providing adoption information and referrals to pregnant women. These adoption organizations must work in collaboration with existing Health Resources Services Administration (HRSA) funded ''training centers.'' Of particular importance is the organization's experience in explaining the process involved to the birth mother placing the child for adoption. It is essential that adoption is among the primary purposes of the entity, as it should be organizations with true experts in adoption counseling who are training pregnancy counselors.

Health centers which are eligible to have staff receive training are public and nonprofit private entities that provide health-related services to pregnant women. The designated staff of the health centers means the counselors who will interact and provide counseling to women with unplanned pregnancies. The designated staff members are those who provide pregnancy or adoption information and referrals (or will provide such information and referrals after receiving training). Furthermore, while the Act sets out those health centers which should receive priority in being trained, nothing should be construed to prohibit those who provide counseling in other settings, such as on military bases and corrections facilities, to be eligible to participate in the adoption counseling training sessions.

The grant is conditioned on the agreement of the adoption organization to make reasonable efforts to ensure that the eligible health centers which may receive training under this grant include, but are not limited to, those that receive federal family planning funding, community health centers, migrant health centers, centers for homeless individuals and residents of public housing and school-based clinics.

The Secretary has the duty to provide eligible health centers (which receive funding under Section 330 and 1001) with complete information about the training available from the adoption organizations receiving the training grants. Furthermore, the Secretary has the duty to encourage eligible health centers to have their designated staff participate in the training. The Secretary must make reasonable efforts to encourage staff to undergo training within a reasonable period after the Secretary begins making grants for such training. The grantees will cover the costs of training the designated staff and reimbursing the health center for costs associated with receiving the training. Adoption counseling training is a type of professional development for pregnancy counselors and should be reimbursed on a similar basis as other professional development activities which staff receive in the local area.

Within one year, the Secretary shall submit to the appropriate Committees of Congress a report prepared by an independent evaluator, paid for by funds set aside under this Act evaluating the extent to which adoption information, and referral upon request, is provided by eligible health centers. The study should be scientifically-based and sufficiently broad so as to gain an understanding of the current practices of providing adoption information in Federally funded health clinics throughout the country. This should include the attention given to adoption relative to other options discussed in pregnancy counseling. Further, the study should indicate how often and in what form (written, verbal) adoption information is offered, the completeness and accuracy of the adoption information provided, and non-identifying information about the options ultimately chosen by clients.

Within a reasonable period of time, the Secretary shall submit to the appropriate Committees of Congress a report evaluating the extent to which adoption information, and referral upon request, is provided by eligible health centers to determine the effectiveness of the training. The study should be scientifically-based, that is, more than a checklist asserting that adoption counseling, information, or referral has been provided, and focus on those health centers in which designated staff have been provided training through this Act. In conducting these studies, the Secretary shall ensure that the research does not allow any interference in the provider-patient relationship, any breach of patient confidentiality, or

any monitoring or auditing of the counseling process which breaches patient confidentiality or reveals patient identity.

Funding for research in adoption counseling practices has been sporadic at best. Despite the acknowledged need to ensure pregnancy counselors can present adoption in a positive, accurate manner, funding for such studies has not materialized in proportion to the need. The Adolescent Family Life Program in the Office of Population Affairs provided for limited studies in the 1980s and follow-up studies on the effectiveness of the AFL Demonstration Programs into the early 1990s. The Office of Adolescent Pregnancy Programs in the 1990s proposed an objective of increasing to 90 percent the number of pregnancy counselors who are able to counsel on adoption in a complete, accurate manner. With a change of Administration, this goal never materialized as one of the priorities of the Public Health Service. Furthermore, plans for follow-up study by the Department of Health and Human Services to determine if the orientations of pregnancy counselors toward adoption had changed were dropped in 1995. Thus, research in this area is of critical importance.

Additionally, there is an understanding that this Act would include ''charitable choice'' language allowing faith-based organizations to compete for grants on the same basis as any other non-governmental provider without impairing the religious character of such institution, upon agreement by the White House and House Leadership on ''charitable choice'' language for other legislation. Under charitable choice, the Federal Government cannot discriminate against an organization that applies to receive such a grant on the basis that the organization has a religious character and programs must be implemented consistent with the Establishment and Free Exercise Clauses of the United States Constitution. While following the agreed upon charitable choice model, the language must be crafted to conform it to the purpose and structure of this Act.

While we have come a long way, much work remains to be done. I look forward to working with my colleagues on the Appropriations Committee on this adoption priority and with members of the other body to enact this important provision into law this year, on which better and more humane Federal policies can be built in the future.

Mr. DINGELL. Mr. Speaker, I am in support of H.R. 4365, the Children's Health Act of 2000. This bill is an important first step toward improving the health and well-being of our nation's next generation.

H.R. 4365 enhances the national research infrastructure and reinforces surveillance and prevention initiatives for such conditions as fragile X, autism, asthma, juvenile arthritis, childhood malignancies, traumatic brain injury, hepatitis C, and immediate adverse reactions to vaccines. I am particularly pleased to see two provisions that reflect the tireless efforts of my colleague DIANA DEGETTE: one to advance the quest for a treatment and cure for juvenile-onset diabetes, and the second to improve pediatric organ transplant services. H.R. 4365 also strengthens existing activities to promote the use of folic acid in the prevention of certain birth defects, a measure that will reduce human suffering and save healthcare dollars.

Other highlights of the bill include the expansion of oral health and epilepsy treatment services to undeserved children, and the reauthorization of the Healthy Start initiative, a demonstration program established to reduce infant mortality and improve pregnancy outcomes.

Investments in America's researchers are also evidenced in H.R. 4365 through the extension of authorized appropriations to children's hospitals for the cost of graduate medical education. The bill enhances biomedical pediatric research by establishing a Pediatric Research Initiative within NIH, and centralizes the coordination of NIH research activities in the area of pediatric autoimmune disorders. Finally, to attract the most promising young research minds in the country to work on often overlooked childhood disorders, the bill contains loan repayment programs for biomedical researchers and physician-scientists.

Regrettably, however, this children's health bill is not the best we could do for America's children. A number of my colleagues had amendments that would have strengthened H.R. 4365, but the irregular procedures used by the majority for the bill blocked their consideration. These include, but are not limited to: (1) supplementing S–CHIP and Medicaid to provide seamless access to state-of-the-art prenatal services to all pregnant women; (2) assuring equal access to pediatric specialists, medically necessary drugs and clinical trials for children with rare and/or serious health problems; (3) attending to state-by-state disparities in new born screening for genetic diseases by authorizing HHS to carry out the recommendations of the Task Force on Newborn Screening, an issue of deep concern to my colleague Mr. PALLONE; and (4) an excellent proposal by my good friend Mr. TOWNS for establishing guidelines for the administration of psychotropic medications to children under five.

An even more glaring omission from this bill is the lack of a provision to restore FDA's jurisdiction over the regulation of youth tobacco use. This issue was thoughtfully raised in legislation introduced by my colleague, Dr. GREG GANSKE, which enjoys a broad base of bipartisan support. The process by which the legislation comes before us today is characterized by the majority's determination to block any discussion of this important issue.

I have additional concerns about the difficulties that will arise for this particular Children's Health bill, H.R. 4365, as companion legislation is crafted by the Senate. Title XII, the Infant Adoption Awareness Act of 2000, has drafting problems, and leaves the bill vulnerable to a host of family planning and adoption issues that are beyond the agreed upon scope of this Children's Health bill.

I will be one of the first to suggest that adoption is an important national issue. As of March 31, 1999, America had 117,000 children in the public foster care system who are awaiting adoptive parents and a permanent place to call ''home.'' This represents an increase of over 7,000 children since 1998, perhaps in part because Public Law 105–89, the Adoption and Safe Families Act has made more foster children, who are unable to return home safely, available for adoption. Something is wrong, however, when adoptive parents tell us that it is easier to pursue an international adoption than to adopt a special needs child from America.

If we wanted to address adoption issues, we should have considered legislation sponsored by Senator LEVIN that the Senate has passed three times. It would facilitate the creation of a national voluntary reunion registry. In the era of genetic medicine, with its emphasis on family medical history information, this not only makes sense as public policy, but addresses the life-long psychological issues that often shroud the adoption process. Again, irregular procedures blocked mere discussion of this issue.

Mr. Speaker, I will support this bill. I do so, however, with the fervent belief that we can, and should, do more for America's children than is reflected in H.R. 4365. The children of every district in this nation have waited too long for the many laudable provisions in the bill; but they also deserve more, and they deserve it soon.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 4365, as amended.

The question was taken.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## LONG ISLAND SOUND RESTORATION ACT

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3313) to amend section 119 of the Federal Water Pollution Control Act to reauthorize the program for Long Island Sound, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3313

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

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Long Island Sound Restoration Act''.*

***SEC. 2. NITROGEN CREDIT TRADING SYSTEM AND OTHER MEASURES.***

*Section 119(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1269(c)(1)) is amended by inserting '', including efforts to establish, within the process for granting watershed general permits, a system for trading nitrogen credits and any other measures that are cost-effective and consistent with the goals of the Plan'' before the semicolon at the end.*

***SEC. 3. ASSISTANCE FOR DISTRESSED COMMUNITIES.***

*Section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) is amended—*

*(1) by redesignating subsection (e) as subsection (f); and*

*(2) by inserting after subsection (d) the following:*

*''(e) ASSISTANCE TO DISTRESSED COMMUNITIES.—*

*''(1) ELIGIBLE COMMUNITIES.—*

*''(A) STATES TO DETERMINE CRITERIA.—For the purposes of this subsection, a distressed community is any community that meets affordability criteria established by the State in which the community is located, if such criteria are developed after public review and comment.*

*''(B) CONSIDERATION OF IMPACT ON WATER AND SEWER RATES.—In determining if a community is a distressed community for the purposes*

*of this subsection, the State shall consider the extent to which the rate of growth of a community's tax base has been historically slow such that implementing the plan described in subsection (c)(1) would result in a significant increase in any water or sewer rate charged by the community's publicly-owned wastewater treatment facility.*

*''(C) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).*

*''(2) REVOLVING LOAN FUNDS.—*

*''(A) LOAN SUBSIDIES.—Subject to subparagraph (B), any State making a loan to a distressed community from a revolving fund under title VI for the purpose of assisting the implementation of the plan described in subsection (c)(1) may provide additional subsidization (including forgiveness of principal).*

*''(B) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by a State under subparagraph (A) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.*

*''(3) PRIORITY.—In making assistance available under this section for the upgrading of wastewater treatment facilities, a State may give priority to a distressed community.''.*

***SEC. 4. REAUTHORIZATION OF APPROPRIATIONS.***

*Section 119(f) of the Federal Water Pollution Control Act (as redesignated by section 3 of this Act) is amended—*

*(1) in paragraph (1), by striking ''1991 through 2001'' and inserting ''2000 through 2003''; and*

*(2) in paragraph (2), by striking ''not to exceed $3,000,000 for each of the fiscal years 1991 through 2001'' and inserting ''not to exceed $80,000,000 for each of fiscal years 2000 through 2003''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3313.

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

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly want to commend the gentlewoman from Connecticut (Mrs. JOHNSON) and her colleagues from the Long Island Sound area who provided the leadership on this very important environmental piece of legislation.

This is the Long Island Sound Restoration Act, which is updated and improves the Long Island Sound program established under the Clean Water Act.

This is legislation which provides funding for clean water facilities and as well to control runoff. The Long Island Sound is one of the estuaries in the National Estuary Program. The Long Island Sound program was created in part to help carry out the goals of the Sound's long-term estuary management program. This legislation authorizes funding for that.

It provides financial relief for distressed communities and encourages the EPA to support ongoing State efforts in the watershed to establish a nitrogen trading credit program. It is a market-oriented program. Low-level dissolved oxygen, caused largely from the high levels of nitrogen from wastewater treatment plants, is one of the most significant problems in the Long Island Sound area. This legislation will help achieve the goals of reducing the nitrogen in the Sound.

H.R. 3313 will also help restore the Long Island Sound's habitat and improve the water-quality dependent uses so important to the regional economy.

Mr. Speaker, this is very, very important environmental legislation. I urge its support.

Mr. Speaker, I reserve the balance of my time.

Mr. BORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3313, the Long Island Sound Restoration Act. This legislation would extend the authorization of the Long Island Sound office under the Clean Water Act through fiscal year 2003 and would increase the authorization for grants to implement the Comprehensive Conservation and Management Plan for the Long Island watershed to $80 million per year for 4 years.

As stated in the committee report, the construction of projects that are treatment works as defined in the Clean Water Act will be subject to section 513 of the act. I want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from New York (Chairman BOEHLERT), our colleagues, for their willingness to address this critical issue in a positive way.

H.R. 3313 would encourage the Administrator of the Environmental Protection Agency to use her existing authorities in implementing the Long Island CCMP to establish a nitrogen credit trading program or any other measure that is cost-effective and consistent with the goals of the CCMP.

H.R. 3313 does not alter any existing regulatory authorities under the Clean Water Act, nor does it provide the Administrator with any new authorities.

The bill, as amended by the Committee on Transportation and Infrastructure, would authorize New York and Connecticut to subsidize loans to distressed communities in the Long Island Sound watershed for wastewater treatment facilities under the revolving fund program of the Clean Water Act.

Population growth and economic development have impaired the water quality of the Sound, contributing to public health and environmental public problems in the watershed. Investment in wastewater treatment facilities as called for in the CCMP would lead to significant water quality improvement.

Mr. Speaker, I understand that all the wastewater treatment works in the Long Island Sound watershed are in need of improvement soon. This bill would enhance that effort by providing additional resources and flexibility.

I support providing additional assistance to address distressed communities in the region to help finance wastewater infrastructure improvements and investment to improve water quality. Many of us in the eastern United States know all too well about declining urban populations and diminished tax base even as infrastructure needs rise.

Mr. Speaker, I believe the amended bill represents a reasonable approach to providing additional financial assistance to distressed communities in the Long Island Sound watershed so that they can better afford necessary investments in wastewater treatment facilities.

It is modeled after the Safe Drinking Water Amendments of 1996, and may serve as a national model for the Clean Water Act. At the same time, the financial integrity and viability of the SFR programs of the States are not unduly compromised.

Mr. Speaker, I support the bill and urge approval.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York (Mr. BOEHLERT), chairman of the Subcommittee on Water Resources and Environment.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

□ 1500

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of H.R. 3313, the Long Island Sound Restoration Act.

First let me thank the gentleman from Pennsylvania (Chairman SHUSTER), and the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Pennsylvania (Mr. BORSKI) of the Committee on Transportation and Infrastructure for their leadership and cooperation in moving this important legislation forward.

I made clear right from the outset that this was a legislative priority of mine, not only in my capacity as chairman of the Subcommittee on Water Resources and Environment, but as a New Yorker and one who knows firsthand the value and beauty of the Long Island Sound. So for me, today's action is particularly gratifying.

I am sure no one is more gratified than the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from New York (Mr. LAZIO), the bill's primary sponsors. On a bipartisan basis, with 30 of our colleagues, they have worked tirelessly to advance this legislation and the cause of restoring and protecting Long Island Sound.

I would also like to recognize the invaluable efforts of Governor George Pataki of New York and Governor John Rowland of Connecticut and the many governmental and nongovernmental organizations that have championed this critically-needed legislation.

Let me say, Governor Pataki and Governor Rowland came to Washington to testify before our very committee. I know from firsthand experiences, my fellow New Yorkers on both sides of the aisle will tell us Governor Pataki has given this a very high priority. He is proving by performance that he is a leader on environmental issues, not only for the State of New York, but nationally. As a matter of fact, in New York State, through his leadership, we passed a $1.7 billion environmental bond act. We did it on a bipartisan basis.

Now we are demonstrating that we are willing to put our money where our mouths are. We are willing to back up our words with deeds under the leadership of Governor Pataki, and he deserves special commendation today.

Long Island Sound is approximately 110 miles long and 21 miles across at its widest point. More than 8 million people live within Long Island Sound Watershed, which borders both States, New York and Connecticut.

The Long Island Sound, like many estuaries across the U.S., supports multiple uses and demands. It generates more than $5 billion a year for the regional economy from boating, swimming, and commercial and sport fishing, among other activities. It also is home to a multitude of fish and wildlife species.

However, the Sound can no longer support these multiple economic and environmental uses and demands. Increasing population growth and development have led to water quality problems arising from increased nonpoint source pollution from storm water and agricultural runoff, wastewater discharges with high nitrogen levels, industrial pollution, and commercial and recreational waste.

In fact, an estimated $1 billion would be needed over the next 20 years to address the environmental and public health problems in the Sound. This is an important start. This is a demonstration of the Green Team in action again, and we see it on the floor here. Very dedicated Members of Congress support it by very able and very professional staff people who all have the privilege of working for the most productive committee in the House of Representatives in the people's House.

This is legislation I proudly identify with. Once again, I say to all of my colleagues, this is something that has earned our support for all the right reasons.

Mr. BORSKI. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. FORBES), and I note the gentleman's hard work to improve the water quality of the Long Island Sound.

(Mr. FORBES asked and was given permission to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure, and of course the gentleman from New York (Chairman BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI), ranking member, for their leadership.

This bill on the floor today is a bill that enjoys strong bipartisan support, as it should. The Long Island Sound Restoration Act is critically needed. As one of the sponsors of this important legislation, I can tell my colleagues that we have long overdue the need for the Long Island Sound study and the proper implementation of the comprehensive conservation and management plan for Long Island Sound.

As we heard from the gentleman from New York (Mr. BOEHLERT), over the next decade, we are going to need upwards of $1 billion to restore the ecological health of Long Island Sound. As a member of the House Committee on Appropriations, I can assure my colleagues that I will be working with my colleagues from Connecticut and New York to ensure that we have the kind of funding that will make this critical estuary healthy once again.

Last fall, the Long Island Sound fell victim to some kind of a disease that really struck our lobster industry, and we saw a tremendous die-off of the lobster crop in Long Island Sound to the detriment of so many families on Long Island. Thanks to the efforts of the New York and Connecticut delegation, the Secretary of Commerce, Mr. Daley, declared a commercial fishery failure in January of this year.

Restoring the Sound to its critical health, the marine life so important to this estuary is critically important to all of us and certainly, important to our fishing families.

Underscoring the need to restore Long Island Sound is important, but equally important is the need to stop the Nation's largest polluter; and that is the Federal Government. The Federal Government continues to poison Long Island Sound with its dredge spoils.

What was reported out of the committee also unanimously was the Long Island Sound Protection Act, a measure that I authored, which I believe should go hand in hand with the measure on the floor. It would amend the Marine Protection Research and Sanctuaries Act of 1972 to make sure that the Federal Government is held to the same standards that we require of the private sector when dumping dredge spoils into Long Island Sound. Frankly, it reiterates something that was put into law back in 1980 by the late Jerome Anbrow, Democrat from Huntington.

This important legislation would end what we have seen for the last several decades, the Federal Government dumping poison sludge back into Long Island Sound. We are too sophisticated as a Nation today to allow this kind of egregious behavior to continue. So I lament the fact that we are not adding this amendment, this important protection for Long Island Sound, to this critically important legislation. I do applaud the committee for its bipartisan support of this legislation. It is long overdue.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER) very much for yielding me his time. I appreciate the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from New York (Mr. BOEHLERT), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Pennsylvania (Mr. BORSKI) for their help in getting committee approval of H.R. 3313, the Long Island Sound Restoration Act, legislation both the Connecticut and New York delegations have worked hard together to bring to the floor.

I also want to thank Governor Rowland of Connecticut and the Connecticut Department of Environmental Protection for working closely with me, not only to achieve the worthy goals of this bill, but to do so in a way that small communities, distressed small towns can handle without unfair economic hardship.

Long Island Sound was one of the original 11 estuaries designated a national estuary under our Federal estuary program. Consistent with the requirements, New York and Connecticut, with the guidance from the EPA, developed a Comprehensive Conservation and Management Plan which dictates the steps each State must take to end pollution of the Sound. The plan addresses six core areas: hypoxia, or lack of oxygen in the water caused by high levels of nitrogen; nonpoint source pollutants; toxics in the water; floating debris; pathogens and land use or habitat protection.

Just Connecticut will spend between $600 million and $900 million over the next 20 years to clean up the 85 water treatment plants, the primary solution to hypoxia. These multimillion dollar costs will be paid by our towns and cities through a combination of grants from the State and local tax dollars that will repay loans from the revolving loan funds. While the grants are generous, totalling 30 percent of each town's expenses, the 70 percent of loans can impose an overwhelming burden on small communities and tax-strapped cities.

For instance, the town of Winsted, Connecticut has a cumulative debt of $15 million as a result of upgrades to both their water treatment, their drinking water, and wastewater treatment plants. Winsted's 2,500 customers face a daunting task in repaying the $15 million. They simply cannot afford any additional debt to fund the cost of nitrogen control equipment.

The Mattabassett District is the regional sewer authority for New Britain, Cromwell and Berlin, Connecticut and

serves 102,000 residents. This district estimates that it will have to raise rates by well over 100 percent in order to install the required nitrogen removal equipment. This area of the State, once a manufacturing hub of the Northeast, has seen its tax base collapse in the last two decades and has been slow to share in the current economic boom. A doubling of water rates would be devastating to economic development efforts just taking hold in these towns and to their tax-paying residents.

Some may argue that Long Island Sound is not a national problem and should be handled by those States most affected. But 10 percent of America's population lives within the Long Island Sound Watershed. It is one of the most populated, visited and traveled areas of the country.

The Sound contributes $5 billion annually to the regional economy. And the ports of Bridgeport, New Haven, and New London—each in Connecticut—handle incoming freight from national and international sources. Much of the northeast's heating oil comes in through these ports; over 12 million tons of petroleum products passed through in 1997.

I will not go through the details of what it contributes to our economy. But more than 12 million tons of petroleum come through its ports. The Port of New Haven alone handles 622,000 tons of steel in 1997, making it the fourth largest port of entry for steel products into the United States after New Orleans, Houston, and Philadelphia. The New London port is one of the chief ports for lumber exports and home to Groton Naval Shipyard.

Further, in 1998, New York and Connecticut caught $23.8 million worth of clams and oysters. In other words, if people aren't enjoying the Sound for its recreational opportunities, they are using the products that come in through its ports or consuming the seafood from its waters.

In other words, if people are enjoying the Sound for its recreational opportunities, they are using it, the products that come in through its ports or consuming the seafood from its waters.

In sum, the Sound is clearly a body of national, economic, and environmental significance and calls for a nationwide commitment to its restoration.

As the Federal Government has provided help to implement other States' plans to save their estuaries, harbors, and lakes, so New York and Connecticut need help. Boston Harbor received $840 million to construct Deer Island Water Treatment Facility and clean their harbor. The Great Lakes has received $13 million a year since 1991. The Chesapeake Bay has received nearly $20 million a year since 1991. Long Island Sound is important to our Nation. It is as important to these other bodies of water and deserves our national efforts.

But New York and Connecticut are not just looking for Federal help, they are looking for a Federal partnership. Consistent with its responsibility to that partnership, Connecticut has developed a plan for reducing the overall cost of the cleanup. Connecticut estimates that their water treatment upgrades could cost up to $900 million over the next 20 years, but with this trading program will cost considerably less, probably $200 million to $300 million less.

Mr. Speaker, I urge the support of my colleagues of this very important legislation to preserve one of the Nation's real gems.

My legislation will allow Connecticut and New York to develop a nitrogen trading program to fulfill their obligations under the CCMP. The entire state must still meet the same nitrogen levels, but the trading program will help small communities who contribute very little pollution do their part to clean up the Sound.

In addition to authorizing a trading program and increasing the authorization level for the Long Island Sound office, my legislation will provide states with the option to give additional help to low income, distressed communities which have slow growth tax bases and would be unable to sustain significant increases in water rates. These communities would be eligible for grant money as well as negative interest loans.

Nothing is more important than bequeathing to our children a clean, healthy environment. With this bill we take a giant step toward the restoration of a real jewel, Long Island Sound.

Again, I thank the Chairman, Mr. BOEHLERT and Mr. SHUSTER for their support and assistance in developing this bill and urge its passage by the House.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO). I thank the gentlewoman for her work in several sessions of the Congress to try to improve the viability and well-being of Long Island Sound.

Ms. DELAURO. Mr. Speaker, I thank the gentleman from Pennsylvania very much for yielding me this time.

Mr. Speaker, I rise in strong support of the Long Island Sound Restoration Act. I have labored long and hard to try to see that we do clean up the Long Island Sound. It is critical to our environment and to our economy. It is one of the most complex estuaries in the country. It is located in a densely populated area. More than 8 million people live in the 16,000 square miles of watershed. Millions more flock to it for recreation. In fact, 10 percent of the U.S. population lives within 50 miles of the Long Island Sound.

It brings in more than $5 billion annually to the regional economy from activities like fishing, recreational, boating, swimming, and beachgoing, all of which require clean water.

The bill we consider today is a sensible approach to a problem that has plagued our community and its efforts to clean up the Long Island Sound for over a decade; that is the fact there are no reliable steady funding sources for implementing the Sound's Comprehensive Conservation Management Plan, which we developed in 1994 to protect the Sound.

This bill increases the authorized level we can spend on the Sound to $80 million a year for 4 years. It is a good first step. It is timely, because we need a dedicated increased funding source in order to be able to finally roll up our sleeves and to get the job done. It allows for a much-needed investment in clean water treatment facilities, provides a flexible approach for communities all around the watershed to reduce the pollution that goes into the Sound.

If one wants to talk to people who know the importance of the Long Island Sound to the communities and to our economy, take a walk along the shore with a lobsterman. We are suffering a massive lobster die-off that has virtually wiped out the lobster population in the Sound. To date, we do not know what has caused the die-off, but we do know that a cleaner Long Island Sound would make incidents like this less likely in the future.

I am pleased we are considering a bill like this today. I urge my colleagues to support the bill and help us clean up this treasure, our treasured Long Island Sound.

□ 1515

Mr. SHUSTER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, first of all, let me thank the chairman of the full committee, the gentleman from Pennsylvania (Mr. SHUSTER), for his accommodation, together with the gentleman from Minnesota (Mr. OBERSTAR), in moving this consideration from yesterday, which was Cardinal O'Connor's funeral, to today to allow some of us to participate.

I also would like to thank the leader of the Green Team, the gentleman from New York (Mr. BOEHLERT), who is a hero to Long Islanders, and this is a major initiative on which his help has been invaluable. I also want to thank the gentlewoman from Connecticut (Mrs. JOHNSON), the prime sponsor of this legislation and the leading force, as well as the gentleman from New York (Mr. ACKERMAN) and the rest of the New York and Connecticut delegations who joined us in introducing this bill.

Mr. Speaker, I would like for my colleagues to visualize for a moment Yellowstone National Park. It is truly one of America's great jewels. Conservation managers at that park agonize over the impact of 3 million visitors that come annually to experience its beauty. They worry about the health of its sensitive ecosystems. They agonize about the stresses that this population influx puts on the system.

Now, I would like my colleagues to visualize that park with 8 million people living directly on its borders, with another 15 million living within 50 miles of it. I do not need to spell out the stresses that this situation would place on this natural system. I do not need to detail how the inability of that

park to meet the needs of our citizens would be degraded. And I do not need to detail how much this Nation would pay to maintain that jewel for the enjoyment of all.

Mr. Speaker, the picture I just described is one we are living with today on the Long Island Sound. This 150-mile-long estuary is one of America's natural jewels, providing recreational outlets, commercial fishing, shell fishing, and a vital transportation corridor for the most heavily populated portion of this Nation. Like Yellowstone, the Sound is a major asset to the regional economy, generating over $5 billion annually.

A full 10 percent of this Nation's people live on our near this body of water. To many of these people the Sound is their opportunity to escape the multitudes, to get in touch with the great outdoors. To others, the Sound is a livelihood, a way of life. The lonely lobsterman, who sails out every morning to check his traps, or a fisherman trying to land that special of the day for a Manhattan restaurant. To all these Americans, the Sound is increasingly less able to meet their essential needs.

Pollution problems in the Sound have degraded the recreational experience. They have reduced the fish and shellfish populations. And pollution in the Sound has contributed to the 90 percent decline in the lobster population, which has been this Nation's third largest lobster fishery. That decline forced Commerce Secretary Daley to declare the Sound a fishery disaster area.

In a separate action, I and the other New York and Connecticut Members are now looking for funds to mitigate the economic impact of the lobster disaster. Like much of our region, nearly the entire Long Island Sound coastline is developed. We have lost up to 35 percent of our vegetated wetlands, endangering wildlife and increasing the potential of flooding. Over a billion gallons of sewage is discharged daily from our treatment plants, killing our fish and shellfish. As a result of this ecological stress, many of our bays and harbor bottoms are contaminated, and health advisories now warn against eating too much of some of the Sound's fish and waterfowl.

New York and Connecticut recognized this problem and have been working cooperatively to develop a plan for cleaning up the Sound. This plan was developed with the support of local environmental groups, recreational and commercial users of the Sound, and property owners. We are now ready to implement. We are ready to put up the upgrades we need to our sewer systems, to construct our runoff diversion ponds, and to restore our lost habitats.

New York's governor recently announced the funding of $50 million worth of projects from that plan. Connecticut's governor has also pledged to put their share of funding forward. The only partner that is not at the table is the Federal Government. In a role reversal, we now have States coming to the Congress asking us to cost share with them on a program of national significance.

The bill before us makes the Federal Government a full partner in this critical enterprise. It recognizes that cleaning up our pollution problems is not cheap but that it is a good investment. And this bill recognizes that we owe the future of the Sound to our children.

I grew up on Long Island and was fortunate to be able to take advantage of the benefits of its coastal waters. I want my children to be able to have that same advantage. This bill will give them that opportunity.

Mr. BORSKI. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. ACKERMAN), an original cosponsor of the bill.

(Mr. ACKERMAN asked and was given permission to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from New York (Mr. BOEHLERT), the gentleman from Pennsylvania (Mr. SHUSTER), as well as the gentlewoman from Connecticut (Mrs. JOHNSON) for her leadership.

I also want to thank my colleague, the gentleman from New York (Mr. LAZIO), who has done a lot of work on this, and the rest of the Long Island delegation, the gentleman from New York (Mr. KING), the gentlewoman from New York (Mrs. MCCARTHY), as well as the gentleman from New York (Mr. FORBES), who has now managed to cosponsor this bill from both sides of the aisle.

I am proud to represent an area that borders the Long Island Sound. The Sound is one of our Nation's natural treasures with important environmental, recreational and commercial benefits. Its value as an essential habitat for one of the most diverse ecosystems in the Northeast cannot be understated. Residents and vacationers alike enjoy the Sound for swimming and boating, and the approximately $5 billion in revenue generated by commerce relating to the Sound is vital to the region as well as to individuals who base their livelihood on the benefits of the Long Island Sound.

Unfortunately, the effects of millions of people on the shore and in the Sound are evidenced by the deteriorated water quality. Over the last several years, the Long Island Sound has suffered from numerous forms of pollution which has caused a dramatic drop in the Sound's fish population. As a result of the pollution, the Sound's multibillion dollar a year fishing industry is in jeopardy. The most recent devastating example that we have heard about is the unexplained and widespread lobster die-off. We must supply adequate resources to address this crisis and to examine possible problems in the water that could have caused the crisis.

Preservation of the Long Island Sound is not a parochial issue but a national one. Its inclusion as a charter member in the National Estuaries Program, the Sound has been designated as one of only 28 estuaries of national significance. The time to act is now. When I first introduced this legislation by this name in 1992, and again in every subsequent Congress, the price tag was $50 million. Now it is $80 million. It will not get cheaper if we wait any longer.

I am pleased to say and to note that both the States of New York and Connecticut are prepared to match the $80 million authorization with State funds, and I am confident that these funds will have a significant impact on the ongoing efforts to improve the quality of the Sound. We must do everything possible to ensure the continued funding of these efforts, and this legislation is the appropriate means for achieving the desired end. I urge all of our colleagues to join with us in supporting this legislation.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of the Long Island Sound Restoration Act, and again thank the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from New York (Mr. BOEHLERT) for their work in getting this bill out of committee. I also wish to thank Governors Rowland and Pataki and the respective Departments of Environmental Protection from both Connecticut and New York, and to thank as well my co-chair of the Long Island Sound Caucus, the gentlewoman from New York (Mrs. LOWEY), and the members of the caucus, as well as in particular the primary sponsors, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from New York (Mr. LAZIO).

Mr. Speaker, I would like to read what a number of very significant organizations have had to say about this bill. The first quote:

> This is the most significant congressional action for Long Island Sound since it was designated a national estuary in 1985. It is critical this bill pass the House of Representatives to ensure the Federal Government is a true partner in the restoration of Long Island Sound.

—David Miller, Executive Director, National Audubon Society of New York.

> Cleaning up the water quality of Long Island Sound is critical to a comprehensive approach to restoring this fabulous resource to its full potential as a natural resource.

—David Sutherland, Director of Government Relations, the Connecticut chapter of the Nature Conservancy.

> This bill garnered widespread support across party lines. I think this sends a clear message to voters that the environment does matter and that both parties can work together to help preserve our environment.

—Deb Callahan, President, League of Conservation Voters.

Nitrogen pollution in the Long Island Sound is a relatively recent discovery and quite literally a deadly problem. For many years gross pollution masked the damage being done by excess nitrogen. Thanks to Congress' efforts and construction grants and State revolving funds of the 1970s and 1980s, we have been able to make great progress only to find an underlying problem of great environmental and financial magnitude.

—Terry Backer, Soundkeeper, supporting this bill.

It is critical to Long Island Sound, our region's greatest natural resource, that the Federal Government increase its recognition of the need to improve this water body by making an increased financial commitment. It is critical to future generations that this water body be returned to a flourishing ecosystem of flora and fauna.

—John Atkins, President of Save the Sound.

And, finally,

Local and State governments have made enormous investments in sewage treatment and pollution control facilities, but the problems are much more regional in scope and therefore beg Federal involvement. Any plan which places the entire fiscal burden of cleanup on the most vulnerable level of government, local authorities, is destined for environmental and economic failure. That is why we support H.R. 3313.

—Ross Pepe, President, Construction Industry Council of Westchester and Hudson Valley, a professional employers association representing more than 550 companies and some 50,000 workers.

We will not have a world to live in if we continue our neglectful ways, and passage of this bill makes clear we are no longer being neglectful.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, I would like to thank the chairman of the committee, who has always been so responsive to the needs of our States and other Members, and the ranking Democrats involved in this effort for Connecticut.

This is an important effort, but it is a national effort. Almost 30 million American citizens live within a short distance of Long Island Sound. It is an important economic asset. We have obviously had challenges in the last several years. The lobstermen, in particular, as has been noted by a number of my colleagues, have had a very significant impact and a decreased number of lobsters out there. We need to address these issues. It is an important economic asset and an environmental asset.

From kayaking to commercial fishing to sports fishermen, who really play, I think, the most significant role in many ways of helping the economy of the region and increasing the quality of life, it is an important national asset and it is appropriate that we are taking this action today.

One need only drive along the coast from New York and go through the fishing villages of Stonington and Mystic to see the kind of diversity of activity along the shore. We need to take these actions for this generation but also for future generations to make sure that we leave this body of water in better shape than we found it when we took over the stewardship of Long Island Sound.

Again, I would like to thank the chairman and the ranking member for their support and urge passage of the legislation.

Mr. Speaker, as an original co-sponsor of H.R. 3313, I rise in strong support of this measure. I would like to begin by thanking Chairmen SHUSTER and BOEHLERT and ranking Members OBERSTAR and BORSKI and their staffs for their support in moving this legislation through the Committee process. I truly appreciate their efforts.

The bill before us today reauthorizes activities of the Environmental Protection Agency's Long Island Sound Program Office for four years. It also authorizes $80 million annually to help implement the comprehensive conservation and management plan approved for the Long Island Sound under the National Estuary Program. It also allows New York and Connecticut to provide grants from their state clean water revolving funds for the upgrade of wastewater treatment facilities in small communities that can ill-afford the cost of the necessary procedure.

The Long Island Sound is one on the 28 designated estuaries in National Estuary Program. As one of the eleven original estuaries designated in 1987, it is recognized as a significant national resource making its health a top priority for not only Connecticut and New York, but the country as a whole. Ten percent of the American population lives within 50 miles of the Sound. It is a source of recreation for vacationers, fishermen, and boaters as well as a key commercial water way for trade and commerce, providing over $5 billion to the regional economy.

I believe the increase in funding is reasonable. It would provide the necessary funds to allow Connecticut and New York to implement the goals of the Comprehensive Conservation and Management Plan for the Long Island Sound. By providing grants to distressed communities to assist them in upgrading wastewater treatment plants, the facilities would be better equipped to reduced the amount of nitrogen released into the Sound.

The high levels of nitrogen have depleted the supply of oxygen in the water—a phenomenon known as hypoxia or low dissolved oxygen. The nitrogen, which comes from a variety of sources including treatment facilities and run-off from lawns and fields, promotes the growth of algae by over-fertilization. Subsequently, the plants die, sinking to the bottom and decaying, using up the little oxygen there is. Too little oxygen can stunt the development or kill marine species like lobsters, slow moving species and finfish and flounder while also affecting their resistance to disease.

Recently, there has been a massive lobster die-off in the Sound. The lobster population has been in serious decline for the last year. Landings in Connecticut in December 1998 totaled 442,888 pounds while December 1999 landings were a mere 2,892 pounds. Initial findings indicate the presence of a parasite; however, there is still much research to be done. The need for research dollars is great making the funding provided within this legislation a significant step in the right direction.

The Long Island Sound is a nationally significant resource which deserves continued federal support. Passing this legislation today will allow the states of Connecticut and New York to continue their efforts to clean up the Sound and restore a healthy habitat for not only the wildlife that live in and around the Sound, but our constituents as well. The health of the Sound is crucial to our quality of life and economic well-being.

I urge my colleagues would join me in supporting H.R. 3313.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank our ranking member and the chairman for their support of this important bill, and I rise in strong support of H.R. 3313, the Long Island Sound Restoration Act.

As the co-chair of the Long Island Sound Congressional Caucus, I am especially proud to stand here today in support of a bill that reaffirms our commitment to Long Island Sound. Protecting our fragile waterways and coastal environments is essential, and the bill we are considering today will strengthen our efforts to preserve Long Island Sound.

Long Island Sound is a national treasure, but this extraordinary environmental economic and recreational asset has been damaged by years of pollution and neglect. It is absolutely crucial to expand the Federal Government's role in controlling pollution and in stewarding our coastal resources throughout the Sound.

One of my proudest achievements since coming to Congress was working to establish the Environmental Protection Agency's Long Island Sound office in 1991, which coordinates the implementation of the Sound's Comprehensive Conservation and Management Plan. The Plan is working to bring the Sound back to life again. But we need to do much more.

EPA estimates that simply meeting the appalling backlog of water quality infrastructure upgrades nationwide will cost $140 billion over the next 20 years. And the amount needed to address the health and environmental concerns around Long Island Sound alone over the next two decades is $1 billion. This critical legislation supports these efforts by significantly increasing authorization levels for the Long Island Sound office and targets these important resources towards implementation of the Sound's cleanup plan.

The Long Island Sound Restoration Act is another important tool in our arsenal to expand the Federal Government's role in restoring Long Island Sound, and I urge my colleagues to support this fragile resource by voting for H.R. 3313.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 3313, the Long Island Sound Restoration Act.

The Long Island Sound is a unique, urban watershed nestled among one of the most densely populated regions of this country. Like

many of the salt-water estuaries along the coast of the United States, the Long Island Sound supports a variety of uses and demands, including providing vital habitat to numerous fish and wildlife species, as well as recreational and commercial activities.

However, increasing pressures from residential, industrial, and agricultural development have dramatically altered the natural conditions of this region, and have increased the discharge of pollutants into the Sound.

In 1987, upon the realization that additional efforts were needed to protect our Nation's salt-water estuaries, Congress authorized the establishment of the National Estuaries Program (NEP), within EPA, to restore and protect these resources. The Long Island Sound was one of the original waterbodies to be designated as an Estuary of National Significance under the NEP.

The Management Conference convened to develop a Comprehensive Conservation and Management Plan (CCMP) for the Long Island Sound identified several issues meriting special attention, including low oxygen conditions due to excessive nutrient loading, toxic and pathogen contamination, and the degradation and loss of marine habitat. Of these concerns, hypoxia, caused by excessive discharges of nitrogen from both point and non-point sources, was identified as the priority problem.

In 1990, Congress recognized that additional resources were needed to realize improvements in the Sound, and created a new office within the Environmental Protection Agency to assist in achieving these improvements. The Long Island Sound Program Office has been charged with assisting and supporting the implementation of the Long Island Sound CCMP.

The legislation we are considering today, H.R. 3313, extends the reauthorization of this office, as well as make additional changes aimed at achieving greater improvements to the Sound watershed.

The bill, as amended by the Committee on Transportation and Infrastructure, reauthorizes the Long Island Sound Program Office through 2003, and authorizes $80 million per year through 2003 in grants for projects and studies which will help implement the CCMP.

In addition, this legislation encourages the Administrator of EPA, through the Long Island Sound Program Office, to use existing regulatory authorities to implement the CCMP, including efforts to establish, within the process for granting watershed general permits, a system for trading nitrogen credits and any other measures that are cost-effective and consistent with the goals of the CCMP.

It is important to note that this legislation does not expand the authorities of the EPA with respect to pollution credit trading; it merely encourages the Administrator to use existing authorities to achieve water quality goals within the Sound.

Finally, H.R. 3313 provides enhanced assistance to distressed communities within the Long Island Sound basin for repayment of construction loans under the Clean Water Act.

This legislation grants the Administrator authority to provide additional loan subsidization, including principal forgiveness, to distressed communities within the Sound. Principal forgiveness provides significant assistance to distressed communities in the repayment of construction loans without the unintended consequence of significantly diminishing the corpus of State Revolving Loan funds.

I support this bill and urge its approval.

Mr. CROWLEY. Mr. Speaker, I support H.R. 3313, the Long Island Sound Restoration Act.

I congratulate Representative NANCY JOHNSON for crafting this bi-partisan legislation that represents an excellent step in the right direction towards cleaning up and maintaining the water quality of Long Island Sound.

A great many of my constituents benefit from this water body—whether it be vacationing on her beautiful beaches, working on her shores or eating the fish products caught in the Sound. Long Island Sound is a vital lifeline for the people of my district and of the whole tri-state area.

Unfortunately, with the population explosion along the shores of Long Island Sound, new threats are appearing.

This legislation will increase the funding for the Long Island Sound Office by $77 million. Additionally, this legislation will address the efforts to reduce nitrogen discharges into the Sound and authorizes the surrounding states to provide additional subsidies to designated distressed communities from a state's clean water fund.

Finally, this legislation will not hinder the environmentally important dredging efforts occurring in communities surrounding Long Island Sound. In my district, dredging operations have vastly improved both the economic as well as the environmental climate in a number of communities.

As a deliberative body, we must ensure that important dredging projects, such as ones occurring in Flushing Bay and New York Harbor continue unencumbered.

I urge my colleagues to support this valuable, environmental legislation.

□ 1530

Mr. BORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3313, as amended.

The question was taken.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## SENSE OF THE HOUSE IN SUPPORT OF AMERICA'S TEACHERS

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 492) expressing the sense of the House of Representatives in support of America's teachers.

The Clerk read as follows:

H. RES. 492

Whereas the foundation of American freedom and democracy is a strong, effective system of education in which every child can learn in a safe and nurturing environment;

Whereas a first-rate education system depends on a partnership between parents, principals, teachers, and children;

Whereas much of the success of our Nation during the American Century is the result of the hard work and dedication of teachers across the land;

Whereas, in addition to their families, knowledgeable and skillful teachers can have a profound impact on a child's early development and future success;

Whereas, while many people spend their lives building careers, teachers spend their careers building lives;

Whereas our Nation's teachers serve our children beyond the call of duty as coaches, mentors, and advisors without regard to fame or fortune; and

Whereas across this land nearly 3 million men and women experience the joys of teaching young minds the virtues of reading, writing, and arithmetic: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) honors and recognizes the unique and important achievements of America's teachers; and

(2) urges all Americans to take a moment to thank and pay tribute to our Nation's teachers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I rise in strong support of this important resolution in recognition of our Nation's teachers, and I would like to start off by simply saying thank you.

Thank you to all of the teachers who have shaped the lives of American school children. Thank you for your selfless and sometimes exhausting commitment to the children of this country, and thank you for protecting America's future.

Mr. Speaker, I believe in many cases that we take teachers for granted and simply expect them to single-handedly prepare our students to face the challenges of life and become productive members of society.

Here in Congress, we have a responsibility to ensure that Federal education programs allow local officials and schools the flexibility to make decisions based upon their specific needs. Again, I want to stress the flexibility is the key.

Last year, in bipartisan fashion, the House passed the Teacher Empowerment Act to help address the needs of local schools and teachers relating to their recruiting, hiring and training of teachers.

While this legislation requires school districts to both decrease class size and improve the quality of training for teachers, it leaves the exact balance between the two at the discretion of those at the local level who best know the needs of their schools and communities.

I know I am not alone when I say I was privileged to have teachers who had a profound impact on my development, not only as a student but as a person. One of the greatest rewards of my job now is the opportunity to visit

schools and witness the great work that our teachers are doing and the difference they are making.

It is almost universally true that every successful person, regardless of their field, can include the role of teachers as significant in the process of achieving that success.

Mr. Speaker, in closing, I want to reiterate my thanks to all the teachers across our Nation who mean so much to our children and, consequently, to every citizen of this country both now and in the future.

Teachers certainly deserve recognition, and I am honored to be able to be here on National Teacher Day to associate myself with this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 492, which recognizes the unique and important contributions of America's teachers and urges all Americans to pay tribute to our Nation's teachers.

Were it not for the benefit of an outstanding teacher, many of us would not have been as successful as we have been. When I was in the sixth grade, I had a very dedicated and perceptive teacher named Ms. Casson.

Mr. Speaker, I will never forget Ms. Casson. Ms. Casson saw through my poor attitude and recognized it as my frustration over losing my battle with math.

We were doing a math test and I didn't understand decimals, fractions, et cetera, and instead of doing the lesson, I was doing drawings I was making drawings, and she snuck up behind me and came down with a ruler across my hands and woke me up. And from there, she took the time to work with me and would not let me give up on myself; although, I gave her cause to do so on many occasions.

Due to Ms. Casson's patience and persistence, I was not only able to conquer my difficulties with math, but also master other subjects as well.

As a result, I was able to finish school in an era when most young Hispanics did not finish high school, much less receive postsecondary education.

My experience with Ms. Casson made me realize that a good teacher can mean the difference between success and failure for a student, not only in school, but in life.

Recent studies show that teacher quality is the single most important factor in student achievement. However, today's teachers face greater challenges than they ever have before.

Classes are larger and more unmanageable. Classroom space is inadequate and often in poor and even unsafe conditions. And discipline problems and school violence are an all-time high.

On top of it, we know the teacher candidates often do not receive adequate training; new teachers are not supported by their school systems; and current teachers are not provided with meaningful professional development. Under these circumstances, even Ms. Casson would have had problems.

Mr. Speaker, Congress tried to address a number of those issues, in which the gentleman from California (Mr. MCKEON) alluded to, during the 1998 reauthorization of the Higher Education Act by creating the Loan Forgiveness Program for individuals who agree to teach for 5 years in a high-risk school district and by encouraging schools of education to improve the quality of their teacher education programs.

We have another opportunity to provide greatly needed support to new and current teachers through the reauthorization of ESEA. We can provide them with smaller classes, safe and adequately-equipped classrooms, and the support of mentor teachers and relevant professional development. However, while I have no doubt that every Member of Congress supports helping our Nation's teachers, ESEA is currently caught up in a tangle bipartisan politics in both House and Senate; therefore, I suggest that if we really are sincere about recognizing paying tribute to our Nation's teachers, that we not only pass H. Res. 492, but also put aside our differences and pass ESEA that includes resources necessary for teachers to succeed in today's classrooms.

As such, I rise in support of Ms. Casson and the millions of teachers like her who are doing perhaps the most difficult and important job in America and in support of H. Res. 492 and an ESA bill that we can all be proud of.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me the time.

First of all, I want to congratulate the gentlewoman from Texas (Ms. GRANGER) who was the driving force behind bringing this resolution to the floor.

Mr. Speaker, after parents, whether the child succeeds or fails academically will, in a great degree, be determined by the quality of the teacher in the classroom. This is why our Even Start Program and all family literacy programs work to help make sure the parent becomes child's first and most important teacher.

This is why, in a bipartisan way, the Committee on Education and the Workforce brought to the floor of the House the Teacher Empowerment Act, so that the second most important person in the child's academic life, the teacher, can be the most qualified person to fill that role.

I hope the Senate will pass that bill so that it can be presented to the President for his signature.

Public school teaching is the most difficult and yet important job in America today, and I join my colleagues in paying tribute to the dedication to achieving the goal of a totally literate America, as I do for all teachers, private, parochial school, as well as teachers of the home school.

I think of Ms. Yost when I think of the teaching profession. Ms. Yost was my grade 1–4 teacher in a one-room school, teaching all four grades, where she had an average of 40 students per year. She was the art teacher, the music teacher, the reading teacher, the writing teacher, the arithmetic teacher, as well as the counselor, the psychologist and, yes, even the custodian. She was brilliant and dedicated and one of the role models who caused me to become a public school teacher, counselor, and administrator for 22 years.

I thank the teachers for their dedication. America's future lies very heavily on their shoulders.

Mr. MARTINEZ. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BACA).

(Mr. BACA asked and was given permission to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I want to thank my distinguished colleague the gentleman from Southern California (Mr. MARTINEZ) for yielding me the time. I want to commend him for his hard work on behalf of education and support of America's teachers.

Mr. Speaker, I want to also recognize my colleague the gentleman from Southern California (Chairman MCKEON). I commend him for his hard work on the Subcommittee on Postsecondary Education, Training and Lifelong Learning.

I also want to commend our colleague the gentlewoman from Texas (Ms. GRANGER) for sponsoring this important education resolution.

Education is an important aspect of America. Education is the foundation and it is the fruits that we bear in improving the quality of life. Education defines who we are.

I want to commend many of our teachers who are out there today in our public schools. As it has been stated, they are teaching in an area where it is very difficult, conditions are not the best, they are teaching in diverse areas with a multitude of many languages.

I believe that if a lot of us look at America and where we are today, we are here today because we have had good teachers that were willing to sacrifice and are willing to teach us and are willing to work with us.

Too often in today's society we fail to recognize these teachers that are willing to give of their time and effort to make sure that the quality of life is improved. When we look at every business person, every individual in our society, they have been touched by some teacher some way along the lines.

Whether it had been in elementary, whether it had been in intermediate, whether it had been a secondary, or whether it had been at a community college or State college or university,

it was these teachers who cared and motivated these students, who gave them the self-esteem that said that they have the confidence to go on in society and be what they want.

That is why it is important that we today remember and recognize and support this H. Res. 492 in distinguishing this week as the 15th Annual Teachers Appreciation Week.

America's investment in education represents an investment in our future. The measures of investment we make in our children's future reflects America's commitment to our future growth and future strength.

On Friday, in conjunction with Teachers Appreciation Week, I am sponsoring an educational summit in San Bernardino. This summit will bring together teachers and students, along with officials of the public and private sector. This summit will explore education in the new millennium and improve technology in teacher training.

As we seek to show our appreciation of America's teachers, it is important that we give them the tools needed to get the job done.

Last week I introduced legislation to give teachers added help by bringing technology into the classroom and training teachers as they prepare for the 21st century. This bill will help teachers achieve the technology training that they will need in order to educate students today and tomorrow. We must demonstrate to America and recognize and give teachers the honor they fully deserve.

I strongly urge support of our teachers. I appreciate this resolution.

Mr. MCKEON. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip.

Mr. BLUNT. Mr. Speaker, I am pleased to be here today on National Teachers Day in honor of this important day.

I was able to cosponsor this legislation along with the gentleman from Tennessee (Mr. CLEMENT), my co-chair of the House Education Caucus, with the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from California (Chairman MCKEON) and others.

One out of five Members of the House, including the gentlewoman from Texas (Ms. GRANGER), who drafted this resolution, have been full-time educators at one time in their career. Members of this House know from personal experience what it is like to be in the classroom, to be an administrator, to work with the responsibilities of teachers.

This resolution honors and recognizes the unique and important achievement of America's teachers. It urges all Americans to take a moment to thank teachers and pay tribute to our Nation's teachers.

I would like to mention just briefly a teacher in the Springfield school district that is being recognized this week as the Teacher of the Year in that district.

□ 1545

Ms. Mae Tribble originally aspired to be a pediatric nurse so she could help others in need. However, while she was in college at Southwest Missouri State University and while working with the Springfield Park Board, she discovered the challenge and the reward of teaching. She has now taught for 27 years. She currently teaches the second grade at Pittman Elementary School. She has taught at other schools in the Springfield district and the Strafford district. Her education includes teaching first grade, second grade, disabilities K–6, reading and math. She is an outstanding teacher.

Teachers make a difference in people's lives, Mr. Speaker. They expand our only expandable resource, the potential of young people, the potential of our country. I am glad we recognize them today.

Mr. MARTINEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. I thank the gentleman from California (Mr. MARTINEZ), who has served us so well in this House and been a real leader on education issues for yielding me this time.

Mr. Speaker, I am pleased to join with the gentlewoman from Texas (Ms. GRANGER) and the gentleman from Missouri (Mr. BLUNT) in introducing this legislation to honor America's teachers. I know this body often disagrees on various issues but I think this is one of them that we can sure work together on. As cochair of the House Education Caucus, a former college President and a parent of two teenage daughters, I am pleased to take this opportunity to honor the outstanding work our teachers do every day. I fondly remember many of the teachers who instilled in me and in my children the love of learning and the desire to set and obtain goals.

Few other professionals touch so many people in such a lasting way as teachers do. Teacher Appreciation Day affords us the opportunity to recognize the contributions that educators make to our community and to thank those special teachers who have made a difference in our lives and the lives of our children.

I would like to especially honor the teachers of the year in my congressional district. Jennifer Snoot has taught in Tennessee's public schools for 9 years and is currently at Old Center Elementary School. Janet Stout, a teacher at Cameron Middle School, has taught for 14 years. And Martha Burton, who teaches at Pearl-Cohn Business Magnet High School, has taught for 15 years. All of these three are dedicated teachers who have epitomized the dedication and commitment of America's teachers and helped our children so very much.

There is no more important or challenging job than that of our Nation's teachers. Teachers open children's minds to the magic of ideas, knowledge and dreams. They keep American democracy alive by laying the foundation for good citizenship. And they fill many roles as listeners, explorers, role models and mentors, encouraging our children to reach farther than they would have thought possible. Teachers continue to influence us long after our school days are only memories.

Seldom do we recognize the importance of their job or the depth of their commitment to our children. While many people spend their lives building careers, teachers spend their careers building lives. For this they deserve our support, praise and gratitude.

Teachers often put in countless extra hours outside of the classroom preparing lessons, reading and correcting papers and working with students who need just a little extra help. They do this because they love their job, care about their students and are committed to ensuring that our children have the best chance at success. All this under often trying circumstances and with less than adequate resources and support.

I thank the thousands of teachers who have dedicated themselves to educating and believing in our children. I encourage all of my colleagues to take a moment as the school year winds to a close to thank those teachers who have made a difference in the lives of our children and our children's children. They are truly the unsung heroes of our communities.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER), the author of this resolution.

Ms. GRANGER. I thank the gentleman from California for yielding me this time.

Mr. Speaker, Benjamin Disraeli once said, ''The fate of our Nation depends on the education of our children.'' Today I rise to honor the men and women who determine the fate of our Nation and our children, its teachers. These are the men and women who rise each day to make a difference. They go to work early, working with children who need a little extra help. They find the creativity to keep algebra fresh and at the end of the day they even may wipe away a few tears. These are the men and women who teach our children not only how to earn a living but also how to make a life.

I have one of those special teachers in my district. Her name is Carole Brown and she is a second grade teacher. Carole was recently nominated Birdville Independent School District Teacher of the Year. Her coworkers wrote in her nomination that Carole is ''the teacher that every child deserves.'' They said Carole finds the time and resources to meet every child's individual needs.

One parent of a special needs child said in a letter to Carole:

I often think of the difficulty we experienced last year in dealing with my son's disruptive behavior prior to his attention deficit hyperactivity diagnosis. My heart went

out to my son and you each day as I observed class. Your encouragement gave me the desire and strength to seek the medical attention my son needed. My son is on the road to success now. My heartfelt appreciation and respect for you is difficult to express in words. I pray that I have conveyed a portion of that gratitude to you. I hope the very best for you and I praise God for your dedication in providing excellence in education.

Mr. Speaker, Carole Brown truly believes every child can learn. She is the embodiment of the Texas education philosophy, leave no child behind. Today I salute Carole Brown and the other men and women out there who are molding our future by teaching our children as my own mother did for 47 years and as I did for 9.

Mr. MARTINEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Speaker, we have done a lot of talking the last few years about renewing our investment in education. School construction, computers and Internet access, school safety, up-to-date textbooks and library books, all of these are vital pieces in our efforts to improve local schools. But too often in this debate, Mr. Speaker, we have failed to focus on the need to invest in our most valuable resource, teachers. Next to a good parent, I cannot think of anyone more important to a child than a good teacher. A good teacher can provide guidance and help reinforce lessons in character and values taught by parents. And a good teacher can open the minds of children and show them that the pursuit of their dreams can be more than just a dream. But somehow our society has devalued teaching. We no longer place teachers on a pedestal of honor and respect. Instead we lionize professional athletes. We deify movie stars. Even lawyers and politicians whom most people, with all due respect for those of us here, do not like are viewed by children as people who have actually made it in America.

But they do not view teachers that way. Today a common cliche is, ''Those who can do and those who can't teach.'' Think about what that statement means. We have so devalued the profession of teaching that we consider it a refuge to those who cannot make it elsewhere. That is so wrong. If we in the Congress are going to talk about how we are going to make our country a better place for our children, then elevating teachers must be a central part of that discussion. We must give teachers the tools to succeed. Talk to a teacher and she will tell you that she is more interested in additional training and professional development than she is in more money. I think good teachers should have both.

Last year with the help of Speaker Hastert we were able to appropriate money for a teachers academy for the Chicago Public Schools. Congress needs to continue to support efforts like this, both to improve our schools and to demonstrate to our young people that America recognizes what teaching is, a noble profession worthy of their pursuit.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON), a strong member of the Committee on Education and the Workforce.

Mr. ISAKSON. I thank the gentleman from California (Mr. MCKEON) for the introduction and for yielding me the time.

Mr. Speaker, I am particularly honored to stand as a member of the Committee on Education and the Workforce and thank the gentlewoman from Texas (Ms. GRANGER) for bringing this measure to floor and thank the gentleman from Pennsylvania (Mr. GOODLING) for his better than two decades' commitment to America's teachers, America's children and most recently his successful guidance to the passage of our commitment with the Individuals with Disabilities Education Act. And I associate myself with the remarks of the gentleman from California (Mr. MARTINEZ) and my sincere hope in addition to our verbal tribute that we pay tribute to education by finally passing the reauthorization to ESEA in a bipartisan fashion in the interest of all children.

But if we read House Resolution 492, it has two parts. First to thank all teachers and then second to take a moment, every American, to thank a teacher for the commitment that they make. In my remaining time, I would like to do just that by paying tribute to Ms. Linda Morrison, an advanced placement history, government and international affairs teacher at North Cobb High School in Acworth, Georgia, a woman who for better than two decades has brought government and history alive to children of great diversity, not of great economic prosperity. She has made our history and this government real. Year in and year out, her students go to New York and win or place in Model U.N. and throughout public service in our State today, many of her students serve their fellow man because of the inspiration of Linda Morrison.

But like most and like all of us, she has achieved this through her difficulties. In the last 2 years, the greatest 2 years of her career, she has inspired children, led them to entering and winning the Model U.N., been a model teacher in Georgia and fought breast cancer successfully. Through chemotherapy and all its terrors, day in and day out remaining in the classroom to teach our children. I want to take my responsibility in this resolution to thank that teacher, Ms. Linda Morrison, who to me exemplifies the countless thousands of teachers in Georgia and in America who teach and educate our children.

Mr. MARTINEZ. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I am pleased to join my colleagues in doing two things, honoring our teachers and saying thank you to our ranking member the gentleman from California (Mr. MARTINEZ) for all he has done for education and as usual complimenting the gentleman from California (Mr. MCKEON) for what he does.

I am pleased to join my colleagues in expressing my strong support and deep appreciation for America's teachers. Mr. Speaker, in appreciation of all of our teachers, I would like to suggest that we in Congress give them a gift. The idea came from a teacher in my district who wrote an article about what he thinks is wrong with American education.

In this article, which I will include for the RECORD, Paul Eggenberger writes that the problem with our education system is not the students, is not the administrators, and it is certainly not the teachers. The problem, and I quote Mr. Eggenberger, is with our culture. Families are fractured, they are too busy to care, they are in a hurry to raise academic standards, a hurry to eat, a hurry to get to work, a hurry to get to the soccer game, a hurry to get home.

He goes on: ''We don't have time for our kids, to listen to them, to get involved in their lives, to discipline and to guide them.''

There is much we can do right here in Congress to support families so that they will have the time their children need. Initiatives such as paid leave for new parents, coordinated family services at schools and universal school breakfast are just a few good examples of how to give parents more time with their children and give children the attention and the support they need to be good students and good citizens.

Mr. Speaker, I include the Eggenberger article in its entirety:

[From the Press Democrat, May 4, 2000]

A FORMER TEACHER TELLS WHY HE LEFT

(By Paul Eggenberger)

Ten years ago, with the encouragement of my friends and family, I decided to respond to the call to teach. I sold a successful business, invested $20,000 in my education and enrolled in the teacher credential program at Sonoma State University. Now, after eight years, I have resigned my teaching position. Given the current discussion about education by the various ''experts'' I thought it might be useful if I shared a few observations.

The problem with our educational system is not the students. It is unfair for adults to blame children for our failure to educate them. They are only responding to the people and activities that affect their lives. They don't make the video games, TV programs, books, magazines, sports, friends, music and schools that they are exposed to.

The problem with our educational system is not the teachers. They are doing the best they can when you consider the low wages, lack of supplies, poor and outdated textbooks, insufficient curriculum materials and lack of administrative support. I well remember my shock upon entering the school environment after owning my own business for 15 years. Any employee who ever worked for me would have quit within a few days if placed into the environment of today's teachers. The norm in the school I worked in was at least 50 hours a week not including

committees, sporting events, clubs, fundraisers, PTA meetings, etc. That means the average teacher with the equivalent education of a master's degree earned about $15 an hour.

The problem with our educational system is not the administration. They are in a constant juggling match to make the best of insufficient funding, high turnover and unrealistic demands from the state. No corporation or dotcom would think of trying to improve its product without investing in capital improvement or research and development. But that's what our schools must do because of lack of funding and unclear direction from the state.

The problem is with our culture. Families are fractured. They are too busy to care. They are in a hurry to raise academic standards, a hurry to eat, a hurry to get to the soccer game, a hurry to get to work, a hurry to get home, a hurry to get rich. Parents are self-involved or stressed out. Single moms can't get child support from irresponsible, absent dads. TV has replaced conversation and literacy. Sex has replaced love.

We don't have time for our kids, to listen to them. To get involved in their lives. To develop deep relationships with them. To discipline and guide them. To teach them wisdom. To teach them respect. To teach by example.

No, instead we have taught them to look out for themselves, to get gratification from video games and gangs, drugs and sex, fast food and fast cars. To take the easiest way out. To stay uninvolved, uncommitted, unloving. To always blame someone else. After all, that's what adults do. Is it any wonder they don't want to learn?

I came to Congress seven years ago determined to make education our nation's number one priority. Today, as a Member of the Education Committee, I remain committed to that goal and I spend much of my time looking at ways we can tackle the problems in our schools.

But while we in Congress focus a lot on what's wrong with education, we must remember that there's a lot that's right.

Every day, in classrooms around the country, teachers are reaching out and connecting with their students. We are lucky to have outstanding teachers around the country preparing our children for a successful future.

Despite new challenges and increasing demands, teachers in my District come to school everyday determined to make a difference.

Today, National Teachers Day, I'd like to honor Marin County Teacher of the Year Mary Beth Vanosky and Sonoma County Teacher of the Year Susie Conte—who are two examples of the hard-working teachers we are fortunate to have in the North Bay.

As a teacher with 25 years' experience, Ms. Vanosky doesn't consider teaching her fifth through eighth grade students her only job. Throughout her career, Ms. Vanosky has consistently served as a master teacher for student teachers and a mentor teacher to colleagues who were either new to teaching or new to their grade level. She knows that learning truly is a life-long process. For that reason, she hasn't stopped playing the role of student herself. Despite her years at the head of the class, Ms. Vanosky is constantly expanding her know-how with post-graduate studies at the University of Wisconsin, Arizona State University and San Francisco State University.

In Sonoma County, Susie Conte gets high marks from students, colleagues and parents for the work she does teaching preschool and helping special needs students at Bennett Valley Elementary School. She has developed education programs for autistic children, formed a support group for parents of special-needs children and helped make classrooms safer for all children.

Even after the school bell rings, Ms. Conte keeps giving. Once her school work is done, Ms. Conte makes time to volunteer with the Special Olympics and the YWCA's Women's Safe House.

Mary Beth Vanosky and Susie Conte are just two examples of what's right about American education. While we have set aside National Teachers Day to pay tribute to educators, we must keep in mind that everyday teachers like Ms. Vanosky and Ms. Conte are working to make the future bright.

Mr. MCKEON. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS), a good friend of education.

Mr. PITTS. Mr. Speaker, I want to thank my colleagues for sponsoring this resolution to honor America's teachers. This week we honor those who challenge our children to learn and grow and prepare to be leaders of tomorrow. When I graduated from college, my first job was teaching in public schools, and I have never forgotten the lessons I learned in the classroom years ago. Teachers, second only to parents, have the future of our Nation in their hands. This resolution honoring and recognizing the unique and important achievements of our teachers urges Americans to take a moment to thank and pay tribute to them.

Elaine Savukas is a teacher from my district in Hempfield High School, Lancaster County, Pennsylvania. She teaches an AP government class and guides her students as they participate in the We the People competition. Each of her students is a scholar, if you will, in the Constitution, able to match wits with students across America. I can hardly think of a better way to prepare a student for a life of good citizenship than to challenge them to know the ins and outs of our unique form of government.

□ 1600

America is a great country because of our foundational document, the Constitution. But America is also great because of the generations of dedicated teachers like Elaine Savukas. I want to thank Elaine today for her dedication, her professionalism, and there are countless thousands of other teachers in America who deserve equal thanks. Let us pass this resolution, express to America's teachers just how much we appreciate what they do every day.

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. MARTINEZ. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as the father of an outstanding public school teacher and as a former State superintendent of my State schools, I rise in strong support of this resolution and I am a proud cosponsor of it as well, which really expresses the sense of this House for the support of America's teachers. I also want to thank all of the teachers who have touched my life through the years and made a difference.

Mr. Speaker, what a difference a couple of years can make. Not long ago, this Chamber's majority engaged in teacher-bashing with reckless abandon. Rather than praise teachers as this bipartisan resolution rightly does, until recently, politicians in this Congress routinely took potshots at teachers and bad-mouthed our public schools for partisan gain. So today's resolution is a welcome change from the past.

Mr. Speaker, talk really is cheap. Although this resolution is a very nice statement, this Congress needs to do more than talk the talk. We must walk the walk. This Congress must pass the many important legislative initiatives that are bottled up in one committee or another.

With our schools bursting at the seams and with our children crowded into trailers, this House must act on common sense school construction legislation, and as our teacher shortage is critical in this country and reaching a crisis proportion, we need to pass legislation for 100,000 teachers. As we debate the issues of youth violence and values in our society, this Congress needs to pass character legislation to help our children learn the lessons of respect, responsibility, honesty, integrity, courage, kindness, and those basic values that we look to.

Mr. Speaker, today is National Teachers Day, and this week is the 15th annual National Teachers Appreciation Week. But every day should be Teachers Appreciation Day. We need to raise the standards in this country for the profession of educators. Congress must exert the leadership and the moral authority to give every teacher in this country the high regard that he or she richly deserves.

This resolution is a good step in that direction, and I commend its bipartisan support. However, we must take action to support our teachers and pass legislation that will improve education for our children.

Mr. MCKEON. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. SHIMKUS), a good friend of education.

Mr. SHIMKUS. Mr. Speaker, it is with great pride that I rise today as cosponsor of House Resolution 492 which recognizes and honors America's teachers. As a former high school teacher myself, I understand the hard work and values teachers add to a child's life.

At the end of this month, I will have the opportunity to attend the graduation of Collinsville class of 2000 when I will receive the Alumni Award and I will have the chance to address the students and the graduates. I will thank administrators Ron Ganshin and Rees Hoskin and Margaret Linder. But more

importantly, I will thank my teachers, Ron Adams, Kathy Baker, Richard Crabtree, Lloyd Dunne, Fay Fultz, Robert Johnson, Russ Keene, Jenet Kanel, Joe Naylor, Mark Nelson, Terry Smith, Joe Spurgeon, Neal Strebel, Steve Shults, Charles Suarez and Don Davisson, and many others whom my faltering memory and the lack of a yearbook have made it difficult for me to recall. Some are still in the profession, some no longer, and some have passed away. They have encouraged my thoughts and my dreams. They have supported my goals and my aspirations. I thank them for their work, and in thanking them, I thank all teachers today.

Teachers have one of the most important jobs in our society, but it is often thankless. I urge all of us to make teacher appreciation not something we do once a year, but a practice and a habit that we practice year-round.

Mr. MARTINEZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, today is National Teacher Appreciation Day, and I wish to pay tribute to 4 remarkable teachers on the central coast of California. What a joy this is.

Last month Tory Babcock, an English teacher at Santa Ynez High School, was named Santa Barbara County Teacher of the Year. She was cited for her work in challenging students to embrace reading and writing, as well as her professionalism, her enthusiasm and success in motivating students in the classroom and beyond. She will be considered for California Teacher of the Year in the fall.

Dr. Ed Avila was recently chosen by Hispanic Magazine as Hispanic Teacher of the Year. Dr. Avila is the director of the Endeavour Academy, an engineering and applied science preparatory school within a public school. A national panel of Hispanic leaders and educators selected Dr. Avila for exhibiting excellence in curriculum innovation, subject competence and the ability to motivate students.

Just last week, Kevin Statom was chosen by Lucia Mar School District as Teacher of the Year. As head of the Arroyo Grande High School math department, Mr. Statom has been praised specifically for his efforts to get disinterested students turned on to math. Students at the high school praised him for spending at least 20 hours a week outside the classroom giving them the extra help they need.

Finally, Mark Fairbank, a Paso Robles High science teacher, was recently chosen as one of the three best teachers in California. He is also under consideration for the Presidential Award for Excellence in Mathematics and Science Teaching. Mr. Fairbank is an expert in alternative learning tools and cross curricular learning that can help students who learn visually, such as those with dyslexia.

Mr. Speaker, the Central Coast of California has much to be proud of. I am glad that we here in Congress are taking the time to honor our teachers. The education of our children and, indeed, of our future as a Nation rests on the quality of our Nation's teachers.

Mr. MCKEON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Kentucky (Mrs. NORTHUP), a strong supporter of education.

Mrs. NORTHUP. Mr. Speaker, I wish to rise and add my voice to the others in recognition of our teachers who have made such a difference in our lives. Most of us can think back to the years that we went through school, and the teachers that touched us in many different ways, in bringing out our talents and helping us to be successful in school. Those teachers were very different, some were very strict, we thought some of them were very specific; other ones were more creative and brought us in through different ways. But all of them had one thing in common: They gave us a sense of how important education is. They taught us what was important for us to know, and they gave us a love of learning.

Today, on this teacher appreciation resolution, I wish to, first of all, thank the teachers in my life, teachers that touched my life and who were largely unthanked in the years where they were making such an important difference to so many children.

Secondly, I would like to thank the teachers that are in the classroom today. We are almost at the end of this school year, and many children will walk out of the classroom door and will fail to recognize at this moment in their lives how much their teachers have meant to them this year and will mean to them for the rest of their lives.

So, for the children that walk out of the classroom door this year, let us, here in Congress, invite the American people across this country to thank them in these children's stead so that they will know how important they are today and for the future generations.

Mr. MARTINEZ. Mr. Speaker, might I inquire of the time remaining?

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from California (Mr. MARTINEZ) has 1½ minutes remaining; the gentleman from California (Mr. MCKEON) has 5½ minutes remaining.

Mr. MCKEON. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding me this time.

As a member of the Committee on Education and the Workforce, I am proud to be able to support this resolution recognizing the significance of teachers and the quality of education in our country. I would urge all Americans to use this week as an opportunity to thank their teachers in their own communities.

Mr. Speaker, outside of the active involvement of parents in their children's life and the education process, I think it is irrefutable that the best determination of how well a child is going to perform in our school system today is the quality of teachers that are in the classroom. They are doing remarkable work, even though more and more are being asked of them. I feel an important obligation that we as policymakers provide them with the tools and the resources they need to do their job better.

Many of the teachers have been contacting us as Members of Congress in light of the Elementary and Secondary Education Act, asking for additional funding or resources for ongoing training and professional development programs so that they can enhance their skills in working with our children. They are also calling for resources to reduce class sizes so that there is more individualized attention for the students and better safety in the classrooms and better discipline.

So I would encourage the policymakers to support the Elementary and Secondary Education Act and to thank the teachers who have made such a big difference in many of our lives and encourage the continued work that they are doing.

Mr. MARTINEZ. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I rise today to pay tribute to one of our Nation's most valuable resources, the dedicated men and women who serve as teachers. I know that dedication, because I have been married for 30 years to a high school algebra teacher. I come home at night in our district at 9:30 or 10:00 and exhausted, and she is still grading papers or inputting grades into the computer.

Our teachers are hard-working professionals who are on the front lines of our struggle to provide a quality education for every child in America. Day in and day out they work hard so that our children can be prepared for whatever they want to be in the future. Teacher appreciation week is our time to show the appreciation for teachers. I would like to say that we could do much better.

We should be able to put aside our differences and pass worthwhile legislation like H.R. 1196, which would repeal the 60-month limit on student loan interest deductibility and help relieve the burden of student loan debt for our teachers; H.R. 4555, the Teacher Technology Training Act, so that local money could be provided to train teachers in computer-related skills in the classroom; the School Construction Act to modernize our school facilities; and H.R. 1623, the Classroom Size Reduction and Teacher Quality Act.

Mr. Speaker, there are lots of things we can do outside of just recognizing our teachers this week.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HORN), a good friend and colleague and a former university president.

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today on National Teachers Day to pay tribute to America's teachers. Every day I can go through in my mind the teachers I had from first grade through the senior year of high school, not to mention the college teachers. I wish to give these men and women the honor and recognition that they deserve. I also wish to thank them for their service and their dedication to the Nation's young people.

Our educational system is only as good as the teachers in it. Every day, American teachers face a variety of challenges, including overcrowded classrooms, crumbling facilities, safety concerns and severely limited resources. Given the importance of education to our children's future, it is unacceptable that teachers should have to tolerate these conditions.

The best way I can think of to celebrate National Teachers Day is to enact educational reform to give teachers the resources and the flexibility that they so desperately need. Teachers make an invaluable contribution to the Nation and they deserve our gratitude. They touch our children's lives in countless ways and open up a world of possibilities to young people. For this reason, I am honored to support this resolution recognizing and thanking America's teachers.

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

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks on H. Res. 492.

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

There was no objection.

□ 1615

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. MARTINEZ). We have had the good fortune of working together during this Congress. It has been a real joy working together with him. I do not know how many other opportunities we will have, but I want to thank him and let him know that I really have appreciated working with him, and appreciate his friendship. He is a great man and he has done a lot for this country. He has been a great Congressman.

Mr. DINGELL. Mr. Speaker, today I praise one of the too often under appreciated professions in our society: teachers. In doing so, I would like to offer my sincere thanks for their often thankless, but noble efforts.

To quote Cicero, ''what nobler a profession, or more valuable to the state, than that of a man who instructs the rising generation.'' Teachers, next to parents, are the most influential people in the lives of our children. Like parents, they prepare students for the future. Teachers serve as role models, mentors, and friends. They strive to work with parents and guardians so that the full potential of each child may be realized.

Mr. Speaker, teaching has never been an easy job, and it hasn't gotten easier in recent years. Currently, the people to whom we entrust our children must teach in classes so large many of us would find it impossible to maintain order, let alone create an atmosphere that is conducive to learning. Many teachers must work in dilapidated buildings, where heating, plumbing and cooling systems are insufficient. At a time when many of us would find it impossible to function without a computer, teachers are confronted with the task of preparing kids to work in an increasingly technological society without the use of this most basic piece of equipment.

Not only do teachers deserve our thanks, they also deserve access to the best tools possible. Our nation's future is, after all, in their hands. We, in Congress, would be wise to enact a proposal similar to Vice President GORE's teacher assistance plan. We need to invest the necessary money to hire more teachers to reduce class sizes, modernize old schools and build new ones, and provide opportunities for teachers to get additional training so they can better prepare kids for the future. We must also draw educated and idealistic young men and women into teaching by providing student loan assistance to future teachers.

Many of my colleagues and our Nation's Governors, acting either in haste, desperation, or stupidity, have continually tried to undermine real education reform by grasping at ''revolutionary schemes'' such as vouchers, which have proved to be as destructive to public schools as well as ineffective in raising student performance. They have attempted to privatize public schools, where 90 percent of America's children are educated. In an attempt to highlight the problems faced by public schools, they have used teachers and schools alike as punching bags to further their own risky, underhanded schemes that only divert education money away from where it's most needed. I stand before you today to say we should not tolerate this rascality any longer. Our teachers, our kids, and our Nation's future deserve better.

Mr. Speaker, I am hopeful that we can all work together, write quality legislation, help our schools, and thank our teachers for their efforts by showing them we know how important educating our children—and their role in this mission—is to America's future.

Mr. COSTELLO. Mr. Speaker, I rise today in strong support of H. Res. 492, sense of the House in support of America's teachers.

America's teachers are one of our most valuable resources. Since coming to Congress I have worked hard to improve our schools by helping teachers in my district express their concerns and support legislation to promote the noble profession they have chosen. In fact, my wife, Georgia, is a principal at Central Junior High School in Belleville, IL. I am proud of her accomplishments with the hundreds of students she comes in contact with every day as well as all of the teachers in the 12th District of Illinois.

Mr. Speaker, as a parent and grandparent of school-age children I cannot think of a career more important than that of our Nation's teachers. Every day teachers are faced with numerous crises including nurturing children from broken homes, children facing the growing threat of youth violence in our schools, and school buildings that do not meet safety standards.

I applaud the countless generations of teachers for living up to the day to day challenge of preparing our children for the outside world. I urge all of my colleagues to join me in strong support of this resolution. Our teachers deserve this praise and recognition.

Mr. QUINN. Mr. Speaker, I rise in support of H. Res. 492, expressing the sense of the House of Representatives in support of America's teachers.

As a former high school English teacher, I am very familiar with the ability of teachers to have an impact on the lives of children. Teachers are some of the first role models many children have. They give us the tools to become well-rounded adults and upstanding citizens. Teachers are exceptional people who bring their love of learning and share their enthusiasm to work to share with their students everyday. Tirelessly, they impart their knowledge of any variety of subjects, from grammar to music to algebra. Inspired by the flicker of understanding in their students' eyes, they rely on the gratitude of their students and their families rather than on monetary rewards as their compensation.

Indeed, our teachers are our Nation's greatest resource. They build the foundation of knowledge in our future generations, which will one day not only rule the world, but fundamentally change it for the better. Teachers fundamentally mold the character of our Nation's future leaders. We should all take the time to stop and remember the important influence that our teachers had upon our lives. In fact, we should all make an effort to go back and thank our teachers, or even just a single teacher who may have had a special impact on our educational experience in order to say ''thank you.'' This is the greatest way that we can recognize our teachers and repay our gratitude for all that they shared with us.

Mr. PAUL. Mr. Speaker, I am pleased to support the resolution of the gentlewoman from Texas expressing Congress' appreciation for the valuable work of America's teachers. I would also like to take this opportunity to urge my colleagues to support two pieces of legislation I have introduced to get the government off the backs, and out of the pockets, of America's teachers. The first piece of legislation, H.R. 1706, prohibits the expenditure of federal funds for national teacher testing or certification. A national teacher test would force all teachers to be trained in accordance with federal standards, thus dramatically increasing the Department of Education's control over the teaching profession. Language banning federal funds for national teacher testing and national teacher certification has been included in both the House and Senate versions of the Elementary and Secondary Education Act (ESEA).

I have also introduced the Teacher Tax Cut Act (H.R. 937) which provides every teacher in America with a $1,000 tax credit. The Teacher Tax Cut Act thus increases teachers' salaries without raising federal expenditures. It lets

America's teachers know that the American people and the Congress respect their work. Finally, and perhaps most importantly, by raising teacher take-home pay, the Teacher Tax Cut Act encourages high-quality people to enter, and remain in, the teaching profession.

Mr. Speaker, these two bills send a strong signal to America's teachers that we in Congress are determined to encourage good people to enter and remain in the teaching profession and that we want teachers to be treated as professionals, not as Education Department functionaries. In conclusion, I urge my colleagues to vote for this resolution recognizing the hard work of America's teachers. I also urge they continue to stand up for those who have dedicated their lives to educating America's children by cosponsoring my legislation to prohibit the use of federal funds for national teacher testing and to give America's teachers a $1,000 tax credit.

Mr. UNDERWOOD. Mr. Speaker, I am thankful for the opportunity to speak in support of House Resolution 492. I would also like to take this opportunity to thank Representative KAY GRANGER of the 12th District of Texas for introducing this resolution which pays tribute to all teachers in the United States and aptly commemorates National Teachers Day, which we are celebrating today.

My family comes from a long line of teachers, my mother is a former teacher, I am a former teacher and academic vice president and my daughter is a teacher in my district in Guam. As a former educator, I well appreciate the challenges all teachers face. It is often said that teaching is a thankless job. Although, it is the case with most teachers to be overworked by the growing volume of students in classrooms and overwhelmed by the constant shortage of teachers entering the ranks of the teaching profession from year to year, the impacts they make in shaping our lives and our futures is enormous and immeasurable. I would like to take this time to commemorate the remarkable commitment and contributions teachers make to our lives and highlight the contributions of Guam's Teacher of the Year for 2000, Mr. Josh Ledbetter.

Mr. Ledbetter has come to teaching at a later period in his life than most rookies. Now at the young age of 49 and after many years serving our country in the U.S. Navy, followed by a brief career as a journalist, Mr. Ledbetter found teaching to be his calling. Mr. Ledbetter received his teaching degree from the University of Guam in 1993. Since then he has taught for nearly six years as a first grade teacher at the Maria Ulloa Elementary, the Harry S. Truman Elementary and before transferring to the brand new Machananao Elementary School in Guam.

Mr. Ledbetter is a testament to what it means to go the extra mile in the classroom. He brings constant innovation to teaching and emphasizes the need to bring relevance to his teaching. As a project, Mr. Ledbetter asked his students to bring in unneeded items from their homes. Students brought in an array of unneeded items including bottle caps buttons, plastic bread fasteners. Mr. Ledbetter incorporated these household materials to teach students concepts in mathematics through grouping the materials the students were so familiar with; first with a base of four, five, six, and then using a base of ten. The students became so comfortable with the idea of grouping that they had mastered the concepts before the time they reached the use of base ten.

Mr. Ledbetter has broadened his commitment to education through his participation in various organizations, including the International Reading Association, the University of Guam Language Arts Conference and Symposium, the National Council of Teachers of English and numerous other projects to the pursuit of education.

Mr. Ledbetter is currently pursuing his masters and doctorate degrees at the University of Guam and plans yet another career change, this time as a professor at the University of Guam's College of Education, teaching cadres of young adults about the importance of teaching. I wish him much success.

It gives me much pleasure to recognize and highlight the contributions that teachers like Josh Ledbetter make to our community. Mr. Speaker, I would like to thank all teachers for their constant contributions to instill and shape the lives of our children and our communities.

Mr. CROWLEY. Mr. Speaker, today, National Teacher's Day, we honor our nation's teachers and recognize the lasting contribution they make in our children's lives. Teachers are fundamental to the future successes of our children. They inspire our children to learn and instill them with the tools they need to be successful in their careers and in their lives.

People who enter the teaching profession don't do it for the money—they do it out of love. That love is reflected in the countless hours they spend outside the classroom, preparing lesson plans, being involved in extra curricular activities, and even buying supplies with their own money. Mr. Speaker, the average teacher spends $408 of his or her money each year to meet the needs of their students.

Let me tell you about the teachers we have in my district. They certainly don't teach for the money—in fact many salaries barely pay rent—but they are the most dedicated workforce I know.

I invited the Secretary of Education, Richard Riley, to my district to witness first hand the problems the schools in my district face with overcrowding. He visited on April 27, 2000, along with the new chancellor of the New York City Board of Education and we had a very informative and productive tour and meeting.

When deciding which school to highlight for Secretary Riley, I selected PS 19, which operates at 157% capacity, and is one of the most, if not the most, overcrowded elementary school in the City of New York.

I contacted the Principal at PS 19, Catherine Zarbis, who agreed to open up her school during their spring break, to show the Secretary and the Chancellor their overcrowded conditions and numerous portable classrooms.

When we visited the school the day before, we found many teachers there—on their spring break—cleaning their classrooms, making new room and hall decorations, and preparing lesson plans. These teacher came in, on their own free time, to clean the building and prepare for the Secretary's visit. In fact, everyone from the teachers to custodial staff to the security personnel pitched in for this event. I want to personally recognize everyone for their hard work: Principal Catherine Zarbis, Assistant Principal Roseann Napolitano, Assistant Principal Dina Erstejn; Mr. Miria Villegas, Mrs. Janina Juszczak; and Mrs. Kathleen Ktistakis, who is affectionately called Mrs. K by her students. The custodial staff: Mr. Thomas Zerella, the Custodial Engineer; Ms. Renee Rhein; Mr. William Bischoff; Mr. Fernando Seara; Mr. Louis Bischoff; Mr. Leonard Rooney; Mr. David Fasano; Mr. Wilmer Romero; Mr. Omar Yahia. And the parent volunteers: Mrs. Zoraya Torres; Mrs. Ana Hernandez; and Mrs. Julliana Bonetti. These educators truly represent what teachers really stand for and should serve as role models to us here in Congress as well as our children.

I urge my colleagues to put aside partisanship and help these teachers—reduce their class size average of 36, give them full classrooms, instead of converted closets, bathrooms, hallways, and attics. We need to pass substantial school construction legislaiton as well as class size reduction, implement after school programs, safe and drug free schools, and provide access to technology. Our teachers and our children deserve it.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the resolution, H. Res. 492.

The question was taken.

Mr. MCKEON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on four additional motions to suspend the rules on which the Chair has postponed further proceedings. Such votes will be taken immediately following this vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 149]

YEAS—422

| | | |
|---|---|---|
| Abercrombie | Bonior | Cox |
| Ackerman | Bono | Coyne |
| Aderholt | Borski | Cramer |
| Allen | Boswell | Crane |
| Andrews | Boucher | Crowley |
| Archer | Boyd | Cummings |
| Armey | Brady (PA) | Cunningham |
| Baca | Brady (TX) | Danner |
| Bachus | Brown (FL) | Davis (FL) |
| Baird | Brown (OH) | Davis (IL) |
| Baker | Bryant | Davis (VA) |
| Baldacci | Burr | Deal |
| Baldwin | Burton | DeFazio |
| Ballenger | Callahan | DeGette |
| Barcia | Calvert | Delahunt |
| Barr | Camp | DeLauro |
| Barrett (NE) | Canady | DeLay |
| Barrett (WI) | Cannon | DeMint |
| Bartlett | Capps | Deutsch |
| Barton | Capuano | Diaz-Balart |
| Bass | Cardin | Dickey |
| Bateman | Carson | Dicks |
| Becerra | Castle | Dingell |
| Bentsen | Chabot | Dixon |
| Bereuter | Chambliss | Doggett |
| Berkley | Chenoweth-Hage | Dooley |
| Berman | Clay | Doolittle |
| Berry | Clayton | Doyle |
| Biggert | Clement | Dreier |
| Bilbray | Clyburn | Duncan |
| Bilirakis | Coble | Dunn |
| Bishop | Coburn | Edwards |
| Blagojevich | Collins | Ehlers |
| Bliley | Combest | Ehrlich |
| Blumenauer | Condit | Emerson |
| Blunt | Conyers | Engel |
| Boehlert | Cook | English |
| Boehner | Cooksey | Eshoo |
| Bonilla | Costello | Etheridge |

Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—12

Buyer
Campbell
Cubin
Gephardt
Kuykendall
Lucas (OK)
McCollum
McIntosh
Moakley
Payne
Wise
Young (FL)

□ 1638

So (two-thirds of those present having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3293, by the yeas and nays;
H.R. 4386, by the yeas and nays;
H.R. 4365, by the yeas and nays;
H.R. 3313, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each electronic vote after the first such vote in this series.

## PLAQUE TO HONOR VIETNAM VETERANS WHO DIED AS A RESULT OF SERVICE IN THE VIETNAM WAR

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3293, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and pass the bill, H.R. 3293, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 150]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman

Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—13

Buyer
Campbell
Cooksey
Cubin
Gephardt
Kuykendall
Lucas (OK)
McCollum
McIntosh
Moakley
Payne
Wise
Young (FL)

☐ 1646

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT OF 2000

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of suspending the rules and passing the bill, H.R. 4386, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. LAZIO) that the House suspend the rules and pass the bill, H.R. 4386, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 1, not voting 12, as follows:

[Roll No. 151]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Sanford

NOT VOTING—12

Buyer
Campbell
Cubin
Gephardt
Kuykendall
Lucas (OK)
McCollum
McIntosh
Moakley
Payne
Wise
Young (FL)

☐ 1656

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CHILDREN'S HEALTH ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4365, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 4365, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 2, not voting 13, as follows:

[Roll No. 152]

YEAS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett

Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Paul
Sanford

NOT VOTING—13

Burton
Buyer
Campbell
Cubin
Gephardt
Kuykendall
Lucas (OK)
McCollum
McIntosh
Moakley
Payne
Wise
Young (FL)

□ 1705

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## LONG ISLAND SOUND RESTORATION ACT

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of suspending the rules and passing the bill, H.R. 3313, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3313, as amended, on which the yeas and nays were ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 29, not voting 14, as follows:

[Roll No. 153]

YEAS—391

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—29

Ballenger
Brady (TX)
Chabot
Chenoweth-Hage
Coble
Coburn
Collins
Crane
Davis (VA)
Doolittle
Duncan
Everett
Herger
Hostettler
Johnson, Sam
Jones (NC)
Largent
Paul

| | | |
|---|---|---|
| Royce | Sensenbrenner | Stump |
| Salmon | Shadegg | Taylor (NC) |
| Sanford | Smith (MI) | Tiahrt |
| Schaffer | Stearns | |

NOT VOTING—14

| | | |
|---|---|---|
| Burton | Hayworth | Moakley |
| Buyer | Kuykendall | Payne |
| Campbell | Lucas (OK) | Wise |
| Cubin | McCollum | Young (FL) |
| Gephardt | McIntosh | |

□ 1715

Mr. DUNCAN changed his vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, on rollcall No. 152 and rollcall No. 153, I was unavoidably detained. Had I been here I would have voted ''yea'' on both.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3308

Mr. LARGENT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3308.

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

There was no objection.

## SPECIAL ORDERS

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

## EDDIE MAE STEWARD POST OFFICE BUILDING

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

Ms. BROWN of Florida. Mr. Speaker, it is with great pleasure and a mix of sadness that I come to the floor today to speak on the designation of the post office located at 1601–1 Main Street in Jacksonville, Florida, as the Eddie Mae Steward Post Office Building.

I am saddened because of the untimely passing of Eddie Mae Steward as a result of heart disease and the sense of emptiness it imposed on her friends in the community and her family.

In Jacksonville, Florida, she is best known as a mother, a friend, a leader, a fighter, and an activist. But, most important, she is known as one who would never shy away from a fight against social injustice.

Eddie Mae Steward single-handedly led the fight for desegregation of the Duval County school system, initiating the lawsuit that led to the court ordered desegregation of the school system. She was a tireless advocate for most of our citizens and, in particular, our children.

Much like Dr. King and other leaders of the Civil Rights era, she too was labeled as a troublemaker and paid dearly for her activities.

Eddie Mae Steward spoke out in 1967 about the school board's decision to send 268 African American children to a condemned, run-down building. Mrs. Steward served on the board for the northeast Florida Community Action Agency and was a member of the State Housing Council and State Bi-racial Monitoring Committee for Higher Education. She also served on numerous community-oriented groups.

True to Mrs. Steward's character, her neighbors said of her, ''If there were more people like her, we would have a better community.'' She was a woman of unquestionable integrity who believed in equal justice and equal opportunity.

Eddie Mae Steward's passing is Jacksonville's loss, which is why I am delighted to honor her memory by designating the post office in her name.

Mr. Speaker, I ask that the Florida Delegation support this effort by signing on to my letter, which I will begin circulating early next week.

## HONORING AMERICA'S TEACHERS

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

Mr. METCALF. Mr. Speaker, I rise today to honor our Nation's teachers. I would like to thank our teachers for their dedication and inspiration. Through their hard work and caring attitude, our teachers play a vital role in ensuring that our students have the opportunity to become life-long learners and real contributors to society.

I was a teacher for 30 years, and I understand the importance of a good education and the foundation it builds for our youth.

Our schools, both public and private, must establish curricula designed to challenge students and reward classroom successes. American students, parents, and teachers must strive to maintain the highest level of quality in the field of education.

Currently, it takes about 18,000 Federal and State employees to manage 780 Federal education programs in 39 Federal agencies, boards, and commissions. It is, therefore, not surprising that only 70 cents per Federal dollar makes it directly to the classroom and that teachers complain of excessive paperwork burdens.

We can do better. Congress needs to pass the Dollars to the Classroom legislation and consolidate the Federal K–12 programs and regulations. Congress needs to require that 95 percent of the Federal funds are directed to the Nation's classrooms.

According to the Digest of Education Statistics, 74 percent of teachers claim they spend too much time on administrative tasks. That is why I voted for the Education Flexibility Partnership Act, which, hopefully, allows schools and school districts more flexibility to spend education dollars as determined by the local school board.

Instead of meeting burdensome Federal and State regulations, school districts should be able to focus more effort on teaching students. This regulatory relief will help schools reduce paperwork, decrease administrative costs, and, most importantly, improve student achievement. Teachers should be teaching our children, not filling out unnecessary paperwork.

In addition, I would encourage everyone to take a moment out of their busy lives and say thank you to our Nation's teachers.

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

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. WELDON of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. MILLER of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## LET US BEGIN ANEW THE WAR AGAINST CANCER

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

Mr. HORN. Mr. Speaker, in 1990, Congress passed and President Bush signed into law the Breast and Cervical Cancer Mortality Prevention Act, creating the National Breast and Cervical Cancer Early Detection Program.

This program allows States to work with the Center for Disease Control and Prevention to provide screening services for breast and cervical cancer for low-income or health insurance for uninsured women.

Unfortunately, this legislation did not provide for access to treatment once a woman screened through the program was diagnosed with this devastating breast and cervical cancer. What a heartbreaking irony.

Common sense tells us there are two steps to fighting breast cancer: detection and treatment.

The Breast and Cervical Cancer Prevention and Treatment Act of 2000 will fill the critical void left by the 1990 law. This bill will provide Medicaid coverage to uninsured women who have been screened and diagnosed with breast cancer through the Center for Disease Control Program.

As Mother's Day approaches, passage of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 is a fitting tribute to all our mothers, sisters, wives, and daughters.

As a cosponsor of this legislation and a long-time supporter of breast cancer research, I am so delighted to lend my support to this important bill. I encourage all of my colleagues to do the same.

## SOCIAL SECURITY SURPLUS

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

Mr. SMITH of Michigan. Mr. Speaker, on the issue of Social Security, on the issue of total public debt, it has been suggested by Vice President Gore that we start using the surplus coming in from Social Security and borrowing that money to pay down what is called the debt held by the public.

Just for a brief review, we now owe about $5.7 trillion total debt. That includes what I call the Wall Street debt, the debt held by the public, at about $3.7 trillion dollars. It includes what we owe Social Security at approximately $1 trillion and what we owe the other trust fund at approximately $1.1 trillion.

The suggestion is that if we use the surplus coming in from Social Security and pay down the Wall Street debt, the debt held by the public, then the savings in interest, which represents about 15 percent of our budget now, pretty bad, we should pay down that debt, using all of that savings to apply to the Social Security Trust Fund so it becomes another giant IOU of a future promise that somehow the Federal Government will come up with the money, but it is sort of like taking one credit card and paying off another credit card because we still owe the money to Social Security.

The suggestion by the Clinton-Gore administration and by Republicans and Democrats is that if we use all these funds by the year 2013 or 2014, we will have paid down that portion of the debt held by the public, the $3.6 trillion. That sounds good.

But what happens if we do nothing to take care of the long-term problem of Social Security? That debt starts to go back up again. So the paying off is just a blip. Because when the baby-boomers retire, they go out of the paying-in mode and go into the taking-out mode to take Social Security benefits. We change from a dramatic situation of no longer will Social Security taxes be enough to pay existing benefits. So we have a cash flow problem.

Currently, in this country, our total debt represents 35 percent of gross domestic product. By 2013, if we use all of the money to pay it back, then it gets to zero on the debt that we owe the public. But eventually that goes back up to 65 percent if we borrow the money to pay the benefits that we have promised Social Security.

Let me review this chart, sort of a Federal Government spending. The pie chart represents where the Federal budget is being spent this year. Starting at the bottom at 6 o'clock, Social Security is 20 percent. Going clockwise, another entitlement, Medicare, is 11 percent. Medicare eventually, in the next 25 years, will over take Social Security as a cost.

□ 1730

We have Medicaid, the health care program for low-income. The other entitlements represent 14 percent. Domestic discretionary spending represents 19 percent. Defense represents 17 percent; interest, 13 percent of the total budget. Social Security is the biggest program. It is the biggest program in this country. It is the biggest program of any country in the world. And it has been quite successful, so it deserves our attention this presidential election year. So let the debate begin. Let us start talking about it. Let us increase our understanding of the predicament, of the problem, of the estimate by the Social Security Administration actuaries that Social Security is going broke.

Here is why. We have a current surplus coming in from the Social Security tax. The actuaries estimate that somewhere between 2011 and 2014, the cash flow problem will hit us and we go into the red. The red represents that we are going to have to come up with that money. Through cutting other government programs? I doubt it. Increasing taxes? It is going to be hard for politicians to do that. Increased borrowing? Probably the majority of this body, Republicans and Democrats, will say, ''Well, let's borrow the money because you can't see that as evidently what we are running as far as a debt that we are leaving to our kids and grandkids.''

I am a farmer. I am from a farm. What we grew up doing is saying, we are going to try to pay down the mortgage so that there is a lesser obligation for our kids and grandkids. What we are doing in the Federal Government by not dealing with this problem of Social Security and Medicare entitlements is we are increasing the burden, increasing the mortgage for them to pay in their future years. It is not fair. Let us discuss and debate it this election year.

## TRADE WITH CHINA

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 60 minutes as the designee of the minority leader.

Mr. PASCRELL. Mr. Speaker, in the next hour, many of us in the Congress will lay out what our position is on the China trade vote, which is to come up in a very short period of time.

The time has arrived for a vote on what is now commonly referred to as permanent normal trade relations, or PNTR, for China. We used to call this MFN, or most-favored-nation status. I suppose the proponents thought PNTR sounded kinder and gentler. But bad policy is bad policy, no matter what we call it. So here we are again. This year, the vote is a little different. If annual NTR was not bad enough, this year we are going to vote for permanent NTR status for China. Our argument is not and should not be with the Chinese people. This vote is not a referendum on the 1 billion people who are forced to live under Communist tyranny. This argument is about America's relationship with the Chinese government.

What has the Chinese government done to deserve PNTR? They have not improved the living conditions of their people as China is one of the worst offenders of human rights in the world. China is a country that does not tolerate political dissent or free speech. In the New York Times this past Monday, we see story upon story. This government uses executions and torture to maintain order, to persecute religious minorities, and to violate workers' rights. The State Department report on human rights practices in China is filled with atrocities. Our trade with China has increased, and yet human rights practices are getting worse.

Some feel that American jobs will be lost if PNTR is not passed. The growth in exports would generate 325,000 new jobs. This will not match the over 1 million jobs lost in the United States due to rising imports from the low wages in China. This is a net loss of an additional 817,000 jobs, on top of the 880,000 jobs already lost due to our current trade deficit with China. How can we do something so great in raising the minimum wage for our workers, for our families, and in the next breath give first-class treatment to a nation that features slave labor prison camps as part of its manufacturing community?

And have they made strides to make our trading privileges reciprocal? Has our trade deficit decreased? No, it is now $68.7 billion and climbing, an increase of 14.6 percent, a 6 to 1 ratio of imports to exports, the most unbalanced relationship we have had in trade in United States history. But I do not see the infrastructure in China to accept any substantial amount of American merchandise. Who, making 13 cents an hour, can afford to buy an automobile? Why would the Chinese government purchase American software for their computers when they already run pirated versions of our own software?

We have seen the failure of NAFTA to improve the living conditions in

Mexico. This deal is not any different. Maybe China has acted favorably with regards to weapons proliferation. Let us look there. No, they have failed on that front as well. The People's Republic of China refused to join the Missile Technology Control Regime, despite President Clinton's offer in 1998 to support full participation. China is the only major nuclear supplier to shun the 35-nation nuclear suppliers group that requires full scope safeguards. They rejected entry into MTCR as well as NSG.

And the administration's reaction is to bring up this final vote? Is this our response? It simply does not make sense. This vote determines the message we are going to send to the Communist government in China. Are we going to vote to give permanent most-favored-nation status to China, thereby giving tacit approval to the Chinese government's practices and policies? Would that really be the normal thing for us to do? Or can we make a stand for a change here and now?

Let us have a novel idea. Let us say, no, your policies are not acceptable to the people of the United States. Our workers, our clergy, our families say no. This is not a government in China that we have been able to trust. They have broken every commitment they have made with the United States of America. It has broken every trade agreement it has signed with the United States over the past 10 years. This year will not be any different. I see no reason to end our annual renewal at this juncture in time. We should not vote to rubber-stamp a failed trading arrangement into infinity. That fails our people and it is wrong. Trade rights should be a privilege to be earned, not a right merely handed out.

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

Ms. WOOLSEY. I thank the gentleman from New Jersey (Mr. PASCRELL) for yielding.

Mr. Speaker, I am outraged that we are less than 2 weeks from a vote that will ask Congress to permanently give up our economic trade leverage with China, permanently, not year by year but permanently. Considering China's abysmal record regarding previous trade agreements, it makes no sense for Congress to give up our annual review of China as a trading partner.

The question becomes simple, it becomes straightforward; namely, why should we reward China for its terrible record of violating past trade commitments with a permanent special trade status? Why? Some Members of the House will argue that trade with China will put an end to these past abuses as well as bolster the U.S. economy. They are wrong on both counts. Trade is beneficial only if it is a two-way street. But right now, there is no way that we can characterize our trading relationship with China as reciprocal.

It is a fact that we have a trade deficit with China in the billions of dollars. Furthermore, the economic benefit of trading with a repressive nation is negligible when we consider how workers are treated, especially child workers in China. China workers are being exploited in order for the United States to receive benefit, benefit from low pay, benefit from no workers' rights, benefit from outrageous human rights practices.

Some of my colleagues will go even further and argue that China has made progress in many areas over the last few years. But when I see harassment of religious leaders, the sale of weapons technology to rogue states, imprisonment of students and those who dare to speak their minds, I have to ask, is that progress? And, of course, the answer is no, that is not progress. Congress cannot be fooled. We must not be fooled into thinking that the same failed policy of economic engagement would be different this time around, particularly if the agreement is permanent.

It is very much like thinking you have fallen in love with somebody who has a lot of faults and saying, I am going to marry this guy, and then I am going to change him. That does not work, and we know it. It is long overdue for U.S. trade policy to address human rights and workers' rights, not only with China but with all of our trade partners and with all of our trade negotiations. Trade cannot be free, it cannot be fair when there is no freedom and no fairness for the citizens of the country involved. Yet year after year our policy of granting special trade status to China has not resulted in improved human rights.

As it stands now, this trade deal does not address China's horrendous record of failure to abide by internationally recognized human rights and workers' rights. And how long are we going to ignore China's continuing policy of forced child labor? Child labor is known to be concentrated in China's southern coastal cities. It is estimated that hundreds of thousands of children migrate with their parents from rural areas to this export processing area to engage in income-earning activities. The conditions these children work under are horrific.

For example, we are familiar with the scenarios like the Nike company negotiating a deal with a sweatshop in China to pay teenage girls 16 cents an hour to make gym shoes that sell here in our country for $120 a pair. However, reports often overlook other foreign-invested textile enterprises like the one in Guang Dong that employed 400 rural migrants. 160 of these were child workers. At this plant, a 14-year-old girl, exhausted from working 18 hours a day, fainted. As she fell, her hair was pulled into a machine and she died on the spot.

These worker abuses are not limited, though, to just the large multinational corporations. In December of 1994, China Women's News reported on a brick shop owner in Henan Province using forced child labor. The children had to carry bricks for over 10 hours each day and were fed only melon soup.

□ 1745

Here, more than 40 workers shared a makeshift hut. Moreover, they were not given one cent of the wages they had been promised.

The contractor employed guards to keep watch on them 24 hours a day, and on August 13, 1994, the workers started a fight as a distraction so that two children could escape and report the case to the public security bureau. When the police arrived, more than 100 child workers were found in the brick shop.

While arrests were made for this one incident, no further information is available on follow-up activities or punishment of the forced labor violations.

These examples highlight serious reasons that we cannot give up our annual review of China. Why should we tempt our own corporations to shift appropriation to China where labor is undeniably cheaper, where there is less oversight on working conditions, and where those who disagree have no right to organize against their oppressors. Chinese workers, especially forced child laborers, have no power to speak out for a better deal, no right to organize, no right to basic dignity. There is little hope for improvement unless we as a Nation are courageous enough to take a stand and say, we do not support it.

An annual review of China's trade status is our only leverage to pressure China to make progress on worker and human rights. Like many others throughout the country, my constituents in Marin and Sanoma Counties support free trade, but they overwhelmingly want the United States to engage in responsible trade policy. Free and fair trade is important, but they do not feel it is more important than freedom of worship, freedom of speech, freedom to vote, or freedom to enjoy the most basic of human rights, including the rights of workers.

The United States is already China's best customer. We buy all their stuff. I do not believe we need to give China authorities another economic incentive to change by granting permanent Most Favored Nation status. Instead, if we use our economic clout, if we have the courage to leverage our economic strength for real reform, we will give the people of China a chance to help themselves. When China starts to live up to its agreements, when it starts to demonstrate a real commitment to human rights, only then should we consider granting permanent trading status to China.

Mr. Speaker, I yield back to the gentleman from New Jersey.

Mr. PASCRELL. Mr. Speaker, I want to thank the gentlewoman. I yield to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from New Jersey for granting me this time.

Mr. Speaker, in the modern world today, we see a world where multinational corporations controlling billions of dollars can, with the tap of the mouse, in a short e-mail, move manufacturing plants, facilities and capital from one country to another in the never-ending pursuit of higher profits. Untold numbers of American workers have had their lives disrupted like chess pieces on a chess board. Day after day, night after night, the evening news and Wall Street economists trumpet our economic prosperity in the 1990s. We see record corporate profits drive the stock market to all-time highs, and an elite group of shareholders partaking in the profits.

Unfortunately, they do not normally talk about the real lives and real people hidden behind the rosy statistics of economic growth. Real people who are coming to the conclusion that unfortunately, the American dream may be just a dream in reality. They do not talk about a Nation where working families pay more and more taxes and big business pays less and less. They do not talk about stacked wages that have plagued the American middle class for well over a decade.

They do not talk about big business and the 111,000 layoffs in 1998 that jumped 600 percent to a record 677,795 layoffs in 1998. That is 600 percent in less than 10 years to 677,795 layoffs in 1998 alone. They do not talk about the $68 billion trade deficit with China. They do not talk about the 2.6 million manufacturing jobs sucked away by our growing trade deficit in the last 20 years alone. That is 2.6 million manufacturing jobs. They do not talk about the subjugation of public values and even patriotism to the continual pursuit of potential profits.

Mr. Speaker, there are a lot of things Wall Street does not want to talk about, and there are a lot of things they do not want American working families to know. So they only tell us what they want us to hear. We hear about how free trade and free markets are such wonderful things, that we need to give PNTR to China for us to continue our robust economic growth. But contrary to the elitist proclamation of the high priests of free trade, free trade will not save the world and it certainly is not going to save the surging U.S. trade deficit.

Mr. Speaker, giving China PNTR will only make a bad situation even worse. We already have an unfair trading relationship. On average, we only apply a 2 percent tariff on Chinese products. China turns around and slaps a 17 percent tariff on U.S. products, even after the U.S. and China had an agreement back in 1992 where China promised to remove major market barriers to U.S. products. China broke that promise. Again I say, China broke that promise.

So what is to say that China will not break the one brokered and agreed to last year? What is to say that China, after agreeing to certain concessions in return for the Clinton administration's support for China's acceptance by WTO will not turn around and break the agreement once again? The Chinese leaders in Beijing did it at least once before and, in my opinion, they will certainly do it again.

Mr. Speaker, make no mistake about it. China is still a totalitarian regime run by a single party, the Chinese Communist party, and it is a party that is intent on keeping its grip on power.

We did not give PNTR to the Soviet Union when it was a Communist dictatorship. We did not give it to Cuba. We did not give it to North Korea. We did not give it to Libya. Why should we treat China any differently? The answer is quite simple: We should not.

Mr. Speaker, PNTR comes to a vote before this body next week. I urge all of my colleagues to think about this and how this trade deal could possibly benefit American workers, or, for that matter, workers across this world. Really, that is the simple question: does this benefit working men and women in this country or around the world? The very simple, direct answer is no, and that is the way we should vote on this piece of legislation.

Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. PASCRELL. Mr. Speaker, I thank the gentleman. I yield to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me this time. I want to congratulate him and my friend from Illinois (Mr. LIPINSKI) for an outstanding statement. I think the gentleman from Illinois has got this right on the money. He understands completely what is happening here, as does the gentlewoman from California (Ms. WOOLSEY) and others.

What we are here tonight to discuss the issue of trade with China and Most Favored Nation status, but also to focus in on the question of human rights and how that is important in our talks and negotiations in our relationships with other nations.

Let me just say at the outset and reiterate what my friend from New Jersey has said. The Chinese government is a brutal, authoritarian, police State. If someone opposes the government on religious grounds, on trade unionist grounds, on democratization, political democratization grounds, that someone will end up in jail. It is as simple and as painful and as stark as that. The jails in China are filled with people who dared to try to express themselves religiously. Catholics, Buddhists, Protestants, Muslims, all languishing in jail because they dare practice their religion. We have had Catholic archbishops languish in jail in China for 30 years, and that repression continues today.

The New York Times yesterday wrote something about China cracking down on liberal intellectuals, and they said, and I quote, ''China's leaders are trying to rein in a growing and increasingly assertive liberal intellectual movement, criticizing prominent academics and authors in speeches, forbidding newspapers from running their articles, and punishing or shutting down publishers who have brought out their work.

''Despite his western-leaning, economics President Jiang Zemin has, in the last year, constantly reiterated the importance of standing fast by Communist idealogy.''

The New York Times goes on to say, ''In the last few months, those admonitions have led to a series of punitive actions against writers perceived as straying too far in a liberal or reformist direction.''

Liberal intellectuals have been criticized. Publishing houses have been shut down. Academics have been fired. Newspaper editors have been fired.

This is the latest in a long series of crackdowns the regime in Beijing has undertaken to suppress dissent, stifle democracy activists, and maintain absolute and maximum control.

Mr. Speaker, the U.S. Commission on Religious Freedom last week, the Commission on Religious Freedom issued their annual report. The Commission, I would tell my colleagues, is an independent group. Seven of its 9 members were appointed by supporters of permanent Most Favored Nation status for China. The Commission opposes permanent MFN for China without substantial human rights improvements. Rabbi David Saperstein, a highly respected religious leader, is the chairman of the Commission.

Experts from the Commission's findings and recommendations are, and I quote, ''Chinese government violations of religious freedom increased markedly during the past year. Roman Catholics and Protestant underground 'house churches' suffered increased repression; the crackdown included the arrests of bishops, priests, and pastors, one of whom was found dead in the street soon afterward. Several Catholic bishops were ordained by the government without the Vatican's participation or approval.

''The repression of Tibetan Buddhists expanded; government authorities in Tibet, in defiance of the Dalai Lama, named Reting Lama. Another important religious leader, the Karmapa Lama, fled to India.

''Muslim Uighurs, having turned increasingly to Islamic institutions for leadership in recent years, faced heightened repression of their religious and other human rights, as they responded to a deliberate government campaign to move Han Chinese into the region in order to out-populate the Uighurs, the Muslims, in their own land.''

□ 1800

While many on the Commission support free trade, the Commission believes that the United States Congress should grant China permanent normal trade relations status only after China makes substantial improvements in respect for religious freedom.

Michael Young of George Washington University Law School, who described himself as a passionate believer in free trade, said, ''The extraordinary deterioration of religious freedom in China is close to unprecedented since the days of Mao.'' Mr. Young cited cases of women beaten to death by police for trying to practice their religion.

The conditions the Commission has laid out are reasonable, and they include the following:

Require China to provide unhindered access to religious leaders, including those in prison, detained, or under house arrest in China;

Release from prison all religious prisoners in China;

Require China to ratify the International Convention of Civil and Political Rights.

If we look at our own State Department country reports on human rights practices, they state in their latest report that China's ''poor human rights record deteriorated markedly throughout the year, as the government intensified efforts to suppress dissent, particularly organized dissent . . . The government continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms.''

Permanent MFN supporters claim that the Internet and technology will unshackle the Chinese people, but the record shows the opposite has happened. According to the State Department, authorities have blocked at various times politically sensitive websites, including those of dissident groups and some major foreign news organizations such as Voice of America, the Washington Post, the New York Times, and the British Broadcasting System.

The news is also not good for workers in China. They pay workers in manufacturing in China a miserable 13 cents an hour. We have heard about the sweatshops and we have heard about the child labor. We have heard about the beatings of women in the workplace, as the gentlewoman from California (Ms. WOOLSEY) so eloquently demonstrated for us just a few minutes ago on the floor.

If you are a worker and you stand up for workers organizing for workers' rights or for better wages, if you stand up for workers, you are going to end up in jail. ''The government continued to tightly restrict worker rights, and forced labor in prison facilities remains a serious problem,'' said the State Department in the report.

For instance, there is the case of Guo Yunqiao, who led a protest march of 10,000 workers to local government offices following the 1989 massacre. He is currently serving for that act a term of life in prison on charges of hooliganism for leading a protest.

In the case of Guo Qiqing, who was detained in Shayang County on charges of disrupting public order, he had organized a sit-in to demand money owed to the workers.

There is the case of Hu Shigen, an activist with the Federal Labour Union in China, who is imprisoned in Number 2 prison in Beijing and has 12 years remaining on his sentence. Mr. Hu is seriously ill and has been charged with ''counter-revolutionary crimes.''

The list goes on and on and on. I think people get the point. What is going on in China is a brutal, suppressive military police state. It is simply that. For us to reward them for this behavior after they have been put on notice by their own people and by the world community year after year after year sends the complete opposite message of that which we should be sending to the Chinese government.

It is ironic to me that governments now who operate in a suppressive manner seem to be the governments in the world who are receiving, in many instances, the open arms of capitalists, free enterprise, free markets.

The argument the other side makes is, well, the free market will lead to economic, democratic, political reforms, and religious reforms. The reality is just the opposite. I do not think a lot of my friends have read Orwell. They could use this technology to suppress as well as they could to open up.

The fact of the matter is that the Chinese have and still are suppressing their people on religious, trade unionist, and political grounds. So it is very clear to me that what we have here is a situation that needs our most fervent attention. We need to be standing up for Wei Jingsheng and for Harry Wu, who spent countless years in jail fighting for the right for their own people to speak on a political, an economic, and on religious grounds that they cannot do today. I want to be associated with those people.

People say, well, the market opened up America. A market did not open up America. The United States of America and the reforms that we have here, the political process that we have here, the right to practice our religion, the right of trade unionists to organize, collectively bargain, fight for a decent wage, a better living standard, a better pension, all the things that we have today, those did not come from the free market, they come from people who challenged the free market, who marched, who demonstrated, who were beaten, who went to jail, and some even died in order that people would have the right to vote, in order that people could form political parties, in order that people could make a decent wage and have a pension and have health care and have education for their kids.

That came at a terrible price, but it was a price they felt worth paying, and it is a price that all of us have benefited from for the last 100 years in this country.

That same dynamic is going on in the developing world and it is going on in China today. The question we have to ask ourselves, is who are we going to associate ourselves with? Who are we going to stand with? Whose side are we on? Are we on the side of those who are struggling for these basic decent human freedoms that were struggled and fought for in our country, or are we going to be on the side of the free market unfettered capitalist approach that has not worked in opening up a society and providing these freedoms, and that will not work unless it is tempered with some basic human decency and dignity?

I suggest that the American people overwhelmingly choose the side that we represent and are on today. So I just want to commend my colleagues, the gentleman from Ohio (Mr. BROWN), and my other colleague who has been the champion of this issue, the gentlewoman from California (Ms. PELOSI) for their passion on this issue and for standing up.

The gentleman from Ohio (Mr. BROWN) has talked quite well and quite eloquently in the past about this dynamic of multinational corporations moving in to nations that restrict these basic freedoms because that will give them a free hand, free leverage in which to maximize their profits. That is exactly what is going on with globalization.

Unless we take on this issue of globalization in a humane, decent way, open it up, give seats at the decision-making table to those who represent labor and the environment and human rights, we will continue on this path of oppression and we will be a weaker Nation as a result of that in more than just a material way; we will be weaker in terms of our moral standing within our community, and we will betray the basic tenets of our Founding Fathers and the grandparents and ancestors who fought for these liberties that the Chinese dissidents are so valiantly struggling for today.

I thank my colleague. I appreciate his time for coming down and speaking on this issue. I know my friend, the gentleman from Ohio (Mr. BROWN) has similar thoughts on this issue. I would love to hear from him.

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Michigan, and I thank him for his leadership, as well.

I yield to my good friend, the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from New Jersey for his leadership on this issue in organizing this special order, and special thanks to my friend, the gentlewoman from California (Ms. PELOSI) for her leadership and good will and good work on this, and the gentleman from Michigan (Mr. BONIOR), who has been fighting the right fight on trade issues, unfair trade issues, for at least this whole decade.

The gentleman from Michigan (Mr. BONIOR) stood in this hall with me and several others, but he was here night after night during the debate on the North American Free Trade Agreement

in opposition to it, and what he predicted and what he projected absolutely, unfortunately, has come true in relations with that country and our trading partners that way. The gentleman from Michigan (Mr. BONIOR) has a perfect understanding of what is happening with globalization.

As we walk the halls in this job and go back and forth between committee hearings and meetings in our office and the House floor, we have seen more CEOs of America's largest corporations walking the halls than at any time of the year. Every time we vote on China trade relations, there are more corporate jets at National Airport, more CEOs walking the halls of this Congress.

When one of them stops and talks to us, they invariably say that engagement with China will mean more democracy with China; that as we go to China, as we trade and engage with them more, as we sell them more and buy more from them, that democracy will be able to flourish in China.

They have been telling us that for 10 years, when our trade deficit with China in 1989 was $100 million, million with an M, and today that trade deficit with China with this engagement that we have undertaken with the Chinese, our trade deficit now is $70 billion with a B, $70 billion. But they continue to tell us over and over, let us do more of this with China, more engagement, more trade, and things in China will get better.

They tell us that there are 1.2 billion potential consumers in China. What they do not tell us is their interest is that China has 1.2 billion potential workers for those American corporations and other western companies that invest in China and sell products back to the United States.

The real question on globalization and democratization, perceived democratization, predicted democratization of developing countries like China, the real issue boils down to this: that as we have engaged more with developing countries, as investors have gone into developing countries, western investment has shifted from those developing countries that are democracies to those developing countries that are authoritarian governments.

We see fewer investment dollars going to India, a democracy, the world's largest democracy, and more investment dollars going to China. We see fewer investment dollars, relatively, going to Taiwan and South Korea, democracies, and more investment dollars going to countries like Indonesia, authoritarian governments.

In the postwar decade the share of developing country exports to the United States for democratic nations fell from 53 percent to 34 period. In other words, corporations want to do business with countries with docile work forces, with countries where people earn below poverty wages, in countries where people are not allowed to organize and bargain collectively, in countries that pay 25 cents an hour. They have been moving away from democracies into authoritarian countries.

In manufacturing goods, developing democracies' share of exports fell 21 percentage points, from 56 percent to 35 percent. Again, corporations, Western investors, are choosing to move away from democracies in their investments, developing democracies, and going to developing authoritarian countries, because U.S. investors like the idea of a docile work force, like the idea of workers that cannot talk back, like the idea of workers with low wages, like the idea of investing in countries where the government is not free, where workers simply do what they are told.

In example after example, we can see investment moving from those democracies to countries like China. China has certainly been the largest one where that has happened.

Again, these CEOs that roam the halls of Congress these days and tell us that if we engage with China it will mean more democracy in China, these same CEOs will have us believe that their interest in China, their going to China, will cause this blossoming of democracy, this blooming of democracy in China.

But look who the major players in Communist China today are, those people who are the major decision-makers in the direction that Chinese society goes: the Communist Party of China; the People's Liberation Army in China, which controls many of the businesses that export to the United States; and Western investors.

Which of those three entities, the Communist Party, the People's Liberation Army, or large Western companies, multinational companies, which of those three groups want to empower workers? Which of those three groups want to pay higher wages? Which of those three groups want more democracy in China? Which of those three groups want to change markedly Chinese society?

I submit, Mr. Speaker, that none of these three groups want to see change in these societies. That is why Western investment finds its way into countries like China, rather than a country like India.

If American business investors in China and around the world really want a democracy, they would not be going to China. They would not be taking development dollars out of democratic countries and putting them in authoritarian states. That is why the argument they make, that engagement with China will mean a more democratic world and a more prosperous and democratic China, is absolutely bogus.

Mr. Speaker, we as a Nation, we as a Nation have no business rewarding investors that go to countries like China instead of countries like India. We have no business taking sides in that sense by rewarding those countries and those investors whose values run very different from ours, run counter to ours.

In this country, in this Congress, we believe in democracy, we believe in free markets, we believe in people being able to move from one job to another, we believe in people being organized and bargaining collectively. We believe in the kind of democratic values that made this country great.

Our passing PNTR is going to mean more of the same in China: more repression, more oppression from the government, a government that resists democracy because they have the power to.

We will be making those same entities, the Communist party, the People's Liberation Army of China, much more powerful if we continue to pour monies in and give them most-favored-nation status.

□ 1815

So, Mr. Speaker, I would again thank the gentleman from New Jersey (Mr. PASCRELL) for this time. I congratulate the gentlewoman from California (Ms. PELOSI) for the good work she does, and urge my colleagues to vote no on Permanent Most Favored Nation Status for the People's Republic of China.

Mr. PASCRELL. Mr. Speaker, I thank the gentleman, and I now recognize the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from New Jersey for yielding, and for his very substantial leadership on this issue to the American people.

Mr. Speaker, how much time is the gentleman yielding to me?

Mr. PASCRELL. Mr. Speaker, how much time do we have?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman has 15 minutes remaining.

Mr. PASCRELL. We have to get one, two, three more speakers in.

Ms. PELOSI. Mr. Speaker, some people think I can talk all day on China and are afraid that I will, so I will try to be succinct and get to just a few basic points, because so many of my colleagues have touched on the very serious human rights violations and the very substantial trade violations.

Mr. Speaker, China has violated agreements between our two countries and, of course, there is the issue of proliferation. I think I will focus in the short time allotted to me, Mr. Speaker, on the fact that today a number of our former Presidents joined President Clinton in calling for Congress to pass Permanent Normal Trade Relations with China. These Presidents, who have been a part and parcel of this policy which is a total failure, are asking Members of Congress to put their good names next to a policy that has failed in every respect.

Permanent Normal Trade Relations is the cornerstone of the Clinton-Bush China policy. There are three areas of concern that we have in our country about that policy. First of all, and in

no particular order of priority, we have the issue, since this is a trade issue, of the substantial violations of our trade relationship which continue. When we started this debate, we were talking about 1, 2, $3 billion that was the trade deficit we suffered with China. That was over a decade ago. Now the trade deficit for this year is projected to be over $80 billion.

So this idea that if we kowtowed to the regime, and we gave them MFN, Most Favored Nation status, now called Permanent Normal Trade Relations, the name has been changed to protect the guilty, if we do that then the China market will be opened to U.S. products, it simply has not happened.

In the area of trade, China has violated every trade agreement, be it the market access agreement, the agreement on intellectual property, the agreement on use of prison labor for export, the agreement on transshipments, any trade agreement we can name.

So, President Clinton is sending us this request for Permanent Normal Trade Relations based on the 1999 U.S.-China trade agreement. What reason do we have to think that China will honor that? The President's request is based on broken promises, not proven performance.

Already, China is engaged in its traditional reinterpretation of the agreement. For example, let me give some comparisons. The Trade Rep's fact sheet, our Trade Rep's fact sheet says China will import all types of U.S. wheat from all regions of the U.S. to all ports in China. China's Trade Rep says it is a complete misunderstanding to expect this grain to enter the country. Beijing only conceded a theoretical opportunity for the export of grain.

On meat, China, according to our fact sheet, the U.S. Trade Rep's fact sheet, China will lift the ban on U.S. exports of all meat and poultry. China's negotiator said diplomatic negotiations involve finding new expressions. If we find a new expression, this means we have achieved a diplomatic result. In terms of meat imports, we have not actually made any material concessions.

The ink is not even dry on this agreement. This is a 1999 agreement that is already being reinterpreted by the regime. The list goes on: Petroleum, telecommunications, insurance, et cetera. I talked about the history of it and I do not have enough time to go into the history of their trade violations.

Some would lead us to believe that we who are opposing this request of the President are willing to risk U.S. jobs in support of promoting human rights in China. But the facts point to a situation where this is a very bad deal on the basis of trade alone. On the basis of trade alone. If we could forget the brutal occupation of Tibet. If we could forget the serious repression of religious and political freedom in China. If we could forget that for a moment. If we could forget China's proliferation of weapons of mass destruction. That would be chemical, biological and nuclear technology to Iran, to Pakistan, to the Sudan, to Libya.

To Libya, it is very recent. This is a major embarrassment in the Clinton administration policy. But fortunately for them, this information came out during the Easter break and it has not really sunk in. But this is a very serious violation. And it proves again that kowtowing to the regime does not get us any better benefits in terms of stopping the proliferation of weapons of mass destruction, making the world a safer place, any fairer treatment, making a fairer deal.

Mr. Speaker, they want us to give China a blank check, while China gives us a rubber check by not even honoring the deal that they are putting forth. And then in terms of human rights, we are a country of values. When people say, well, other countries do not do this. We are not other countries. We are the United States of America. We are the freest country in the world and we have a commitment to promote the aspirations of people who aspire to freedom. That does not mean we go to war for them or anything like that, but it does mean that we should at least, at least recognize the repression they are suffering for freedom.

Wei Jingsheng, a hero. He has spent many, many years of his life, probably half of his adult life in prison. Harry Wu has spent years in prison. They know that the United States must not act from fear of what the Chinese regime might do. We have to act from strength and confidence in our own sense of values.

So when the President says, ''Oh, you either want to isolate China or engage China,'' he does a grave disservice to this very serious debate. Certainly we need to engage China, but we need to do it in a sustainable way that sustains our values and sustains our economy and sustains a world peace in making the world a safer place.

The administration is willing to ignore Tibet and China and all of that. They are willing, more seriously, to ignore China's proliferation of weapons of mass destruction. They are willing to say that the human rights situation is improving in China, when we have the National Catholic Conference of Bishops supporting us; when we have, as was mentioned by others, the new Commission on Religious Freedom supporting us in this, and the list goes on. In terms of the environment, the Sierra Club, in terms of agriculture, the National Farmers Union, the list goes on.

Mr. Speaker, I am proud to join the working people of America to oppose this and say to the President there is a way to do it. A decent way. And it is a way that says let us see some proven performance before we surrender to the dictates of the Beijing regime the only leverage we have, which is our annual review.

So it is not about ''engage or isolate.'' Certainly we engage. It is not about whether we trade or not. Certainly we trade. It is a question of how we do it. And it does not have to be according to the terms and the timing of the Beijing regime, but more in keeping with what is right and what is appropriate for our great country. We are leaders in the world; we should continue to be so. And I would hope that the President and the former Presidents would respect the intelligence of the Members of Congress to know that they should not ask us to place our good name next to their failed policy just so that we can help redeem the lack of success they have, instead of allowing us to go forward in a very positive way.

We all have a responsibility. We all have a responsibility to come to an agreement on trade with China that is responsible. Give us a chance to do that. I urge my colleagues not to support this, but to allow us to do it right and not according to the terms and timing of the regime in Beijing. With that, I will yield back.

Mr. PASCRELL. Mr. Speaker, I recognize the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman very much. Interestingly, on this piece of legislation we have all of corporate America telling us what a good deal it is and the multinationals are pouring huge sums of money into this campaign. But, meanwhile on the other side, we have trade unions representing millions of workers who are saying this is a bad deal for American workers. We have most of the environmental organizations in this country who are saying this is a bad deal for the environment in this world. We have human rights organizations and religious organizations who are saying this is a bad deal if we are concerned about human rights and the dignity of people.

So on one side are the big money people who, over the last 20 years, have invested over $60 billion in China in search of labor there where people are paid 15, 20, or 25 cents an hour. And not surprisingly, these people have concluded that this is a great agreement. Well, I suppose it is if one is a multinational corporation who wants to throw American workers out on the street and hire people at 15 or 20 cents an hour. I can understand why they think it is a good deal.

But it is not a good deal for American workers. American workers should not be asked to compete against desperate people in China who are forced to work at starvation wages, who cannot form free trade unions, who do not even have the legal right to stand up and criticize their government.

The truth of the matter is that in the midst of the so-called economic boom, the average American today is working longer hours for lower wages. One of the reasons is that we have a miserable

failed trade policy that has cost us millions of jobs and that has forced wages down in this country.

So I will be very brief because I know that there are other speakers, the gentlewoman from Ohio (Ms. KAPTUR) is here. But I would urge my colleagues to vote no on this PNTR. Stand up for American workers, for human rights, and for the environment and let us have the courage to take on the big money interests.

Mr. PASCRELL. Mr. Speaker, I now recognize the gentlewoman from Ohio (Ms. KAPTUR) for the balance of our time.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding to me and for his leadership on this. We could not ask for a better Member of Congress. I also want to thank the gentleman from Vermont (Mr. SANDERS) for allowing me these few minutes, and I will try not to use all the time.

It has been a joy to work with our colleagues to open up the truth about China to the American people. And today in Congress, we held a bipartisan hearing on one of the dimensions of this debate that has not been talked about. We called our hearing ''Women in China, Women in Chains''. C–SPAN was there for the entirety of this hearing where there were four witnesses, women from China who came to tell their incredibly compelling stories. Stories of repression. Stories of forced abortion. Stories of missing women and children. Stories of women in the countryside and in factories as exploited workers. Women married to men who are fighting for democracy, many in prison from 10 to 30 years. Other women imprisoned because they participated in a spiritual group, Falun Gong.

Other women from Tibet. A young woman whose roommate had demonstrated in Tiananmen Square and was shot dead, and that young woman today came before our committee. She had been activated through that, even though she is a physicist by training, telling how she has gotten involved in trying to tell the American people the true story of what is happening in China. And the story of women workers in the countryside who are producing the majority of food in that country. Women in the factories, exploited women workers, their voices we tried to lift up.

Mr. Speaker, I just want to let the membership know that the hearing itself, because it was recorded on C–SPAN, is being advertised on their Web site at www.cspan.org. My colleagues can look for the hearing on women's rights in China to hear the truth about what is happening in that country.

Mr. Speaker, I just want to thank my colleagues, the gentlewoman from Florida (Ms. ROS-LEHTINEN), the gentlewoman from California (Ms. PELOSI), who was here, the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from California (Mrs. NAPOLITANO), the gentlewoman from New York (Ms. VELÁZQUEZ), the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Minnesota (Mr. PETERSON) for joining us today and helping us to listen to these stories where women basically told us, look, the only time that prisoners who are democracy demonstrators are let go in China is during the debate here in the Congress of the United States on trade with China.

□ 1830

They said please do not give that away. If you give this power from the United States to the World Trade Organization, the enforcement will not occur. We are the only Nation in the world raising concerns about Communism in China. And once it goes to the WTO, it will be lost. America will retain her power by using our bilateral trade negotiations with China to at least, at least give voice to over 1.2 billion people who cannot voice their own opinions inside their society.

Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. PASCRELL) so very much. You truly have been a leader, not just for America's workers and farmers but for the worlds and a liberty-loving Member, obviously of this Congress. And, as I said, to the people who assembled at the hearing this morning, the flag over this Capitol flies 24 hours a day and it flies not just for America but for the cause of liberty everywhere.

For those women today who testified, who cannot return to China in fear for the lives of their families and relatives, we stood proud with them today. We understood what this Constitution is all about, and we hope that the young people of our country will watch www.cspan.org to see the world's new democracy fighters in countries like China who are paying the most precious price with their lives, sacrificing their families, giving everything to try to bring a greater measure of freedom to a country that still remains Communist in every aspect of life there. I thank the gentleman so very, very much. Please watch www.cspan.org. Look when this program will be broadcast.

Mr. PASCRELL. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. KAPTUR) and I thank the speaker for your patience and endurance.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. PASCRELL. I yield to the gentleman from Texas.

REPORT ON TEXAS A&M BONFIRE

Mr. BARTON of Texas. Mr. Speaker, the University of Texas and Texas A&M have been playing football for over 100 years. It is one of the most intense athletic rivalries in the Lone Star State. In 1909, students at Texas A&M began a tradition that we now call bonfire. They went out and gathered old packing crates and pallets and trash and limbs from the community and built a bonfire to testify to their undying commitment to beat the University of Texas in the annual Thanksgiving football game.

By the mid 1940s, what had been basically an exercise in getting some logs and some trash and had grown into quite an operation, and the 2 years that I worked on bonfire in 1968 and 1969, the stack, the height of the bonfire reached 109 feet.

It is not unusual today for a bonfire at Texas A&M before the University of Texas football game to weigh over 2 million pounds, to have 5,000 to 7,000 logs and to be in the 70-foot to 80-foot range. Because of some accidents and concerns about environmental issues beginning in the 1980s, the administration at Texas A&M put a limitation on the number of logs, the height of the stack, the diameter of the stack.

This past November, I believe, on November the 18th, two days before the game, the bonfire collapsed, killing 12 students and injuring 27 others, a terrible, terrible tragedy by any definition. As a consequence of the bonfire collapse and the injuries and the death, the administration at Texas A&M put together a Bonfire Commission to go out and investigate the causes of the problem and to determine what, if anything, should be done to correct the problems, and whether to even have a bonfire.

This is the report that was released last week. It is approximately 2½ inches in diameter. It does not make any recommendations to the administration at A&M to do, but it does determine what caused the collapse. The chairman of the commission is a distinguished engineer named Leo Linbeck from Houston, Texas, and the commission members are Veronica Callaghan, retired major general Hugh Robinson, Alan Shivers, Jr., William E. Tucker, the consultants are McKinsey & Company, Fay Engineering, Packer Engineering, Kroll-O'Gara and Performance Improvement International.

It cost about $2 million. They interviewed several thousand witnesses. They have over 5,000 pages of documents. The conclusion of the Bonfire Commission is that the bonfire collapse was because of structural failure, the weight of the logs on the top stacks became so great that it forced a pressure down into the first stack, that created a lateral pressure that forced the logs on the bottom stack to come out, and there was a catastrophic collapse.

They investigated, researched whether human factors such as alcoholic consumption, horseplay played a role in the collapse, and the answer is no; although, there was some of that, and it should be prohibited.

I think the Bonfire Commission has done a commendable job. They have been very extensive. I have glanced at the entire report. I have actually read page by page approximately half of it. And as a professional engineer myself, not a civil engineer, not a structural engineer, obviously, I am convinced that the commission has done its job in determining the causes of the problem.

The President of Texas A&M, Dr. Bowen, has said that he will consider this report and decide in the next 2 months whether to allow the bonfire tradition to continue or not, and if he makes a decision on whether to allow it, under what conditions it will be allowed.

This report makes no recommendations about whether it should or should not be continued, but it does point out some things that I think are worth highlighting.

Number one, one obviously need to have structural integrity of the bonfire. One needs to have professional oversight of the bonfire.

Under the tradition of Texas A&M, it has all been done by students. There was no written design, it had to be certified as having structural integrity. Each bonfire student leadership looked at what was been done the year before and then decided what to do this year.

I cannot tell Dr. Bowen what to do, but I would certainly think that some of the things he has got to consider is have a design that is actually on paper that has been certified as structurally sound by professional engineering groups, and then make sure that there is oversight to see that the design is actually implemented.

Speaking only for myself, I can certainly understand if Dr. Bowen decided not to allow the bonfire to continue, but I would hope that he will allow the tradition to continue under very restrictive and overseeing regulations.

## PATIENT'S BILL OF RIGHTS CONFERENCE

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, on last Friday, in the USA Today, I could not help but notice on the front page an article. It was called ''HMOs Take Spiritual Approach.'' It is written by Julie Appleby. It starts out by saying ''Health plans, buffeted in recent years by their no-frills approach to medical care, are pushing ever further into alternative medicine, hoping to find low cost ways to boost patient satisfaction. Need help understanding the meaning of life? No problem. A Denver-based HMO offers spiritual counseling, six visits at $10 a pop. Fearing surgery? Blue Shield of California unveils a new prescription today, free audio cassettes for patients aimed at harnessing their imaginations to promote healing.''

Mr. Speaker, when I read this and when I also read about some of the abuses by some of the HMOs, I think patients will need some of this spiritual healing to get over some of the ways that they have been treated by HMOs.

I want to talk tonight for a little while about where we stand in conference with the patient protection legislation that passed the House and the Senate. My information on how the conference is going is from my sources on the Republican side. There have been reports that the conference is making some progress. Maybe a month ago, there was reported progress on emergency care provisions and also on a couple other smaller items that should be relatively noncontroversial. It should be pointed out that there has been no legislative language divulged from any of these earlier ''agreements in principle.''

But about a week or 2 ago, there was a report that there was progress being made on one of the most important parts of the bill, which is, how does one handle disputes between care that is requested by a patient and care denied by the HMO. In both the bill in the House and in the Senate, when there is a dispute on a denial of care by the HMO, a patient could take that to an external appeals panel.

The reports in the press seem to indicate that progress was made and that there was some sort of agreement between the Republicans and the Democrats in the House-Senate conference on this point. Well, I am sorry to inform my colleagues on both sides of the aisle here in the House that these reports have been vastly overplayed.

As a result of that, President Clinton asked for a meeting for this Thursday of conferees down at the White House to try to spur on progress on the patient's rights. But let me just point out some of the problems, these are from my Republican sources, on how there is not agreement on some of the fundamental aspects of the external appeals process.

For instance, there is not agreement on the standard for determining whether cases are eligible for review. Mr. Speaker, this is sort of fundamental. One has to know what kind of cases can go to review, and this has not been decided.

In determining whether a case is eligible for review, the independent reviewer should not be limited by a plan's definition or interpretations where they involve applications of medical judgment. This is what is in the House. This is the provision in the House where we say that the independent panel can make a determination on medical necessity that is not bound by the plan's own guidelines. They can be considered. The plan's guidelines can be considered, but the independent panel is not bound by those.

Also, it has not been decided in terms of protection, such as the independent panel determining medical necessity disputes on coverage or benefit determinations, and which of those are not subject to review.

Now, in the House bill, we say that if there is an explicit denial of coverage in the contract, then regardless of whether the patient needs that medical procedure or not, that independent panel cannot tell the HMO to give the care.

For instance, the HMO could write a contract saying we do not cover liver transplants. A patient could come along, maybe medically need a liver transplant, but under the House bill, the independent panel cannot tell the HMO to give that, because there is an explicit exclusion of coverage. But aside from that, this crucial question has not been decided in the conference.

Other things related to external review have not been decided in the conference. For instance, there has not been a decision on what to do with existing State laws that deal with external appeal systems. Now, in my opinion, the independent review should have the authority to direct the health plan to provide the care. That is what we passed here in the House with a vote of 275 to 151.

□ 1845

We said, okay, if there is a denial of care, if it has gone through an internal appeals process and goes to the external independent review panel, that that panel can tell the HMO to give the care. In our bill that passed the House, if the HMO does not give the care, then they are subject to a fine, a rather stiff fine. And if a patient is injured as a consequence of not receiving that care, then that plan would be liable for that. This has not been decided. This has not been decided in the conference.

Furthermore, one would think that this would be an easy thing that could have been decided, and that is that the panel should be independent from the HMO. Apparently, this has not been decided in the conference either. So all of those reports saying that significant progress was being made on the appeals process, I think, are vastly overblown.

Furthermore, I would point out to my colleagues, and I really do not need to tell them this, because all of them that have been here for more than 6 months know this is the case, that unless we see legislative language, we can talk all we want about ''principles,'' but one simple clause in legislative language can totally turn the intent of that provision around. And there is no legislative language available.

So what do we have here? We have a situation where States all around the country are saying we need to do something about this. State legislature after State legislature have passed bills for patient protection. In fact, in Oklahoma, the State legislature just passed a law making it easier for patients to sue HMOs and other insurers for unreasonable denials of medical care. Under the Oklahoma law, a health plan can be required to pay damages if it fails to exercise ''ordinary care'' in treating patients.

The chief sponsor of the Oklahoma bill, State Senator Brad Henry, has said, ''The chairman of the House Senate conference is definitely out of step with the public here in Oklahoma. Polling information shows that 72 percent of Oklahomans support giving the patient the right to sue.''

That Oklahoma measure was not even a close vote. It passed 94 to 5 in the State House of Representatives in Oklahoma and 44 to 2 in the State Senate, and it was signed by Republican Governor Frank Keating on April 28.

Mr. Speaker, I am sorry to say that as time has gone by since we passed this in October last year, a lot of patients are being denied care by some HMOs, and I think are being injured by it. I have here some estimates for how many patients are being injured.

Now, I can give my colleagues specific examples of patients who have been injured. I have done that many times on the floor. I have brought up posters showing their faces. I have brought up posters showing the families of women who have died because of HMO decisions and how they are left without their mother or their wife. But just to give some idea of the magnitude of the problem that we are dealing with, there have been two recent studies from which we can extrapolate how many cases each day in this country we are seeing of HMO denial and abuse causing pain and suffering and injury to patients.

The studies that I am citing here are Helen Schauffler's California Managed Health Care Improvement Task Force Survey of Public Perceptions and Experiences with Health Insurance Coverage from the University of California Berkeley School of Public Health and Field Research Corporation. This was reported in Improving Managed Health Care in California, Findings and Recommendations. And also a study from the Committee Analysis Based on Kaiser Family Foundation and Harvard Public School of Health called Survey of Physicians and Nurses, July 1999.

Here are some of the highlights that my colleagues can take from these studies showing what is going on every day around the country. According to these two studies, every day 59,000 patients, because of HMO inappropriate denials of care, experience added pain and suffering.

According to these studies, every day, 41,000 patients experience a worsening of their medical condition. According to these studies, every day 35,000 patients have had needed care delayed.

Thirty-five thousand patients have a specialty referral delayed or denied every day. Thirty-one thousand patients every day are forced to change doctors. Eighteen thousand patients every day are forced to change medications.

And every day 14,000 physicians see patients whose health care has seriously declined because an insurance plan refused to provide coverage for a prescription drug. Mr. Speaker, every day in this country 10,000 physicians see patients whose health has seriously declined because an insurance plan did not approve a diagnostic test or a procedure.

And every day 7,000 physicians see patients whose health has seriously declined because an insurance plan did not approve referral to a medical specialist. And, Mr. Speaker, every day 6,000 physicians see patients whose health has seriously declined because an insurance plan did not approve an overnight hospital stay.

These are pretty amazing statistics. If we want to talk about the number of patients each year in this country who experience HMO abuse in delay of needed care, we are dealing with almost 13 million.

Each year, 12,800,000 patients experience HMO plan abuse in terms of delay or denial of care. It is about 11 million patients each year in this country that have to change their doctors because of HMOs. It is about 6,500,000 patients each year in this country that are forced to change medications. It is about 22 million patients in this country that each year have added pain and suffering because of HMO decisions and abuse, and about 15 million patients each year in this country see their medical conditions worsen because of HMO abuse.

And here we are. It has been, what, 7, 8 months since we passed the bill in the House? We have been working on this for 4 or 5 years. We could multiply these annual numbers by four or five times and it would begin to approach the magnitude of the problem that we are dealing with on this.

A few years ago, in testimony before my committee, the Committee on Commerce, a small, quiet woman, who was a medical reviewer for an HMO, gave some very compelling testimony. She said that she had actually made medical decisions that had cost patients' lives and that she had been rewarded for that by HMOs. She said, and I am paraphrasing her, ''I am coming clean. I cannot tolerate this any more.'' She said, ''I made a medical decision that cost a man his life. He needed an operation on his heart and I denied it. It was medically necessary for him.''

And then she pointed out what the smart bomb is of cost containment for HMOs, and that is in the area of denials based on ''medical necessity'', which HMOs can arbitrarily define, according to Federal law, any way they want to. Some HMOs even define medical necessity as ''the cheapest, least expensive care.'' Now, think of that for a minute. Would we like our health plan to define medical necessity for us as the cheapest, least expensive care? Now, one might say, well, that would help hold costs down. But it would also result in some really bizarre activities.

Before coming to Congress, I was a reconstructive surgeon. I took care of a lot of kids with cleft lips and palates. The standard treatment for a kid with a cleft lip and a cleft palate is surgical correction. The hole in the roof of the mouth is surgically corrected so that they can learn to speak normally, so that they do not have food coming out of their nose. Under that irresponsible definition of medical necessity, as the cheapest, least expensive care, that HMO would be totally justified in just giving this little baby a piece of plastic to shove up into the roof of his mouth so that food would not come out. Sort of like an upper denture. I think that is really ridiculous.

I have given some talk on this floor about some practice guidelines that a company by the name of Milliman and Robertson, sort of the HMO flack house, has created. If it were not for the fact they have sold about 20,000 of these guidelines around the country to hospitals and HMOs, we would not need to talk so much about this. But in a previous talk here on the floor I gave a lot of examples of how wrong, how far away from standards of care those guidelines are.

I recently got a letter from Milliman and Robertson trying to explain where they come up with some of these. I think this article that is in Pediatrics, the journal Pediatrics, Volume 105, No. 4, April 2000, is a much more scientific approach to analyzing the validity of Milliman and Robertson's guidelines.

Let me just read the conclusion. ''In New York State, during 1995, length of stay for selected pediatric conditions was generally in excess of published Milliman and Robertson guidelines.''

I love how these conclusions always understate what the article says. They say, ''This raises concern about the potential effects of such guidelines on both patients and the hospitals caring for them.'' They go on and say in the text of this, ''Several studies have demonstrated that certain length of stay related guidelines adversely affect patient care,'' and then they list a number of them. I just want to quote some of these to give a flavor for the analysis in the medical literature of some of these ''guidelines.''

Jerome Kassirer, in the New England Journal of Medicine, wrote an article on The Quality of Care and the Quality of Measuring It. Arnold Relman, Reforming the Health Care System, the New England Journal of Medicine. Wilson, in Medical Decision Making, Primary Care Physicians' Attitudes Toward Clinical Practice Guidelines. Fitzgerald, in the New England Journal of Medicine, The Care of Elderly Patients With Hip Fracture: Changes Since Implementation of Prospect of Payment system. Mitchell, Who Are Milliman & Robertson and How Did They Get in My Face?, in the Journal of the Kentucky Medical Association.

Well, what do these articles have in common? They have in common what this article in the journal Pediatrics found, and that was that the length of stay recommendations put out by this company, Milliman and Robertson, are really far out. They say in this article, ''Numerous commentaries in both the lay and medical press have raised concerns regarding the largely unknown impact of guidelines on health of the more vulnerable populations, particularly the elderly, the young, and the chronically ill. Our findings demonstrate that actual pediatric length of

stay in New York State during 1995 exceeded, often markedly, the Milliman and Robertson functional length of stay guidelines. The difference was most marked in diagnoses with long courses of antibiotics, for instance, bacterial meningitis, osteomyelitis, and complicated appendectomy.''

In a previous talk I gave, I pointed out that the average length of stay in a hospital for somebody with a really serious infection, this is for a child, like bacterial meningitis, is somewhere around a week, if not longer. That is usual and that is customary. These kids are really sick. Milliman and Robertson recommends one or two days, one or two days in the hospital for somebody who has a serious bacterial infection of their brain or their spinal cord and who could die from that.

□ 1900

I know something personally about this because about 3 years ago now I had a bad case of encephalitis. It is impossible for me to believe that a patient with even a moderate case of encephalitis could be discharged in 1 or 2 days. It just boggles my mind.

There are many quotes in this study. Let me just read a few. ''Both the Institute of Medicine and the Agency for Health Care Policy and Research have set high standards for the development of guidelines, including the involvement of multi-disciplinary panels and the use of explicit evidence-based approaches. This is a methodology used by governmental groups such as the Institute of Medicine.

''At a minimum, we should expect that the data and methods contributing to Milliman and Robertson's guidelines be available for public discussion and debate.''

They are not, unfortunately.

That is why that lady who was a medical reviewer who testified for my committee said those determinations based on plan guidelines are the smart bomb of HMO's cost containment.

But there is something that needs to be dealt with in terms of the external appeals process that we are dealing with in conference between the House and the Senate. And if they are not dealt with, and as I repeat, to date, my sources on the Republican side tell me they have not been dealt with, then we should not be releasing reports to the press saying that there is significant progress being made in that conference.

I think that the conferees, when they go down to the White House, ought to really make an effort to move on this.

There are many other things that I could speak about in terms of where we are at with various issues related to the patient protection. I want to just deal with about four or five.

The first is that the bill that passed this House on patient protection would lead to a flood of litigation. That is just not true. Our bill was modeled after the bill that passed in Texas about 3 years ago, and there have only been a handful of lawsuits since that time in Texas.

Of those lawsuits, though, I would say several are meritorious. Let me give my colleagues one example.

There is a patient named Mr. Piloseca who was in the hospital suicidal. His doctor recommended that he stay in the hospital to be treated for his suicidal tendencies. His health plan, NYLCare, said, no, no, you are out the door.

Maybe they used their own guidelines. Maybe they used Milliman and Robertson's guidelines. I do not know. They said, you are out the door and we are not going to pay for any hospitalization.

Under that circumstance, under Texas law, where there is a dispute between the physician and the health plan, the health plan is supposed to go to an expedited review to that independent panel for a determination.

What did they do? They just ignored it and said, we are not going to pay for your hospitalization. Unless you want to pay for it yourself, then you are out of here.

Well, this family is of average modest means and they do not have the ability to do that. So Mr. Piloseca went home that night and, sure enough, suicidal that he was, he drank half a gallon of antifreeze and he committed suicide.

That health plan is being sued in Texas. That is one of the handful. But they are being sued because they did not follow the law that was in Texas.

Hardly a flood of lawsuits.

Then there are opponents to our bill that passed the House that say, oh, employers could be sued under the bill that passed the House.

And I will tell my colleagues that, under the bill that passed the House, the Norwood-Dingell-Ganske bill, the bipartisan consensus Managed Care Reform Act, an employer can only be sued or held legally accountable if that employer exercises discretionary authority in making a decision that results in negligent harm to the patient.

Most employers are nowhere near that. I have got lots of small businesses in my district. Those businesses hire an HMO to provide health care for themselves and for their employees. They do not get involved in the medical decision-making. And if they are not involved in the medical decision-making, they cannot be held liable.

Furthermore, in our bill that passed the House, we expressly stated that employers cannot be sued for choosing to contract with a particular health plan, deciding which benefits to include in the plan, or deciding to provide additional benefits not generally covered by the plan.

Mr. Speaker, here is another myth. The myth is that, well, if you just have a strong appeals process, there is no need for any legal accountability.

I would just refer you back to the case I just told you about. If do you not have accountability, what is going to make the HMO follow the law?

I would point out this. Many times I have talked on this floor about a little boy from Atlanta, Georgia, who, when he was 6 months old, was really sick, his mom and dad had to take him to the emergency room in the middle of the night, but he was only given an authorization to go to an emergency room that was about 60 or 70 miles away instead of stopping at any two or three emergency rooms that were very close to their room.

That was a medical decision, a medical judgment, that that reviewer made over the telephone. Unfortunately, he had a cardiac arrest in the car before he got to this far-away emergency room. They managed to keep him alive, but he suffered circulatory loss to his hands and feet and he lost both of his hands and both of his feet.

Now, there was not any chance to have to go to an independent appeals process in that situation. But that HMO made a medical judgment, and they should be responsible for that.

I can give my colleagues several other real-life examples. How about the patient who sustained injuries to his neck and spine in a motorcycle accident. He was taken to the hospital. The hospital's physicians recommended immediate surgery. But the health plan refused to certify that surgery. Time and time and time went on. And what happened? The patient was paralyzed.

How about the patient who was admitted to an Emergency Room in his community hospital complaining of paralysis and numbness in his extremities. The treating room emergency physician concluded that this was a really serious case, he needed to go to the medical school immediately. The health plan denied authorization for a transfer. Hours and hours later, by this time, the patient is now quadriplegic, i.e., paralyzed in both his hands and both his legs.

You need to have accountability, not just on the more leisurely cases that come along, but also from the get-go.

How about this: People say that the bill that passed the House could significantly increase the cost of health insurance and the number of insured. And I say baloney. The Congressional Budget Office looked at our bill, and the legal accountability provision was estimated to raise premiums one percent over 4 years.

A one percent equivalent over 4 years is equal to employers paying a mere 4 cents per day for individual coverage with employees contributing just one additional penny per day.

Now, opponents also of our bill have said, oh, for every one percent increase in premiums, you are going to have 400,000 people lose their jobs. That is baloney, too. Nobody has ever documented where that statistic came from. But the General Accounting Office did a study of it and they said, that is wrong, it is outdated, it does not account for the relevant factors.

So people came back and said, well, maybe it is only 300,000 people will lose

their insurance if premiums go up 1 percent. GAO came back again and looked at that data and said, wrong, wrong, the statistics do not show that.

And furthermore, I would point out this: Between 1988 and 1996, the number of workers offered coverage actually increased in this country despite increased premiums each year.

I would also point out to my colleagues that we did not pass this bill and it has not become Federal law and premiums went up last year. Why? Because the HMOs wanted to show it on their bottom line profit statements for Wall Street.

Then opponents say, well, you know what, consumer support for this bill will evaporate if consumers learn how much it is going to cost them.

Let me cite to my colleagues a 1998 nationwide survey by Penn, Shown & Burlin that showed that 86 percent of the public support a bill that would give patients health plan legal accountability, access to specialists, emergency services, and point-of-service coverage. When asked if they would support such a bill if their premiums increased between $1 and $4 a month, 78 percent, more than three-fourths of the people in this country, said, you bet.

Now, I want to tell my colleagues what the bill that passed the House would cost. The House-passed bill would raise insurance premiums an average of 4.1 percent, covering to the Congressional Budget Office, over 4 years. Do my colleagues know how much that would account for an individual?

Remember, 78 percent of people in this country say that they want to see Congress pass this law even if it means to them an increase in cost between $1 and $4. Dollars. For an individual, that percentage increase would cost $1.36 per month and, for a family of four, $3.75 per month.

Do my colleagues know what? That is less than what a Big Mac meal costs me out at National Airport. And that is giving people assurance that all the money that they are spending for their health insurance actually means something when they get sick.

I think that is why a recent public opinion survey found that most Americans believe problems with managed care have not improved, 74 percent, and most think that legislative action is either more urgent or equally urgent as it was when this debate began several years ago, 88 percent. That is from the Kaiser Family Foundation survey of February this year.

Mr. Speaker, it is clear, when we start looking at how many patients every day are being injured or denied care because Congress is sitting here doing nothing, or maybe because some Members of Congress are listening to the insurance industry and the HMO industry, we need to get something done on this.

I just want to go over these figures one more time for my colleagues. According to a couple reports that I have cited earlier, every day, as a result of inaction in this Congress for addressing this HMO problem, we are seeing 59,000 patients experience added pain and suffering, we are seeing 41,000 patients experience a worsening of their medical condition, we are seeing 35,000 patients having needed care delayed, 35,000 patients with a specialty referral delayed or denied, 31,000 patients are forced to change doctors, and 18,000 patients are forced to change medications needlessly.

Mr. Speaker, it should be clear that the conferees to the HMO reform bill should really get off their fannies and get to work. When they go down to the White House on Thursday, as I hope they do, I hope in good faith they sit down and try to get something done and not just try to ride out the time clock on this year.

Mr. Speaker, I am happy to yield to my friend and colleague the gentleman from California (Mr. HORN). I know he wants to speak some about health care, also.

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding to me. He has been marvelous in terms of bringing to the American people the need for a decent health care program.

Mr. Speaker, health care paperwork has become a complex and often confusing problem for many Americans. Many of us have experienced the confusion of erroneous billings, lengthy delays in reimbursement, and troubling disputes about what is and is not covered under a health care plan.

These problems are of particular concern in the Medicare program, the largest purchaser of health care in the world and a program that is absolutely vital to nearly 40 million senior citizens who rely on its services.

In the early 1990's, the Medicare program was designated as one of the Government's high-risk programs by the Comptroller General of the United States and his General Accounting Office.

Medicare's size, complexity, and lack of management controls are a problem and worthy of our attention. Each year the House Subcommittee on Government Management Information and Technology, which I chair, conducts oversight hearings to determine what progress has been made in resolving the management problems within Medicare. Each year we are told that significant progress has been made and more is expected soon.

□ 1915

Mr. Speaker, it is true that progress has been made. Two years ago, the Inspector General of the Department of Health and Human Services reported that erroneous bills in the Medicare program totalled an estimated $20.3 billion in fiscal year 1997. That was 11 percent of all Medicare billings that year. In short, one of every $10 spent by Medicare was an improper payment. This year, the Inspector General, the very able June Gibbs Brown, returned to testify that the error rate was now estimated at $13.5 billion for fiscal year 1999, or about 8 percent of total billings.

As I said, that is in fact progress. We are moving in the right direction, but I am still stopped cold by those numbers. Medicare improperly paid out $13.5 billion last year for claims that were not covered by the program, for claims that were, to quote the General Accounting Office, ''not reasonable, necessary and appropriate.''

Mr. Speaker, all of us know that the Medicare program is a very large and complex operation and presents an enormous management challenge. The program still operates under the rules set in 1965. Medicare uses private insurance companies as the contractors and intermediaries between the patient, the doctor, the hospital to process bills and those that go to Medicare. That paper flow is a virtual Niagara Falls. Every day, the Medicare program's contractors process about 3.5 million claims worth an average of more than $650 million a day. That is every day of the year. Managing this flow is indeed a major challenge.

But, Mr. Speaker, the challenges in the Medicare program are not new. Medicare has been in existence for 35 years and its specific management problems have been documented in excruciating detail by a long list of reports from the Inspector General and the Comptroller General of the United States, the head of the General Accounting Office. Even with all of the attention and concern, serious management deficiencies continue to plague this program and waste or misspent billions of Medicare dollars.

In all of the reports on Medicare's problems, the key recommendation has been this. Medicare must develop a fully integrated financial management system, standardized with all of its contractor intermediaries so that timely, accurate and meaningful information can be developed to control this $300 billion a year program.

Mr. Speaker, today I am introducing H.R. 4401. This legislation can move us toward the goal of first rate management. This bill has been introduced in the other body by Senator RICHARD LUGAR of Indiana. I have a very high regard for Senator LUGAR. His bill in the other body is S. 2312, and H.R. 4401 is similar to his legislation. In brief, we are working together and the two of us believe that enacting sound and effective controls on the Medicare program must be made a very high priority.

The Health Care Infrastructure Investment Act is designed to force the creation of an advanced information infrastructure that will allow the Medicare program to instantly process the vast number of straightforward transactions that now clog the pipeline and drain off scarce health care resources. The bill calls for the development and implementation of an integrated system so that Medicare and its contractors can serve seniors with immediate points of service and

verification of insurance coverage, point of service checking for incomplete or erroneous claim submission, and point of service resolution of simple, straightforward claims for doctor's office visits, including the delivery of an explanation of benefits and payment that the patient can understand. That means that when Medicare beneficiaries walk into the doctor's office, they can know immediately what their benefits are and what copayments or deductibles apply. When they leave, they will receive a simple statement of what was done and what is owed.

Our bill is careful to avoid mandates that would undermine privacy rights. Privacy is of paramount concern and must be safeguarded in the design of an advanced network of financial management systems for Medicare. The goal of H.R. 4401 is to reduce and, where possible, to eliminate paperwork. Greater efficiency will free doctors to spend more time treating patients, doctor's offices and insurance companies should be able to reduce the cost of claims processing, and patients will be fully informed about treatments and costs.

Mr. Speaker, this legislation could save the taxpayers billions of dollars every year, and it would not be wasting Medicare access, either. It would get us to modernize the paperwork and the inefficiencies and put an end to many time-consuming and confusing complications in the billing process for doctor office visits, and both for doctors and for patients.

This bill, H.R. 4401, also can lay the foundation for modernizing Medicare's financial management systems so that the annual reports of billions of dollars misspent will become a thing of the past. Then we can be assured that every Medicare dollar is being properly used to pay for the health care our seniors need. Our bill, H.R. 4401 in the House, will be sent to the Committee on Commerce, the Committee on Government Reform and Ways and Means.

Mr. Speaker, I ask that H.R. 4401 be printed below.

H.R. 4401

*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 ''Health Care Infrastructure Investment Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Moratorium on delayed payments under contracts that provide for the disbursement of funds.
Sec. 3. Establishment of the Health Care Infrastructure Commission.
Sec. 4. Study and final recommendations; timetable for implementation of advanced informational infrastructure.
Sec. 5. Application of advanced informational infrastructure to the FEHBP.
Sec. 6. Authorization of appropriations.

**SEC. 2. MORATORIUM ON DELAYED PAYMENTS UNDER CONTRACTS THAT PROVIDE FOR THE DISBURSEMENT OF FUNDS.**

Section 1842(c) of the Social Security Act (42 U.S.C. 1395u(c)) is amended by striking paragraph (3).

**SEC. 3. ESTABLISHMENT OF THE HEALTH CARE INFRASTRUCTURE COMMISSION.**

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services a Health Care Infrastructure Commission (in this section referred to as the ''Commission'') to coordinate the expertise and programs within and among departments and agencies of the Federal Government for the purposes of designing and implementing an advanced informational infrastructure for the administration of Federal health benefits programs.

(b) DUTIES.—The Commission shall—

(1) establish an advanced informational infrastructure for the administration of Federal health benefits programs which consists of an immediate claim, administration, payment resolution, and data collection system (in this section referred to as the ''system'') that is initially for use by carriers to process claims submitted by providers and suppliers under part B of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) after conducting the study under section 4(a)(1);

(2) implement such system in accordance with the final recommendations published under subsection (a)(2) of section 4 and the timetable set forth under subsection (b) of such section; and

(3) carry out such other matters as the Secretary of Health and Human Services (in this section referred to as the ''Secretary''), in consultation with the other members of the Commission, may prescribe.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 7 members as follows:

(A) The Secretary, who shall be the chairperson of the Commission.

(B) One shall be appointed from the National Aeronautics and Space Administration by the Administrator.

(C) One shall be appointed from the Defense Advanced Research Projects Agency by the Director.

(D) One shall be appointed from the National Science Foundation by the Director.

(E) One shall be appointed from the Office of Science and Technology Policy by the Director.

(F) One shall be appointed from the Department of Veterans Affairs by the Secretary.

(G) One shall be appointed from the Office of Management and Budget by the Director.

(2) REQUIREMENTS.—Each of the members appointed under subparagraphs (B) through (G) of paragraph (1) shall—

(A) have been appointed as an officer or employee of the agency by the President by and with the advice and consent of the Senate; and

(B) be an expert in advanced information technology.

(3) DEADLINE FOR INITIAL APPOINTMENT.—The members of the Commission shall be appointed by not later than 3 months after the date of enactment of this Act.

(d) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the chairperson, except that it shall meet—

(A) not less than 4 times each year; or

(B) on the written request of a majority of its members.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(e) COMPENSATION.—Each member of the Commission shall serve without compensation in addition to that received for the services of such member as an officer or employee of the United States.

(f) STAFF.—

(1) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(g) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(h) TERMINATION.—The Commission shall terminate on the date on which the system is fully implemented under section 4(b)(3).

**SEC. 4. STUDY AND FINAL RECOMMENDATIONS; TIMETABLE FOR IMPLEMENTATION OF ADVANCED INFORMATIONAL INFRASTRUCTURE.**

(a) STUDY AND FINAL RECOMMENDATIONS.—

(1) STUDY.—The Commission shall conduct a study during the 3-year period beginning on the date of enactment of this Act on the design and construction of an immediate claim, administration, payment resolution, and data collection system (in this section referred to as the ''system'') that—

(A) immediately advises each provider and supplier of coverage determinations;

(B) immediately notifies each provider or supplier of any incomplete or invalid claim, including—

(i) the identification of any missing information;

(ii) the identification of any coding errors; and

(iii) information detailing how the provider or supplier may develop a claim under such system;

(C) allows for proper completion and resubmission of each claim identified as incomplete or invalid under subparagraph (B);

(D) allows for immediate automatic processing of clean claims (as defined in section 1842(c)(2)(B)(i) of the Social Security Act (42 U.S.C. 1395u(c)(2)(B)(i)) so that a provider or supplier may provide a written explanation of medical benefits, including an explanation of costs and coverage to any beneficiary under part B of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) at the point of care; and

(E) allows for electronic payment of claims to each provider and supplier, including payment through electronic funds transfer, for each claim for which payment is not made on a periodic interim payment basis under such part.

(2) FINAL RECOMMENDATIONS.—

(A) PUBLICATION.—Not later than 3 years after the date of enactment of this Act, the

after the date of enactment of this Act, the chairperson of the Commission shall publish in the Federal Register final recommendations that reflect input from each interested party, including providers and suppliers, insurance companies, and health benefits management concerns using a process similar to the process used for developing standards under section 1172(c) of the Social Security Act (42 U.S.C. 1320d–1(c)).

(B) CONSIDERATIONS.—In developing the final recommendations to be published under subparagraph (A), the Commission shall—

(i) make every effort to design system specifications that are flexible, scalable, and performance-based; and

(ii) ensure that strict security measures—

(I) guard system integrity;

(II) protect the privacy of patients and the confidentiality of personally identifiable health insurance data used or maintained under the system; and

(III) apply to any network service provider used in connection with the system.

(b) TIMETABLE.—The timetable set forth under this subsection is as follows:

(1) INITIAL IMPLEMENTATION.—Not later than 5 years after the date of enactment of this Act, the system shall support—

(A) 50 percent of queries regarding coverage determinations;

(B) 30 percent of determinations regarding incomplete or invalid claims; and

(C) immediate processing at the point of care of 40 percent of clean claims submitted by providers and suppliers under part B of the medicare program.

(2) INTERMEDIATE IMPLEMENTATION.—Not later than 7 years after the date of enactment of this Act, the system shall support—

(A) 70 percent of queries regarding coverage determinations;

(B) 50 percent of determinations regarding incomplete or invalid claims; and

(C) immediate processing at the point of care of 60 percent of clean claims submitted by providers and suppliers under part B of the medicare program.

(3) FULL IMPLEMENTATION.—Not later than 10 years after the date of enactment of this Act, the system shall support—

(A) 90 percent of queries regarding coverage determinations;

(B) 60 percent of determinations regarding incomplete or invalid claims; and

(C) immediate processing at the point of care of 40 percent of the total number of claims submitted by providers and suppliers under part B of the medicare program.

**SEC. 5. APPLICATION OF ADVANCED INFORMATIONAL INFRASTRUCTURE TO THE FEHBP.**

(a) IN GENERAL.—The Office of Personnel Management (in this section referred to as the ''Office'') shall—

(1) adapt the immediate claim, administration, payment resolution, and data collection system established under section 3 (in this section referred to as the ''system'') for use under the Federal employees health benefits program under chapter 89 of title 5, United States Code; and

(2) require that carriers (as defined in section 8901(7) of such Code) participating in such program use the system to satisfy certain minimum requirements for claim submission, processing, and payment in accordance with the timetable set forth in subsection (b).

(b) TIMETABLE.—The timetable set forth in this subsection is as follows:

(1) INITIAL IMPLEMENTATION.—Not later than 5 years after the date of enactment of this Act, the Office shall require that carriers use the system to process not less than—

(A) 50 percent of queries regarding coverage determinations;

(B) 30 percent of determinations of incomplete or invalid claims; and

(C) immediate processing at the point of care of 10 percent of the total number of claims.

(2) INTERMEDIATE IMPLEMENTATION.—Not later than 7 years after the date of enactment of this Act, the Office shall require that carriers use the system to support not less than—

(A) 70 percent of queries regarding coverage determinations;

(B) 50 percent of determinations regarding incomplete or invalid claims; and

(C) immediate processing at the point of care of 20 percent of the total number of claims.

(3) FULL IMPLEMENTATION.—Not later than 10 years after the date of enactment of this Act, the Office shall require that carriers use the system to support not less than—

(A) 90 percent of queries regarding coverage determinations;

(B) 60 percent of determinations of incomplete or invalid claims; and

(C) immediate processing of 35 percent of the total number of claims.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are appropriated to the Health Care Infrastructure Commission established under section 3, out of any funds in the Treasury that are not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

(b) AVAILABILITY.—Any sums appropriated under subsection (a) shall remain available until the termination of the Health Care Infrastructure Commission under section 3(h).

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from Iowa (Mr. GANSKE) has 18 minutes remaining.

Mr. GANSKE. Mr. Speaker, I just point out that my colleague from California has been a stalwart in working on matters of health concern for his constituents and in particular has been very strong on supporting a Patient's Bill of Rights. I appreciate his work and effort in that very much.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to refrain from references to individual Senators.

## EDUCATION REAUTHORIZATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 60 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I start today by talking about the person whose name I carry and the reason I have such a long name on the board. That name is MILLENDER, JUANITA MILLENDER-MCDONALD. It is because of my father, Reverend Shelly Millender, who taught us that education is important, that we must have a quality education in order to challenge the world that would be before us. And so, Mr. Speaker, tonight I rise with several of my colleagues to discuss the reauthorization of the Elementary and Secondary Education Act known to us as ESEA.

This act is an act that is of immense importance to our children and the future of our Nation. The education of our Nation's children is an issue of paramount concern. As Members of the House of Representatives, it is imperative that we remain focused on our national priorities of raising standards and providing special assistance to children in need to ensure that all students are prepared to face the challenges of the 21st century. Globalization has brought us into a more competitive world where the challenges of technology will dominate the economic relations among world nations. If all of our children are not prepared to face these challenges, our great country will not continue to lead the world in the vital areas of economy and technology, and also in the critical areas of democracy and political participation.

We must, Mr. Speaker, guarantee quality school facilities, quality teachers, smaller classroom sizes and gender equity in technology so that all of our children, both boys and girls, are able to face these new challenges.

I stand with some of my Members who are on the floor today as we recognize America's teachers. As a former teacher, I know the importance of teachers and their leadership to the classroom, but more importantly their leadership for the future, for our future, America's future because they are guiding our children who will be the leaders of tomorrow. Some of them will be the Members of Congress. Therefore, we must instill in them not only the moral standards, character building, but also quality education, quality education that comes from good teachers. I stand today in that salute and recognize the importance of teachers in this whole process.

In the 106th Congress, the authorization of Federal aid to many education programs covered under the Elementary and Secondary Education Act known as ESEA is expiring. These bills have passed through the House in a piecemeal approach to reauthorizing major ESEA programs. It is expected that the final piece of the ESEA puzzle, H.R. 4141, will be coming to the floor soon. H.R. 4141, the Education Opportunity to Protect and Invest in Our Nation's Students Act, also known as the OPTIONS Act, amends ESEA programs regarding education technology which is part of title III, the safe and drug-free schools and communities that is couched within this title III. It also amends title IV, and the education block grant which is title V.

I am deeply concerned, however, Mr. Speaker, with title I of H.R. 4141, entitled the transferability. Transferability is essentially a backdoor block grant program which would allow Federal funds intended to target technology, teacher training, school safety and after-school care needs to be used for any purpose deemed educational regardless of its relevance to the core mission.

When we look at, Mr. Speaker, technology we think about the digital divide. The urban and rural areas both are in dire straits because of the lack of high technology to our students in both the urban and the rural areas. When we look at teacher training, Mr. Speaker, we look at those persons who will be guiding and directing our students through this 21st century, and indeed it is critical that we focus on professional development as an ongoing core of teacher training.

School safety. We do recognize that children must be in an environment that is conducive to learning and, therefore, school safety is vital for this training. After-school care cannot just be left up to the schools now. It should be the community, it should be churches and all others who are getting involved in after-school care programs. These are very vital, very critical areas in the holistic education of our students.

Title I of H.R. 4141 allows States and local educational agencies to transfer funds between ESEA programs after receiving funds for specific purposes. I would like to draw attention to that, because we can ill afford to have moneys that should go for one program specifically for that purpose to be transferred to another program. That is the whole notion of this transferability clause. Under title I, local education agencies can transfer up to 30 percent of one program's funds to another without any publicly documented rationale.

That is wrong, Mr. Speaker. If we are going to really train our teachers, educate our students, have a school that is conducive to learning and have targeted technology that is applied for all students, then we must not have this transferability clause that will snatch funding from any program one deems important to transfer these funds to another program. In other words, if the funding has gone to the State specifically for a purpose and a program, then we should not be allowed to transfer up to 30 percent or any percent on a program that was not initially funded by this body.

If a local education agency receives State approval, then 100 percent of those funds can be transferred between programs. In such cases, the State is not required to establish criteria for these decisions or document their approval. Again, it would not be up to the State, it would be up to the legislation that we apply here on the floor, and this is why I believe that H.R. 4141 does a great injustice to this country's young people, our students.

□ 1930

Block grants, whether by law or de facto, and despite their popularity, do more harm to education than good. In fact, by pouring Federal funds into general State operating funds, we are not able to guarantee that the needs of all children are served, particularly the schools and the students with the most need.

Again, I reiterate, those students are the students who are in the urban schools like my schools, in the Watts area, in the Compton area, and the Linwood area and the Wilmington area. Those are the schools where there are the students with most needs, and also in the rural communities where those students are falling behind in technology.

Transferability, as mandated in Title I of H.R. 4141 increases the odds that ESEA money will not reach urban, minority students for much-needed educational programs. A study done, Mr. Speaker, by the General Accounting Office in January of 1999, reported that Federal funds are 8 times more likely than State funds to target disadvantaged students. Why are we putting this in the hands of the State when this has been documented by GAO, that the funds will be targeted more for disadvantaged students in coming from the Federal as opposed to the State?

The report further concluded that Federal monies helped to close the gap in spending between the richest and poorest districts. Currently, local education agencies that receive Federal money are required to use the funds on specific populations and for specific purposes. No more, no less. The transferability clause of H.R. 4141 will allow local education agencies to use Federal funds in any way they like, resulting in the possible exclusion of funds for programs that serve disadvantaged students in low-income districts.

We know that is not right, Mr. Speaker. We know that we cannot look to any local education agency to apply the funds that should be documented in legislation from us. We just give them that autonomy to transfer 30 percent of those funds to any program they deem important.

Mr. Speaker, it is shocking to think that funds earmarked for the improvement of our education system's core mission can be used for virtually any purpose. Transferability makes this prospect a reality and it is likely to have a negative effect on teacher training, school safety, and education technology.

Under H.R. 4141, we run the risk of diminishing our present emphasis on teacher training that is critical to maintaining a high standard among our schools. Under H.R. 4141, schools can decide to use funds targeted for upgrading and improving teacher quality for other purposes. Funds that could be used for teacher recruitment and certification may also be transferred to other programs.

Mr. Speaker, I have with me tonight a gentleman who we all know was the superintendent of public instructions in the State of North Carolina. He has come tonight because we are both rather stunned by this H.R. 4141 and its adverse impact on the education of our students. Let me now present the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank the gentlewoman from California for yielding, and I thank her for putting together this Special Order tonight, and for her leadership on this issue in the House. It is an important issue.

Mr. Speaker, I rise this evening to speak about this critical issue of education for our Nation. When we talk about that, we talk about our children. I often wonder, having served at the State level in North Carolina for 8 years where I saw the funds coming, the Federal funds, and let me remind our colleagues and the people who might be listening this evening that when we talk about Federal funds, they only represent about 7 percent of the total money spent in this country on education. Is that insignificant? No. Is that the only amount we can have? Well, let me explain to folks that if we go back to the 1960s, it was about 15 percent.

So it is not a magic number, it is just a number that we live with today because the money has been cut over the years. Did that money make a difference? Absolutely, because it was categorical money. Folks tend to forget that in the 1960s, we decided math and science were important in this country after Sputnik. We put the resources in, and did it make a difference? Absolutely, it made a difference. It gave us a lead in science and technology that we are enjoying the benefits of today. Our public schools responded, and so did our universities.

Now, why people need to have movement of funds from one category to another in that is very easy. There is not enough money in them. If there is enough money in those categories, they would not need to steal from staff development for teachers and for teacher recruitment and those dollars that are badly needed. It is important that those dollars be there, because I think the Federal commitment, as the gentlewoman has pointed out, is so critical. It says that it is important to this Nation.

Here just today we have stood on this floor and talked about how important our teachers are, and now we have a chance to decide that we are going to turn words into actions.

Mr. Speaker, I said today, words are cheap, talk is cheap. We ought to walk the walk instead of talk the talk.

I happen to have a son who teaches the fourth grade. If we paid teachers the minimum wage, we would be raising the salary of teachers in this country, because they put in an awful lot of hours they are not compensated for.

I think a lot of folks think of teachers working from maybe 7:30 or 8 o'clock to whatever time is school is out in the afternoon. What they do not realize is those teachers grade papers in the evenings, they take children on field trips on the weekends, and here we are arguing about a few dollars. It is a lot of money in terms of what schools get, but if we look at it in terms of the whole Federal budget, it is not really a great deal of money. But a

few dollars at the classroom level where teachers are makes a big difference.

We have colleagues here who want to say well, it is just where the teacher is. No, we need people for staff development. We need people in the principal's office, we need people in the central office, because someone has to coordinate all of this. We need people at the Federal level. I know when I was State superintendent, I depended greatly on the Federal office of education for research and development monies, and yes, for those grant monies. So it does make a difference that we have those monies in those categories.

Mr. Speaker, it is amazing to me that we want to talk about taking it away, and that is really what we are talking about. Any way we cut it, we are going to take it away from some of the most needy children in this country, the very children that we want to raise the threshold for and make sure that in the 21st century, they have a chance to make it.

We talk about the digital divide, and I will talk about that more in just a moment. But the digital divide is nothing compared to the divide that we are going to have for the children who do not have the opportunity to learn to read, and reading is fundamental; that do not learn to do math early, because many of the children show up at the public schools in this country who have not had the opportunity before they get there for a variety of reasons, the biggest one being poverty.

If there is one thing that we can classify, it reaches across ethnic lines, no matter whom they are, a child who shows up from poverty is a child more likely to be behind in school and have a difficult time. If we do not give children a good education, we relegate them and the future generation to poverty.

That is what public education is about in this country. America is really the one place in the world that says, no matter where one comes from, we give them an opportunity to step up to this great smorgasbord we call public education, if one is willing to work for it. But if America is going to seize this opportunity of a new economy in the 21st century, Congress must provide national leadership in this vital effort. We cannot capitulate now. The one time we have a chance to make a difference, we ought not to just lay down and play dead.

I have often said, there is a big slip between the lip and the hip, and that really comes with a lot of talk and not a lot of resources to get the job done.

Across this country, the American people are crying out for a greater investment in education. I have been in probably many schools, maybe more than most people in this body, having been superintendent, and I go back regularly. I have never had a child, the truth is I have never had a teacher to ask me who paid for something in the school, whether it was local, State, or Federal. They just know they do not have enough. There are surveys after surveys that tell us that teachers take money out of their pocket to make sure they have resources in the classroom for their children.

Now, I am here to tell my colleagues tonight that is not right. Here we are arguing about a few dollars that we are going to send to help make education better for the poorest of our students, because those are the ones the teachers take money out of their pockets for. They are the ones who are there that we are not paying as well as we ought to.

I told someone today, my colleague may have overheard it, when we go through the grocery line in the check-out and pay for our groceries, because the teachers are not paid like they should be, in my opinion, they do not have a check-out that says, if you are a teacher, come through this line, and if you are a millionaire, come through this line. We all go through the same line. We ought to recognize that. If we truly value what our teachers do, and I do, I think we have to do a better job, and I think folks are expecting us to do it.

The leadership in this House, the Republican leadership, has to join with us to make it happen. We have to stop arguing about those things like school vouchers. Every year they want to talk about school vouchers. That is not the answer to the problem. Because if that were the answer, we would have all been on board a long time ago. All that is is a way to take money off the top and deny those most-needed students their opportunity.

We can talk about all we want in saying, well, competition is what we need in schools. We have 53 million students in school in America this year, and 94 percent, roughly, in this country, and in some States it is higher than that, it is 95, 96 percent, they are in the public schools. So the key is for us to use what resources, to use the kind of influence and support we have to help all of our children do better.

I think our schools are doing a far better job today than they have ever done, for all of our children. There is no question about that. No one can tell me that is not true, after looking at the data and look at the data across years. But the challenge we have is what we have done last year or 5 years ago is not good enough. It will not suffice in the high-tech economy we find ourselves in, competing with the world. We cannot drain off resources from our public schools and leave our children behind, condemned to a bleak future of failure.

As we work in this Special Order tonight, I hope we can share with the American people that our commitment is to our public schools, it is to make sure that every single child has an opportunity.

Mr. Speaker, one of the things we have done in this country is make sure that children, try to make sure that children show up ready to learn. We can tell a difference in a child who comes from a background who has not had those opportunities, if he just had one year of Head Start, good Head Start or preschool.

In North Carolina, as my colleagues well know, our governor has worked with the general assembly and they are now putting in a prekindergarten program. They call it Smart Start. We had some when I was superintendent that we used Federal monies for that, and it makes all the difference in the world. It is a public-private partnership, and in some cases, we are working with other groups. But for the children who have not had that enrichment, who show up at school who do not know their colors, who have not been read to when they were little folks, it makes all the difference in the world. It helps the teacher, when we have 26, 28, and in some cases, 30 children.

I often remind folks that Fay and I were fortunate. We have 3 children. I would have hated to have had 26 of them, trying to teach them. Some days it was tough with 3. People do not realize what it is in that classroom. Teachers are liable to stay in that classroom. If they want to go to the bathroom, they have to get relief. There are not many jobs like that today. I think we need to honor them and respect them.

Mr. Speaker, our job here in Washington ought to be talking about how we can make it better, not create situations that are barriers to those teachers, and the teachers are the ones who really understand the problems the children have. They do not want the money to be taken away from staff development. Education may be the only place I am aware of where we tell teachers that they have to continue to get recertified, and they to pay for it themselves. Most businesses that I know of pay for their employees to go to get continuing training.

We are starting to do a better job, but we are not there yet where we are paying for all of them. I think if we honor education and we care for our children and our teachers, we ought to be about doing those things. Our schools can do better, and they will with our help, but only if we are willing to help.

□ 1945

We need to foster a greater connection, I think, between students, teachers, parents, and the broader business communities, one of the points we were talking about earlier.

If a community gets involved, it is amazing what happens to students. One of the things you talked about earlier that are so important, we have to reduce class sizes. But if we talk about reducing class sizes on the one hand and take away staff development for the teachers and the training opportunities they have, all of a sudden we are working against ourselves because we are saying, well, this worked well but we are going to take that away and put it over here.

What we really need is to enrich and help that whole system. We need staff development for teachers and administrators. We need to make sure that when we are looking at roughly 2 million teachers we are going to need in the next few years, we ought to be looking for ways we can energize and put money out there. We did it in the sixties when we wanted to do math and science. We are going to have to do it again if we honor and believe in education.

I happen to believe very strongly that I would not be here in the United States Congress if it had not been for public education, and I would say to the bulk of the Members, neither would they. They should not forget from whence they came. I would not be here. If we had been in the process of vouchers and all these other things, I would not have gotten the kind of education I did. I went to the public school, and whatever the most affluent child in my community got, I had the opportunity to get. That is true of most of the people in this body.

We should never forget that. We should not deny that opportunity for any child in America, no matter where they come from ethnically nor where they come from economically, because who knows, who knows, one of those youngsters may find the cure for cancer or any other number of diseases. Eventually they may be in this body making some of the same decisions.

We have a tremendous challenge. We need a national commitment. We need that commitment to the notion that parents in America have the right to expect that their children will have the best teachers in the world, and we cannot have, attract, nor retain the best teachers if we do not support them. It is one thing to get them there. It is equally as important to keep them there with pay, respect, and support.

That means staff development. That means when they need help, we respond; that we honor what they do, rather than criticize what they do. That bothers me greatly when I hear Members in this body do that. I was pleased today that we passed a resolution, but I will repeat one more time, now that we have said the words, we need to walk the walk. We need to have an education bill that bespeaks of how important education is in America for every child. Whether he lives in the richest suburbs or the poorest inner city or the most isolated rural parts of America, he should have the opportunity for an education.

I think block grants and vouchers are not the way to go. We would ultimately waste the ability of children in this country. We must make sure that every neighborhood school in America works.

I thank the gentlewoman for putting together this special order.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman. He is steeped in experience. As a former State Superintendent of Public Instruction, he recognizes and understands the importance of quality education, and he understands the barriers that are there with our children. They already come with a set of barriers, being poor and having unskilled parents. Then to further those barriers by not giving them the quality education is just absolutely an atrocity, in my book.

I thank the gentleman from North Carolina for his leadership on this issue.

I have another Member who is a leader in education who is on this floor just about every night talking about the inadequate education, given the funding that we do not get, but is busy pushing the whole notion of school construction and quality teacher training so that we can have the quality education that is sorely needed for those 53 to 54 million students.

I yield to none other than the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I thank the gentlewoman from California for yielding to me. I want to congratulate her and applaud her insight in focusing on a very serious facet of the education bill that is going to be coming to this floor soon.

I serve on the Committee on Education, and I have had to live with this for a long time. To have Members who are not on the committee understand what is going on and offer to give us some help in this crucial area is very uplifting. It is good to hear that we are going to be prepared to fight the fight on the floor which we fought in the committee and we lost.

The crux of the argument that is being made tonight is that we should not take the Federal monies that are appropriated primarily to help the poorest students in the poorest communities and water that down, spread it out to communities which may need money for education, but we should not give them additional funds for education at the expense of those who have the greatest need.

The original intent of the Elementary and Secondary Education Act was to provide additional help for the poorest school districts and for the poorest students in those school districts.

We have had a doctrine of flexibility and super flexibility, and various names have been assigned to it in the past 6 years by the Republican majority. But what they are attempting to do is Robin Hood in reverse. What the Republican majority wants to do is take the money from the poor and spread it out to the others who need it less.

The irony of it is that they have better choices. We can all rejoice that we can make choices now which are very different from that and at the same time address the needs of any area that has educational needs.

We have a surplus. We have a surplus. A lot of people do not want to talk about it here in Washington. It is the most important factor and development in the last 10 or 20 years. Instead of talking in terms of a deficit, there is a Federal surplus. Why do we have to rob the poor, therefore, to spread the Federal funds out to cover needs in some other district?

I do think there are other needs. Nobody has spoken more often here on this floor than I have in favor of the Federal government taking a larger role in funding for education. The Federal Government's role now is around 7 percent of the total funding. Most funding for education comes from the State governments and from the local governments. The Federal government has a small role. The Elementary and the Secondary Education Act that we are talking about today is about $8 billion of Federal funds, $8 billion out of a huge budget for education, when we add the State and local government contributions.

Clearly, if we go back and read the law it is still there, the findings in the preamble to the Elementary and Secondary Education Act that clearly the Federal government did not meet all the needs of everybody in education. The reasoning was that we should help those districts which have the needs most, help the poorest students, to relieve some of the burden from the State and local governments doing what they should have been doing all along, giving the kind of help these districts needed.

The pattern is across America that those who need it most get the least. The pattern of State government is that they neglect those who need it most because they are the ones who have the least amount of power. It is a power situation. The pattern over the years has been State government always neglects the needs of the poor, whether it is health care or education or any other need.

The Federal government has stepped in in the interests of national security, in many cases. In World War II, they found when they had to draft large numbers of young men that they were basically unhealthy, suffered from poor nutrition, any number of problems that led to the generation of concerns at the national level about health care.

We later on got the beginning of health care programs in terms of Medicare, Medicaid, and various other funding for hospitals and well baby clinics because it was understood that we cannot leave that to the States because they do not deal with it, and there is a need, there is a national security interest, in having a healthy population.

There is now a national security interest in having a population that is well-educated. Nothing is clearer than the fact that brain power now drives the world in terms of the economy. If we move to the military sphere, any area of activity among governments or in governments requires a tremendous amount of brain power. Educated people are our best resource.

What we are proposing here and what the gentlewoman from California has

pinpointed is we are proposing a very dangerous and deadly move. We are moving in the wrong direction at a time when the budget surplus permits us to give more aid to education. If we want to help other areas beyond the poorest of the poor, then we could just add money to the budget and cover the additional areas.

No, at a time when we can do that, we are proposing to take the money away from the poorest of the poor and give it to the other areas. Why not, at a time like this, dedicate more of the Federal budget to education?

Let us stop for a moment. The American people should listen closely to what is happening. Between the time that Congress recessed and the time we came back last week, the estimates of the budget surplus went up by $40 billion.

The estimate now is, the most conservative estimate is that this year's budget surplus, the amount of money we will take in in terms of taxes, revenue, versus the amount of money we have spent, the surplus, the leftover money, will be no less than $200 billion, $200 billion. The projection is that over the next 10 years we will have about the same or more, $200 billion per year for 10 years. We are talking about a $2 trillion surplus over a 10-year period.

Why are we in an atmosphere of that kind? Why are we, with opportunities of that kind, going to rob or take money from the poorest of the poor and give it, spread it out for the rest of the schools? That is mean-spirited, it is insensitive, and it is shortsighted.

We should rise to the moment. We have a golden opportunity, every legislator here, everybody in government has a golden opportunity to rise to this moment when we have abundant resources. We have had to make decisions for a long time based on the fact that we had a deficit. There was not enough funding. Now we have the funds. Where is our conscience? Where are our consciences? Where are our hearts? Where are our souls when it comes time to make decisions with resources that we have been blessed with?

Instead of the generosity and charity spirit prevailing, just the opposite is happening. We choose to take what we have allocated for education for the poorest of the poor and to give it to those who need it less, spread it out.

Sandra Feldman, who is the president of the American Federation of Teachers, has put it well in a recent article that she has in several papers.

The legislative term for what is happening she says some people call a block grant, but she calls it a blank check. ''The result would probably be the disappearance —or at least the radical weakening—of programs designed to guarantee funding for critical national objectives like safe schools and lower class sizes.''

I am quoting from Sandra Feldman's article, Mr. Speaker, and I will include the entire article for the RECORD.

The article referred to is as follows:

COMMENTARY ON PUBLIC EDUCATION AND OTHER CRITICAL ISSUES—A BLANK CHECK

(By Sandra Feldman)

People in Hartford, Connecticut, have good reason to be proud and pleased. For a number of years, students in this poor, urban school district ranked academically lowest in the state, but things are changing. A new superintendent, working with the AFT local, used Title I money (federal funding targeted specifically to educationally needy children) to put in place a proven program called Success for All. And this year, the district celebrated significant improvements in math and reading test scores.

This is just one story among many in which children are doing better because their schools receive federal funding. But if a measure that Congress is currently debating becomes law, there will be fewer of these success stories.

The so-called Straight A's bill would allow states to lump together federal funding now devoted to programs that are proven to help children learn—as well as programs that help keep schools safe and drug free and enhance learning technology—and give the money to the states to use in any way they choose.

The legislative term for this is ''block grant.'' But it should really be called ''blank check.'' The result would probably be the disappearance—or at least the radical weakening—of programs designed to guarantee funding for critical national objectives like safe schools and lower class sizes.

GURANTEED FUNDING

The biggest of these programs, Title I, reaches 11 million disadvantaged kids—though in fact many more could use the kind of help it offers. Title I money goes directly to the districts and schools where it's most needed, and it pays for, among other things, extra teachers and programs that help students master reading and writing and achieve higher standards. Over the years, as Title I has been improved and focused on proven programs, student achievement has improved, and in some cases, such as Hartford, Title I has been a big factor in turning around entire schools and even school districts.

It is possible that the states would carry on Title I and other programs that are working—but it's very risky. The reality about block grants is that they allow state governments to spend the money any way they want to. And of course, they have their own priorities, their own pressures and demands to answer to, which do not necessarily include needy children.

This is not to say the states aren't good at lots of things. Most have been working successfully to raise student achievement. But it has been the targeted program funds of the federal government that have spurred most of them on. States have never done a good job of making sure all children get their fair share of the education pie. Schools in poorer communities have always been underfunded. Poor children, who need more than other children, have always gotten much less.

SPECIOUS ARGUMENTS

Supporters of education block grants talk about giving states the right to run their own school systems without federal interference. They claim they are for ''flexibility'' and against the ''status quo.'' This is disingenuous, to say the least. Virtually all of the Title I money already goes to the local level, so what kind of flexibility are they talking about? (Flexibility not to spend the money on what works?) As for moving away from the status quo, that already happened in a big way in Title I just four years ago. Strong accountability requirements for district and schools receiving Title I funds were added, and those requirements have been the engine driving a lot of the academic progress we've been seeing in the states.

Of course, there is a big remaining problem with the status quo: There simply isn't enough federal education funding to meet needs. One percent of the entire federal budget is spent on K–12 education, in comparison, for example, with the 2.5 percent spent on transportation. No one denies that transportation is critical, but is building highways more than twice as important as educating our kids?

Americans want money spent according to need, not politics. So why would Congress even consider turning the funding for programs that serve needy kids into pork barrels for the states? Straight A's is bad news for children, and people who care about educational equity should call their members of Congress to tell them so.

To continue reading from her article, quoting, ''The biggest of these programs, Title I, reaches 11 million disadvantaged kids—though in fact many more could use the same kind of help it offers. Title I money goes directly to the districts and schools where it is most needed, and it pays for, among other things, extra teachers and programs that help students master reading and writing and achieve higher standards. Over the years, as Title I has been improved and focused on proven programs, student achievement has improved, and in some cases, such as Hartford, Title I has been a big factor in turning around entire schools and even school districts.''

''Supporters of education block grants talk about giving states the right to run their own school systems without Federal interference. They claim they are for 'flexibility' and against the 'status quo.'''

□ 2000

This is disingenuous, says Sandra Feldman. This is disingenuous to say the least, virtually all of the title I goes to the local level so what kind of flexibility are they talking about? They are talking about flexibility not to spend the money on what works.

As for moving away from the status quo, that already happened in a big way in title I just 4 years ago. Strong accountability requirements for districts and schools receiving title I funds were added, and those requirements have been the engine driving a lot of the academic progress we have been seeing in the States.

Mr. Speaker, I think that the examples that have already been made by the Welfare Reform Act, where large amounts of money that were targeted for the poorest of the poor, welfare people, has not been spent by the States, and instead of them using that money for daycare and for job training, where they have had choices, and sometimes even when they did not have choices, they have channeled the money into other kinds of general funds or road repair or whatever and not bother to use it for the human resource needs that they have had.

Given that example, why should anyone think that giving the States a

blank check on maximum flexibility on education funds will mean that they are going to spend them wisely on those funds? I would like to conclude by saying there is a simple formula that I would like to leave with everybody who cares about education in America. If we just take 10 percent of the surplus, 10 percent of the surplus each year, and devote it to education, we could resolve all of these problems with a minimal amount of distress anywhere.

We do not have to take it from the poor to give to the rich. We can add money to the budget; that 10 percent would pay for construction needs, infrastructure needs. It would pay for additional computers. It would pay for a lot of different things like more teachers for the classroom, 10 percent of the surplus is $20 billion. It is only 10 percent, but because the surplus is so large, it is $20 billion per year.

With $20 billion per year, we can meet the capital needs in terms of infrastructure and equipment, and at the same time, we can also meet the needs in terms of improvements in education in other areas.

We have an answer, and the answer does not require us to be mean-spirited and take away from the poor to give to the rich. The answer is to add more money, 10 percent of the surplus should go for education, and we can solve this problem.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman so much for his leadership and the expertise that he brings to the table on education.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to thank the gentleman from New York (Mr. OWENS). He has absolutely been stalwart in bringing to this floor those education needs and some of the concerns that are critical in the communities that have been underserved. We thank again the gentleman from New York.

We have another education leader, I say, because he is on the Committee on Education and the Workforce, but he has also shown great leadership in this area.

Mr. Speaker, I bring to now the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for yielding to me. I commend her for giving us an opportunity this evening to have a general discussion of the state of education policy in the United States Congress and the all-important work that we are trying to accomplish in reauthorizing the Elementary and Secondary Education Act, that is the Federal programs affecting preschool and K through 12 and even afterschool activities that have been reauthorized every 5 years, and this year it is up. I hope we get it right.

Earlier today we did pass a resolution in this House in regards to commemorating and honoring the teachers that serve our children throughout the country. And I am very glad that we took a few minutes this afternoon in order to do that, because, obviously, the studies show that outside of the active, caring, loving, involvement of parents in their own children's lives and especially the education, the next important determinant of how well a child is going to succeed in the classroom is the quality of the teacher actually working with our children, and that is why I feel we cannot do enough in order to support the teachers, provide them with the resources that they need in order to accomplish the job and the tasks and the objectives that we are calling upon them ever more so today to do.

Unfortunately, I am afraid that the turn of the Elementary and Secondary Education Act has not been a happy one. I mean the Federal involvement in K through 12 education funding is roughly 6 percent to 7 percent. It is not a large chunk of the pool of money that is provided to our public school systems throughout the country, but I feel it is a very important piece of the pie, because it goes to targeted, high need, disadvantaged students who are otherwise slipping through the cracks, and through the history of ESEA, there was a consensus developed throughout the Nation and in this Congress that the Federal Government can be involved in a targeted fashion, filling in some of those cracks, providing resources to the poor and disadvantaged high need children in the country. Also, our involvement kind of sets the tone as well and develops themes and develops priority that is we as a Nation really should be working on; issues such as class size reduction, one that hopefully is starting to pick up more momentum State by State, school district by school district.

Even in my own home State of Wisconsin, we have had a very successful SAGE program that has been in place for quite a few years. Last year, the University of Wisconsin at Milwaukee just did a comprehensive study and analysis of the SAGE program, which is a pilot program throughout the State, and the results were really stunning, as far as student achievement and the benefits of class size reduction.

Mr. Speaker, as we speak to the administrators and the parents and the teachers, those involved in the public education system, there are certain things that they are calling upon from the Federal Government, for State governments, even the local school boards to step in and to assist them on, one of which is providing resources needed in order to reduce class sizes so that we do have a better student-teacher ratio in the classroom, which will help with individualized attention then to students, so that the teachers can focus on a high-need students and devote the attention that they need.

But it also adds to increased discipline and safety in our schools. It should be a shared goal throughout the Nation. It should not be a partisan issue. But, unfortunately, it has not become a major part of the elementary and secondary education reauthorization bill, and I think that is a little unfortunate. But hopefully we will have a chance to correct that.

Another important piece of the ESEA reauthorization was something that was passed by the House of Representatives last year, it is still pending action in the Senate, but it was the Teacher Empowerment Act, and that is the resources that we provide back to local school districts in order to provide training and professional development to teachers so they can enhance their skills so that a new generation of teachers, who will hopefully be very well qualified and talented, will be entering the classroom.

Lord knows that we see the real challenge that lies before this Nation over the next 10 years. We are projecting about a 2.2 million teacher turnover within the next 10 years, and this presents not only a challenge but an opportunity. An opportunity to increase our involvement and effort in improving the quality of teachers, attracting young, bright, talented students into the teaching professions, asking them to meet certain certification requirements so that we are getting the best and the brightest into the classrooms dealing with our children.

Mr. Speaker, we could have a new generation of teachers stepping in who are very capable of meeting the needs of an ever-changing global marketplace and a new economy that our kids have to find themselves in. So we need to do what we can within the ESEA reauthorization to help with the teacher training and professional development programs.

There was a provision that I got included in the Teacher Empowerment Act which also provided resources for the professional development of our principals and superintendents and administrators of school districts, realizing that they play a very important role quarterbacking the school districts, setting the tone and providing the leadership of where a school district is going to go.

But I talk to a lot of teachers who feel a little bit discouraged that there are not enough resources being provided for school modernization needs, providing the infrastructure and the technology in the classrooms, making sure that our kids have access to the technology that they need, which can be an incredibly powerful new learning tool at their disposal, but making sure the classrooms are wired, that they are getting access to the software and the hardware and especially, again, that there is professional development funding so that our teachers feel competent and capable of integrating that technology right into the classroom curriculum.

In light of that, I, along with other members of the committee, offered an Ed-Tech amendment to a recent piece of the elementary and secondary education bill, one which would provide

targeted funding exactly for this technology need in the classroom and exactly for the professional development of teachers and also for the integration of the technology into the classroom instruction and curriculum.

Unfortunately, that amendment was rejected in committee. I think it is short-sighted, given the needs of the global marketplace today. In fact, just quickly, I had a very interesting lunch with Jim and Bridgette Jorgensen, who are the cofounders of the AllAdvantage.Com company. They started this company with two others, both of whom were H–1B visa students. They have created 700 jobs in this country alone, and they are expanding by leaps and bounds. But I was asking them about the issue of having to expand the H–1B visa program in the country and why it was necessary. And they said, in the short term it is necessary, because in the short term we are not getting enough of our own kids interested in math and science and engineering and computer science classes so that they can step in and meet the growth needs of a lot of these technology companies that are expanding incredibly fast, and helping to create a 3 percent unemployment level in this country.

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

Mr. KIND. I am glad to yield to the gentleman from New York.

Mr. OWENS. Mr. Speaker, my colleague on the Committee on Education and the Workforce made a very important point in passing. Since we are paying tribute to teachers today, I just want to make certain that that point does not get lost. That is that many teachers who are now employed as teachers, as well as many students who are considering teaching, they point to the abominable working conditions in the schools. And one of the abominable working conditions that they cite is the physical infrastructure, the fact that schools are in disrepair.

Schools have, in the case of New York, furnaces that still burn coal and, therefore, they pollute the air. Respiratory illnesses not only are there to be contracted by the children, but also by the teachers. Schools are overcrowded, and that creates an atmosphere which exacerbates the discipline problem. Schools are overcrowded, so they force the kids to eat lunch in three or four cycles, so they have to eat lunch very early.

Mr. Speaker, if we care about teachers, and I heard many protestations on the floor today as to how important teachers are and how much we care about them, if we care about teachers, then we ought to give them better working conditions and I think we should not overlook the fact that we have better working conditions in many plants and industrial offices than we have in our schools for teachers. I thank the gentleman.

Mr. KIND. Mr. Speaker, I thank the gentleman for his comments. It is a very important point. Even schools in my district in western Wisconsin, especially in rural areas, are in need of repairs, and some are emergency repairs. But the gentleman from New York (Mr. RANGEL) has offered a bit of a solution to this nationwide problem in a tax credit for bond referendums issued for the sake of school modernization and school construction needs.

I think it is a very important role the Federal Government can provide by providing tax credits to local school districts, which will save local school districts with the additional expense of having to pay interest on those bonds that are being issued today. And so again, another piece in the puzzle where the Federal Government can partner with the State and local school districts in order to make it affordable for us to be able to provide quality education facilities for our schools.

The essence of passing a budget here in Washington is also about establishing priorities. And if we want to be productive and meaningful as far as our children's future is concerned, we should be building Taj Mahals to our kids in the form of school buildings that they are going to be proud to walk in and do the work and feel proud to learn in. It would be a sure sign to our kids that the adults in their lives think enough about them and their education that we are willing to invest the resources that are needed to get this done and to get this accomplished.

Mr. Speaker, I would hope that our colleagues here in this body would support the school modernization legislation that the gentleman from New York (Mr. RANGEL) has proposed.

Let me just conclude by ending where I started and that is commending the teachers for the hard work that they put in throughout the Nation, and also commending the Vice President who had the courage to finally, at the Federal level, to speak up and say if we are going to get the teacher component of education right, we have got to talk about compensation. We cannot be afraid about talking about adequately compensating our teachers so that we can recruit the best and the brightest in the teaching profession, so that we can retain good quality teachers and not lose them to the private sector. And he has, I think, a very reasonable realistic proposal in awarding teachers who are going on and developing their professional skills with professional development classes, receiving higher degrees of education, providing bonuses to students who go into this subject area and obtaining their higher level certifications that are now being implemented on a State-by-State basis.

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This is something that, for too long, we have been afraid to talk about, yet we see the wholesale abandonment in the teaching profession by a lot of good teachers who would love nothing more than to stay in the classroom and work with our kids, but who are being enticed in the private sector with more lucrative job offers.

Again, it becomes a question of priorities with our budgets and as a Nation of whether or not we are going to do right by the teachers and award them and provide them with an adequate compensation level so that they can make a decent living and take care of their own family while doing something that they love and want to do, and that is, teach in the classroom.

It has been said that good teachers have a form of immortality. That is because their influence and radiance keeps on shining. I have had a few very, very good teachers that touched my life as a kid growing up on the north side of La Crosse, whether it was Mrs. Heillesheim or Mrs. Stoker or Mrs. Mulroy or Mr. Trumain in the elementary school at Roosevelt in La Crosse, or whether it was Mr. Knutson or Mr. Kroner, Gary Corbiser, Mrs. Bee Small in the middle school at Logan. In high school, there were so many good teachers who I had the privilege to have teach me, whether it was Ernie Eggett, who taught me advanced algebra or calculus; or Joe Thienes who made physics and chemistry interesting for this student; Mr. Anderson, Mr. Markus, and Diane Gephardt who taught me how to write; Ron Johnson who sparked my love and interest in history that I carry with me even today.

I just want to conclude by thanking them, in particular, for the role that they had in bringing me up because it did not necessarily have to end up here in the Chamber of the people's House, the House of Representatives. But for their influence and their concern about the future and my life, as well as a couple of loving parents that I had growing up under, it could have been a lot different for this kid on the north side of La Crosse.

So tonight I just want to pay special tribute to those teachers who had a major impact and influence in, and influenced my life.

Ms. MILLENDER-MCDONALD. Mr. Speaker, one can see the leadership that the gentleman from Wisconsin (Mr. KIND) shows, and he shares with us in showing how great teachers and quality teachers can bring about a quality Member of Congress.

I suppose I started also in talking about the person who was instrumental in my life, my father, because my mother died when I was 3½, and I was brought up by my father. This is why I carry the full name of JUANITA MILLENDER-MCDONALD. But he was so absolutely so strong on quality education.

This is why, Mr. Speaker, H.R. 4141 is potentially detrimental to both the Safe and Drug Free School Act and the 21st century community learning centers. Further, the national program on hate crime prevention sponsored by the Safe and Drug Free School Act could lose much-needed funds if this particular provision, that transferability

clause, passes in this ESEA reauthorization.

We can no longer, Mr. Speaker, tolerate violence, especially gun violence that affect the lives of our students. We have seen that with Columbine and the others.

So I plan to offer an amendment which repeals the transferability clause in Title I of H.R. 4141 when it comes to the floor. I believe that it is extremely harmful for the local education agencies to be able to transfer funds between educational programs thereby weakening the original mandate of those funds.

Again, Title I is for our poorest of children, the poorest of schools. I have those schools in my district of Watts and Wilmington and other places.

I say to all of us in this House, let us not forget the disadvantaged student, the one who critically needs quality education.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3709, THE INTERNET NONDISCRIMINATION ACT

Mr. LINDER (during the special order of Ms. MILLENDER-MCDONALD), from the Committee on Rules, submitted a privileged report (Rept. No. 106–611) on the resolution (H. Res. 496) providing for consideration of the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple and discriminatory taxes on the Internet, which was referred to the House Calender and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 701, THE CONSERVATION AND REINVESTMENT ACT OF 1999

Mr. LINDER (during the special order of Ms. MILLENDER-MCDONALD), from the Committee on Rules, submitted a privileged report (Rept. No. 106–612) on the resolution (H. Res. 497) providing for consideration of the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreational needs of the American people, and for other purposes, which was referred to the House Calender and ordered to be printed.

## LAND OF MANY USES

The SPEAKER pro tempore (Mr. HAYES). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, I have a very serious subject of which I want to address to my colleagues, a subject of which many of my colleagues in this room, while it is not in their district, they may not have the kind of knowledge that I hope to kind of infer into them this evening during our discussion.

What I want to visit about really is specific, as it first comes out to the State of Colorado and to the Third Congressional District. Did my colleagues know the Third Congressional District is one of the largest districts in the United States? That is the district that I represent in the United States Congress.

That District geographically is larger than the State of Florida. It is a very unique district. I will kind of point out the district here on the map to my left. It is this portion of Colorado. It consumes over 60 percent of the State of Colorado. In that area, just roughly speaking, with the exception of Pikes Peak and part of Estes Park, all the other mountains, for the most part, are contained within the Third Congressional District of Colorado.

Now, this district has some very unique features about it. First of all, the amount of Federal land ownership within the district, which exceeds 22 million acres. This district is also a district which supplies 80 percent of the water in the State of Colorado, even though 80 percent of the population lives outside the Third Congressional District.

This district is also unique. Well, in fact, the entire State of Colorado is unique in that Colorado is the only State in the whole union, the only State in the whole union where we have no free-flowing water that comes into our State for our use. In other words, all of our water flows out of the State.

Now, in this particular district, as my colleagues know, because of the amount of Federal land, we have a concept called multiple use. I want to give a brief history of multiple use. Although I have talked many times from this podium to my colleagues about multiple use, I am asking for their patience again this evening, because I want to give a little history of multiple use and why in the West we have much different circumstances or consequences of decisions in Washington, D.C. regarding land than they do in the East.

Let me put it this way, multiple use is critical for our style of life. There are many organizations that are up and down the eastern coast around in these areas that really do not understand what it is like to live surrounded by Federal lands. So it is very easy for them to criticize those of us who live in the West for our lifestyle. It is very easy for those individuals to tell us to get off the Federal lands as if we had no right to be on those Federal lands.

Well, let us start with a little history. After I go through the history, then I am going to move into the White River National Forest. It is one of the most beautiful forests in the world. It is an area which I grew up on. I was born and raised in Colorado. My family has been there for multiple generations. I can tell my colleagues that there are a lot of people that are very proud of the White River National Forest. So we will move into the White River National Forest.

But, first of all, let us start with a little history on the concept of multiple use. In the early days of this country, the United States, as a young country, wanted to expand. Obviously the only place to expand was west because our people and our country started over here on the eastern coast near the Atlantic Ocean.

But as the United States began to acquire land, for example, through purchases like the Louisiana Purchase, they needed to come out here into these new lands. Back then, having a deed for property, unlike today, today if one has a deed for property, it really means something. One can go into the courts and enforce it. In those days, in the frontier days and the early days of the settlement of the United States as we know it today, having a deed did not mean a whole lot. One had to have possession. That is where, for example, the saying possession is nine-tenths of the law. That is where that saying came from.

So the challenge that faced our government in the East was how do we encourage our citizens who have the comfort of living in the East to become frontiersmen, and I say that generically, to become frontiersmen to go West and settle the West and get possession of the lands that we want to become later States in the United States.

So the idea they came up with is, well, let us do the American dream. One of the pillars of capitalism, one of the pillars of freedom, one of the pillars of which the concept of our government was made, that is private property. Let us give them some land. I think it is every American's dream to own their own home, to own a piece of property.

It was many, many years ago, hundreds of years ago when our country was formed. So they thought, the leaders at that time, the way to get these people to move out here to the West, to settle all of this new land, let us give them land. Let us see if they go out there and they work on the land, and they show that they really care about the land and they devote themselves to the land. Let us give them the land, maybe 160 acres, maybe 320 acres. It is called the Homestead Act.

That worked pretty well, except when one got to the West, to the West right here, out here, 160 acres, for example, in Kansas or 160 acres in Nebraska or 160 acres in Ohio or 160 acres elsewhere, in Missouri or Mississippi, one could support a family, or maybe 320 acres, one could support a family off that.

But when they got into the Rocky Mountains, for example, they found out that 160 acres, it will not even feed a cow. So they went back to Washington. In Washington, they said, what do we do? We are not getting people to go out here and settle in these areas where we want them to settle.

So they thought about it. One of the thoughts, of course, was to let us give them an equivalent amount of land. Let us say to them, look, it takes 160 acres to support a family in Nebraska. Let us give them 3,000 acres in the mountains. The leaders thought about it, and they thought, politically, we cannot give that much land away because we expect a lot of people to go out there.

So then someone else came up with the idea, well, let us do this. Let us go ahead in the West. In the West, let us have the government continue to own the land as a formality, and let us let the people use the land just like they do in the East; thus, the concept of multiple use.

Now, many of my colleagues who have been in the West and have entered a national forest, they may have seen a sign that says, for example, ''Welcome to the White River National Forest,'' and underneath there hung a sign that said ''A land of many uses.'' That is what this really represented, a land of many uses.

Later in my discussions, we will talk about how a land of many uses has expanded, how it has expanded to protect the environment, how it has expanded much beyond ranching and farming and mining and things like that. It has expanded into recreation. It has expanded into multiple, multiple uses. In fact, that doctrine has grown unusually.

Let me tell my colleagues what we have right here, the map that I am showing them. This map represents here in the east where most of the white spots are, with the exception of the Appalachians here and the Everglades down in Florida, there is very little Federal land ownership out in the east. These big blops in the West, all of the colors we see, that is land owned by the government.

So at this point, what I want to stress upon my colleagues as I address them here on the floor is the difference between land ownership by the government in the east, of which it is, for all practical purposes, at a minimum, and land ownership in the West which, for all practical purposes, is almost total.

Now, understanding that, when one lives in one part of the country where the Federal Government has very little Federal ownership and really for development or planning or zoning, one can go to one's local city council or one's county governments in the East, compare that living style to, in the West where, really, when one wants to have some kind of zoning or thing like that, one has to go to the government in Washington, D.C., because one is surrounded by government lands.

Now, let me say that, in these big blops of federally government-owned land, Federally-owned land, and other government-owned land, there are communities out there. There are small towns. I will give my colleagues some examples of towns which they will recognize right away: Aspen, Colorado; Vail, Colorado; Glenwood Springs, Colorado; Meeker, Colorado.

Now, the reason I am giving my colleagues those communities is I am kind of focusing this in on the White River National Forest.

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All of the communities, in fact, all the ski resorts in Colorado, are located within the boundaries of the Third Congressional District, which I represent. Now, those communities are totally dependent on cooperation from the Federal Government. We here in Washington, D.C., dictate what those communities, and hundreds of other communities just like them, what they get to do. We dictate whether or not they get to have power lines to bring power into their communities. We dictate whether or not they get to have highways that come into their communities. We dictate their water resources.

In some cases, the Federal Government, under a new policy, is now attempting to reverse, turn on its head, or completely ignore the long-standing doctrine that recognizes State water law and go into States like Colorado and say, look, if your water, for example, is stored upon Federal land, runs across Federal land or originates on Federal land, even though you own it, we are going to confiscate a part of it and we are not going to let you have access to it any more. In other words, the government has complete control of the life-style in the West.

In the East, people are generally very free from the government. And when I say the East, let us go ahead and draw a boundary here on this map. Coming up here from the Canadian border and right down and through Colorado, actually going down I–25, half of Colorado has very little Federal land ownership in it. Coming down here, up through here, through Oklahoma and down right to the border there in Arizona, over in this area over here, everything east to the Atlantic Ocean, very little government ownership. Everything to the west almost total government ownership.

Well, that leads me into the topic that I want to visit this evening on, and that is the White River National Forest. The White River National Forest is a huge forest, about 2.7 million acres, approximately. One-third of that forest today, one-third of that forest, is held in a wilderness area.

Now, a wilderness is the most restrictive management tool that the government uses. It is the tool for management that has the least amount of flexibility. I know something about wilderness. I have sponsored and carried into law a number of wilderness bills. The White River National Forest has amongst the highest percentage of wilderness anywhere in the United States, and certainly has the highest percentage of wilderness within the State of Colorado.

Wilderness is very appropriate under very tight circumstances. And when people talk about wilderness, obviously, it is a very fuzzy word. How many of my colleagues in here do not like the word wilderness? How many people have my colleagues ever met, when asked if they like wilderness, do they like mothers, do they like ice cream, have ever heard them say no? It is kind of like finding someone that is anti-education. They are not out there. But when we take a look at the legal definition of the word wilderness as it applies, for example, to Colorado water rights, as it applies to a number of other things, we have to be very, very careful about the application of a wilderness area.

I have a bill called the Colorado Canyons Bill, which I intend to present to my colleagues here in the next couple of weeks. In that one I am proposing 72,000 acres that is in a wilderness study acre to be converted to wilderness. But I do that only after very, very careful study.

So we know now that the White River National Forest has many, many different communities contained within its boundaries, and within those particular boundaries we have one-third of the forest, or about 750,000 acres of the forest, which are in wilderness as we now speak.

Now, when we take a look at the White River National Forest, let us talk about some other issues. There are issues, like water. What is important to remember about the White River National Forest, and let me kind of show, it is very hard to define it, but it is an area about like this on the map, it would be about the size of a silver dollar here in this area, in the White River National Forest we have six rivers which start in that forest. Six rivers originate in the White River National Forest and a seventh river, the Colorado River, comes through the White River National Forest. So water is a critical issue.

Now, remember, as I spoke earlier in my comments, water in Colorado is very unique. We are the only State where our water runs out. We have no water that comes in. In the particular area of the State where the White River National Forest is, we supply 80 percent of the water for Colorado. Eighty percent of the population in Colorado resides outside the Third Congressional District, and probably, oh, 95 percent of the State's population resides outside the boundaries of the White River National Forest.

Well, what happens, in managing these forests, and now, remember, these forests across this country, it is our land, remember the song This Is My Land, This Is Your Land, it is our land and it represents ownership of all of us in this room. Some of us are obviously much more directly impacted by

that because we live there. Many of my colleagues have never set foot in it. I hope, by the way, some of my colleagues all have an opportunity to visit the White River National Forest.

By the way, if any of my colleagues have ever skied in Colorado, ever river-rafted in Colorado, ever mountain biked in Colorado, ever kayaked in Colorado, ever snow-boarded in Colorado, or ever camped in Colorado, the likelihood is very high that any of those family recreational activities that my colleagues have participated in occurred on the White River National Forest.

As I said earlier, these are our forests, they belong to us, and we have a fiduciary relationship to the people of this country to run those forests. So we have an agency that is in charge of the forests called the United States Forest Service. Now, obviously, they are subject to review and guidance by the United States Congress. So, really, the buck stops here.

To manage our forests what we have decided to do is to put out what we call a forest plan. Now, with today's technology it changes so rapidly that a long-term plan has to have flexibility built into it. In the older days, for example when the plan that this forest is now managed under was first drafted, in about 1984, we did not see that kind of rapid change so we could have a 10- or 15-year plan for the forest. Well, that plan is about ready for review. It needs to be replaced with a new plan. So the U.S. Forest Service has spent a good deal of time going out and seeking opinions on what is the best way to manage this forest, and that is what we are going to discuss tonight.

Now, I should tell my colleagues that I believe very strongly in a quote by Theodore Roosevelt when it comes to these forests, and I ask that my colleagues listen to the placement of the words, because I think it is very appropriate as it relates to what we are speaking of. By Theodore Roosevelt: ''I recognize the right and the duty of this generation to develop and use the natural resources of our land, but I do not recognize the right to waste them or to rob by wasteful use the generations that come after us.''

When the forest issued its plan, I think, frankly, they did a pretty good job in solicitation of opinions. And I can tell my colleagues that a lady by the name of Martha Kattrell, Lyle Laverty at the U.S. Forest Service, and a number of other people down there really have put some hard work in this and I wanted to recognize them this evening. That does not mean I agree with them. I will cover a number of different subjects of which I do think we have agreement on, but I will cover some subjects, specifically water, of which we have drawn the line in the sand.

Let me go back to what they have done. The Forest Service has come up with a recommended plan. When that plan came out, I objected to it quite strenuously. I objected to it on a number of different counts, the first and foremost of which is water.

Now, look, in Colorado we have to stand up strong for our water. There are a lot of my colleagues in this room that do not live within the boundaries of Colorado but who depend on Colorado water and are very anxious to get as much of that water as they can. If I lived in their States, I would want as much Colorado water as I could get too. By the way, it is the best water in the country: Rocky Mountain spring water, Coors beer, et cetera, et cetera. But I do not live in any other state, I live in the State of Colorado, and that is an asset of which Colorado has and places great value. I think my colleagues place great value on it too.

But I think we have to be very fair in how we deal with water, and the White River National Forest plan, the plan that the Forest Service has come out with, in my opinion, ignores, preempts, or bypasses Colorado water law. Now, Colorado water law is exactly the law that every other citizen in the State of Colorado must live by. There are no other citizens in Colorado that get exempted from Colorado water law. There are no kings, no queens, no special privileged class that gets to treat water as it wants without falling under Colorado water law.

Now, the Federal Government wants to come in and create a special class. The Federal Government wants to come in, and by the way this is above the level of Martha Laverty, this is from Washington, D.C., they want to come into Colorado and create a very privileged class. It is called the Federal Government. It is called the Washington, D.C. bureaucracy of the United States Government. They want to be treated differently than anybody else in the State of Colorado when it comes to water. And guess why? Because they want our water in Colorado. And, frankly, it has an impact on the water that some of my colleagues use that comes out of the State of Colorado.

So we had a disagreement on water. We will cover that even further as I go into my comments. But what did I see as another fallacy in the plan? I saw water as a fallacy. What other fallacy did I see in the plan? Really, as I said, they gathered a lot of good comments, but what I think they did in error is they took these good comments and they spread them over several different plans. They did not just pick one plan. Although they came up with a suggested plan, in their review they reviewed a number of what they call alternatives. So they had like six or seven alternatives and they came out with their recommended alternative or recommended plan.

Well, in each of these plans they put some pretty good recommendations, but they spread them out when they only got to pick one. I was critical of that. I thought we could do a better job. That is not to be adversarial to the U.S. Forest Service. Although let me make it very clear, let me make it very clear, that my position with the United States Government is adversarial when it comes to Colorado water. There should be no doubt about that. I am on one side of the line on Colorado water and the United States Government is on the other side of the line.

But that said, with the exception of water, I found my relationship, my working relationship with the U.S. Forest Service on the White River National Forest very constructive. But I was critical of the way they came out with their plan, so I decided to do what no other Congressman in the history of the United States Congress has done, what no other U.S. Senator has done in the history of the U.S. Senate, and that is, in essence, draft the U.S. Forest Service's forest plan for them.

Now, first of all, I had to figure out what was my theme. What did I really want to see in the White River National Forest. Remember that this forest has thousands, tens of thousands of direct jobs related to recreation. The world class ski resorts are located in this forest. And by the way, I do not see anything inherently evil with skiing. I do not see anything inherently evil with snow-boarding. I do not see anything inherently evil with riding a mountain bike. I do not see anything inherently evil with camping, or with kayaking, or with riding an ATV. Where the inherent evil is if we abuse the resource which we are utilizing for family recreation. There I see inherent evils, and we needed to address that in our forest plan.

So I titled my forest plan, Forest Rest and Forest Use. Again, Forest Rest and Forest Use. That was kind of the boundary within which I wanted to contain or to construct something that I think would be a positive addition to what the United States Forest Service came out with in regards to their plan. And I will give my colleagues a little bit of my own background.

I was born and raised in Glenwood Springs, Colorado. My family had been there for a long time. My family has been in the district for many generations. I had my first date on the White River National Forest. Now, do not worry, it was not that exciting. I had my first fishing trip in the White River National Forest. I have had a lot of experiences, hiking, and I have learned lots of things about the environment, about wildlife in the White River National Forest. I have a deep appreciation for that forest, and I think I know that forest as well as any layperson.

Now, my colleagues may notice that I used the word layperson, because there are people who have far more expertise on that forest than do I. And in order to draft a plan that I thought was a balanced plan, that really fell within the boundaries of giving the forest a rest and using the forest in a proper way, in order to do that, I felt I needed to have an expert on board. I was very fortunate. Without qualification, one of the top experts in the United States

of America, specifically on the White River National Forest, is a gentleman named Richard Woodrow. His nickname, by which most people know him, is Woody. Seems appropriate for this forest. Although I should tell my colleagues that this forest is not a timber forest, just so we know that up front.

□ 2045

But Woody supervised that forest. Woody drafted the last forest plan. The forest plan that we are currently under right now was drafted by Woody in 1984. Woody was the deputy secretary or the deputy assistant under the Forest Service for all wilderness and all recreation. There is no question that he is qualified.

I can tell my colleagues that some special interest groups decided they were going to criticize me before they even read what I had to say. But during all this criticism, not one of them criticized the credibility, the integrity, the knowledge, the instinct, or the hands-in-the-dirt concept of Richard Woodrow. That man is a scholar when it comes to the White River National Forest.

I went to him and I said, Woody, would you help me draft a plan for the White River National Forest which could be seen as a constructive addition to what the Forest Service is attempting to do? He said yes. But he said, yes, with some conditions. Number one, it had to be balanced. Number two, I had to be willing to stand up for forest health.

Now, it is very easy in that forest for somebody to say, no timber cutting. But if you know about management of wildlife, if you know about the health of a forest, you know that you have to harvest some timber. That is not a timber harvest forest. This is not where companies go to get timber. Companies come in there at our request to take some out. In the last 100 years, less than four percent or so of the forest has ever been timbered.

But he had said, look, there is going to be pressure on you to back down on this. You have to stand with me on forest health. You have to stand with me on balance. I said, I am in. Let us go together. Let us put together a team.

The next thing we decided we had to do, well, what should our process be? I felt very strongly that the process to construct this plan needed to be built at the local level.

We have nine counties involved in the White River National Forest. Now, these are large counties by eastern standards. But we decided that five of those counties have much more impact by the White River National Forest. So we decided that we would go to each of these counties and we wanted to build this plan from the local level up. Now, remember, I had a very short window of opportunity to do this.

This report, and this is a copy of it right here, it is about 160 pages without the maps, it is highly technical. Highly technical. I had less than 5 months to go out, do the research, visit with the people, get the input, send the input back, have it back and revise it, send it back, revise it, send it back, get it ready for final print, and meet the deadline of May 9, which is today. We had to meet today's deadline, and we did meet that deadline. But I had a very short window of opportunity, which means I had to get some volunteers out there to help me out.

Those volunteers were the counties. We went to county commissioners. We went to county planners. We went to user groups. And we went to all user groups. We went to Colorado Ski Company. We went to Fat Tire, the mountain bikers. We went to the wildlife division, natural resources. They provided our expertise for Division of Wildlife. We went for water expertise. Even though I think I have a lot of background in water, we went to the Colorado Conservation Board. We went to the Colorado River District Board.

We sat down with all of these different groups and we said, provide us with expertise on what we ought to do with the White River National Forest.

Now, I can tell my colleagues, one of the criticisms we got out there was from some of the more special interest environmental groups. And by the way, they do not own the term ''environmental.'' I think everybody in this room is environmental. Certainly the people I live around care about their environment.

But they said, look, SCOTT MCINNIS never sat down with us eye to eye. Well, that is true but it is a kind of play on words. They had submitted their own alternative.

Unfortunately, the Forest Service in doing its alternative had drafted all of their alternatives in-house except for one. They allowed one out-of-house, so to speak, alternative to be submitted for consideration of their plan. And that was drafted by groups like the Aspen Wilderness Society, Sierra Club. I think some others might have been involved in that.

That plan, by the way, was called Plan I. That plan was very well-drafted. It was well-worded. It was easy to understand. I did not agree with all of it. Although I did agree with some of it. In fact, I adopted some of it in my own alternative right here. But that document was right in front of me.

So, instead, because of the short window of opportunity I had to complete all of this work, and it really was a huge task to complete, instead of meeting with those different groups, I had their plan written. We went through their plan line by line. We went through their recommendations recommendation by recommendation. Some we rejected.

For example, when it comes to water, let me tell you, the national Sierra Club and some of these other organizations do not have Colorado's water in mind from a perspective of the need of Colorado people. So we disagreed on water. There were areas of the so-called environmental plan, Plan I, that I felt were worthy.

So we sat down and looked at that. We reached out. We reached out into the community. Because I felt that we had to go out there and figure out what uses we could manage, how could we manage those uses, what areas need special management tools, whether it is a designation of a wilderness area, whether it is an intermix area, whether it is a special interest area. But in order to do that, I felt local input was critical.

Now, some people will say, well, gosh, SCOTT never visited with me. I am a hiker. I hike up on the White River National Forest. Look, we could not meet with everybody, but we did the best we could with the resources that we had. I think we have come up with an excellent product. In fact, I think some of the critical reviews of it have been pretty good.

Let us talk a little more. That is the process. So we wanted to gather at the local level, which meant we processed it up. And then our job really was kind of like an architect or like a general contractor. We subcontracted to each county. Garfield County we kind of subcontracted. Okay, Garfield, tell us where you would like wilderness areas. Tell us what kinds of uses you think are appropriate in your county on the forest. Tell us what you are dependent upon as far as highways.

Every power line into Glenwood Springs, every natural gas line, every highway, all of their water, all of their TV towers, all of their radio towers, all of their cellular towers. In most of the communities in the forest, they are all dependent on the forest allowing them to do that.

So we went to each county like a subcontractor and we said, all right, give us a bid, so to speak. Tell us what you can do with the project as a whole. I will act, with the assistance of Richard Woodrow and a number of other people, including my staff, by the way, who, if I could pin five stars on them, I would, they did a wonderful, wonderful job in this, but I wanted to submit this; and then we, as the general contractor, would try and mold the project, try to flow chart the project so that we could come out with a plan, which we did.

That was our mission. That was the process.

Now, in doing that, we covered a number of areas. Let me say at the very beginning there was one area, I have mentioned it several times, I will mention it again, there was one area of which I said was non-negotiable, non-negotiable. I really was not interested in negotiating with anybody on that particular subject. And that is Colorado water.

The water of Colorado should be administered by the laws of Colorado. The water of Colorado belongs to all of the people of Colorado. And in order to adjudicate that water, we have laws that are time tested, court tested, and put-on-the-ground tested, so to speak.

Colorado has management of its water. We have some of the best instream water flows in the Nation. We have lots of protection for our streams. We have gone through lots and lots of controversy on our water. Our water law is true and tested and it is non-negotiable as far as allowing an exemption to it.

What the Federal Government wants is an exemption. They want to be able to come in and preempt, saying, hey, we are the Federal Government. We are bigger than you. We are from Washington, D.C. We will get our way in Colorado. We do not care what your Colorado water law says.

I reject that on its face. That was non-negotiable. But that is about the only point, my colleagues, about the only point that I started out with as non-negotiable. Everything else I felt was negotiable so that we could come up with the best plan for forest rest and forest use.

My belief is that we have a right to use it but we have no right to abuse it. How do we siphon out the abuse? How do we manage it without eliminating it?

Now let talk just for a moment about the recommendation that the Forest Service made. Their recommendation, in essence, said that the historical use of this forest, which one-third, as I told you, has been used for wilderness, two-thirds of it has been predominantly utilized for recreation, they turned that on its head. They said, from now on, we are going to give priority to biological and ecological considerations.

Well, I do not think this is a zero-sum game. I do not think it is either or. Let me tell you, that forest really is a family recreation forest. I think we can have family recreation and I think we can give priorities, customize priorities, to our biological and ecological concerns that we have out there. But I do not think that we have one at the total elimination of the other.

That is where my plan differs from the Forest Service. I have drafted a plan that protects wilderness areas. I have drafted a plan that goes in and even customizes to a greater extent what we do with our wildlife, how we protect our wildlife.

For example, from the Forest Service, they have got a lot of elk and deer habitat in the summer. In the summer in Colorado, the elk and deer have plenty to eat. It is in the winter. We have some pretty tough winters out there. We have deep snow. We shifted the elk habitat from the summer to the winter.

On recreation, we did not go in and say no more consideration for expansion or growth in ski areas. Whoever imagined, for example, snowboards 15 years ago when this plan was drafted? We went in and said, look, recreation is compatible with the management of the forest if it is correctly monitored, if it is correctly reviewed before it is allowed to be initiated on the forest, and if it is correctly managed. If it meets those terms, then recreation should have a place on that forest.

That is exactly what we did, for example, with ski areas. Now, they will make it sound like there is some outrageous thing going on with ski areas. Not at all. We do not waive one NEPA review. We do not waive any other type of environmental permit. We do not waive any type of environmental study at all. We do not waive any public meetings.

All we said is that what is allowed today for ski area expansion is too much. It needs to be reduced. But we are not going to eliminate it. We are going to allow for consideration, only for consideration. We do not automatically grant it. We do not say there is any kind of special privilege. We just say there ought to be consideration.

We went back on wildlife management and we went to our experts, like the Division of Wildlife, and we asked them for their expertise. We did a lot of things with wildlife we are proud about, including even the utilization of trails and trails that would help the management of wildlife.

Wildlife, if my colleagues could hear Woody talk about it, Richard Woodrow, if they could hear him talk about it, he talks about how certain ages of the forest are more conducive to certain wildlife. That is why in one area of the forest we may want to have a burn or we may want to do some timber for beetle kill, because elk and deer love where we have had a controlled burn. They love to come in and graze on that a year or two later. We need to know how these all connect together. We had the expertise on board with Wildlife to figure out how this connection is made.

Let me say on travel management, as I mentioned, this is a family recreation forest. And what has happened in Colorado, many of our constituents who have money have discovered Colorado and they are out there buying the land.

When I grew up, we really got permission to go really anywhere we wanted. We could walk across fields. We could go hunting and fishing and wildlife watching. There were a lot of different things we could do.

Well, today what we have seen, and I do not complain about it, I mean, they have the right to buy property, people have come in and purchased the property and they have put up ''no trespassing'' signs.

What that means is that the White River National Forest has become even more of a common-man forest. This is where the common person gets to recreate.

Now, there are a lot of elitists who have never set foot in that forest. There are a lot of elitists who do not depend on family recreation in that forest. There are a lot of elitists who go into that forest for a once-a-year recreational experience and then they are out of it.

□ 2100

This is elitists, they are saying, hey, wipe this recreation out. I have got a lot of families out there in Colorado that camp every weekend, that go fishing, that go river rafting. They are younger kids, even people my age. My knees will not hold out, but they go snowboarding. It is a common person's forest. And recreation is not inherently evil if properly managed. That is what my plan does. My plan properly manages what we call travel management. We have loop trails. We worry about people leaving the trail. In fact, what my plan calls for, for summer motorized use, for some use, you cannot leave a designated trail. Right now you can actually in a lot of different places, you start wherever you want, take any kind of apparatus you want, whether it is a motorcycle or a mountain bike or a horse, start anywhere you want and make your own path in the forest. Those days are gone. We are not going to let you make a path anywhere you want in the forest. We are going to make the paths, and you are going to follow the rules on them but those paths are going to be a great experience for you.

For example, one of the problems we have had with trails is that they go one way. When you get to the end of them, you have got to turn around and come back. People tend to get bored so they tend to leave the trail. We loop some trails. We don't build any new roads to loop the trails, by the way. We find a trail here, find a trail here, find a connection with an old mining road, we loop them so they are not coming back the same direction. So the incentive to leave the trail is not there.

We are putting in under my plan a new program called Forest Watch, kind of like Crime Watchers, kind of like Wildlife Watch. What we do is we want people to report people that are abusing the forest. If somebody is abusing the forest, get them the hell off it. Get them off that forest. Nobody in Colorado wants people that abuse the forest up there. The people of Colorado recognize the privilege, and it is a privilege, to use that forest. There are always going to be people that abuse the privileges. We have people within the great halls of Congress who abuse their privileges. Get them out. Get them off the forest. That is what our Forest Watch will do.

We will have a 1–800 number. I noticed the criticism, that it has to be within the Forest Service budget. Where else are you going to get it? We are not asking people to insert a quarter or 35 cents in the telephone. We should provide that program. We also put together what we call our Youth Conservation Corps. We have a county, Eagle County, we have had great commissioners, by the way, who have worked with this. But out of Eagle County the commissioners are saying we have got a lot of great young people in our county. They want to get involved. They are wildlife oriented. They are outdoor oriented. If we put up money to help them maintain trails, would the Federal Government match

it? We call it the Youth Conservation Corps. We get them outdoor experience at a young age and let us make that experience one where they are up maintaining trails, where they are helping to help preserve the beauty we have on the White River National Forest. That is an idea contained within my plan. It is called the Youth Conservation Corps.

Our scenic byways. We do special scenic byways. The more scenic we can make our byways, the less inclined people are to leave the byways. Think about it. When we manage people on the forest, some people, some in my opinion elitists would say get them off the forest. I take a much more moderate position. Manage the forest. The way you manage it is you try and think about it. Okay, for example, loop the trail. For example, scenic byways. The more attractive we can make the byway, the less likely somebody is going to leave it. That is a clever way of management.

We have an area called Camp Hale. Bob Dole, the dear colleague of all of ours who was in the 10th Mountain Division, you have heard a lot about that, Camp Hale is where they did their training. Right now that area is overused. Some would suggest we shut it down. Some would suggest get the people off it. Most of those suggestions, by the way, come from people outside of the area. My position is do not shut them out. Manage it. Let us put in an interest center. Let us have management of that. Let us have people come in, just like our rivers, we have to manage those. We can do that. They can come in and get information. Let us help make their experience good but let us make the experience on the forest good for the forest as well.

On wilderness, wilderness is important. We did not just go out though and paint a blanket brush of wilderness. We went to the counties and said, tell us where you think wilderness is appropriate. Just because an area is not in wilderness does not mean that it does not receive protection. There is an entire spectrum. If you were to draw a spectrum, there are all kinds of tools. You can manage a forest or government land as a park, as a monument, as a special interest area. There are 100 different tools. The most extreme management tool is wilderness. But if you do not put something in wilderness, it does not mean that it is not protected or it is not managed. In fact, there are 100 different or more tools to manage that, to help control it to protect the resource.

That is what we do. We go and say, is wilderness the most appropriate way to manage it? If it is, it is in this plan. It is in this plan. We have good wilderness designation in that plan. I have good wilderness designation on my Colorado Canyons bill.

We talk about grazing. Grazing is a privilege on the forest we want to protect. Why? Remember earlier I said that a number of our constituents are coming out to Colorado and they are buying up the land? Ranching is a tough business. What we are seeing is people are coming in and making ranching not as viable as it used to be, because they buy the land for subdivisions. They buy the land to build huge mansions on it. My point is this. Let us try and keep these ranches in business. These ranches and farms, let us keep them in business. But one of the ways we can help keep them in business is supplement their private property with grazing rights, properly managed grazing rights.

My plan goes in where there are vacant allotments and it does not automatically close all those allotments as has been recommended. My plan goes in and says, wait a minute. We sat down with the ranching community and the farm community. We say, which allotments really will you not use, let us close those, that is an easy decision. Which allotments are really necessary to keep the farm, the ranching community viable so that we do not have our ranches turning into subdivisions? We do not want them out there, those subdivisions. Obviously we all want to have a home. But you know what I am talking about. That is why grazing is important. Grazing protects open space. We want open space properly allocated. My plan does that. This plan takes care of that. It protects those grazing rights.

Recreation, I have talked about it. As I said earlier, think about it. It is not inherently evil to go out and recreate. Here in the East, do not forget in the East you can recreate, you can go out and recreate all over the place. In the West we are very limited. We have to recreate on government land. Look at Alaska. Ninety-six, 97 percent of the whole State is owned by the government. We have a right for recreation just like you do. My family did not go to the children's museum. We did not go to the zoo. I never saw a zoo until I was in my late teens. We went out into the mountains. That was our family recreation. We had that privilege. That privilege has not been abused to the extent that it should be eliminated. But it has been abused to the extent that it should be managed, and that is what we do in this plan. This McInnis plan, Mr. Speaker, manages that recreational use.

Let me just real quickly show you some quick differences between what is currently allowed. Here is a prescription, that is the use, this is the existing plan. This is how the forest is managed today. That is what is in existence right now. This is my blended alternative. That is my plan. Some people have called it the McPlan, some people have called it the McInnis plan. We call it the blended alternative. Let us talk about recommended wilderness. In today's existing plan, the plan of which the current forest is managed, it has zero acres recommended for wilderness. We come in with 16,000 acres. Those 16,000 acres are custom selected. We did not just go out and say here is a good area for wilderness, let us put one here and one there. We went out and studied it. We had the experts.

This plan does a good job. Back country recreation nonmotorized, which means you cannot use an ATV or a Jeep or four-wheel drive. Under the existing plan, they have a plan for 80,700 acres of that. We up that to 92,730 acres. Research, natural areas. They have 300 acres planned for that, where you do research on the natural area, just as the words describe it. We think that needs to be dramatically increased. We jump up 300 to 11,317. Special interest areas, from zero acres, we go 1,741. That would be an example of Camp Hale. Back country recreation year round motorized. Look at this number. They allow under today's management plan 170,000 acres. We cut it down to 30,000 acres. What the Forest Service did is cut it down to 4,000 acres, from 170,000 to 4,000. We said, look, 170,000, with today's kind of growth and use of the forest is too much. It needs a dramatic cutback. But not elimination. It needs management. We prefer management over elimination. That is why we come up with 30,357 acres.

Back country recreation, nonmotorized with winter motorized, snow machine or so on, 100,000 acres today. We reduce that by 40,000 acres, by 40 percent, is our reduction. Scenic byways, scenic areas, vistas or travel corridors, zero acres, we increase it to 20,000 acres. Forested flora and fauna habitat, they have 150,000 acres for this habitat management, 150,000. We move it to 518,000 acres. Deer and elk winter habitat, they have 134,000 acres under today's plan, we move it to 190,000 acres. Bighorn sheep habitat, 7,000 acres to 23,000 acres. We depended very heavily on our expertise from the wildlife management to help us plan that. The elk habitat, 16,000 acres, we move it to 70,000 acres, from 16,000 to 70,000. By the way, my district has the largest elk populations anywhere in the world. The intermix, which is very important, from zero acres to 12,000. And ski-based resorts, existing and potential, they have it so you could expand to 70,602 acres outside its current permit. We call for 58,198 acres, just for consideration. Remember, that is not automatic at all. That has to go through a review that is stringent, and I think it should be stringent, and it has lots of permits that are required. I agree with that.

So when we take a look at what we have done compared to what the way it is being managed today, we think it is a significant moderation. Now, there were some plans, for example, there was one plan on one end that would allow you to have a free-for-all in the forest. Come on, give me a break. Those days are gone. That forest belongs to us. We have to manage it. We intend to manage it. My blended plan does manage it. It does manage it. Let me say to you that there is a plan on the other side that says, hey, the best

way to protect the forest in essence, eliminate the recreation, let us go toward our goal of eliminating multiple use and let us really change the priorities of the forest. Instead of having the biological and ecological concerns working in concert, working together, working alongside with recreation and multiple use concepts, let us just give them the priority. Let us take the historical use and bump it down, not equal, which my plan does. It says let us give a priority over here. That is that extreme side.

So I can tell you, my plan, which is, as I said, the first in the history of Congress to be put forward by a Congressman, my plan is going to have about 15 percent, 10 percent maybe on this side that are not going to buy into it, that thinks it is outrageous, and 10 percent on the special interest environmentalist side. You can tell by the letters to the editor that that side right there, on both sides, they are angry. But in the middle, in the middle that 70 percent, those people that think that we can moderate the uses of the forest, that we can protect the forest and that we can give the forest rest and forest use.

Let me go very quickly over a couple of letters to the editor that I think are important to cover. I have got one letter from a Gay Moore. I hope to call Gay. Gay says, ''According to BEN NIGHTHORSE CAMPBELL and SCOTT MCINNIS, supporters of Alternative D are not local people but outsiders.'' Let me correct that to the writer, one of my constituents. I am talking to my colleagues but let me say to you, we did not say that anybody that disagrees with us were outsiders. We did not say that at all. We did say, however, you ought to give some weight of opinion to the people who make their living on the forest, who are surrounded by the forest, who enjoy the forest for its beauty, who wildlife manage in the forest, whose water and power comes off the forest, whose natural gas comes off the forest. The people that mountain bike, the people that raft, the people that snowboard, the people that ski, those are the people whose opinions we ought to look at. We never once said that if you objected to it, you are an outsider.

The writer goes on to say, ''I was brought up to be a responsible forest user. Pack your trash, don't drive off the road.'' You are absolutely correct. That is what we are trying to do. My plan says, let us manage it, let us not eliminate it. Let us in appropriate spots give forest rest and in appropriate spots give forest use. Let us make sure people understand they have a privilege to use the forest but they have no right to abuse the forest. Let us take the people that abuse the forest and kick them off the land. Let us do that. We agree.

''Treat the land with loving care.'' Absolutely. You are right. ''Because without it you will not survive.'' Again, you are absolutely right.

''When the forest is destroyed by unchecked use of any kind, then the jobs you all seem so worried about are also gone.'' I know that.

□ 2115

''You are right, and that is exactly what this plan takes into consideration.

''We move on from there very quickly. The McGinnis plan gives support. I am writing to voice my opinion. I am not writing on behalf of business, the motor heads or the environmental heads. I am writing because I have a passion generated by the forest.''

She talks about this person, this Dendy Heisel. She talks about those who depend on their livelihood, our recreation, promotion or recreational opportunities, yet promoting our environmental protection. This is a balanced person, this is a balanced plan. That is what this does.

Here is an article of my opinions submitted to the Glenwood Post, Blended Alternative Strikes a Balance. ''Let me say that in the final analysis, as I am writing here, my locally-driven alternative,'' this right here, ''is balanced and eminently fair. It is a plan that achieves the twin objectives of preserving the forests' natural splendor. We protect the forests' natural splendor while, at the same time, protecting the privilege of the people to enjoy it.''

I think that is very important. The White River National Forest is a diamond, but it is not a diamond that should be locked in a safe where nobody can ever see it. It is not a diamond that should never be allowed to be worn in the public, but it is a diamond that when it is worn in the public or when it is seen or observed by the public, that it deserves protection. We manage how we bring that diamond out of the safe, so that we can preserve that diamond for future generations.

Again I say, and in my concluding remarks, I say, we have put a lot of intense work into this plan. This was not just some song and dance, although there is a lot of song and dance going on out there. We had a lot of people, Richard Woodrow, lots of different people, my staff out there, even my wife, a lot of different people put time into this.

We put a good work product out. We think it is constructive, not adversarial to the Forest Service, except in the case of water, but otherwise, very constructive. We think the use of this plan and some of the recommendations should be put into the recipe so that we can take the diamond and protect it and manage it when it needs to be managed and protected; put it in a safe at night, but during the day, bring it out so somebody can see it. We can save it for the next generation, by giving it proper diamond rest or forest rest, but we can also enjoy it today by bringing it out of the safe and letting people see it, letting people touch it, letting people wear it.

The key, again, and in conclusion, the critical issue here is not elimination; the critical issue is management. We all have a right to use and enjoy the forest. We have no right to abuse the forest.

## ILLEGAL NARCOTICS AND DRUG ABUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come before the House again on a Tuesday night to address the topic that I normally address on Tuesday night before the House and to the American people on the subject of illegal narcotics and drug abuse and its effect upon our Nation and the responsibility of this Congress to address that terrible social problem that we face.

Tonight, I would like to provide an update. We were in recess during the spring work period, and I would like to update the House and again the American people on some of the things that have happened relating to illegal narcotics. When I make these presentations, I try to look at what has been in the recent news and highlighted, sometimes violence which is highlighted, unfortunately, in our newscasts about what is happening in our society. Again, I think there is no greater social problem facing this Nation than that of illegal narcotics. It has a dramatic impact on our communities and our children.

Before we left for recess, I addressed the House and spoke about the untold story. The untold story of a 6-year-old bringing a gun into school and shooting a 6-year-old and all of the attention focused on the gun. We did look a little bit behind the scenes and found that the 6-year-old was the victim of a crack house family that was disjointed; drugs and narcotics prevalent. I believe the father was in jail on a narcotics charge.

Again, if we look at the root problem, we see narcotics, we see again a dysfunctional family, and societal problems. The gun was the means by which this 6-year-old committed a terrible act, a murder, but the root of the problem is, I think, what this Congress and the American people must focus upon in their attention to correct the situation.

Then I think the American people were focused and the news also riveted in on a 12-year-old who brought a gun into school and had his classmates I believe at bay with a weapon, and again, if we look behind the scenes, and I related to the Congress, we found that the child, the 12-year-old had taken a gun to school and attempted to get attention and get arrested because he wanted to join his mother, who was in jail on a drug charge.

Another incident of illegal narcotics being at the root of the problem, the gun manifesting itself again is certainly a very serious problem, a problem of bringing a weapon into school,

but again, a child with many problems, illegal narcotics at the root of some of his family problems. Then, during the holidays, right at the season of Easter and Passover, I think the entire Nation and the world was focused on Washington, D.C., our Nation's Capital, which has some of the strongest gun control legislation and laws on the books of any locality in the United States. In fact, it is almost illegal to own a weapon that is unregistered and there are very tight control laws. Yet, a 16-year-old terrorized a family day at the National Zoo here in the District of Columbia. The report, of course, focused on the young teenager who was using a weapon and fired into the crowd. But the rest of the story was not told.

Let me just cite a little bit about this young man, a 16-year-old by the name of Jones who was actually the son of an enforcer in the District's biggest drug gang, his father was one of the biggest drug gang participants in the 1980s, and this young man, again, was the victim of illegal narcotics, and what it had done to his family. He was brought up as really the product of illegal narcotics and crime that emanated from illegal narcotics. His father, this article went on to say, James Antonio Jones, was already in jail, a source to the family confirmed. The elder Jones, 43, is serving a life sentence in a Federal maximum security prison in Beaumont, Texas, after a 1990 conviction for his role in the drug hierarchy run by Raphael Edmond, who was a notorious drug dealer and head of a crack cocaine gang here in the District of Columbia.

Mr. Speaker, in almost every one of these instances I have cited and others that we see on the nightly news with the attention of the media, in fact, all of these cases have illegal narcotics at the root of their problems. Some 70 to 80 percent of those in our prisons, in our jails, in our Federal penitentiaries are there because of drug-related offenses.

Many would have us believe that these folks are in prison for possessing small amounts of marijuana or some other drug. The fact is, most of these people are there for repeated felonies. Some of them, in fact, have been on drugs when they have committed these repeated crimes. Many of them have repeated their crimes time and time again, are multiple offenders. Most of the people in our prisons, in fact, have two or more felony convictions in our Federal penitentiaries and State penitentiaries, according to the studies that our staff from our Subcommittee on Criminal Justice has undertaken.

So there are a lot of myths about what is going on, there is a lot of misinformation about who is committing crime and these illegal acts. In fact, we try through these weekly presentations before the House of Representatives to get the facts to the American people and the Congress.

Again, this is the worst social problem that we face. It is a horrendous problem. The toll is not only those behind bars, but those who die annually.

The most recent statistics that we have on deaths, direct deaths from illegal narcotics are 1998 figures, and that is 15,973 Americans died. If we take all of the other deaths related to illegal narcotics, people driving under the influence of illegal narcotics, people who die as a result of illegal narcotics, not necessarily an overdose, but some other act, total, according to our National Drug Czar, Barry McCaffrey, more than 50,000, almost as many in one year as killed in some of our international conflicts.

So this, indeed, is a great problem. It is a problem that can cost our society as much as a quarter of a trillion, $250 billion a year. That is in dollars and cents, not in heartaches to mothers and fathers and sisters and brothers and parents and grandparents who have children and sons and daughters involved in illegal narcotics.

During this past recess, it was my privilege to talk to some of the local law enforcement people in my community. I have cited the impact of illegal narcotics in central Florida, and I represent probably one of the most tranquil areas in the country and in the State of Florida and on the East Coast, and that is the area between Orlando and Daytona Beach.

Central Florida has had a heroin epidemic. I have cited that before on the floor of the House. In the past several years, we have had in the neighborhood of 60 deaths from drug overdoses. We have had a record number of heroin overdoses and deaths. Unfortunately, I have had to meet with many of the parents who have lost young people to heroin overdoses, and they die a horrible death. It is none of the glamour that is portrayed by Hollywood or by films or the word of mouth that heroin is a great experience. It is a horrible experience and a horrible death, and any of these parents will testify to that. I brought before the House rather gruesome pictures of the results of overdoses of heroin and they are not pretty pictures.

□ 2130

I hate to bring them back up here again, but there is no glamor in death by heroin. The heroin that we have on the streets of the United States today is not the low purity heroin that we had in the 1980s, now some of the heroin is 80, 90 percent pure. It is as deadly as any substance can be, particularly when used with other drugs or alcohol, and first time users unfortunately do not survive.

In meeting with some of the local law enforcement people, we are matching our deaths in central Florida. Again, our deaths are record in number. Our deaths by heroin overdoses now exceed our homicides, according to the latest statistics, which is absolutely alarming. In fact, we find the situation getting worse, not only in central Florida, but across the Nation.

In meeting again with these local officials, they told me that while the deaths are equal or slightly above previous years' death count, the only reason they have not shot off the charts even at an even greater rate is the ability of our emergency medical personnel to provide better attention, quicker attention, and better medical survival equipment available to save more of these individuals.

The problem we have, though, is we are seeing more and more incidents, emergency room incidents of heroin overdoses. We are just able to save a few more folks, and the deaths continue to spiral. One of the headlines that was in the newspaper just this week in the Washington Times here, which always does such a good job in reporting, I brought a copy of this tonight, suburban teen heroin use on the increase.

This is the headline that blurted out. This is an absolutely shocking statistic that was presented, and this is part of a study that was done. I have a copy of the study here. It is an interagency domestic heroin threat assessment, and these statistics on the increase in illegal narcotics is, again, quite remarkable.

If we look at 1996, we had suburban teen heroin use, and we are looking at about a half a million young people using heroin, that figure has doubled just about to 1 million, 980,000 according to this report.

In a very brief period of time, we have had a near doubling of the number of heroin users in the United States, teenage heroin users. The rate of first use by children aged 12 to 17 increased from less than 1 in 1,000 in the 1980s to 2.7 per thousand in 1996. First time heroin users are getting younger, from an average age of 26 year olds in 1991 to an average of 17 years of age by 1997.

Again, some of the statistics from this report are startling. Again, we see teen heroin use on the increase.

What I also wanted to address tonight is the question of where this heroin is coming from and how did we get into a situation where we have a doubling of the amount of teenagers in our country on heroin. Unfortunately, the chart that I present now shows a rather sad record for the Clinton/Gore administration on the question of long-term prevalence and use of heroin. This chart was prepared by monitoring the future study at University of Michigan. It is not something I made up in a partisan fashion.

If we look at the chart for a minute, we see the percent of 12th graders, and if we look at this record here, see pretty much stable, some downturn, some slight increase and then a dramatic downturn under the Bush administration.

It is pretty level and in some cases there are reductions, some valleys, mostly leveling out and valleys from the Reagan and Bush administration. Actually heroin was not quite as much of a problem because President Reagan

had developed a methadone strategy, an interdiction strategy, source country programs, many of which were eliminated in this period from 1993 forward. In 1993, and I have not touched the chart in any way or doctored it, you can see a dramatic increase in heroin use.

We actually see some stabilization here, that stabilization and a slight decrease is right after the Republicans took over the House and Senate and began an effort to restore some of the source country programs, the interdiction programs. We have also had a tremendous problem in heroin, and I will talk about that, but part of the problem that we have is, again, a lack of attention to heroin and its production and entry into the United States.

In fact, in the same period we have since the beginning of the Clinton administration doubled the amount of money on treatment, but we have again the situation that we see here.

We know where the heroin is coming from. If we can put this chart up here, in 1998, we know today, according to this DEA, Drug Enforcement Administration chart which they have provided me, that 65 percent of the heroin that is seized in the United States comes from South America, and probably 99 percent of that comes from Colombia. We know this for a fact. They can do a chemical analysis, almost a DNA analysis, and find out almost to the field where the heroin comes from. The heroin that is seized across the country, samples are sent in to DEA and they perform this analysis, so we know pretty well the picture of where heroin is coming from. It is coming from Colombia. We also see it coming from Mexico. The bulk of it, of course, again is from Colombia.

If we had this chart for 1992, 1993, we would see almost no heroin coming from South America. In fact, heroin was not produced in Colombia until the beginning of the Clinton administration, for all intents and purposes. Heroin was probably in the single digits from Mexico. It has crept up a bit since even the last report we had in 1997. It was at 14 percent. It is now at 17 percent.

Mexico, who we have given incredible trade advantages to, this administration has certified repeatedly as far as cooperating in the drug wars, now in 1 year increased production by some 20 percent of black tar heroin. Again, we know exactly where this is coming from, according to the tests that are conducted.

This is where heroin is coming from in 1992, almost none of the heroin produced in Colombia and single digit in Mexico, and dramatic increases in both of those countries, from both of those countries.

We know the pattern of drug traffickers. Let me take this down. This is the pattern of drug traffickers. We know since 1992, 1993, with the election of the Gore and Clinton team that there was a change in strategy; that they wanted to in fact close down the Reagan and Bush programs for source countries, stopping drugs at their source, and also interdicting drugs as they came from the source, and they effectively did that. They closed down most of the international programs, slashed the budgets by some 50 percent.

We know the pattern of heroin coming out of Colombia now because we can identify it by the signature program. We also know that Colombia, which was not producing but a small, small percentage, probably again in single digits of cocaine, is now the world's major producer of cocaine. Some 80 percent of the cocaine in the world is coming out of Colombia. This is also since the inception of the Clinton-Gore policy, where they dismantled these source country programs.

During the past 4 or 5 years of the Republican administration, we have made a concerted effort to put back together some of the programs that the Clinton-Gore team and the Democrat-controlled Congress in 2 years did incredible damage to. It is a monumental effort. It took President Reagan most of his term and President Bush to get the illegal narcotics problem in the right direction, and that is on a downward trend.

Again, these are not doctored in any way. These are not partisan charts. This chart, also produced by the University of Michigan, shows the record, and it is a very clear record. I know this drives the Clinton-Gore people crazy, and it drives the people on the other side of the aisle, the liberal side, who changed policy crazy, but this shows very clearly that with President Reagan, we see the long-term trend and prevalence of drug use.

This really is the major measure of what is going on with illegal narcotics. We see it going down in a steady fashion under President Reagan. We see a dramatic drop under President Bush, an incredible job here done.

Then again, undoctored, and we do not play with any of these charts, but the facts are very clear, that again, with President Clinton, with the close-down of the interdiction programs, the source country programs, taking the military out, cutting the Coast Guard budget, all this was done in a very short period of time, but the damage has been absolutely incredible.

When the Republicans took over, having participated in this, we knew that this policy needed to be reversed. Under the leadership of the now Speaker of the House, the gentleman from Illinois (Mr. HASTERT), who chaired the subcommittee that I now chair, actually, the responsibility for drug policy, it was a different title, it is now titled the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, but the gentleman from Illinois (Mr. HASTERT) was the one responsible, along with his predecessor, Mr. Zeliff, who left the Congress, in restarting the war on drugs.

This is basically the war on drugs, and we will hear people say the war on drugs was a failure. Mr. Speaker, if this is a failure, I am either reading the chart wrong, and we can bring back the heroin chart. We also have them for cocaine and other narcotics. This is pretty dramatic and pretty evident of a successful program. Again, the use of illegal narcotics is going down, down, down. This certainly has to be a patent failure with the Clinton-Gore administration, by any measure.

□ 2145

It is interesting that, if we looked at the resources that were committed, again, this chart is not doctored. It shows the exact figures in the millions of dollars for international programs. Now, when we think about drug programs, we spend billions and billions in drug program, it costs us billions and billions of dollars. Here we have a chart that starts out with about $600 million in international source country programs. These programs were started under President Reagan and President Bush to stop drugs at their source, because it really is the most cost-effective way.

Where drugs are produced by peasants in Peru, Bolivia, Colombia, these peasants get very few pesos or the equivalent of dollars for their harvest. And we know that 100 percent of the cocaine comes from Peru, Bolivia and Colombia. One hundred percent. Maybe I should say 99.99 percent. Maybe there is a little bit on the slopes of Ecuador or some other bordering country, but it all comes from that region.

We know that the programs under President Bush and President Reagan worked. We know that the programs under President Clinton have not worked in eliminating international drug programs or slashing them.

Here we can see from this chart, 1992–1993 here, and again with a Democrat-controlled Congress implementing their policy and gutting the international programs to less than half of what they were. We see increases with the advent of the Republican Majority. We are back up to, and if we take this 1999 dollars and put it into 1991 dollars, we are just about back at 1991 levels.

But this is a clear pattern. If we took this and did an overlay with the previous chart, we can see that as they cut drug use here, they had those programs in place, as they took the programs for international out of place, the drug use started to soar and that is because we had an even greater supply coming.

This chart shows Federal spending for interdiction also gutted by the Democrat-controlled Congress. Gutted here in 1993. It looks a little delayed, but we have to remember that we start a fiscal year a little bit later, like we will start the next one in October of this year. But we can see the devastation of the cuts in interdiction programs here. And we see, getting back to the equivalent of the 1991 figures, actually, if we look at this little peak that we have gotten to here, it coincides with the slight downturn that we have seen here in drug use.

Also, if I got the heroin chart out, we would see some stabilization. The problem we have in heroin is that heroin is now produced in Colombia in incredible quantities. The quantity is completely uncontained as far as coming into the United States. Because the Clinton administration has thwarted every single attempt, up to, I would say, last October when the situation in Colombia got totally out of hand.

Colombia is about to lose its country. We sent the Drug Czar down, we have sent other officials down. But the policy of the Clinton-Gore administration, the Democrat-controlled Congress, was one of one error after another in Colombia.

First, we stopped information sharing with Colombia back in 1994, which brought the outrage even from Democrat Members of the Congress. That was information sharing which we provide through interdiction. And we can see if we look at this interdiction chart, we see the gutting of the interdiction program.

Our military does not get involved in an enforcement manner in the narcotics issue. It is prohibited from actually conducting law enforcement by the Constitution. We do not want the military in law enforcement. But what the military does is surveillance in the international area outside our borders.

If we had missiles coming in that were killing 15,973 citizens in one year, 100,000 in 7 years, and 50,000 deaths related to that action, we certainly would use our national security forces. What we do is we use the military to conduct surveillance. Our planes provide that information to other countries. We, again, through the Republican new majority, started programs for source country, for interdiction, restarted them in 1996 and 1997 for Peru and for Bolivia.

Mr. Speaker, those programs have been phenomenally successful. The amount of cocaine has been cut, production in Bolivia has been cut some 55 percent. In Peru, we are up in the 65 percent, 66 percent range. The only change that we have seen is further cuts of providing this interdiction and surveillance information to Peru, and there have been some downturns in the United States providing that information. We immediately see some increase in drug trafficking or drug production. It is almost guaranteed to happen according to, again, all the research and evidence and information that we have.

So, where we let up, we in fact have illegal narcotics coming into this country. Nothing is more evident than Colombia. Again, in 1994, the administration stopped information sharing. The next thing they did was they decertified Colombia without a national interest waiver, which meant that we could not send assistance to Colombia to fight illegal narcotics.

In Colombia, illegal narcotics and the narcoterrorist activity that has caused tens of thousands of deaths and disruption of that country are synonymous. The narcoterrorists fund their terrorist activities through narcotics trafficking. That is well-known. The right and the left, extreme right and extreme left in that civil war fund their activities through narcotics trafficking, narcotics taxes and income from the production of narcotics. We know it, our Drug Czar has stated that many times.

That is why it has become in the United States' national interest to provide assistance to Colombia to stop the narcotics trafficking, stop the terrorist activities that are going on there. Not to provide any troops or any active military participation there. We have agreed to provide some training.

But year after year since 1993 with the Clinton-Gore administration, they have stopped resources getting to Colombia. The results are very evident. We have, again, production from no production in Colombia of heroin to now producing some 65 percent, probably closer to 70 percent of the heroin, where there was almost none.

Cocaine. We have some 80 percent now being produced in Colombia. Before it was being transshipped through Colombia from Peru and Bolivia. And we do know that the program instituted by the Republican Majority has worked very well in those countries to cut production.

But right now the reason we have this report on heroin flooding our streets, young people being victimized and dying at incredible numbers from heroin, is the sheer quantity, the sheer supply.

Now, it is bad enough that we have this record of all of these activities being stopped here which has allowed some of this to happen. But what is even worse is the reaction of the administration to provide assets. If we are going to fight a war on drugs, or if we are going to fight a war, we need assets and we need to have those assets committed to that war effort.

Mr. Speaker, this chart is part of a report that was prepared at my request by the General Accounting Office in December of 1999. What this chart shows is the various assets. Some of these are DOD. This is the DOD assets, which have been dedicated to the war on drugs. And we see this decline from 1993 here, this continuous decline of DOD assets to the war on drugs.

The next little triangle, the yellow triangle, the Customs Service assets declining. Some beginning of increase with the Republican Majority, and the gentleman from Illinois (Mr. HASTERT) was responsible for this. We see the beginning of the return back to this 1992 level. The Coast Guard, we see steady decline.

If we took the budgets for these various agencies, we would see them gutted by the Clinton-Gore administration and also by the Democratically controlled Congress. So if we have a war on drugs, we must commit assets.

The report that I had conducted said that flight hours have been reduced 68 percent for fiscal years 1992 to 1999. So this is flying hours dedicated to tracking suspect shipments of illegal narcotics in transit to the United States. The number declined from 46,264 to 14,770.

So I submit that the war on drugs was a success, but basically closed down by this administration and this is pretty good evidence.

The other area, if drugs are not shipped by air, they ship by sea. I also asked GAO to look at trafficking patterns and also what we were doing as far as providing assets in the war on drugs as far as maritime activities.

If we look again from some of these highs here, we see DOD in the red declining and a steady decline of ship days. If if we look at the Coast Guard, we see some slight increase. This follows the other pattern, and the total overall is still below what it was in 1992.

In fact, the report given to me indicates that assets that were used in shipping and going after illegal narcotics declined some 62 percent during this period from 1992 to 1999. So the ship days for going after illegal narcotics and those resources in a war on drugs declined dramatically during that period.

One of the other problems that we have had in the war on illegal drugs is the failure of this administration to negotiate with Panama the location and continued operation of our anti-narcotics operations centers, which were located in Panama. These are known as FOLs, forward operating locations. In order to conduct a war on illegal narcotics, we need information and surveillance from the area where illegal drugs are produced and also shipped out of that particular setting.

In May of 1999, of course, the United States was forced to stop all flights. The administration bungled the negotiations with Panama. We encouraged them to at least negotiate an arrangement where we could continue our narcotics tracking flights out of that area.

□ 2200

Since May of 1999, we have seen, not a total shutdown, but a dramatic increase, again, as documented by this GAO report. Our illegal narcotics, heroin, cocaine are coming in from Colombia in unprecedented volumes. It is absolutely mind boggling the sheer amount of heroin and cocaine that is coming in.

But one sees that we do not have the locations. Now, this chart shows coverage with potential FOLs, and this chart was given to me as showing the Congress and our committee what would be done to relocate those operations for surveillance and important interdiction information.

One of the locations proposed was in Manta, Ecuador. The other was in Curacao and Aruba. Unfortunately, the Manta location in Ecuador and also the location in Aruba Dutch Antilles took longer than anticipated to negotiate final agreements.

The cost, by the time we are through with relocating here, will be $128 million since the Manta air strip is not adequate to land the heavy planes and equipment that we have. Aruba will have to build additional facilities.

But we have dramatically cut the number of flights, the number of surveillance missions because we do not have these two locations in operation. It may be 2002 before actually both of these are up and running at full capacity. That is why we have the report of incredible amounts of heroin and still cocaine coming into the United States. We have nothing in place to stop it.

Today I met with the representatives of the Department of Defense and various agencies involved in trying to put together a program to put Humpty Dumpty back together again to try to get us back to the 1992 levels in this fight.

We now have recently signed, but not fully approved by the El Salvador legislature, a third location. This will cost us another $10 million or $15 million in addition to losing the Panama location and $5 billion worth of assets there. We will now pay to relocate these operations.

But nothing will stop narcotics quicker than either eradicating them at their source or getting them as they come from their source. It is proven effective in Peru. It is proven effective in Bolivia. It will prove effective in Colombia and the surrounding areas and stop some of the incredible supply that is driving down the price and making more of the drugs available to our young people.

Again, my colleagues saw the figures of a doubling in just several years of heroin abuse. But this is where it is coming from. Unfortunately, all of this will not be in place for several years to get us back to where we were in 1992 in our operations in the antinarcotics effort.

What is sad, too, is that this administration continues to thwart the will and recommendations of Congress. We have attempted for some 4 or 5 years, I know since we took over the majority, in every fashion, including granting appropriations, to get resources to Colombia and to the area where illegal narcotics are coming from.

But this GAO report also outlines that DoD is not providing assets that are requested. When we question the various agencies where these assets are, in fact, the assets are going to Bosnia, the assets are going to the Middle East, the assets are going to Kosovo, they are going to the record number of deployments under the Clinton-Gore administration.

This is quite telling because SouthCom, which is the Southern U.S. Command in charge of basically our war on drugs and our antinarcotics effort, has been requesting assets. These are assets, DoD assets, towards the war on drugs. This is in the blue. The red shows what they got and what was provided as far as assets in this effort. We see that this is the request, and this is what they got. In 1999, this is the request, and this is what they got.

So if my colleagues are wondering why they have heroin on their streets, if they are wondering why they have record number of teenagers using heroin and illegal drugs, this is because, even though the Congress has appropriated funds and resources, we cannot get those resources into this program.

I do not know if it is the Secretary of Defense, but I fear that it is even higher in the administration because, again, every effort to get resources to stop these drugs and the sheer incredible supply coming into our country every effort is thwarted. It has almost reached comical proportions as I cited, and it would be funny if there were not so many people dying as a result of this.

The helicopters that we requested for the Colombia National Police for some 4 or 5 years now finally got there late this past fall. Unfortunately, as we now know, the ammunition for those helicopters was delivered to the back door of the State Department in a bungled operation rather than to Colombia. It would almost be humorous to find out that those helicopters were sent to Colombia and they were not properly armored so they could not be used in the antinarcotics effort.

Finally, I believe we now have those resources in place. The administration did become aware of the destabilization of the area and what was going on in Columbia and finally asked for a supplemental package. Unfortunately, the President did not submit finally to Congress until the time of our budget, and that was several months ago, a request; and that, unfortunately, now is being handled through the regular funding process, although it is necessary to move that package forward to get these assets in place.

One of the things that does disturb me is some of the liberalizers out there and those who would legalize and propose that the solution to all this is just legalize what are now illegal narcotics, and all of our problems will be solved.

I think that an article that I read by a professor at Pepperdine University, James Q. Wilson, had some interesting information. I just wanted to cite him tonight. He said,

> Advocates of legalization think that both buyers and sellers would benefit by legalization. People who can buy drugs freely and at something like at free market prices would no longer have to steal to afford cocaine or heroin. Dealers would no longer have to use violence and corruption to maybe obtain their market share. Though drugs may harm people, reducing this harm would be a medical problem. And you always hear the legalizers say it is a medical problem, not a criminal justice one. Crime would drop sharply.

But there is an error in this calculation. Again, this is what Professor Wilson is saying.

> Legalizing drugs means letting the price fall to its competitive rate plus taxes and advertising costs. That market price would probably be somewhere between one-third and one-twentieth of the illegal price, and more than the market price would fall.

As Harvard's Mark Moore pointed out,

> The risk price, that is all the hazards associated with buying the drugs, from being arrested to being ripped off would also fall; and this decline might be more important than the lower purchase price. Under a legal regime, the consumption of low-priced low-risk drugs would increase dramatically. We do not know by how much. But the little evidence we have suggests a sharp rise.
>
> Until 1968, Britain allowed doctors to prescribe heroin. Some doctors cheated, and their medically unnecessary prescriptions helped increase the number of known heroin addicts by a factor of 40. As a result, the government abandoned the prescription policy in favor of administering heroin in clinics and later replacing heroin with methadone.
>
> When the Netherlands ceased enforcing laws against the purchase or possession of marijuana, the result was a sharp increase in its use. Cocaine and heroin create much greater dependency. So the increase in their use would probably be even greater.
>
> The average user would probably commit fewer crimes if these drugs were sold legally, but the total number of users would increase sharply.
>
> A large fraction of these new users would be unable to keep a steady job unless we were prepared to support them with welfare payments. Crime would be one of their major sources of income; that is, the number of drug-related crimes per user might fall even as the total number of drug-related crimes increased.
>
> Add to the list of harms more deaths from overdose, more babies born to addicted mothers, more accidents by drug-influenced automobile drivers, and fewer people able to hold jobs or act as competent parents.

I think that this observation by professor Wilson is quite interesting.

It is also borne by the facts where they have tried liberalized policy in the United States. I bring out the chart provided to me by DEA, our Drug Enforcement Agency, which shows that heroin addict population of Baltimore.

Now, Baltimore, until just recently, had a very liberal mayor, Mayor Schmoke. He actually turned his back on enforcement of some of the illegal narcotics trafficking and use and abuse in his community. The results were incredible. The number of deaths in 1997, 1998 were 312; 1999, when we got these figures, the end of last year, were 308. It will probably reach 312 because people die as a result of some wound inflicted on them. But the deaths are pretty much stable.

But what has happened in Baltimore with this liberal policy is absolutely astounding, and it is confirmed by what Professor Wilson had outlined in his statement of what happens. If we look at Baltimore, in the 1950s, it had almost a million population. In 1996, it was down to 675,000. We will know what the population is now, but we think it is down lower, around 600,000.

In 1996, it had 38,985 heroin addicts. Again, this is during the period of the liberal attitude towards illegal narcotics. That estimate is now, 1999, somewhere in the neighborhood of one in eight citizens. This is not something

I have made up, it is something a city council person has said, one in eight are now addicted in what is left of Baltimore.

So exactly what the experience was in England, we see an increase, dramatic increase in the addiction population. If this was multiplied across the United States and we had one in eight people in the United States addicted to heroin or illegal narcotics, we would have a disaster on our hands. This is, again, the model of a liberal approach, a liberal approach that failed, both in deaths and addiction. I do not think one can have more horrible results.

What is interesting and most people like to ignore, particularly the liberal crowd or those that want to gang up on Rudy Giuliani these days, is the tough enforcement, the zero tolerance policy. Does it work or does it not work? If my colleagues will look in the early 1990s when Rudy Giuliani took over as mayor, they see about 2,000 plus deaths from murders, the crime rate in New York City.

□ 2215

The zero tolerance has brought that down to the mid 600 range, an absolutely dramatic decrease in murders in that city. What is amazing is not only the murders have decreased but in every other major crime area, crime is down by some 50 percent to 1999 during his tenure.

And what is interesting is, I know that people pick on Mr. Giuliani and say that there is overenforcement, and our subcommittee did hearings and we updated that information. We did hearings a year ago when he was accused of some of his police force being overzealous in their enforcement and we found that there were in fact fewer incidences of police firing on individuals under Rudy Giuliani. We found there were fewer incidences of complaints against police. And, actually, that was while Mr. Giuliani had increased the police force by some 25 percent in numbers. So, actually, the number of police on duty had increased and there were far fewer complaints under Mr. Giuliani than there were under the former administrations of the city.

Again, the figures for the New York City Police Department are absolutely incredible. Zero tolerance, tough enforcement, does work. In 1993, there were 429,000 major felony crimes committed. In 1998, we have 212. An incredible record.

The liberals would have us believe that the legalization is the answer. In fact, the liberalization has almost devastated the city of Baltimore and other settings where they have attempted a liberal policy. The tough enforcement, the zero tolerance, in fact, does work and does result in dramatic decreases in crime across the board.

I am very pleased that the Republican majority has increased the source country programs that are so effective in stopping illegal narcotics at their source. We are getting them back to the 1991–92 funding levels for the programs of interdiction, of stopping drugs cost effectively as they come from those source country areas where they are produced. The Republican majority has instituted and funded through appropriations a billion dollars a national drug education program, unprecedented in the history of this country, and we have, again, dramatically increased the amount of money for treatment and other programs.

So I am proud of our record and will continue next week to cite the drug problem that we have facing this Nation.

I have run out of time, so I will yield back, Mr. Speaker, first thanking those who are working tonight for their patience.

## SPECIAL ORDERS GRANTED

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

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

Ms. BROWN of Florida, for 5 minutes, today.

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

Mr. BURTON of Indiana, for 5 minutes each day, on today and May 16.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes each day, on today and May 10.

Mr. HORN, for 5 minutes each day, on day and May 10.

## ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 10, 2000, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7498. A letter from the Assistant Attorney General, Department of Justice, transmitting the 1999 annual report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Banking and Financial Services.

7499. A letter from the Assistant General Counsel for Regulations, Office of Chief Procurement Officer, Department of Housing and Urban Development, transmitting the Department's final rule—HUD Acquisition Regulation; Technical Correction [Docket No. FR–4291–C–03] (RIN: 2535–AA25) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7500. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Office of Lead-Hazard Control, Department of Housing and Urban Development, transmitting the Department's final rule—Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Residential Property Being Sold; Correction [Docket No. FR–3482–C–08] (RIN: 2501–AB57) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7501. A letter from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Health, Department of Housing and Urban transmitting the Department's final rule—Technical Amendment to the Section 8 Management Assessment Program (SEMAP); Correction [Docket No. FR–4498–C–03] (RIN: 2577–AC10) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7502. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Uniform Financial Reporting Standards for HUD Housing Programs; Revised Report Filing Date [Docket No. FR–4321–F–07] (RIN: 2501–AC49) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7503. A letter from the Secretary of Labor, transmitting a report covering the administration of the Employee Retirement Income Security Act (ERISA) during calendar year 1998, pursuant to 29 U.S.C. 1143(b); to the Committee on Education and the Workforce.

7504. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents; Revocation [Docket No. 95N–0253] (RIN: 0910–AA48) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7505. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F–0298] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7506. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Offset Deformable Barrier [Docket No. NHTSA–2000–7142] (RIN: 2127–AH93) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7507. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Anthropomorphic Test Devices; 12-Month-Old Child Dummy [Docket No. NHTSA–00–7052] (RIN: 2127–AG78) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7508. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments FM Broadcast Stations (Ankeny and West Des Moines, Iowa) [MM Docket No. 95–108 RM–8631] received March 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7509. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (JOHNSON City, and Owega, New York) [MM Docket No. 99–245 RM–9680] received March 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7510. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 04–00 which constitutes a request for authority to conclude the third amendment to the international agreement between the Department of Defense and the Israeli Ministry of Defense for Arrow Deployability Program (ADP), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7511. A letter from the Associate Legal Adviser, Department of State, transmitting copies of English and Russian texts of the joint statements negotiated by the Joint Compliance and Inspection Commission (JCIC) and concluded during JCIC–XXI; to the Committee on International Relations.

7512. A letter from the Director, Selective Service System, transmitting the Performance Measurement Plan for FY 2001; to the Committee on Government Reform.

7513. A letter from the the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2000, through March 31, 2000 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 106–234); to the Committee on House Administration and ordered to be printed.

7514. A letter from the Chief of Staff, Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Illinois Regulatory Program [SPATS No. IL–097–FOR, Part III] received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7515. A letter from the Chief of Staff, Acting Director, Office of Surface Mining, Department of Interior, transmitting the Department's final rule—New Mexico Regulatory Program [SPATS No. NM–037–FOR] received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7516. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic MACKerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid [Docket No. 99128354–0078–02; I.D. 032100C] received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7517. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No. 000211039–01; I.D. 032700B] received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7518. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Swordfish Quota Adjustment [I.D. 102299B] received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7519. A letter from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting the FY 1999 Annual Program Performance Report, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Resources.

7520. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, transmitting the Department's final rule—Revoking Grants of Naturalization [INS No. 1858–97] (RIN: 1115–AF63) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7521. A letter from the Commissioner, Public Buildings Service, General Services Administration, transmitting a letter to advise of a decrease in scope for the new Byron G. Rogers Federal Building—Courthouse Annex; to the Committee on Transportation and Infrastructure.

7522. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill, ''To authorize the Secretary of the Interior to conduct studies of specific areas for potential inclusion in the National Park System, and for other purposes''; jointly to the Committees on Resources and Government Reform.

7523. A letter from the Acting, Assistant Secretary for Lands and Mineral Management, Department of the Interior, transmitting a draft bill which would be cited as the, ''Melrose Range and Yakima Training Center Transfer Act''; jointly to the Committees on Resources, Armed Services, and Government Reform.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. LINDER: Committee on Rules. House Resolution 496. Resolution providing for consideration of the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet (Rept. 106–611). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 497. Resolution providing for consideration of the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes (Rept. 106–612). Referred to the House Calendar.

## REPORTED BILLS SEQUENTIALLY REFERRED

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

*[Omitted from the Record of May 8, 2000]*

H.R. 1237. A bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes, with an amendment; referred to the Committee on Resources for a period ending not later than May 11, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(1), rule x.

## DISCHARGE FROM THE UNION CALENDAR

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

*[Omitted from the Record of May 8, 2000]*

H.R. 1237. The Committee of the Whole House on the State of the Union discharged.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NUSSLE (for himself, Mr. CARDIN, Mr. GOSS, Mr. MINGE, Mr. KASICH, Mr. STENHOLM, and Mr. DREIER):

H.R. 4397. A bill to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself, Mr. STRICKLAND, Mr. KANJORSKI, Mr. LUCAS of Kentucky, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. GIBBONS, Mr. BROWN of Ohio, Mr. GORDON, Mr. CLEMENT, and Mr. HALL of Ohio):

H.R. 4398. A bill to establish a compensation and health care program for employees of the Department of Energy, its contractors, subcontractors, and certain vendors, who have sustained beryllium and radiation-related injury, illness, or death due to the performance of their duties, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Ways and Means, Transportation and Infrastructure, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BROWN of Florida:

H.R. 4399. A bill to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' KENNEDY Post Office Building''; to the Committee on Government Reform.

By Ms. BROWN of Florida (for herself and Mr. HASTINGS of Florida):

H.R. 4400. A bill to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the ''Eddie Mae Steward Post Office Building''; to the Committee on Government Reform.

By Mr. HORN (for himself and Mr. CALVERT):

H.R. 4401. A bill to amend title XVIII of the Social Security Act to provide for a moratorium on the mandatory delay of payment of claims submitted under part B of the Medicare Program and to establish an advanced informational infrastructure for the administration of Federal health benefits programs; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLING:

H.R. 4402. A bill to ammend the American Competetiveness and Workforce Improvement Act of 1998 to improve the use of amounts deposited into the H–1B Nonimmigrant Petitioner Account for demonstration programs and project to provide technical skills training for occupations for which there is a high demand for skilled workers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BOEHLERT (for himself and Mr. STUPAK):

H.R. 4403. A bill to establish an Office of Science and Technology in the Office of Justice Programs of the Department of Justice; to the Committee on the Judiciary.

By Mr. HANSEN:

H.R. 4404. A bill to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes; to the Committee on Resources, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE (for himself, Mr. ARCHER, Mr. GRAHAM, Mr. MORAN of Kansas, and Mr. PAUL):

H.R. 4405. A bill to amend the Fair Labor Standards Act of 1938 to clarify the overtime exemption for emergency medicine employees; to the Committee on Education and the Workforce.

By Mr. PASTOR:

H.R. 4406. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize grants to States to encourage retention of teachers by paying bonuses to teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SALMON:

H.R. 4407. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to require that registered sexually violent offenders provide notice of any attendance at institutions of higher education, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 4408. A bill to reauthorize the Atlantic Striped Bass Conservation Act; to the Committee on Resources.

By Mr. SAXTON:

H.R. 4409. A bill to amend the National Marine Sanctuaries Act to establish the National Marine Sanctuary Foundation to accept and use donations for the benefit of the National Marine Sanctuary System, and for other purposes; to the Committee on Resources.

By Mr. SAXTON (for himself, Mr. FARR of California, and Mr. GREENWOOD):

H.R. 4410. A bill to establish a Commission on Ocean Policy, and for other purposes; to the Committee on Resources.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. BOEHLERT, and Mr. BORSKI) (all by request):

H.R. 4411. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TIERNEY (for himself, Mr. MCDERMOTT, Mr. BONIOR, Mr. STARK, Mr. WEINER, Mr. SANDERS, Ms. RIVERS, Mr. FATTAH, Mr. DEFAZIO, Mr. CONYERS, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. OLVER, Ms. NORTON, and Mr. CAPUANO):

H.R. 4412. A bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration; to the Committee on Commerce.

By Mr. FRELINGHUYSEN (for himself, Mrs. ROUKEMA, Mr. LOBIONDO, Mr. SAXTON, Mr. FRANKS of New Jersey, Mr. HOLT, Mr. SMITH of New Jersey, Mr. ANDREWS, Mr. ROTHMAN, Mr. PASCRELL, Mr. MENENDEZ, Mr. PAYNE, and Mr. PALLONE):

H. Con. Res. 320. Concurrent resolution expressing the sense of the Congress that the Health Care Financing Administration should consider current systems that provide better, more cost-effective emergency transport before promulgating any final rule regarding the delivery of emergency medical services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Mrs. MORELLA, Mrs. LOWEY, Mr. SHAYS, Mr. PASCRELL, Mrs. JONES of Ohio, Mr. GILCHREST, Mr. LEVIN, Mr. HORN, Mr. BLUMENAUER, Mr. BILBRAY, Mr. MORAN of Virginia, Mr. MEEHAN, Ms. DELAURO, Mrs. MALONEY of New York, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Mr. BONIOR, Ms. LEE, Ms. CARSON, Mr. UDALL of Colorado, Ms. MILLENDER-MCDONALD, Mr. CONYERS, Mr. NADLER, and Ms. LOFGREN):

H. Res. 498. A resolution supporting the Million Mom March; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. Regula introduced a bill (H.R. 4413) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Skimmer*; which was referred to the Committee on Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 73: Mr. SHADEGG.

H.R. 329: Ms. RIVERS and Mr. BARCIA.

H.R. 372: Mrs. THURMAN and Mr. MCINTOSH.

H.R. 483: Mr. BORSKI.

H.R. 488: Mr. MENENDEZ.

H.R. 531: Mr. MCINTYRE, Mr. CAMP, and Mr. EHRLICH.

H.R. 583: Mr. WOLF.

H.R. 608: Ms. MCKINNEY, Mr. GIBBONS, Mr. RAHALL, and Mr. NORWOOD.

H.R. 632: Mr. HASTINGS of Florida, Ms. BROWN of Florida, Mr. BERMAN, and Mr. RADANOVICH.

H.R. 742: Mr. KING.

H.R. 762: Mr. SISISKY, Mr. JENKINS, Mr. DUNCAN, Mr. COOKSEY, Mr. SMITH of Washington, Mr. VISCLOSKY, and Mrs. FOWLER.

H.R. 828: Mr. SOUDER.

H.R. 1063: Ms. HOOLEY of Oregon.

H.R. 1130: Mr. BARCIA and Mr. LIPINSKI.

H.R. 1291: Mr. BARRETT of Wisconsin, Mr. EHRLICH, and Mr. MEEKS of New York.

H.R. 1450: Mr. MARKEY and Mr. TANNER.

H.R. 1577: Mr. COOK.

H.R. 1622: Mr. SAXTON.

H.R. 1798: Mr. SANDERS.

H.R. 1804: Ms. LOFGREN.

H.R. 2000: Mrs. CHRISTENSEN, Mr. LANTOS, and Mrs. LOWEY.

H.R. 2002: Mr. PASTOR.

H.R. 2120: Mr. ANDREWS and Mr. SANDLIN.

H.R. 2121: Mr. DOOLEY of California, Mr. ACKERMAN, and Mr. DOOLITTLE.

H.R. 2335: Mr. SKELTON, Mr. HERGER, Mr. SHIMKUS, Mr. PICKERING, and Mrs. EMERSON.

H.R. 2494: Mr. HOEKSTRA.

H.R. 2498: Mr. YOUNG of Florida and Mr. UPTON.

H.R. 2619: Mr. CALVERT.

H.R. 2631: Mr. BORSKI.

H.R. 2814: Ms. SANCHEZ.

H.R. 2835: Mr. TIERNEY.

H.R. 2840: Mr. KENNEDY of Rhode Island.

H.R. 2870: Mr. ANDREWS.

H.R. 2880: Mr. NEAL of Massachusetts.

H.R. 2919: Mr. SAWYER.

H.R. 2947: Ms. CARSON, Mrs. MINK of Hawaii, and Mr. CASTLE.

H.R. 3003: Mr. FROST, Mr. LAFALCE, and Ms. KAPTUR.

H.R. 3043: Mr. CRAMER.

H.R. 3091: Mr. DICKS, Mr. WEYGAND, Mr. DELAHUNT, and Mr. BACA.

H.R. 3142: Mr. BALDACCI, Mr. WAMP, and Mr. KUCINICH.

H.R. 3240: Mr. PHELPS.

H.R. 3267: Mr. METCALF.

H.R. 3301: Mr. KING, Ms. CARSON, Mr. BACA, and Mr. FATTAH.

H.R. 3375: Mr. BACA.

H.R. 3413: Mr. WAXMAN.

H.R. 3489: Mr. SWEENEY.

H.R. 3494: Mr. GUTIERREZ.

H.R. 3514: Mrs. TAUSCHER, Mr. GUTIERREZ, Mr. BORSKI, and Mr. MCNULTY.

H.R. 3518: Mr. BLAGOJEVICH.

H.R. 3544: Mr. TOOMEY, Mr. BILBRAY, Mr. BISHOP, Mr. EWING, Mr. CHABOT, Mr. LARSON, Mrs. MCCARTHY of New York, Mr. MEEHAN, Mr. MORAN of Virginia, Mr. BLAGOJEVICH, Mr. BACHUS, Mr. OWENS, Mr. SKELTON, Ms. SCHAKOWSKY, Mr. PAYNE, and Ms. SANCHEZ.

H.R. 3569: Ms. CARSON.

H.R. 3573: Mr. ROTHMAN and Mr. POMBO.

H.R. 3576: Mr. BACA.

H.R. 3578: Mr. CALVERT.

H.R. 3594: Mr. PRICE of North Carolina, Mr. HEFLEY, and Mr. CALVERT.

H.R. 3625: Mr. SHUSTER, Mrs. BONO, Mr. POMBO, Mr. SPRATT, Mr. BISHOP, Mr. ENGLISH, Mr. COOK, Mr. JENKINS, Mr. HILLIARD, Mr. BOEHNER, Mr. WHITFIELD, Mr. COLLINS, Mr. SESSIONS, Mr. PASTOR, and Mr. LATOURETTE.

H.R. 3633: Mr. TOOMEY, Mr. BILBRAY, Mr. BISHOP, Mr. EWING, Mr. LAWSON, Mr. MEEHAN, Mr. BLAGOJEVICH, Mr. KANJORSKI, and Ms. SANCHEZ.

H.R. 3634: Mr. BLAGOJEVICH.

H.R. 3669: Mr. TRAFICANT, Mr. THUNE, Mrs. ROUKEMA, Mr. LAHOOD, Mr. HILL of Montana, Mr. POMBO, Mr. BOYD, Mr. MCHUGH, Mr. NORWOOD, Mr. BEREUTER, Mr. SHOWS, and Mr. DUNCAN.

H.R. 3710: Mr. ADERHOLT, Mr. CLYBURN, Ms. VELAZQUEZ, Mr. SMITH of Washington, Mr. THOMPSON of California, and Mr. PRICE of North Carolina.

H.R. 3766: Mr. ACKERMAN, Ms. SLAUGHTER, Mr. COSTELLO, Mr. BACA, Mr. HOSTETTLER, and Mrs. CAPPS.

H.R. 3850: Mr. KIND.

H.R. 3859: Mr. SENSENBRENNER, Mr. DUNCAN, and Mrs. KELLY.

H.R. 3916: Mr. GREEN of Wisconsin and Mr. WALDEN of Oregon.

H.R. 4030: Mr. BAIRD.

H.R. 4033: Mr. UPTON, Mr. BACHUS, Mr. OSE, Mr. COBURN, and Mr. QUINN.

H.R. 4036: Mr. STUPAK.

H.R. 4048: Mrs. KELLY, Mr. ROMERO-BARCELO, Mr. DUNCAN, and Mr. HILLIARD.

H.R. 4059: Mr. BILBRAY.

H.R. 4081: Mr. MOORE, Ms. BERKLEY, Mr. MCINTYRE, and Mr. LUTHER.

H.R. 4119: Mr. STEARNS.

H.R. 4122: Mr. MINGE.

H.R. 4144: Mr. PHELPS.

H.R. 4157: Mr. OSE, Mr. DOOLITTLE, Mr. POMBO, Mr. CAMPBELL, Mr. KUYKENDALL, Mr. HORN, Mr. ROYCE, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Mr. ROHRABACHER, Mr. PACKARD, Mr. BILBRAY, and Mr. HUNTER.

H.R. 4165: Mr. BROWN of Ohio, Mr. WHITFIELD, Mr. CALVERT, and Mr. EVANS.

H.R. 4181: Mr. CALVERT, Mr. KUCINICH, and Mr. CUMMINGS.

H.R. 4201: Mrs. WILSON and Mr. COBURN.

H.R. 4206: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. ENGEL.

H.R. 4215: Mr. BISHOP and Mr. TERRY.

H.R. 4239: Mr. MCGOVERN and Mr. PRICE of North Carolina.

H.R. 4248: Mr. DUNCAN and Mr. BARRETT of Nebraska.

H.R. 4257: Mr. RAHALL, Mr. TOOMEY, Mr. STEARNS, Mr. COOK, and Mr. METCALF.

H.R. 4274: Mr. GUTKNECHT, Mr. COX, Mr. ENGLISH, Mrs. JOHNSON of Connecticut, Mr. CANNON, Mr. BILBRAY, and Mr. HERGER.

H.R. 4277: Mr. WELDON of Florida.

H.R. 4281: Mr. GOODLING, Mr. WHITFIELD, Mr. ENGLISH, Mr. CANADY of Florida, and Mr. DOYLE.

H.R. 4286: Mr. RILEY.

H.R. 4298: Mr. WALDEN of Oregon, Mr. HANSEN, Mr. SIMPSON, and Mr. CANNON.

H.R. 4334: Mr. BACA.

H. Con. Res. 177: Mr. MATSUI.

H. Con. Res. 309: Mrs. THURMAN, Mr. FROST, and Mrs. BIGGERT.

H. Con. Res. 318: Mr. BERMAN, Mrs. THURMAN, Mr. ENGEL, Mrs. MALONEY of New York, Ms. MCKINNEY, Mr. CAPUANO, and Mr. PETERSON of Minnesota.

H. Res. 442: Mr. HINCHEY.

H. Res. 492: Mr. KUYKENDALL, Mr. GARY MILLER of California, Mr. ENGLISH, Mr. TIERNEY, and Mr. RANGEL.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3308: Mr. LARGENT.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 853

OFFERED BY: MR. NUSSLE

AMENDMENT NO. 1: 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 ''Comprehensive Budget Process Reform Act of 2000''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Effective date.
Sec. 4. Declaration of purposes for the Budget Act.

TITLE I—BUDGET WITH FORCE OF LAW

Sec. 101. Purposes.
Sec. 102. The timetable.
Sec. 103. Annual joint resolutions on the budget.
Sec. 104. Budget required before spending bills may be considered; fallback procedures if President vetoes joint budget resolution.
Sec. 105. Conforming amendments to effectuate joint resolutions on the budget.

TITLE II—RESERVE FUND FOR EMERGENCIES

Sec. 201. Purpose.
Sec. 202. Repeal of adjustments for emergencies.
Sec. 203. OMB emergency criteria.
Sec. 204. Development of guidelines for application of emergency definition.
Sec. 205. Reserve fund for emergencies in President's budget.
Sec. 206. Adjustments and reserve fund for emergencies in joint budget resolutions.
Sec. 207. Up-to-date tabulations.
Sec. 208. Prohibition on amendments to emergency reserve fund.
Sec. 209. Effective date.

TITLE III—ENFORCEMENT OF BUDGETARY DECISIONS

Sec. 301. Purposes.

Subtitle A—Application of Points of Order to Unreported Legislation

Sec. 311. Application of Budget Act points of order to unreported legislation.

Subtitle B—Compliance with Budget Resolution

Sec. 321. Budget compliance statements.

Subtitle C—Justification for Budget Act Waivers

Sec. 331. Justification for Budget Act waivers in the House of Representatives.

Subtitle D—CBO Scoring of Conference Reports

Sec. 341. CBO scoring of conference reports.

TITLE IV—ACCOUNTABILITY FOR FEDERAL SPENDING

Sec. 401. Purposes.

Subtitle A—Limitations on Direct Spending

Sec. 411. Fixed-year authorizations required for new programs.
Sec. 412. Amendments to subject new direct spending to annual appropriations.

Subtitle B—Enhanced Congressional Oversight Responsibilities

Sec. 421. Ten-year congressional review requirement of permanent budget authority.
Sec. 422. Justifications of direct spending.
Sec. 423. Survey of activity reports of House committees.
Sec. 424. Continuing study of additional budget process reforms.
Sec. 425. GAO reports.

Subtitle C—Strengthened Accountability

Sec. 431. Ten-year CBO estimates.
Sec. 432. Repeal of rule XXIII of the Rules of the House of Representatives.

TITLE V—BUDGETING FOR UNFUNDED LIABILITIES AND OTHER LONG-TERM OBLIGATIONS

Sec. 501. Purposes.

Subtitle A—Budgetary Treatment of Federal Insurance Programs

Sec. 511. Federal insurance programs.

Subtitle B—Reports on Long-Term Budgetary Trends

Sec. 521. Reports on long-term budgetary trends.

TITLE VI—BASELINE AND BYRD RULE

Sec. 601. Purpose.

Subtitle A—The Baseline

Sec. 611. The President's budget.
Sec. 612. The congressional budget.
Sec. 613. Congressional Budget Office reports to committees.
Sec. 614. Outyear assumptions for discretionary spending.

Subtitle B—The Byrd Rule

Sec. 621. Limitation on Byrd rule.

**SEC. 3. EFFECTIVE DATE.**

Except as otherwise specifically provided, this Act and the amendments made by this Act shall become effective on the date of enactment of this Act and shall apply with respect to fiscal years beginning after September 30, 2001.

**SEC. 4. DECLARATION OF PURPOSES FOR THE BUDGET ACT.**

Paragraphs (1) and (2) of section 2 of the Congressional Budget and Impoundment Control Act of 1974 are amended to read as follows:

''(1) to assure effective control over the budgetary process;

''(2) to facilitate the determination each year of the appropriate level of Federal revenues and expenditures by the Congress and the President;''.

**TITLE I—BUDGET WITH FORCE OF LAW**

**SEC. 101. PURPOSES.**

The purposes of this title are to—

(1) focus initial budgetary deliberations on aggregate levels of Federal spending and taxation;

(2) encourage cooperation between Congress and the President in developing overall budgetary priorities; and

(3) reach budgetary decisions early in the legislative cycle.

**SEC. 102. THE TIMETABLE.**

Section 300 of the Congressional Budget Act of 1974 is amended to read as follows:

''TIMETABLE

''SEC. 300. The timetable with respect to the congressional budget process for any fiscal year is as follows:

| "On or before: | Action to be completed: |
|---|---|
| First Monday in February. | President submits his budget. |
| February 15 | Congressional Budget Office submits report to Budget Committees. |
| Not later than 6 weeks after President submits budget. | Committees submit views and estimates to Budget Committees. |
| April 1 | Senate Budget Committee reports joint resolution on the budget. |
| April 15 | Congress completes action on joint resolution on the budget. |
| June 10 | House Appropriations Committee reports last annual appropriation bill. |
| June 15 | Congress completes action on reconciliation legislation. |
| June 30 | House completes action on annual appropriation bills. |
| October 1 | Fiscal year begins.''. |

**SEC. 103. ANNUAL JOINT RESOLUTIONS ON THE BUDGET.**

(a) CONTENT OF ANNUAL JOINT RESOLUTIONS ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended as follows:

(1) Strike paragraph (4) and insert the following new paragraph:

''(4) subtotals of new budget authority and outlays for nondefense discretionary spending, defense discretionary spending, direct spending (excluding interest), and interest;

and for fiscal years to which the amendments made by title II of the Comprehensive Budget Process Reform Act of 2000 apply, subtotals of new budget authority and outlays for emergencies;''.

(2) Strike the last sentence of such subsection.

(b) ADDITIONAL MATTERS IN JOINT RESOLUTION.—Section 301(b) of the Congressional Budget Act of 1974 is amended as follows:

(1) Strike paragraphs (2), (4), and (6) through (9).

(2) After paragraph (1), insert the following new paragraph:

''(2) if submitted by the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate to the Committee on the Budget of that House of Congress, amend section 3101 of title 31, United States Code, to change the statutory limit on the public debt;''.

(3) After paragraph (3), insert the following new paragraph:

''(4) require such other congressional procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act;''; and

(4) After paragraph (5), insert the following new paragraph:

''(6) set forth procedures in the Senate whereby committee allocations, aggregates, and other levels can be revised for legislation if that legislation would not increase the deficit, or would not increase the deficit when taken with other legislation enacted after the adoption of the resolution, for the first fiscal year or the total period of fiscal years covered by the resolution.''.

(c) REQUIRED CONTENTS OF REPORT.—Section 301(e)(2) of the Congressional Budget Act of 1974 is amended as follows:

(1) Redesignate subparagraphs (A), (B), (C), (D), (E), and (F) as subparagraphs (B), (C), (E), (F), (H), and (I), respectively.

(2) Before subparagraph (B) (as redesignated), insert the following new subparagraph:

''(A) new budget authority and outlays for each major functional category, based on allocations of the total levels set forth pursuant to subsection (a)(1);''.

(3) In subparagraph (C) (as redesignated), strike ''mandatory'' and insert ''direct spending''.

(4) After subparagraph (C) (as redesignated), insert the following new subparagraph:

''(D) a measure, as a percentage of gross domestic product, of total outlays, total Federal revenues, the surplus or deficit, and new outlays for nondefense discretionary spending, defense spending, and direct spending as set forth in such resolution;''.

(5) After subparagraph (F) (as redesignated), insert the following new subparagraph:

''(G) if the joint resolution on the budget includes any allocation to a committee (other than the Committee on Appropriations) of levels in excess of current law levels, a justification for not subjecting any program, project, or activity (for which the allocation is made) to annual discretionary appropriations;''.

(d) ADDITIONAL CONTENTS OF REPORT.—Section 301(e)(3) of the Congressional Budget Act of 1974 is amended as follows:

(1) Redesignate subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, strike subparagraphs (C) and (D), and redesignate subparagraph (E) as subparagraph (D).

(2) Before subparagraph (B), insert the following new subparagraph:

''(A) reconciliation directives described in section 310;''.

(e) PRESIDENT'S BUDGET SUBMISSION TO THE CONGRESS.—(1) The first two sentences of section 1105(a) of title 31, United States Code, are amended to read as follows:

''On or after the first Monday in January but not later than the first Monday in February of each year the President shall submit a budget of the United States Government for the following fiscal year which shall set forth the following levels:

''(A) totals of new budget authority and outlays;

''(B) total Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

''(C) the surplus or deficit in the budget;

''(D) subtotals of new budget authority and outlays for nondefense discretionary spending, defense discretionary spending, direct spending, and interest; and for fiscal years to which the amendments made by title II of the Comprehensive Budget Process Reform Act of 2000 apply, subtotals of new budget authority and outlays for emergencies; and

''(E) the public debt.

Each budget submission shall include a budget message and summary and supporting information and, as a separately delineated statement, the levels required in the preceding sentence for at least each of the 9 ensuing fiscal years.''.

(2) The third sentence of section 1105(a) of title 31, United States Code, is amended by inserting ''submission'' after ''budget''.

(f) LIMITATION ON CONTENTS OF BUDGET RESOLUTIONS.—Section 305 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(e) LIMITATION ON CONTENTS.—(1) A joint resolution on the budget and the report accompanying it may not—

''(A) appropriate or otherwise provide, impound, or rescind any new budget authority, increase any outlay, or increase or decrease any revenue (other than through reconciliation instructions);

''(B) directly (other than through reconciliation instructions) establish or change any program, project, or activity;

''(C) establish or change any limit or control over spending, outlays, receipts, or the surplus or deficit except those that are enforced through congressional rule making; or

''(D) amend any law except as provided by section 304 (permissible revisions of joint resolutions on the budget) or enact any provision of law that contains any matter not permitted in section 301(a) or (b).

''(2) No allocation under section 302(a) shall be construed as changing such discretionary spending limit.

''(3) It shall not be in order in the House of Representatives or in the Senate to consider any joint resolution on the budget or any amendment thereto or conference report thereon that contains any matter not permitted in section 301(a) or (b).

''(4) Any joint resolution on the budget or any amendment thereto or conference report thereon that contains any matter not permitted in section 301(a) or (b) shall not be treated in the House of Representatives or the Senate as a budget resolution under subsection (a) or (b) or as a conference report on a budget resolution under subsection (c) of this section.''.

**SEC. 104. BUDGET REQUIRED BEFORE SPENDING BILLS MAY BE CONSIDERED; FALLBACK PROCEDURES IF PRESIDENT VETOES JOINT BUDGET RESOLUTION.**

(a) AMENDMENTS TO SECTION 302.—Section 302(a) of the Congressional Budget Act of 1974 is amended by striking paragraph (5).

(b) AMENDMENTS TO SECTION 303 AND CONFORMING AMENDMENTS.—(1) Section 303 of the Congressional Budget Act of 1974 is amended—

(A) in subsection (b), by striking paragraph (2), by inserting ''or'' at the end of paragraph (1), and by redesignating paragraph (3) as paragraph (2); and

(B) by striking its section heading and inserting the following new section heading: ''CONSIDERATION OF BUDGET-RELATED LEGISLATION BEFORE BUDGET BECOMES LAW''.

(2) Section 302(g)(1) of the Congressional Budget Act of 1974 is amended by striking ''and, after April 15, section 303(a)''.

(3)(A) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''303(a),'' before ''305(b)(2),''.

(B) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''303(a),'' before ''305(b)(2),''.

(c) EXPEDITED PROCEDURES UPON VETO OF JOINT RESOLUTION ON THE BUDGET.—(1) Title III of the Congressional Budget Act of 1974 is amended by adding after section 315 the following new section:

''EXPEDITED PROCEDURES UPON VETO OF JOINT RESOLUTION ON THE BUDGET

''SEC. 316. (a) SPECIAL RULE.—If the President vetoes a joint resolution on the budget for a fiscal year, the majority leader of the House of Representatives or Senate (or his designee) may introduce a concurrent resolution on the budget or joint resolution on the budget for such fiscal year. If the Committee on the Budget of either House fails to report such concurrent or joint resolution referred to it within five calendar days (excluding Saturdays, Sundays, or legal holidays except when that House of Congress is in session) after the date of such referral, the committee shall be automatically discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar.

''(b) PROCEDURE IN THE HOUSE OF REPRESENTATIVES AND THE SENATE.—

''(1) Except as provided in paragraph (2), the provisions of section 305 for the consideration in the House of Representatives and in the Senate of joint resolutions on the budget and conference reports thereon shall also apply to the consideration of concurrent resolutions on the budget introduced under subsection (a) and conference reports thereon.

''(2) Debate in the Senate on any concurrent resolution on the budget or joint resolution on the budget introduced under subsection (a), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours and in the House such debate shall be limited to not more than 3 hours.

''(c) CONTENTS OF CONCURRENT RESOLUTIONS.—Any concurrent resolution on the budget introduced under subsection (a) shall be in compliance with section 301.

''(d) EFFECT OF CONCURRENT RESOLUTION ON THE BUDGET.—Notwithstanding any other provision of this title, whenever a concurrent resolution on the budget described in subsection (a) is agreed to, then the aggregates, allocations, and reconciliation directives (if any) contained in the report accompanying such concurrent resolution or in such concurrent resolution shall be considered to be the aggregates, allocations, and reconciliation directives for all purposes of sections 302, 303, and 311 for the applicable fiscal years and such concurrent resolution shall be deemed to be a joint resolution for all purposes of this title and the Rules of the House of Representatives and any reference to the date of enactment of a joint resolution on the budget shall be deemed to be a reference to the date agreed to when applied to such concurrent resolution.''.

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

''Sec. 316. Expedited procedures upon veto of joint resolution on the budget.''.

**SEC. 105. CONFORMING AMENDMENTS TO EFFECTUATE JOINT RESOLUTIONS ON THE BUDGET.**

(a) CONFORMING AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.—(1)(A) Sections 301, 302, 303, 305, 308, 310, 311, 312, 314, 405, and 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) are amended by striking ''concurrent'' each place it appears and by inserting ''joint''.

(B)(i) Sections 302(d), 302(g), 308(a)(1)(A), and 310(d)(1) of the Congressional Budget Act of 1974 are amended by striking ''most recently agreed to concurrent resolution on the budget'' each place it occurs and inserting ''most recently enacted joint resolution on the budget or agreed to concurrent resolution on the budget (as applicable)''.

(ii) The section heading of section 301 is amended by striking ''adoption of concurrent resolution'' and inserting ''joint resolutions'';

(iii) Section 304 of such Act is amended to read as follows:

''PERMISSIBLE REVISIONS OF BUDGET RESOLUTIONS

''SEC. 304. At any time after the joint resolution on the budget for a fiscal year has been enacted pursuant to section 301, and before the end of such fiscal year, the two Houses and the President may enact a joint resolution on the budget which revises or reaffirms the joint resolution on the budget for such fiscal year most recently enacted. If a concurrent resolution on the budget has been agreed to pursuant to section 316, then before the end of such fiscal year, the two Houses may adopt a concurrent resolution on the budget which revises or reaffirms the concurrent resolution on the budget for such fiscal year most recently agreed to.''.

(C) Sections 302, 303, 310, and 311, of such Act are amended by striking ''agreed to'' each place it appears and by inserting ''enacted''.

(2)(A) Paragraph (4) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking ''concurrent'' each place it appears and by inserting ''joint''.

(B) The table of contents set forth in section 1(b) of such Act is amended—

(i) in the item relating to section 301, by striking ''adoption of concurrent resolution'' and inserting ''joint resolutions'';

(ii) by striking the item relating to section 303 and inserting the following:

''Sec. 303. Consideration of budget-related legislation before budget becomes law.'';

(iii) in the item relating to section 304, by striking ''concurrent'' and inserting ''budget'' the first place it appears and by striking ''on the budget''; and

(iv) by striking ''concurrent'' and inserting ''joint'' in the item relating to section 305.

(b) CONFORMING AMENDMENTS TO THE RULES OF THE HOUSE OF REPRESENTATIVES.—(1) Clauses 1(e)(1), 4(a)(4), 4(b)(2), 4(f)(1)(A), and 4(f)(2) of rule X, clause 10 of rule XVIII, and clause 10 of rule XX of the Rules of the House of Representatives are amended by striking ''concurrent'' each place it appears and inserting ''joint''.

(2) Clause 10 of rule XVIII of the Rules of the House of Representatives is amended—

(A) in paragraph (b)(2), by striking ''(5)'' and inserting ''(6)''; and

(B) by striking paragraph (c).

(c) CONFORMING AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 258C(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907d(b)(1)) is amended by striking ''concurrent'' and inserting ''joint''.

(d) CONFORMING AMENDMENTS TO SECTION 310 REGARDING RECONCILIATION DIRECTIVES.—(1) The side heading of section 310(a) of the Congressional Budget Act of 1974 (as amended by section 105(a)) is further amended by inserting ''JOINT EXPLANATORY STATEMENT ACCOMPANYING CONFERENCE REPORT ON'' before ''JOINT''.

(2) Section 310(a) of such Act is amended by striking ''A'' and inserting ''The joint explanatory statement accompanying the conference report on a''.

(3) The first sentence of section 310(b) of such Act is amended by striking ''If'' and inserting ''If the joint explanatory statement accompanying the conference report on''.

(4) Section 310(c)(1) of such Act is amended by inserting ''the joint explanatory statement accompanying the conference report on'' after ''pursuant to''.

(5) Subsection (g) of section 310 of such Act is repealed.

(e) CONFORMING AMENDMENTS TO SECTION 3 REGARDING DIRECT SPENDING.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end the following new paragraph:

''(11) The term 'direct spending' has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(f) TECHNICAL AMENDMENT REGARDING REVISED SUBALLOCATIONS.—Section 314(d) of the Congressional Budget Act of 1974 is amended by—

(1) striking ''REPORTING'' in the side heading, by inserting ''the chairmen of'' before ''the Committees'', and by striking ''may report'' and inserting ''shall make and have published in the Congressional Record''; and

(2) adding at the end the following new sentence: ''For purposes of considering amendments (other than for amounts for emergencies covered by subsection (b)(1)), suballocations shall be deemed to be so adjusted.''.

## TITLE II—RESERVE FUND FOR EMERGENCIES

**SEC. 201. PURPOSE.**

The purposes of this title are to—

(1) develop budgetary and fiscal procedures for emergencies;

(2) subject spending for emergencies to budgetary procedures and controls; and

(3) establish criteria for determining compliance with emergency requirements.

**SEC. 202. REPEAL OF ADJUSTMENTS FOR EMERGENCIES.**

(a) DISCRETIONARY SPENDING LIMITS.—(1) Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 is repealed.

(2) Such section 251(b)(2) is further amended by redesignating subparagraphs (B) through (G) as subparagraphs (A) through (F).

(b) DIRECT SPENDING.—Sections 252(e) and 252(d)(4)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 are repealed.

(c) EMERGENCY DESIGNATION.—Clause 2 of rule XXI of the Rules of the House of Representatives is amended by repealing paragraph (e) and by redesignating paragraph (f) as paragraph (e).

(d) AMOUNT OF ADJUSTMENTS.—Section 314(b) of the Congressional Budget Act of 1974 is amended by striking paragraph (1) and by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

**SEC. 203. OMB EMERGENCY CRITERIA.**

Section 3 of the Congressional Budget and Impoundment Control Act of 1974 (as amended by section 105(e)) is further amended by adding at the end the following new paragraph:

''(12)(A) The term 'emergency' means a situation that—

''(i) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for the prevention or mitigation of, or response to, loss of life or property, or a threat to national security; and

''(ii) is unanticipated.

''(B) As used in subparagraph (A), the term 'unanticipated' means that the situation is—

''(i) sudden, which means quickly coming into being or not building up over time;

''(ii) urgent, which means a pressing and compelling need requiring immediate action;

''(iii) unforeseen, which means not predicted or anticipated as an emerging need; and

''(iv) temporary, which means not of a permanent duration.''.

**SEC. 204. DEVELOPMENT OF GUIDELINES FOR APPLICATION OF EMERGENCY DEFINITION.**

Not later than 5 months after the date of enactment of this Act, the chairmen of the Committees on the Budget (in consultation with the President) shall, after consulting with the chairmen of the Committees on Appropriations and applicable authorizing committees of their respective Houses and the Directors of the Congressional Budget Office and the Office of Management and Budget, jointly publish in the Congressional Record guidelines for application of the definition of emergency set forth in section 3(12) of the Congressional Budget and Impoundment Control Act of 1974.

**SEC. 205. RESERVE FUND FOR EMERGENCIES IN PRESIDENT'S BUDGET.**

Section 1105 of title 31, United States Code is amended by adding at the end the following new subsections:

''(h) The budget transmitted pursuant to subsection (a) for a fiscal year shall include a reserve fund for emergencies. The amount set forth in such fund shall be calculated as provided under section 317(b) of the Congressional Budget Act of 1974.

''(i) In the case of any budget authority requested for an emergency, such submission shall include a detailed justification of the reasons that such emergency is an emergency within the meaning of section 3(12) of the Congressional Budget Act of 1974, consistent with the guidelines described in section 204 of the Comprehensive Budget Process Reform Act of 2000.''.

**SEC. 206. ADJUSTMENTS AND RESERVE FUND FOR EMERGENCIES IN JOINT BUDGET RESOLUTIONS.**

(a) EMERGENCIES.—Title III of the Congressional Budget Act of 1974 (as amended by section 104(c)) is further amended by adding at the end the following new section:

''EMERGENCIES

''SEC. 317. (a) ADJUSTMENTS.—

''(1) IN GENERAL.—After the reporting of a bill or joint resolution or the submission of a conference report thereon that provides budget authority for any emergency as identified pursuant to subsection (d)—

''(A) the chairman (in consultation with the ranking minority member) of the Committee on the Budget of the House of Representatives or the Senate shall determine and certify, pursuant to the guidelines referred to in section 204 of the Comprehensive Budget Process Reform Act of 2000, the portion (if any) of the amount so specified that is for an emergency within the meaning of section 3(12); and

''(B) such chairman shall make the adjustment set forth in paragraph (2) for the amount of new budget authority (or outlays) in that measure and the outlays flowing from that budget authority.

''(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to the allocations made pursuant to the appropriate joint resolution on the budget pursuant to section 302(a) and shall be in an amount not to exceed the amount reserved for emergencies pursuant to the requirements of subsection (b).

''(3) PERMISSIBLE COMMITTEE VOTE ON ADJUSTMENTS.—Any adjustment made by the chairman of the Committee on the Budget of the House of Representatives or the Senate under paragraph (1) may be placed before the committee for its consideration by a majority vote of the members of the committee, a quorum being present.

''(b) RESERVE FUND FOR EMERGENCIES.—

''(1) AMOUNTS.—(A) The amount set forth in the reserve fund for emergencies for budget authority for a fiscal year pursuant to section 301(a)(4) shall equal the average of the enacted levels of budget authority for emergencies in the 5 fiscal years preceding the current year.

''(B) The amount set forth in the reserve fund for emergencies for outlays pursuant to section 301(a)(4) shall be the following:

''(i) For the budget year, the amount provided by subparagraph (C)(i).

''(ii) For the year following the budget year, the sum of the amounts provided by subparagraphs (i) and (ii).

''(iii) For the second year following the budget year, the sum of the amounts provided by subparagraphs (i), (ii), and (iii).

''(iv) For the third year following the budget year, the sum of the amounts provided by subparagraphs (i), (ii), (iii), and (iv).

''(v) For the fourth year following the budget year, the sum of the amounts provided by subparagraphs (i), (ii), (iii), (iv), and (v).

''(C) The amount used to calculate the levels of the reserve fund for emergencies for outlays shall be the—

''(i) average outlays flowing from new budget authority in the fiscal year that the budget authority was provided;

''(ii) average outlays flowing from new budget authority in the fiscal year following the fiscal year in which the budget authority was provided;

''(iii) average outlays flowing from new budget authority in the second fiscal year following the fiscal year in which the budget authority was provided;

''(iv) average outlays flowing from new budget authority in the third fiscal year following the fiscal year in which the budget authority was provided for budget authority provided; and

''(v) average outlays flowing from new budget authority in the fourth fiscal year following the fiscal year in which the budget authority was provided;

if such budget authority was provided within the period of the 5 fiscal years preceding the current year.

''(2) AVERAGE LEVELS.—For purposes of paragraph (1), the amount used for a fiscal year to calculate the average of the enacted levels when one or more of such 5 preceding fiscal years is any of fiscal years 1996 through 2000 shall be for emergencies within the definition of section 3(12)(A) as determined by the Committees on the Budget of the House of Representatives and the Senate after receipt of a report on such matter transmitted to such committees by the Director of the Congressional Budget Office 6 months after the date of enactment of this section and thereafter in February of each calendar year.

''(c) EMERGENCIES IN EXCESS OF AMOUNTS IN RESERVE FUND.—Whenever the Committee on Appropriations or any other committee reports any bill or joint resolution that provides budget authority for any emergency and the report accompanying that bill or joint resolution, pursuant to subsection (d), identifies any provision that increases outlays or provides budget authority (and the outlays flowing therefrom) for such emergency, the enactment of which would cause—

''(1) in the case of the Committee on Appropriations, the total amount of budget authority or outlays provided for emergencies for the budget year; or

''(2) in the case of any other committee, the total amount of budget authority or outlays provided for emergencies for the budget year or the total of the fiscal years;

in the joint resolution on the budget (pursuant to section 301(a)(4)) to be exceeded:

''(A) Such bill or joint resolution shall be referred to the Committee on the Budget of the House or the Senate, as the case may be, with instructions to report it without amendment, other than that specified in subparagraph (B), within 5 legislative days of the day in which it is reported from the originating committee. If the Committee on the Budget of either House fails to report a bill or joint resolution referred to it under this subparagraph within such 5-day period, the committee shall be automatically discharged from further consideration of such bill or joint resolution and such bill or joint resolution shall be placed on the appropriate calendar.

''(B) An amendment to such a bill or joint resolution referred to in this subsection shall only consist of an exemption from section 251 or 252 (as applicable) of the Balanced Budget and Emergency Deficit Control Act of 1985 of all or any part of the provisions that provide budget authority (and the outlays flowing therefrom) for such emergency if the committee determines, pursuant to the guidelines referred to in section 204 of the Comprehensive Budget Process Reform Act of 2000, that such budget authority is for an emergency within the meaning of section 3(12).

''(C) If such a bill or joint resolution is reported with an amendment specified in subparagraph (B) by the Committee on the Budget of the House of Representatives or the Senate, then the budget authority and resulting outlays that are the subject of such amendment shall not be included in any determinations under section 302(f) or 311(a) for any bill, joint resolution, amendment, motion, or conference report.

''(d) COMMITTEE NOTIFICATION OF EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency and include a statement of the reasons why such budget authority meets the definition of an emergency pursuant to the guidelines referred to in section 204 of the Comprehensive Budget Process Reform Act of 2000.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 316 the following new item:

''Sec. 317. Emergencies.''.

**SEC. 207. UP-TO-DATE TABULATIONS.**

Section 308(b)(2) of the Congressional Budget Act of 1974 is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(D) shall include an up-to-date tabulation of amounts remaining in the reserve fund for emergencies.''.

**SEC. 208. PROHIBITION ON AMENDMENTS TO EMERGENCY RESERVE FUND.**

(a) POINT OF ORDER.—Section 305 of the Congressional Budget Act of 1974 (as amended by section 103(c)) is further amended by adding at the end the following new subsection:

''(f) POINT OF ORDER REGARDING EMERGENCY RESERVE FUND.—It shall not be in order in the House of Representatives or in the Senate to consider an amendment to a joint resolution on the budget which changes the amount of budget authority and outlays set forth in section 301(a)(4) for emergency reserve fund.''.

(b) TECHNICAL AMENDMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''305(e), 305(f),'' after ''305(c)(4),''.

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''305(e), 305(f),'' after ''305(c)(4),''.

**SEC. 209. EFFECTIVE DATE.**

The amendments made by this title shall apply to fiscal year 2002 and subsequent fiscal years, but such amendments shall take effect only after the enactment of legislation changing or extending for any fiscal year the discretionary spending limits set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 or legislation reducing the amount of any sequestration under section 252 of such Act by the amount of any reserve for any emergencies.

## TITLE III—ENFORCEMENT OF BUDGETARY DECISIONS

**SEC. 301. PURPOSES.**

The purposes of this title are to—

(1) close loopholes in the enforcement of budget resolutions;

(2) require committees of the House of Representatives to include budget compliance statements in reports accompanying all legislation;

(3) require committees of the House of Representatives to justify the need for waivers of the Congressional Budget Act of 1974; and

(4) provide cost estimates of conference reports.

### Subtitle A—Application of Points of Order to Unreported Legislation

**SEC. 311. APPLICATION OF BUDGET ACT POINTS OF ORDER TO UNREPORTED LEGISLATION.**

(a) Section 315 of the Congressional Budget Act of 1974 is amended by striking ''reported'' the first place it appears.

(b) Section 303(b) of the Congressional Budget Act of 1974 (as amended by section 104(b)(1)) is further amended—

(1) in paragraph (1), by striking ''(A)'' and by redesignating subparagraph (B) as paragraph (2) and by striking the semicolon at the end of such new paragraph (2) and inserting a period; and

(2) by striking paragraph (2) (as redesignated by such section 104(b)(1)).

### Subtitle B—Compliance with Budget Resolution

**SEC. 321. BUDGET COMPLIANCE STATEMENTS.**

Clause 3(d) of rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

''(4) A budget compliance statement prepared by the chairman of the Committee on the Budget, if timely submitted prior to the filing of the report, which shall include assessment by such chairman as to whether

the bill or joint resolution complies with the requirements of sections 302, 303, 306, 311, and 401 of the Congressional Budget Act of 1974 or any other requirements set forth in a joint resolution on the budget and may include the budgetary implications of that bill or joint resolution under section 251 or 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, as applicable.''.

**Subtitle C—Justification for Budget Act Waivers**

**SEC. 331. JUSTIFICATION FOR BUDGET ACT WAIVERS IN THE HOUSE OF REPRESENTATIVES.**

Clause 6 of rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

''(h) It shall not be in order to consider any resolution from the Committee on Rules for the consideration of any reported bill or joint resolution which waives section 302, 303, 311, or 401 of the Congressional Budget Act of 1974, unless the report accompanying such resolution includes a description of the provision proposed to be waived, an identification of the section being waived, the reasons why such waiver should be granted, and an estimated cost of the provisions to which the waiver applies.''.

**Subtitle D—CBO Scoring of Conference Reports**

**SEC. 341. CBO SCORING OF CONFERENCE REPORTS.**

(a) The first sentence of section 402 of the Congressional Budget Act of 1974 is amended as follows:

(1) Insert ''or conference report thereon,'' before ''and submit''.

(2) In paragraph (1), strike ''bill or resolution'' and insert ''bill, joint resolution, or conference report''.

(3) At the end of paragraph (2) strike ''and'', at the end of paragraph (3) strike the period and insert ''; and'', and after such paragraph (3) add the following new paragraph:

''(4) A determination of whether such bill, joint resolution, or conference report provides direct spending.''.

(b) The second sentence of section 402 of the Congressional Budget Act of 1974 is amended by inserting before the period the following: '', or in the case of a conference report, shall be included in the joint explanatory statement of managers accompanying such conference report if timely submitted before such report is filed''.

**TITLE IV—ACCOUNTABILITY FOR FEDERAL SPENDING**

**SEC. 401. PURPOSES.**

The purposes of this title are to—

(1) require committees to develop a schedule for reauthorizing all programs within their jurisdictions;

(2) provide an opportunity to offer amendments to subject new entitlement programs to annual discretionary appropriations;

(3) require the Committee on the Budget to justify any allocation to an authorizing committee for legislation that would not be subject to annual discretionary appropriation;

(4) provide estimates of the long-term impact of spending and tax legislation;

(5) provide a point of order for legislation creating a new direct spending program that does not expire within 10 years; and

(6) require a vote in the House of Representatives on any measure that increases the statutory limit on the public debt.

**Subtitle A—Limitations on Direct Spending**

**SEC. 411. FIXED-YEAR AUTHORIZATIONS REQUIRED FOR NEW PROGRAMS.**

Section 401 of the Congressional Budget Act of 1974 is amended—

(1) by striking subsection (b) and inserting the following new subsections:

''(b) LIMITATION ON DIRECT SPENDING.—It shall not be in order in the House of Representatives or in the Senate to consider a bill or joint resolution, or an amendment, motion, or conference report that provides direct spending for a new program, unless such spending is limited to a period of 10 or fewer fiscal years.

''(c) LIMITATION ON AUTHORIZATION OF DISCRETIONARY APPROPRIATIONS.—It shall not be in order in the House of Representatives or in the Senate to consider any bill, joint resolution, amendment, or conference report that authorizes the appropriation of new budget authority for a new program, unless such authorization is specifically provided for a period of 10 or fewer fiscal years.''; and

(2) by redesignating subsection (c) as subsection (d) and by striking ''(a) and (b)'' both places it appears in such redesignated subsection (d) and inserting ''(a), (b), and (c)''.

**SEC. 412. AMENDMENTS TO SUBJECT NEW DIRECT SPENDING TO ANNUAL APPROPRIATIONS.**

(a) HOUSE PROCEDURES.—Clause 5 of rule XVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

''(c)(1) In the Committee of the Whole, an amendment only to subject a new program which provides direct spending to discretionary appropriations, if offered by the chairman of the Committee on the Budget (or his designee) or the chairman of the Committee of Appropriations (or his designee), may be precluded from consideration only by the specific terms of a special order of the House. Any such amendment, if offered, shall be debatable for twenty minutes equally divided and controlled by the proponent of the amendment and a Member opposed and shall not be subject to amendment.

''(2) As used in subparagraph (1), the term 'direct spending' has the meaning given such term in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974, except that such term does not include direct spending described in section 401(d)(1) of such Act.''.

(b) ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS FOR DISCRETIONARY APPROPRIATIONS OFFSET BY DIRECT SPENDING SAVINGS.—

(1) PURPOSE.—The purpose of the amendments made by this subsection is to hold the discretionary spending limits and the allocations made to the Committee on Appropriations under section 302(a) of the Congressional Budget Act of 1974 harmless for legislation that offsets a new discretionary program with a designated reduction in direct spending.

(2) DESIGNATING DIRECT SPENDING SAVINGS IN AUTHORIZATION LEGISLATION FOR NEW DISCRETIONARY PROGRAMS.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 202) is further amended by adding at the end the following new subsection:

''(e) OFFSETS.—If a provision of direct spending legislation is enacted that—

''(1) decreases direct spending for any fiscal year; and

''(2) is designated as an offset pursuant to this subsection and such designation specifically identifies an authorization of discretionary appropriations (contained in such legislation) for a new program,

then the reductions in new budget authority and outlays in all fiscal years resulting from that provision shall be designated as an offset in the reports required under subsection (d).''.

(3) EXEMPTING SUCH DESIGNATED DIRECT SPENDING SAVINGS FROM PAYGO SCORECARD.—Section 252(d)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 202(b)) is further amended by adding at the end the following new subparagraph:

''(B) offset provisions as designated under subsection (e).''.

(4) ADJUSTMENT IN DISCRETIONARY SPENDING LIMITS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 202(a)(2)) is further amended by adding at the end the following new subparagraph:

''(G) DISCRETIONARY AUTHORIZATION OFFSETS.—If an Act other than an appropriation Act includes any provision reducing direct spending and specifically identifies any such provision as an offset pursuant to section 252(e), the adjustments shall be an increase in the discretionary spending limits for budget authority and outlays in each fiscal year equal to the amount of the budget authority and outlay reductions, respectively, achieved by the specified offset in that fiscal year, except that the adjustments for the budget year in which the offsetting provision takes effect shall not exceed the amount of discretionary new budget authority provided for the new program (authorized in that Act) in an Act making discretionary appropriations and the outlays flowing therefrom.''.

(5) ADJUSTMENT IN APPROPRIATION COMMITTEE'S ALLOCATIONS.—Section 314(b) of the Congressional Budget Act of 1974 (as amended by section 202(d)) is further amended by striking ''; or'' at the end of paragraph (4), by striking the period and inserting ''; or'' at the end of paragraph (5), and by adding at the end the following new paragraph:

''(6) the amount provided in an Act making discretionary appropriations for the program for which an offset was designated pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 and any outlays flowing therefrom, but not to exceed the amount of the designated decrease in direct spending for that year for that program in a prior law.''.

(6) ADJUSTMENT IN AUTHORIZING COMMITTEE'S ALLOCATIONS.—Section 314 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT IN AUTHORIZING COMMITTEE'S ALLOCATIONS BY AMOUNT OF DIRECT SPENDING OFFSET.—After the reporting of a bill or joint resolution (by a committee other than the Committee on Appropriations), or the offering of an amendment thereto or the submission of a conference report thereon, that contains a provision that decreases direct spending for any fiscal year and that is designated as an offset pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the chairman of the Committee on the Budget shall reduce the allocations of new budget authority and outlays made to such committee under section 302(a)(1) by the amount so designated.''.

**Subtitle B—Enhanced Congressional Oversight Responsibilities**

**SEC. 421. TEN-YEAR CONGRESSIONAL REVIEW REQUIREMENT OF PERMANENT BUDGET AUTHORITY.**

(a) TIMETABLE FOR REVIEW.—Clause 2(d)(1) of rule X of the Rules of the House of Representatives is amended by striking subdivisions (B) and (C) and inserting the following new subdivision:

''(B) provide in its plans a specific timetable for its review of those laws, programs, or agencies within its jurisdiction, including those that operate under permanent budget authority or permanent statutory authority and such timetable shall demonstrate that each law, program, or agency within the committee's jurisdiction will be reauthorized at least once every 10 years.''.

(b) REVIEW OF PERMANENT BUDGET AUTHORITY BY THE COMMITTEE ON APPROPRIATIONS.—Clause 4(a) of rule X of the Rules of the House of Representatives is amended—

(1) by striking subparagraph (2); and

(2) by redesignating subparagraphs (3) and (4) as subparagraphs (2) and (3) and by striking ''from time to time'' and inserting ''at least once each Congress'' in subparagraph (2) (as redesignated).

(c) CONFORMING AMENDMENT.—Clause 4(e)(2) of rule X of the Rules of the House of Representatives is amended by striking ''from time to time'' and inserting ''at least once every ten years''.

**SEC. 422. JUSTIFICATIONS OF DIRECT SPENDING.**

(a) SECTION 302 ALLOCATIONS.—Section 302(a) of the Congressional Budget Act of 1974 (as amended by section 104(a)) is further amended by adding at the end the following new paragraph:

''(5) JUSTIFICATION OF CERTAIN SPENDING ALLOCATIONS.—The joint explanatory statement accompanying a conference report on a joint resolution on the budget that includes any allocation to a committee (other than the Committee on Appropriations) of levels in excess of current law levels shall set forth a justification (such as an activity that is fully offset by increases in dedicated receipts and that such increases would trigger, under existing law, an adjustment in the appropriate discretionary spending limit) for not subjecting any program, project, or activity (for which the allocation is made) to annual discretionary appropriation.''.

(b) PRESIDENTS' BUDGET SUBMISSIONS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(33) a justification for not subjecting each proposed new direct spending program, project, or activity to discretionary appropriations (such as an activity that is fully offset by increases in dedicated receipts and that such increases would trigger, under existing law, an adjustment in the appropriate discretionary spending limit).''.

(c) COMMITTEE JUSTIFICATION FOR DIRECT SPENDING.—Clause 4(e)(2) of rule X of the Rules of the House of Representatives is amended by inserting before the period the following: '', and will provide specific information in any report accompanying such bills and joint resolutions to the greatest extent practicable to justify the reasons that the programs, projects, and activities involved would not be subject to annual appropriation (such as an activity that is fully offset by increases in dedicated receipts and that such increases would trigger, under existing law, an adjustment in the appropriate discretionary spending limit)''.

**SEC. 423. SURVEY OF ACTIVITY REPORTS OF HOUSE COMMITTEES.**

Clause 1(d) of rule XI of the Rules of the House of Representatives is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) Such report shall include a summary of and justifications for all bills and joint resolutions reported by such committee that—

''(A) were considered before the adoption of the appropriate budget resolution and did not fall within an exception set forth in section 303(b) of the Congressional Budget Act of 1974;

''(B) exceeded its allocation under section 302(a) of such Act or breached an aggregate level in violation of section 311 of such Act; or

''(C) contained provisions in violation of section 401 of such Act.

Such report shall also specify the total amount by which legislation reported by that committee exceeded its allocation under section 302(a) or breached the revenue floor under section 311(a) of such Act for each fiscal year during that Congress.''.

**SEC. 424. CONTINUING STUDY OF ADDITIONAL BUDGET PROCESS REFORMS.**

Section 703 of the Congressional Budget Act of 1974 is amended as follows:

(1) In subsection (a), strike ''and'' at the end of paragraph (3), strike the period at the end of paragraph (4) and insert ''; and'', and at the end add the following new paragraph:

''(5) evaluating whether existing programs, projects, and activities should be subject to discretionary appropriations and establishing guidelines for subjecting new or expanded programs, projects, and activities to annual appropriation and recommend any necessary changes in statutory enforcement mechanisms and scoring conventions to effectuate such changes. These guidelines are only for advisory purposes.''.

(2) In subsection (b), strike ''from time to time'' and insert ''during the One Hundred Seventh Congress''.

**SEC. 425. GAO REPORTS.**

The last sentence of section 404 of the Congressional Budget Act of 1974 is amended to read as follows: ''Such report shall be revised at least once every five years and shall be transmitted to the chairman and ranking minority member of each committee of the House of Representatives and the Senate.''.

## Subtitle C—Strengthened Accountability

**SEC. 431. TEN-YEAR CBO ESTIMATES.**

(a) CBO REPORTS ON LEGISLATION.—Section 308(a)(1)(B) of the Congressional Budget Act of 1974 is amended by striking ''four'' and inserting ''nine''.

(b) ANALYSIS BY CBO.—Section 402(1) of the Congressional Budget Act of 1974 is amended by striking ''4'' and inserting ''nine''.

(c) COST ESTIMATES.—Clause 3(d)(2)(A) of rule XIII of the Rules of the House of Representatives is amended by striking ''five'' each place it appears and inserting ''10''.

**SEC. 432. REPEAL OF RULE XXIII OF THE RULES OF THE HOUSE OF REPRESENTATIVES.**

Rule XXIII of the Rules of the House of Representatives (relating to the establishment of the statutory limit on the public debt) is repealed.

## TITLE V—BUDGETING FOR UNFUNDED LIABILITIES AND OTHER LONG-TERM OBLIGATIONS

**SEC. 501. PURPOSES.**

The purposes of this title are to—

(1) budget for the long-term costs of Federal insurance programs;

(2) improve congressional control of those costs; and

(3) periodically report on long-term budgetary trends.

## Subtitle A—Budgetary Treatment of Federal Insurance Programs

**SEC. 511. FEDERAL INSURANCE PROGRAMS.**

(a) IN GENERAL.—The Congressional Budget Act of 1974 is amended by adding after title V the following new title:

## ''TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

**''SEC. 601. SHORT TITLE.**

''This title may be cited as the 'Federal Insurance Budgeting Act of 2000'.

**''SEC. 602. BUDGETARY TREATMENT.**

''(a) PRESIDENT'S BUDGET.—Beginning with fiscal year 2007, the budget of the Government pursuant to section 1105(a) of title 31, United States Code, shall be based on the risk-assumed cost of Federal insurance programs.

''(b) BUDGET ACCOUNTING.—For any Federal insurance program—

''(1) the program account shall—

''(A) pay the risk-assumed cost borne by the taxpayer to the financing account, and

''(B) pay actual insurance program administrative costs;

''(2) the financing account shall—

''(A) receive premiums and other income,

''(B) pay all claims for insurance and receive all recoveries,

''(C) transfer to the program account on not less than an annual basis amounts necessary to pay insurance program administrative costs;

''(3) a negative risk-assumed cost shall be transferred from the financing account to the program account, and shall be transferred from the program account to the general fund; and

''(4) all payments by or receipts of the financing accounts shall be treated in the budget as a means of financing.

''(c) APPROPRIATIONS REQUIRED.—(1) Notwithstanding any other provision of law, insurance commitments may be made for fiscal year 2007 and thereafter only to the extent that new budget authority to cover their risk-assumed cost is provided in advance in an appropriation Act.

''(2) An outstanding insurance commitment shall not be modified in a manner that increases its risk-assumed cost unless budget authority for the additional cost has been provided in advance.

''(3) Paragraph (1) shall not apply to Federal insurance programs that constitute entitlements.

''(d) REESTIMATES.—The risk-assumed cost for a fiscal year shall be reestimated in each subsequent year. Such reestimate can equal zero. In the case of a positive reestimate, the amount of the reestimate shall be paid from the program account to the financing account. In the case of a negative reestimate, the amount of the reestimate shall be paid from the financing account to the program account, and shall be transferred from the program account to the general fund. Reestimates shall be displayed as a distinct and separately identified subaccount in the program account.

''(e) ADMINISTRATIVE EXPENSES.—All funding for an agency's administration of a Federal insurance program shall be displayed as a distinct and separately identified subaccount in the program account.

**''SEC. 603. TIMETABLE FOR IMPLEMENTATION OF ACCRUAL BUDGETING FOR FEDERAL INSURANCE PROGRAMS.**

''(a) AGENCY REQUIREMENTS.—Agencies with responsibility for Federal insurance programs shall develop models to estimate their risk-assumed cost by year through the budget horizon and shall submit those models, all relevant data, a justification for critical assumptions, and the annual projected risk-assumed costs to OMB with their budget requests each year starting with the request for fiscal year 2003. Agencies will likewise provide OMB with annual estimates of modifications, if any, and reestimates of program costs. Nothing in this subsection shall be construed to require an agency, which is subject to statutory requirements, to maintain a risk-based assessment system with a minimum level of reserves against loss and to assess insured entities for risk-based premiums, to provide models, critical assumptions, or other data that would, as determined by such agency, affect financial markets or the viability of insured entities.

''(b) DISCLOSURE.—When the President submits a budget of the Government pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2003, OMB shall publish a notice in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it or other executive branch

entities would use to estimate the risk-assumed cost of Federal insurance programs and giving such persons an opportunity to submit comments. At the same time, the chairman of the Committee on the Budget shall publish a notice for CBO in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it would use to estimate the risk-assumed cost of Federal insurance programs and giving such interested persons an opportunity to submit comments.

''(c) REVISION.—(1) After consideration of comments pursuant to subsection (b), and in consultation with the Committees on the Budget of the House of Representatives and the Senate, OMB and CBO shall revise the models, data, and major assumptions they would use to estimate the risk-assumed cost of Federal insurance programs. Except as provided by the next sentence, this paragraph shall not apply to an agency that is subject to statutory requirements to maintain a risk-based assessment system with a minimum level of reserves against loss and to assess insured entities for risk-based premiums. However, such agency shall consult with the aforementioned entities.

''(2) When the President submits a budget of the Government pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2004, OMB shall publish a notice in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it or other executive branch entities used to estimate the risk-assumed cost of Federal insurance programs.

''(d) DISPLAY.—

''(1) IN GENERAL.—For fiscal years 2004, 2005, and 2006 the budget submissions of the President pursuant to section 1105(a) of title 31, United States Code, and CBO's reports on the economic and budget outlook pursuant to section 202(e)(1) and the President's budgets, shall for display purposes only, estimate the risk-assumed cost of existing or proposed Federal insurance programs.

''(2) OMB.—The display in the budget submissions of the President for fiscal years 2004, 2005, and 2006 shall include—

''(A) a presentation for each Federal insurance program in budget-account level detail of estimates of risk-assumed cost;

''(B) a summary table of the risk-assumed costs of Federal insurance programs; and

''(C) an alternate summary table of budget functions and aggregates using risk-assumed rather than cash-based cost estimates for Federal insurance programs.

''(3) CBO.—In the 108th Congress and the first session of the 109th Congress, CBO shall include in its estimates under section 308, for display purposes only, the risk-assumed cost of existing Federal insurance programs, or legislation that CBO, in consultation with the Committees on the Budget of the House of Representatives and the Senate, determines would create a new Federal insurance program.

''(e) OMB, CBO, AND GAO EVALUATIONS.—(1) Not later than 6 months after the budget submission of the President pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2006, OMB, CBO, and GAO shall each submit to the Committees on the Budget of the House of Representatives and the Senate a report that evaluates the advisability and appropriate implementation of this title.

''(2) Each report made pursuant to paragraph (1) shall address the following:

''(A) The adequacy of risk-assumed estimation models used and alternative modeling methods.

''(B) The availability and reliability of data or information necessary to carry out this title.

''(C) The appropriateness of the explicit or implicit discount rate used in the various risk-assumed estimation models.

''(D) The advisability of specifying a statutory discount rate (such as the Treasury rate) for use in risk-assumed estimation models.

''(E) The ability of OMB, CBO, or GAO, as applicable, to secure any data or information directly from any Federal agency necessary to enable it to carry out this title.

''(F) The relationship between risk-assumed accrual budgeting for Federal insurance programs and the specific requirements of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(G) Whether Federal budgeting is improved by the inclusion of risk-assumed cost estimates for Federal insurance programs.

''(H) The advisability of including each of the programs currently estimated on a risk-assumed cost basis in the Federal budget on that basis.

**"SEC. 604. DEFINITIONS.**

''For purposes of this title:

''(1) The term 'Federal insurance program' means a program that makes insurance commitments and includes the list of such programs included in the joint explanatory statement of managers accompanying the conference report on the Comprehensive Budget Process Reform Act of 2000.

''(2) The term 'insurance commitment' means an agreement in advance by a Federal agency to indemnify a nonfederal entity against specified losses. This term does not include loan guarantees as defined in title V or benefit programs such as social security, medicare, and similar existing social insurance programs.

''(3)(A) The term 'risk-assumed cost' means the net present value of the estimated cash flows to and from the Government resulting from an insurance commitment or modification thereof.

''(B) The cash flows associated with an insurance commitment include—

''(i) expected claims payments inherent in the Government's commitment;

''(ii) net premiums (expected premium collections received from or on behalf of the insured less expected administrative expenses);

''(iii) expected recoveries; and

''(iv) expected changes in claims, premiums, or recoveries resulting from the exercise by the insured of any option included in the insurance commitment.

''(C) The cost of a modification is the difference between the current estimate of the net present value of the remaining cash flows under the terms of the insurance commitment, and the current estimate of the net present value of the remaining cash flows under the terms of the insurance commitment as modified.

''(D) The cost of a reestimate is the difference between the net present value of the amount currently required by the financing account to pay estimated claims and other expenditures and the amount currently available in the financing account. The cost of a reestimate shall be accounted for in the current year in the budget of the Government pursuant to section 1105(a) of title 31, United States Code.

''(E) For purposes of this definition, expected administrative expenses shall be construed as the amount estimated to be necessary for the proper administration of the insurance program. This amount may differ from amounts actually appropriated or otherwise made available for the administration of the program.

''(4) The term 'program account' means the budget account for the risk-assumed cost, and for paying all costs of administering the insurance program, and is the account from which the risk-assumed cost is disbursed to the financing account.

''(5) The term 'financing account' means the nonbudget account that is associated with each program account which receives payments from or makes payments to the program account, receives premiums and other payments from the public, pays insurance claims, and holds balances.

''(6) The term 'modification' means any Government action that alters the risk-assumed cost of an existing insurance commitment from the current estimate of cash flows. This includes any action resulting from new legislation, or from the exercise of administrative discretion under existing law, that directly or indirectly alters the estimated cost of existing insurance commitments.

''(7) The term 'model' means any actuarial, financial, econometric, probabilistic, or other methodology used to estimate the expected frequency and magnitude of loss-producing events, expected premiums or collections from or on behalf of the insured, expected recoveries, and administrative expenses.

''(8) The term 'current' has the same meaning as in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(9) The term 'OMB' means the Director of the Office of Management and Budget.

''(10) The term 'CBO' means the Director of the Congressional Budget Office.

''(11) The term 'GAO' means the Comptroller General of the United States.

**"SEC. 605. AUTHORIZATIONS TO ENTER INTO CONTRACTS; ACTUARIAL COST ACCOUNT.**

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $600,000 for each of fiscal years 2001 through 2006 to the Director of the Office of Management and Budget and each agency responsible for administering a Federal program to carry out this title.

''(b) TREASURY TRANSACTIONS WITH THE FINANCING ACCOUNTS.—The Secretary of the Treasury shall borrow from, receive from, lend to, or pay the insurance financing accounts such amounts as may be appropriate. The Secretary of the Treasury may prescribe forms and denominations, maturities, and terms and conditions for the transactions described above. The authorities described above shall not be construed to supersede or override the authority of the head of a Federal agency to administer and operate an insurance program. All the transactions provided in this subsection shall be subject to the provisions of subchapter II of chapter 15 of title 31, United States Code. Cash balances of the financing accounts in excess of current requirements shall be maintained in a form of uninvested funds, and the Secretary of the Treasury shall pay interest on these funds.

''(c) APPROPRIATION OF AMOUNT NECESSARY TO COVER RISK-ASSUMED COST OF INSURANCE COMMITMENTS AT TRANSITION DATE.—(1) A financing account is established on September 30, 2006, for each Federal insurance program.

''(2) There is appropriated to each financing account the amount of the risk-assumed cost of Federal insurance commitments outstanding for that program as of the close of September 30, 2006.

''(3) These financing accounts shall be used in implementing the budget accounting required by this title.

**"SEC. 606. EFFECTIVE DATE.**

''(a) IN GENERAL.—This title shall take effect immediately and shall expire on September 30, 2008.

''(b) SPECIAL RULE.—If this title is not reauthorized by September 30, 2008, then the accounting structure and budgetary treatment of Federal insurance programs shall revert to the accounting structure and budgetary treatment in effect immediately before the date of enactment of this title.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 507 the following new items:

''TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

''Sec. 601. Short title.
''Sec. 602. Budgetary treatment.
''Sec. 603. Timetable for implementation of accrual budgeting for Federal insurance programs.
''Sec. 604. Definitions.
''Sec. 605. Authorizations to enter into contracts; actuarial cost account.
''Sec. 606. Effective date.''.

**Subtitle B—Reports on Long-Term Budgetary Trends**

**SEC. 521. REPORTS ON LONG-TERM BUDGETARY TRENDS.**

(a) THE PRESIDENT'S BUDGET.—Section 1105(a) of title 31, United States Code (as amended by section 404), is further amended by adding at the end the following new paragraph:

''(34) an analysis based upon current law and an analysis based upon the policy assumptions underlying the budget submission for every fifth year of the period of 75 fiscal years beginning with such fiscal year, of the estimated levels of total new budget authority and total budget outlays, estimated revenues, estimated surpluses and deficits, and, for social security, medicare, medicaid, and all other direct spending, estimated levels of total new budget authority and total budget outlays; and a specification of its underlying assumptions and a sensitivity analysis of factors that have a significant effect on the projections made in each analysis; and a comparison of the effects of each of the two analyses on the economy, including such factors as inflation, foreign investment, interest rates, and economic growth.''.

(b) CBO REPORTS.—Section 202(e)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentences: ''Such report shall also include an analysis based upon current law for every fifth year of the period of 75 fiscal years beginning with such fiscal year, of the estimated levels of total new budget authority and total budget outlays, estimated revenues, estimated surpluses and deficits, and, for social security, medicare, medicaid, and all other direct spending, estimated levels of total new budget authority and total budget outlays. The report described in the preceding sentence shall also specify its underlying assumptions and set forth a sensitivity analysis of factors that have a significant effect on the projections made in the report.''.

**TITLE VI—BASELINES AND BYRD RULE**

**SEC. 601. PURPOSE.**

The purposes of this title are to—

(1) require budgetary comparisons to prior year levels; and

(2) restrict the application of the Byrd rule to measures other than conference reports.

**Subtitle A—The Baseline**

**SEC. 611. THE PRESIDENT'S BUDGET.**

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

''(5) except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current year and estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years following that year, and, except for detailed budget estimates, the percentage change from the current year to the fiscal year for which the budget is submitted for estimated expenditures and for appropriations.''.

(b) Section 1105(a)(6) of title 31, United States Code, is amended to read as follows:

''(6) estimated receipts of the Government in the current year and the fiscal year for which the budget is submitted and the 4 fiscal years after that year under—

''(A) laws in effect when the budget is submitted; and

''(B) proposals in the budget to increase revenues,

and the percentage change (in the case of each category referred to in subparagraphs (A) and (B)) between the current year and the fiscal year for which the budget is submitted and between the current year and each of the 9 fiscal years after the fiscal year for which the budget is submitted.''.

(c) Section 1105(a)(12) of title 31, United States Code, is amended to read as follows:

''(12) for each proposal in the budget for legislation that would establish or expand a Government activity or function, a table showing—

''(A) the amount proposed in the budget for appropriation and for expenditure because of the proposal in the fiscal year for which the budget is submitted;

''(B) the estimated appropriation required because of the proposal for each of the 4 fiscal years after that year that the proposal will be in effect; and

''(C) the estimated amount for the same activity or function, if any, in the current fiscal year,

and, except for detailed budget estimates, the percentage change (in the case of each category referred to in subparagraphs (A), (B), and (C)) between the current year and the fiscal year for which the budget is submitted.''.

(d) Section 1105(a)(18) of title 31, United States Code, is amended by inserting ''new budget authority and'' before ''budget outlays''.

(e) Section 1105(a) of title 31, United States Code, (as amended by sections 412(b) and 521(a)) is further amended by adding at the end the following new paragraphs:

''(35) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction.

''(36) a table on sources of growth in total direct spending under current law and as proposed in this budget submission for the budget year and the ensuing 9 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.

''(37) a comparison of the estimated level of obligation limitations, budget authority, and outlays for highways subject to the discretionary spending limits for highways (if any) set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 for the fiscal year for which the budget is submitted and the corresponding levels for such year under current law as adjusted pursuant to section 251(b)(1)(D) of such Act.''.

(f) Section 1109(a) of title 31, United States Code, is amended by inserting after the first sentence the following new sentence: ''For discretionary spending, these estimates shall assume the levels set forth in the discretionary spending limits under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted, for the appropriate fiscal years (and if no such limits are in effect, these estimates shall assume the adjusted levels for the most recent fiscal year for which such levels were in effect).''.

**SEC. 612. THE CONGRESSIONAL BUDGET.**

Section 301(e) of the Congressional Budget Act of 1974 (as amended by section 103) is further amended—

(1) in paragraph (1), by inserting at the end the following: ''The basis of deliberations in developing such joint resolution shall be the estimated budgetary levels for the preceding fiscal year. Any budgetary levels pending before the committee and the text of the joint resolution shall be accompanied by a document comparing such levels or such text to the estimated levels of the prior fiscal year. Any amendment offered in the committee that changes a budgetary level and is based upon a specific policy assumption for a program, project, or activity shall be accompanied by a document indicating the estimated amount for such program, project, or activity in the current year.''; and

(2) in paragraph (2), by striking ''and'' at the end of subparagraph (H) (as redesignated), by striking the period and inserting a semicolon at the end of subparagraph (I) (as redesignated), and by adding at the end the following new subparagraphs:

''(J) a comparison of levels for the current fiscal year with proposed spending and revenue levels for the subsequent fiscal years along with the proposed increase or decrease of spending in percentage terms for each function; and

''(K) a comparison of the proposed levels of new budget authority and outlays for the highway category (if any) (as defined in section 250(c)(4)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985) for the budget year with the corresponding levels under current law as adjusted consistent with the anticipated revenue alignment adjustments to be made pursuant to section 251(b)(1)(D) of such Act.''.

**SEC. 613. CONGRESSIONAL BUDGET OFFICE REPORTS TO COMMITTEES.**

(a) The first sentence of section 202(e)(1) of the Congressional Budget Act of 1974 is amended by inserting ''compared to comparable levels for the current year'' before the comma at the end of subparagraph (A) and before the comma at the end of subparagraph (B).

(b) Section 202(e)(1) of the Congressional Budget Act of 1974 is amended by inserting after the first sentence the following new sentence: ''Such report shall also include a table on sources of spending growth in total direct spending for the budget year and the ensuing 9 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.''.

(c) Section 308(a)(1)(B) of the Congressional Budget Act of 1974 is amended by inserting ''and shall include a comparison of those levels to comparable levels for the current fiscal year'' before ''if timely submitted''.

**SEC. 614. OUTYEAR ASSUMPTIONS FOR DISCRETIONARY SPENDING.**

For purposes of chapter 11 of title 31 of the United States Code, or the Congressional

Budget Act of 1974, unless otherwise expressly provided, in making budgetary projections for years for which there are no discretionary spending limits, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office shall assume discretionary spending levels at the levels for the last fiscal year for which such levels were in effect.

**Subtitle B—The Byrd Rule**

**SEC. 621. LIMITATION ON BYRD RULE.**

(a) PROTECTION OF CONFERENCE REPORTS.—Section 313 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (c), by striking ''and again upon the submission of a conference report on such a reconciliation bill or resolution,'';

(2) by striking subsection (d);

(3) by redesignating subsection (e) as subsection (d); and

(4) in subsection (e), as redesignated—

(A) by striking '', motion, or conference report'' the first place it appears and inserting '', or motion''; and

(B) by striking '', motion, or conference report'' the second and third places it appears and inserting ''or motion''.

(b) CONFORMING AMENDMENT.—The first sentence of section 312(e) of the Congressional Budget Act of 1974 is amended by inserting '', except for section 313,'' after ''Act''.

H.R. 853

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 2: Subtitle B of title IV is amended by adding at the end the following new section:

**SEC. 426. COMMITTEE ON APPROPRIATIONS REPORTS.**

Clause 3(f)(1)(B) of rule XIII of the Rules of the House of Representatives is amended to read as follows:

''(B) a list of all appropriations contained in the bill for expenditures not currently authorized by law along with the last year for which the expenditures were authorized, the level of expenditures authorized that year, the actual level of expenditures that year, and the level of expenditures contained in the bill (except classified intelligence or national security programs, projects, or activities).''.

H.R. 3709

OFFERED BY: MR. CHABOT

AMENDMENT NO. 1: Strike section 2 and insert the following (and make such technical and conforming changes as may be appropriate):

**SEC. 2. COMPREHENSIVE AND PERMANENT MORATORIUM ON STATE AND LOCAL TAXES ON THE INTERNET.**

(a) COMPREHENSIVE AND PERMANENT MORATORIUM.—Section 1101 of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended—

(1) in subsection (a)—

(A) by striking ''during the period beginning on October 1, 1998, and ending 3 years after the date of the enactment of this Act'' and inserting ''on or after October 1, 1998'', and

(B) in paragraph (1) by striking '', unless'' and all that follows through ''1998'',

(2) by striking subsection (d), and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) TECHNICAL AMENDMENT.—Section 1104(10) of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking ''unless'' and all that follows through ''1998''.

H.R. 3709

OFFERED BY: MR. DELAHUNT

AMENDMENT NO. 2: Strike sections 2 and 3, and insert the following (and make such technical and conforming changes as may be appropriate):

**SEC. 2. 2-YEAR EXTENSION OF MORATORIUM ON STATE AND LOCAL TAXES ON THE INTERNET.**

Section 1101(a) of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking ''3 years after the date of the enactment of this Act'' and inserting ''October 21, 2003''.

H.R. 3709

OFFERED BY: MR. ISTOOK

AMENDMENT NO. 3: Page 2, line 15, strike ''**5-YEAR**'' and insert ''**2-YEAR**''.

Page 2. line 23, strike ''2006'' and insert ''2003''.

H.R. 3709

OFFERED BY: MR. ISTOOK

AMENDMENT NO. 4:

**Sec. 4. STREAMLINED NON-MULTIPLE AND NON-DISCRIMINATORY TAX SYSTEMS.**

(a) DEVELOPMENT OF A STREAMLINED NON-MULTIPLE AND NON-DISCRIMINATORY TAX SYSTEM.—It is the sense of the Congress that states and localities should work together to develop a non-multiple and non-discriminatory tax system on electronic commerce that addresses the following:

(1) a centralized, one-stop, multi-state registration system for sellers;

(2) uniform definitions for goods or services that might be included in the tax base;

(3) uniform and simple rules for attributing transactions to particular taxing jurisdictions;

(4) uniform rules for the designation and identification of purchasers exempt from the Non-Multiple and Non-Discriminatory tax system, including a database of all exempt entities and a rule ensuring that reliance on such database shall immunize sellers from liability;

(5) uniform procedures for the certification of software that sellers rely on to determine Non-Multiple and Non-Discriminatory taxes and taxability;

(6) uniform bad debt rules;

(7) uniform tax returns and remittance forms;

(8) consistent electronic filing and remittance methods;

(9) state administration of all Non-Multiple and Non-Discriminatory taxes;

(10) uniform audit procedures;

(11) reasonable compensation for tax collection that reflects the complexity of an individual state's tax structure, including the structure of its local taxes;

(12) exemption from use tax collection requirements for remote sellers falling below a specified de minimis threshold;

(13) appropriate protections for consumer privacy; and

(14) such other features that the member states deem warranted to remote simplicity, uniformity, neutrality, efficiency, and fairness.

(b) NO UNDUE BURDEN.—Congress finds that if states adopt the streamlined system described in subsection (a), such a system does not place an undue burden on interstate commerce or burden the growth of electronic commerce and related technologies in any material way.

H.R. 3709

OFFERED BY: MR. THUNE

AMENDMENT NO. 5: Strike sections 2 and 3, and insert the following (and make such technical and conforming changes as may be appropriate):

**SEC. 2. 5-YEAR EXTENSION OF MORATORIUM ON STATE AND LOCAL TAXES ON THE INTERNET.**

Section 1101(a) of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking ''3 years after the date of the enactment of this Act'' and inserting ''October 21, 2006''.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, TUESDAY, MAY 9, 2000 No. 56

# Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

O God of love, give us a fresh experience of Your love today. Help us to think about how much You love each of us with unqualified acceptance and forgiveness. May the tone and tenor of our words to the people in our lives be an expression of Your love. You have called us to love as You have loved us. May we know when to express not only tough love but also when to be tender in withholding judgment or condemnation. Help us to love those we find it difficult to bear and those who find it a challenge to bear with us. All around us are people with highly polished exteriors that hide their real need for esteem, affirmation, and encouragement from us. Show us practical ways to express love in creative ways. May we lift burdens rather than become one; may we add to people's strength rather than becoming a source of stress. Place on our agendas the particular people to whom You have called us to communicate Your love. And give us that resolve of which great days are made: If no one else does, Lord, I will! Place in our minds loving thoughts and feelings for the people in our lives. Show us caring things we can do to enact what's in our hearts. Direct specific acts of caring You have motivated in our hearts. Don't let us forget, Lord. Give us the will to act, to say what we feel. Through Him who is Your amazing Grace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE ENZI, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from New Hampshire.

SCHEDULE

Mr. GREGG. Mr. President, on behalf of the leader, this morning Senator LIEBERMAN will be recognized to offer his alternative to S. 2, the Elementary and Secondary Education Act. Debate on this amendment is expected to consume the morning session.

At 12:30 p.m., the Senate will recess until 2:15 p.m. to accommodate the weekly party conference luncheons. When the Senate reconvenes, it will proceed to a vote on the Gregg amendment regarding teacher quality. It is hoped that an agreement regarding the Lieberman amendment can be reached so that votes can be stacked to occur at 2:15 p.m.

Following the disposition of the Lieberman amendment, the next two amendments in order are the Kennedy teacher quality amendment and the Jeffords-Stevens early childhood investment amendment.

Prior to today's adjournment, the Senate is expected to begin consideration of the African trade-CBI conference report.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EDUCATIONAL OPPORTUNITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Coverdell (for Lott/Gregg) amendment No. 3126, to improve certain provisions relating to teachers.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized to offer an amendment.

AMENDMENT NO. 3127

Mr. LIEBERMAN. Mr. President, I ask that amendment No. 3127, an amendment in the nature of a substitute to the bill, be called up at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] for himself, Mr. BAYH, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, Mr. GRAHAM, Mr. ROBB, Mr. BREAUX, and Mr. BRYAN, proposes an amendment numbered 3127.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. KENNEDY. Is it necessary to set aside the pending amendment?

The PRESIDING OFFICER. It was done under the previous order.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I am very proud to offer this amendment on behalf of the colleagues who have been mentioned, eight in number, and myself. We have worked for a very long time on the contents of this amendment. We have

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



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spent a lot of time in our home States and elsewhere observing what is happening in our public schools today, and this amendment is a response to what we have seen.

I would roughly categorize that in two ways, which I will describe in a little more detail.

The first is, there remains an unacceptable gap in achievement levels between children in America's public schools who are disadvantaged economically and those who are advantaged, and that is unfair and unacceptable.

Secondly, there is occurring, and has been occurring throughout our country over the last decade really, an extraordinary outburst of educational reform at the local level. Superior efforts are being made by teachers, by school administrators, by superintendents, by parents, by whole communities, to try to do everything possible to improve the status quo because when the status quo is not adequately educating our children, in this information age particularly, we are not achieving one of the great goals of our Government.

This proposal we make today is an attempt to respond to both of those observations and to use the 5-year reauthorization of the Elementary and Secondary Education Act as an opportunity to leverage Federal dollars, perhaps small in percentage in the overall cost of public education in our country but large in absolute terms, to do better at educating the poor and disadvantaged in our country and do much better at encouraging, facilitating, and financially supporting the extraordinary educational reform efforts going on around the country, I am pleased to say particularly in States such as my own State of Connecticut.

As we continue this debate on the ESEA, Congress itself is facing a major test, one that will likely be far more important to the future of millions of America's children than any of the school exams or assessments they have to take this year.

Our challenge in Congress is to reform, and in some ways to reinvent in some fundamental ways, our Federal education policy to help States and school districts meet the demands of this new century and to help us fulfill our responsibility to provide a quality education for all of America's children.

That is why I join today with eight of my colleagues, and perhaps at least one more, in offering this amendment to the bill before us that calls for a totally new approach to Federal education policy, one that we who cosponsor this amendment believe could also serve as a bridge to a bipartisan solution to this problem, to a bipartisan reauthorization of the ESEA. Of course, that has to be the goal to which all of us aspire. It may be an interesting debate on Federal education policy, it may be stimulating, it may be fascinating, it may even be educational, but if it is only a debate without a result, it does nothing for the children of our country.

We hope this proposal we are making today can be a bridge to a bipartisan reauthorization of ESEA. Our approach will refocus our national policy on helping States and local school districts raise academic achievement for all children. That has to be our priority. It would put the priority, therefore, for Federal programs on performance instead of process, on delivering results instead of developing rules.

I am asking not just how much we are going to spend on education or what specific pipes it goes through to the State and local districts, but on what comes out of the other end, which is to say how are our children being educated.

Our approach calls on States and local districts to enter into a new compact with the Federal Government to work together to strengthen standards and to improve educational opportunities, particularly for America's poorest children. It would provide State and local educators with significantly more funding from the Federal Government and significantly more flexibility in using that funding to meet their specific local needs.

In exchange, our proposal would demand real accountability and, for the first time, impose consequences on schools that continue to fail to show progress. You cannot have a system of accountability that winks at those who fail to appropriately educate our children.

In order to implement effective education policy, I think we have to first acknowledge that there are serious problems with the performance of many of our schools and that public confidence in public education will erode seriously if we do not acknowledge and address those problems now.

While overall student achievement is up, we must face the alarming achievement gap that still separates poorer minority Americans from better off white Americans.

According to the State-by-State reading scores of fourth graders, in the National Assessment of Educational Progress, the achievement gap between African American and Caucasian American students actually grew larger in 16 States between 1992 and 1998, notwithstanding the billions of dollars we have sent back to the States and local districts to reduce that gap over the last 35 years. The gap between Hispanic American students and white American students became larger in nine States over the same period of time. Perhaps most alarming is the data that reveals that the average African American and Latino American 17-year-old has about the same reading and math skills as the average Caucasian American 13-year-old. That is an unfair and unacceptable outrage. We must do something about it.

One recent report states:

> Students are being unconsciously eliminated from the candidate pool of Information Technology workers by the knowledge and attitudes they acquire in their K–12 years. Many students do not learn the basic skills of reasoning, mathematics, and communication that provide the foundation for higher education or entry-level jobs in Information Technology work.

One cause of this, I am afraid, is that we have not done a very good job in recent years of providing more of our children with high-quality teachers, a critical component to higher student achievement. After all, what is education? Education is one person, the teacher, conveying knowledge and the ability to learn to another person, a younger person, a student. We are failing to deliver enough teachers to the classroom who truly know their subject matter.

One national survey found that one-fourth of all secondary school teachers did not major in their core area of instruction. And note this. In terms of the inequity in the current system, in the school districts with the highest concentration of minority students, those students have less than a 50-percent chance of getting a math or science teacher who has a license or degree in those fields. So we are putting them behind before they even get started.

While more money alone will not solve our problems, we cannot honestly expect to reform and reinvent our schools without more money either. The reality is, there is a tremendous need for the additional investment in our public schools, not just in urban areas but in every kind of community, including, of course, poorer rural communities.

Not only are thousands of crumbling and overcrowded schools in need of modernization, but a looming shortage of 2 million new teachers to train and hire faces our country. Add to this billions in spiraling special education costs the local school districts have to meet and we can see we cannot really uphold our responsibility without sending more money back to the States and local school districts.

Trying to raise standards at a time of profound social turbulence for our poorest families means we will need to expend new sums to reach and teach children who in the past, frankly, have never been asked to excel, whose failure was accepted—in some senses perhaps even encouraged—who in the present will have to overcome enormous hurdles to do better.

At the same time that schools are trying to cope with new and complex societal changes, we are demanding that they teach more than they ever have before. Parents and potential employers both want better teachers, stronger standards, and higher test scores for all our students as well as state-of-the-art technology and skills to match.

It is a tribute to the many dedicated men and women who are responsible for teaching our children every schoolday across America that the bulk of our schools are as good as they are today in light of these broader contextual and sociological pressures. I believe—and I believe it is a fundamental

premise of our system of government in our education system—that any child can learn, any child. That has been proven over and over again in the best schools in my home State of Connecticut and in many of America's poorest cities and rural areas. There are, in fact, plenty of positives to highlight in public education today, which is something else we have to acknowledge, yet too often do not, as part of this debate.

I have made a real effort over the last few years to visit a broad range of public schools and programs in Connecticut. I can tell you that there is much happening in our schools we can be heartened by, proud of, and learn from.

There is the exemplary John Barry Elementary School in Meriden, CT, for instance, which has a very-high-poverty, high-mobility student population but, through intervention programs, has had remarkable success in improving the reading skills of many of its students.

There is the Side By Side Charter School in Norwalk—1 of 17 charters in Connecticut—which has created an exemplary multicultural, multiracial program in response to the challenges of a State court decision, Sheff versus O'Neill, to diminish racial isolation and segregation in our schools. Side By Side is experimenting with a different approach to classroom assignments, having students stay with teachers for 2 consecutive years to take advantage of the relationships that develop. By all indications, it is working quite well for those kids.

There is the Bridge Academy, which is a charter high school in Bridgeport, CT, formed, as so many of the most effective schools have been, by teachers from the public schools who wanted to go out and run their own schools to create the environment in which they believed they could best teach. It is a remarkable experience to visit this school in Bridgeport.

I remember when I went to the students a second time a couple months ago. Some people criticize charter schools and say they skim off the best students from the other schools. The kids laughed. One of the young women there, high school age, said, ''I think you can say, Mr. Senator, that what you have before you is the worst students from the public high schools.'' She said, ''I will go one step further. If I remained at the high school I was attending, I would not be in the high school; I would have dropped out by now. I was going nowhere.'' But there was something about this school, the Bridge Academy, which, she said to me, maybe was the smaller class size, interestingly. ''Maybe it is the fact that we know the teachers here really care about us. We are like a family here. Whatever it is, I have worked very hard and I have done things I thought I was never able to do. I am going to college next year.''

That is a remarkable story. I don't have the number with me, but a great majority of the students graduating there are going to college next year. They will probably have the acceptance letter on the central bulletin board in the school. But that is occurring. In Connecticut, we have the BEST program, which is building on previous efforts to raise teacher skills and salaries. It is now targeting additional State aid and training and, most importantly, mentoring support to help local school districts bring in new teachers and prepare them to excel. It is very exciting to see the more senior teachers—the mentors—committing time, with little or no extra compensation, to help the younger teachers learn how to be good teachers.

I think you have to say that is one of the reasons why Connecticut scores on the national tests have now gone to the top. It is one of the big reasons why they have, and it is why this BEST program of mentoring is cited by many groups, including the National Commission on Teaching in America's Future, as a model for us to follow.

A number of other States, including, by most accounts, North Carolina and Texas, have moved in the same direction, refocusing their education systems, not on process but on performance, not on prescriptive rules and regulations but on results. More and more of them are, in fact, adopting what might be called a reinvest, reinvent and responsibility strategy by, first, infusing new resources into their public education system; second, giving local districts more flexibility; and, third, demanding new measures and mechanisms of accountability to increase the chances that these investments will yield the intended return, meaning improved academic achievement by more students.

To ensure that more States and localities have the ability to build on these successes around the country and prepare every student to succeed in the classroom, which has to be our national objective, we must invest more resources. The amendment my colleagues and I are offering today would boost ESEA funding by $35 billion over the next 5 years. But we also believe that the impact of this funding will be severely diluted if it is not better targeted to the worst performing schools and if it is not coupled with a demand for results. That is why we not only increase title I funding for disadvantaged kids by 50 percent, but we use the more targeted formula for distributing those dollars to schools with the highest concentrations of poverty. That is why we develop a new accountability system that strips Federal funding from States that continually fail to meet their performance goals.

I wish to highlight for a moment our formula changes in title I on the hope that they will draw some attention to an area I believe is very worthy of debate, which is how best to target funds to the poorest children, the disadvantaged, who are still being left behind in great numbers in our education system.

Our formula distributes more of the new funding through the targeted grant formula enacted into law by Congress in 1994, which has never been funded by congressional appropriators. It is progressive, but there is no money in it. It ensures that no State will lose funds while providing for better targeting of new funds with those States with the highest rates of poverty. In other words, it has a hold harmless in the current level of funding under title I, but it takes the new money and targets it to those who need it most. I am calling for this targeting to the school districts receiving the highest percentage of poor children.

We must face the fact that title I funds today are currently spread too thin to help the truly disadvantaged. According to a 1999 CRS report, title I grants are provided to approximately 90 percent of all local education agencies—way beyond what we would guess are the truly needy—and 58 percent of all public schools receive title I money.

Federal funds for poor children are currently distributed through two grants known as the basic grant and the concentration grant. In order to be eligible for the basic grants, through which 85 percent of title I money is now distributed, local school districts only need to have 10 school age children from low-income families, and these children must constitute only 2 percent of the total school age population. I want to repeat that because it is so stunning. When I first read it, I went back to my staff and the documents to see if I had read it right. This is the result of, frankly, a political formula. In order to be eligible for basic grants, through which 85 percent of title I funds are distributed—it is supposed to help disadvantaged kids—local districts only need to have 10 school age children from low-income families, and those children must constitute only 2 percent of the school age population. You can see how that money, therefore, is being spread so thin that a lot of poor kids are not getting help and a lot of kids who are not so poor, from schools in which there are few poor kids, are receiving that money.

Under the concentration grant, districts with a child poverty rate of 15 percent are eligible to receive funding. That is a little better but still minimal. With those low thresholds, we have to ask ourselves are we really living up to the original intent of the ESEA, which was to ensure that poor children have access to a quality education on the same level as more affluent children. I think the answer has to be, no, we are not. That is what the facts say. In fact, another number, which unsettled me even more, is one out of every five schools in America that has between 50 and 75 percent of its student body under the poverty level doesn't receive a dime of title I money. One out of every five schools in America that has half to three-quarters of its student population under the poverty level doesn't receive a dime of

title I money, which is supposed to benefit exactly those children.

I think we have to acknowledge that the current formula is not doing what it should be doing. It is a starting point and a way to draw our attention and resources back to the original intent of this act and the primary function of the Federal Government in education stated in 1965, which we are not fulfilling now, and that is to better educate economically disadvantaged children.

In calling for a refocus of our Federal priorities, we who have sponsored this amendment agree with those concerned that the current system of Federal education grants are both too numerous and too bureaucratic, too prescriptive, and too strong on mandates from Washington. That is why this amendment eliminates dozens of federally microtargeted, micromanaged programs that are redundant or incidental to our core national mission of raising academic achievement. We also believe we have a great overriding national interest in promoting a few important education goals, and chief among them is delivering on the promise of equal opportunity. It is irresponsible, it seems to us, to hand out Federal dollars to the localities with no questions asked and no thought of national priorities. That is why we carve out separate titles in those areas that we think are critical to helping local districts elevate the performance of their schools.

In other words, we consolidate almost 50 existing Federal categorical grant programs into the title I program for disadvantaged kids, the largest by far. And performance-based grant programs in which we state a national objective but give the local school district and the State the opportunity and the authority to work out their priorities are in meeting those objectives.

The first of these is title I with more money, $12 billion—a 50-percent increase in better targeting.

The second—a performance-based grant program—would combine various teacher training and professional development programs into a single teacher-quality grant, increase funding by 100 percent to $1.6 billion annually—the quality of our teachers is so important—and challenge each State to pursue the kind of bold, performance-based reforms, if it is their desire and choice, and higher salaries for teachers, as my own State of Connecticut has undertaken with great success and effect.

The third performance-based grant program would reform the Federal Bilingual Education Program and hopefully diffuse the ongoing controversy surrounding it by making it absolutely clear that our national mission is to help immigrant children learn and master English, as well, of course, as to achieve high levels of achievement on all subjects. We must be willing to back this commitment with more resources—the resources that are essential to help ensure that all limited English-proficient students are served better and are not left behind, and that the gap between their knowledge and that of the majority does not grow larger in the years ahead as it has in the years immediately past.

Under our approach, funding for limited English-proficient programs would be more than doubled to $1 billion a year and for the first time be distributed to States and local districts through a reliable formula based on the number of students who need help with their English proficiency. As a result, school districts serving large LEP—limited English-proficient—and high-poverty student populations would for the first time be guaranteed Federal funding and would not be penalized because of their inability to hire clever proposal writers for competitive grants.

The fourth performance-based grant title would provide greater choice within the public school framework by authorizing additional funding for charter school startups and new incentives for expanding local, intradistrict public school choice programs.

The fifth performance-based grant program in this amendment would establish and radically restructure the remaining ESEA and ensure that funds are much better targeted while giving local districts more flexibility.

In this new title VI, our amendment would consolidate more than 20 different programs into a single, high-performance initiatives title with a focus on supporting bold new ideas, such as expanding access to summer school and afterschool programs, improving school safety, and building technological literacy, which is to say to close the looming digital divide in our country for our children before it gets deep and unfixable.

We increase overall funding for these innovative programs by more than $200 million annually and distribute this aid through a formula that targets more resources for the highest poverty areas.

The boldest changes we are proposing are in the new accountability title. As of today, we have plenty of rules and requirements on inputs, on how funding is to be allocated and who must be served, but little if any attention to outcomes on how schools ultimately perform in educating children. This amendment would reverse that imbalance by linking Federal funding to the progress State and local districts make in raising academic achievements. It would call on State and local leaders to set specific performance standards and adopt rigorous amendments for measuring how each district is faring and meeting these goals. In turn, States that exceed those goals would be rewarded with additional funds, and those that fail repeatedly to show progress would be penalized. In other words, for the first time there would be consequences for schools that perform poorly.

In discussing how exactly to impose those consequences, we have run into understandable concerns about whether we can penalize failing schools and school systems without also hurting the children.

The truth is we are hurting too many children right now, especially the most economically and sociologically vulnerable of them, by forcing them to attend chronically troubled schools that are accountable to no one—a situation that is just not acceptable anymore. Our amendment minimizes the potential negative impact of these consequences on students.

It provides the States with 3 years to set their performance-based goals and put in place a monitoring system for gauging how local districts are progressing. It also provides additional resources for States to help school districts identify and then improve low-performing schools.

If after those 3 years the State is still failing to meet its goals, the State would be cut in its administrative funding by 50 percent. Only after 4 years of underperformance would dollars targeted for the classroom through the new title VI be put in jeopardy. At that point, protecting kids by continuing to subsidize bad schools honestly becomes more like punishing them.

I want to point out that at no point would our proposal cut title I funding, or the largest part of ESEA—the part focused on the needs of our poorest children.

Another concern that may be raised is that these performance-based grants are open-ended block grants in sheep's clothing. There are substantial differences between a straight block-grant approach and our performance-based grant proposal. First, in most block grant proposals, the accountability mechanisms are often nonexistent or, if they are, they are quite vague. Our bill would have tangible consequences pegged not just to raising test scores in the more affluent areas, but to closing the troubling achievement gap between them and students in the poor, largely minority districts.

We believe our amendment embraces a commonsense strategy—reinvest in our public schools, reinvent the way we run them, and restore a sense of responsibility in our schools to the children who we are supposed to be educating and to their parents. Hence the title of our bill, ''The Public Education Reinvention, Reinvestment, and Responsibility Act,'' which we call RRR for short.

I guess you could say our approach in this amendment is modest enough to recognize that there are no easy answers, particularly not from the Federal Government, for turning around low-performing schools, to lifting teaching standards, to closing the debilitating achievement gap, and that most of those answers won't be found in Washington anyway. But our proposal is bold enough to try to harness

our unique ability to set the national agenda and recast the Federal Government as an active catalyst for educational success instead of a passive enabler of failure.

Finally, this debate raises again for all of us in the Senate the basic question: Did we come here to produce or to posture? Are we going to be practical or are we going to be partisan?

At this moment, when our constituents seem to be telling us everywhere in the country that the deed they most want us to do is to help reform the public schools of this country, are we going to be content with a debate that does not produce a bill?

At this moment, the apparent answers to these questions are not encouraging. But there is still time. And we hope this amendment can be the path to bipartisan discussions, compromises, and ultimately educational reform.

I thank my colleagues who are cosponsors of this bill for the contributions that each and every one of them has made. I urge my fellow Members of the Senate in the time ahead to take the time to look at our proposal with an open mind—nobody will like every part of it—and to see if there is enough here to form the basis of a bridge that a significant majority of us can walk across to achieve a bipartisan reauthorization of the Elementary and Secondary Education Act.

I thank the Chair. I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. GREGG. Mr. President, is there a time allocation under this bill?

The PRESIDING OFFICER. There is a time allocation.

Mr. GREGG. Mr. President, let me begin by saying I congratulate the Senator from Connecticut for bringing forward an amendment that has a lot of interesting, creative ideas, ideas that are attractive to myself and other Members on the other side of the aisle that find attractive the proposals presented; and the accountability proposals and the idea we should allow local communities and States to have more flexibility in the management of the funds which come from the Federal Government, with an expectation they produce a better level of achievement for their students.

These are ideas which we think make sense. We have some reservations about some proposals within the amendment, but I hope we can work over time with the Senator from Connecticut and his cosponsors on his side of the aisle to evolve a bipartisan package. I think there is significant opportunity for that. I congratulate the Senator for his efforts.

The amendment that was set aside, offered by Senator LOTT, is called the Teachers' Bill of Rights. That amendment involves four items: First, a commitment that allows, under the underlying bill, S. 2, to make sure we use the dollars of the Teacher Empowerment Act, which is $2 billion, to hire high-quality teachers, teachers who have the qualifications to teach the subjects they are supposed to be teaching. In turn, it has accountability standards which we expect from the States for using the money to hire quality teachers, to show they have hired the quality teachers, and as a result student achievement has improved.

The thrust is not directed at institutions or school systems but is directed at children and making sure children's achievement improves in the context of giving States more flexibility but expecting more accountability. This amendment tracks that proposal. It gives more dollars to the local districts and the States to hire quality teachers, but it expects the quality teachers to be able to show results. It specifically requires accountability in showing either student achievement is increasing or that the teachers who are teaching in the core curriculums they are assigned to—math teachers teaching math, for example—actually know the subject and are capable of teaching the subject to the children.

In addition, the bill has an authorization of $50 million to encourage midcareer professionals to come into the teaching profession, a very important proposal that came forward with Senator HUTCHISON of Texas, Senator FRIST, and Senator CRAPO, a good idea that allows using dollars to attract folks who have gone through their professional career in the private sector and decided they wanted to give back a little bit to society and have decided to go into public education. This assists them in doing that. We are starting to attract a fair number of people from that career path. It is important to encourage.

The fourth element of the Teachers' Bill of Rights is the very important proposal from Senator COVERDELL limiting teacher liability as they pursue professional activities in teaching children. This is a problem for teachers. Most teachers say their big concern is they will get sued because a child is on the playground, gets injured, and they are held responsible. They are afraid of the impact on their family to have such a lawsuit occur. This is an attempt to try to mitigate that in a reasonable way. It is a good proposal.

These are the four elements of the Teachers' Bill of Rights amendment. I hope my colleagues can support that amendment which is not overly controversial. It is a good proposal.

Speaking about the general debate we have been involved in for the last week on the issue of ESEA, it has been an interesting and a very substantive debate. It has, however, involved clear distinctions on policy in how we approach the question of education in this country.

On our side of the aisle, we believe very strongly that we should have an approach to elementary education that stresses the child and stresses the need for the child to do better, especially the low-income child, which is where the bill focuses.

Third, it gives the State, the teachers, principals, and superintendents flexibility as they try to address that issue of how it gives low-income children a better education.

Fourth, it expects academic accountability. We give flexibility to States and they have to produce academic accountability. Low-income children have to do better than in the past. We have spent, as I mentioned a number of times, over $130 billion in title I over the last 35 years. Yet the academics of our low-income children have actually gone down over that time period. As a result, we are seeing the gap widen between the non-low-income child and the low-income child in the school systems. The statistics are stark. The Senator from Connecticut cited a number of them. The most stark is that the average low-income child reads at two grade levels below their peers by the fourth grade; that difference expands as they move into high school years.

We believe strongly there has to be a different approach. We have to allow the local school districts flexibility and expect academic achievement.

On the other side of the aisle, I have been interested by the tenor of the debate. A large percentage of the positions taken on the other side have been to attack the idea of giving flexibility and power to the States, subject to accountability standards in the area of achievement. There has been a clear and aggressive response and attack coming from the other side of the aisle on the leaders of our States and our school districts across this country. It has been focused to a large extent on the Governors. There seems to be a deep suspicion on the other side of the aisle about Governors, which I find discouraging, having been a former Governor. I think there are about 12 or 16 of us in this room. I see one other former Governor in the room right now on the other side of the aisle.

Here are some of the quotes from Members on the other side of the aisle about Governors or State leadership. Senator WELLSTONE:

> But honest-to-goodness, Washington, DC, and this Congress is the only place I've been where people say, ''Let's hear from the grassroots, the Governors are here.'' I mean, Governors are not what I know to be grassroots. Could be good Governors, bad Governors, average Governors. But my colleagues have a bit of tunnel vision here thinking that decentralization and grassroots is the Governors.

Senator KENNEDY on the issue of local control:

> What priority do these children get in terms of the States? They didn't get any priority when this bill was passed in 1965, even with requirements that the funds go down to the local community. This legislation is going to effectively give it to all of the States, as I mentioned. I think that is basically and fundamentally in error. As I mentioned, what are we trying to do?

A little suspicious about what would happen if the money goes to the States.

Senator SCHUMER:

I understand the desire to keep schools locally controlled. But a block grant, a formula for waste, and much of it going to the Governors, so that money doesn't even trickle down.

As an editorial comment, the evil Governors will get their hands on it.

Senator KENNEDY:

We need a guarantee. We don't need a blank check. We want to make sure the money's going to go to where it's needed and not go to the Governors' pet programs and pet projects and pet leaders in the local communities and their States.

Once again, the evil Governors strike.

Senator MURRAY:

The Republican approach would take the things that are working and turn them into block grants, and their block grant does not go to the classroom. It goes to the State legislatures and—it goes to the State legislatures and adds a new layer of bureaucracy between the education dollars and the students that is so important.

There it is, the evil State legislatures.

Senator DODD:

. . . What are we saying in this bill or trying to say is back in that community I won't be able to make it absolutely equal. But I would like to get some resources into that school. Now I've got to trust—trust your good Governors.

Said with a bit of sarcasm, the Governors, once again, are being pointed out as being inappropriate sources to be trusted in our institutions.

Senator REID:

What Republicans are saying essentially is let's give the money to the Governors; if they want to concentrate more efforts on low-income students, they can, but if they don't, they don't have to.

The Governors are the force of evil, it appears, in the educational systems of America.

It is very surprising language. I am tempted to say it is the Governors who actually have been doing the original thinking in the area of education. In fact, ironically, if you look at what has happened in education, you will see in the issue of class size reduction, which is such an important question we have debated on this floor, 22 States have implemented major class size reductions. In fact, most of those States implemented those projects before there was any class size initiative adopted at the Federal level.

In the area of school accountability, 40 States have initiated report cards already. These have been initiated, I suspect, by the Governors in those States, as was the class size initiative, I suspect, initiated by the Governors in those States.

In the area of charter schools, before there was any idea of a Federal charter school initiative, 2,000 charter schools had been initiated at the local and State level. Once again, it would be the Governors who initiated those charter schools; 2,000 of them have been initiated across this country. In fact, the National Educational Goals Panel, which is probably the most objective reviewer of what is happening in education, looking at it from a national perspective—they don't have too much of an agenda. They have a little agenda, but they have not too much, and the NEPA test is something that comes out of that agenda—said States such as North Carolina and Texas, which were cited by the Senator from Texas as States very effective in raising the scores of low-income students—they said in their studies they cannot attribute any gains to Federal activity. They attribute the gains to the fact that in the States, the local communities, the local policy has been the force for educational excellence.

I am not here necessarily to defend, carte blanche, Governors, because I suspect Governors make mistakes. But Governors have as their primary responsibility the issue of education. A Governor is not going to stop halfway through the day, is not going to stop talking about education and suddenly go on to the African trade agreement and the Caribbean Basin agreement, which is exactly what we are going to do in a couple of hours. Then we are going to be on to an appropriations bill on military construction. Then we are going to be on to an appropriations bill on agriculture.

Governors, for the most part, think about education probably 40 to 50 percent of their time. Why? Because 40 to 50 percent of the dollars that are spent at the State level in most States—not New Hampshire, ironically, but in most States—are education dollars. That is the biggest item in their budget, so they spend almost all their time on that issue.

It is not as if they come to this issue as some sort of force for darkness. But if you listened to our colleagues on the other side of the aisle, you would think so. This bill gives more authority to the State Governors and to the local schools and to parents and to teachers—by the way, subject, however, to significant accountability—and you would think the Governors were part of the Evil Empire, that they came from the dark side. Maybe you would think they are related to Darth Vader, if you listened to Senator MURRAY, Senator REID, Senator DODD, Senator KENNEDY, Senator WELLSTONE, Senator SCHUMER.

So I decided to make up a chart. It is very obvious to me, as I listen to the debate, the other side of the aisle has met the enemy and the enemy is the Governors. That is the problem with education according to the other side of the aisle. So I got pictures of all our Governors, our good Governors. I am sure they are all good Governors. A few of them are Democratic Governors. Surprisingly, a majority are Republican Governors. That was not the case when I was a Governor, but I am glad to see that is the case today. I am thinking to myself: All these good people, they are the enemy. I did not know that.

Poor Governor Shaheen, she has some problems in New Hampshire, I have to admit. She is trying her best, but she has had some tough times. She got some tough cards dealt to her. But she is really interested in education. I know that. She is a Democratic Governor.

I know some of our Republican Governors—John Roland, from Connecticut, he has dedicated an immense amount of thought and creativity to being a leader on education. I will bet there is not a Governor here, not one of these enemy Governors, who has not got a very creative idea on education moving in their State, an extremely creative idea, something we have not thought about here in the Federal Government but something that is actually producing academic achievement by the kids in that State, something that is actually producing results.

That is an ironic concept for us in Washington. We don't necessarily work on results. We spent 35 years on title I, spending $130 billion. We did not care about results. We did not care if the kids did any better. We wanted to get them in the school systems, and that worked, but we didn't really care whether they did any better. So now we bring forward a bill which says we care about the kids and we want achievement, and how is it attacked? It is attacked on the grounds it is going to give more power to the Governors and the Governors are really not responsible people and should not be given that power.

I have to say, I find that extremely disingenuous, just on the face of it. But I also find it inappropriate on the grounds that Governors really do care. They are pretty close to the people. They are elected just as we are. Some of them are elected more often than we are—in fact, I think most of them—so they are answerable to the people a few more times than we are.

I do think this response, which is essentially: you can't do anything because it might be a block grant to the Governors, is inappropriate. By the way, nothing we have in here is really a block grant at all because there is tremendous accountability pressure. The fact is, we set this up as a cafeteria line so States can go through and pick out what program they think is going to work best for them. But that gives too much authority to the States, to choose something that might actually work, because the Governors cannot be trusted.

This attack on this bill, which is quite honestly the gravamen of the opposition, is that we are taking the power out of Washington. Although I put it in humorous terms, that really is the gravamen of the opposition. We are taking the power out of Washington; we are taking the strings away from Washington; we are returning the authority back to people actually giving the education in expectation, with accountability standards, that we expect achievement.

That is the difference here. There is a lobby in this city that wants to maintain control over these dollars at all costs, even if it means the dollars are not producing any results or any significant results that benefit the kids to whom they are directed. We have 35 years of record that show us these kids have lost out; we have lost generations of young children who were low-income, who were not able to pursue the American dream because they could not read and they could not write. We cannot tolerate that any longer.

I believe, very strongly, we should give authority back to these folks subject to the conditionality that they produce achievement. That is a reasonable approach, in my opinion. I am interested that the other side has rejected this approach and basically looks at the Governors as the opposition.

Another way you could look at this is, what do you get for Federal dollars that are controlled by the Federal Government versus what you get for State dollars controlled by State governments—these Governors, these people who do not know how to administer their programs and clearly are going to be inefficient?

Let's look at it at the State levels. It takes 25 people in the State government in Georgia to administer $1 billion of Georgia's State money. It takes 116 people to administer the $1 billion that comes from the Federal Government—more than four times the number of people it takes to administer State dollars. That is people sitting at desks, answering mail, doing forms, who are not teaching, who are not helping kids get a better education but who are simply pushing paper through the system.

It gets even worse for the State of Florida. For every $1 billion spent, it takes 46 State employees in Florida for Florida State dollars; for every $1 billion of Federal money spent, it takes 297 employees to manage that money—46 to 297.

So these terribly inefficient folks who really should not be given the authority to manage the money because they really do not know what they are doing, at least with their dollars they appear to know what they are doing. They are getting their dollars out to the kids. Their dollars go to the classrooms. They don't end up in some room in some big building in Tallahassee for filling out forms. Most of the people in the big room in Tallahassee filling out forms are doing it to fulfill Federal responsibilities.

You do not have to look at just Florida and Georgia. The commissioner of education in Colorado said the involvement of the Federal Government has served ''only to confuse almost everyone.'' Actually, he used the words ''nearly everyone.''

Lisa Graham Keegan, the superintendent of public education in Arizona:

Every minute we spend making sure we're in compliance with all those pages of Federal regulations means one less minute we can spend to help teachers with professional development, improving curriculum, developing our own testing standards and insuring all the children are getting the help they need to succeed.

That pretty much sums it up. I think there is a good case you could make, and I believe we have made it, that the States, local school districts, the principals, the teachers, and the parents are just as concerned about education as anybody in this room, and maybe even more so because they have actually got the kid in the school in which they have to invest.

The case can also be made—and I think we have made it—that these dollars will be effectively and efficiently handled because they are going to be subject to conditions which are reasonable, which basically require academic achievement to improve amongst our low-income children.

I believe the case can be made, looking at the statistics, that the States are already doing the job better than we are doing; that they are not absorbing huge amounts of the dollars in bureaucracy but, rather, are putting those dollars into the classroom, which is where they should end up.

When I hear the other side talk about the poor suffering Governors as being the problem, I shake my head and think, what can they be thinking, because clearly they are inaccurate. I believe our approach to this bill is the right approach. Let's give the Governors, the local schools, parents, and teachers some flexibility, and let's expect them to produce results.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take about 3 minutes because we do want to hear particularly from the cosponsors. Since I was mentioned in the remarks of my good friend from New Hampshire, I think I should respond.

I have been listening for the last 4 days in the Senate to how the schools that are serving underserved children and disadvantaged children are in crisis in America. We have heard that in speech after speech on the other side of the aisle and many on this side as well as from myself because of the challenges we are facing. The fact remains today the Governors have 96 cents out of every dollar. Do my colleagues understand that? The Federal Government has maybe 6 or 7 cents out of the dollar. They have 96 cents. If the schools are not working well, I believe perhaps we ought to have educational recommendations in programs that have been tried and tested and are working. The Governors have had their chance, and they have come up short on this issue. We have been making that case.

Finally, on title I funds, 98.5 cents out of every title I dollar goes to the local level; 1 percent is retained at the State level. I would like to hear from my friend from New Hampshire what the basis of his study is, but we have the GAO reports, studies, and allocations. I know, for example, with respect to the old block grants that used to go to the States in higher education, very little of that ever got out of the State offices because the Governors in those States, including my own State of Massachusetts, used that money to fund the departments of education for child and maternal care. I doubt a nickel of that ever—also in my own State of Massachusetts—helped people because it was all absorbed as a result of the flexibility. We are trying to get away from that.

I yield the floor. I thank the Senator from Indiana for his patience.

Mr. WELLSTONE. Mr. President, I ask the Senator for 10 seconds. My understanding is that following the Senator from Indiana, the Senator from North Carolina is going to speak. I ask unanimous consent that I follow the Senator from North Carolina.

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

The Senator from Indiana.

Mr. BAYH. Mr. President, I am somewhat disappointed that our colleague from New Hampshire has left the floor and taken with him the chart with the pictures of the 50 Governors of the States. For 8 years, my picture would have been on that chart, and, I must say, it is a much better looking group now that I am no longer there.

All joking aside, if we are going to make progress on this very important issue, it is necessary for us to stop pointing fingers and instead work together to make progress.

There was always a tendency, when we gathered as Governors, to point to Washington as the source of many of our problems. Now that I have the privilege of serving in this body, I see from time to time there is a tendency to look at the State and local levels in a similar spirit. The truth is, we need cooperation to make progress on this critical issue.

I begin my remarks by giving credit to those who helped us lay the foundation for progress on the Lieberman amendment, which I believe very strongly offers our best chance for a bipartisan compromise and progress to help improve the quality of education for our students.

I am pleased my colleague from Connecticut has returned to the floor. Without his courage, dedication, and devotion to this issue, we would not be here today, nor have the opportunity for the progress we now have. I publicly salute Senator LIEBERMAN for his commitment to this very important issue.

Secondly, I thank our colleague from Massachusetts, Senator KENNEDY, who is still with us on the floor, and Senator DASCHLE, our Democratic leader, for their cooperation in including our accountability provisions within the Democratic alternative that was voted on last week. Also, I thank them for their understanding of our commitment to the importance of targeting

resources to those children who are most in need and making progress on that very critical issue in the days and years ahead.

I thank our colleagues on this side of the aisle, the moderate Democrats, the so-called new Democrats, cosponsors on this amendment with Senator LIEBERMAN and myself who have now constituted a critical mass which has moved the discussion beyond stale partisanship and instead into a realm of reconciliation and progress that will enable us to make advancement in the cause of improving the quality of our children's education.

Finally, to our colleagues on the other side of the aisle, I thank them for accepting our outstretched hands. We have had ongoing fruitful negotiations. They are not completed yet. There are still significant, outstanding issues that need to be resolved, but I hope we have helped clear the air around this place to create a climate in which real progress can be made and discussions can take place. We had cordial, substantive discussions on a bipartisan basis, leaving politics at the door and instead focusing on the challenge that concerns us all: providing a quality education for all of America's children, particularly those less fortunate.

I care deeply about this issue because I believe improving the quality of education for all of America's children, along with the cause of keeping our nuclear arms under control and addressing the disintegration of the American family, is one of the greatest challenges of our time. It is one of the greatest challenges of our time because it is intricately tied up, bound up with addressing the important factors that face the American people today.

First, the economy. In an information age, in a globalized world economy, premium upon knowledge, skills, and know-how is more critical to economic success than ever before. Money flows around the globe, technology flows around the globe, and information flows around the globe. People do move but not as much as those other factors I mentioned. If one looks at the long-term competitive advantage of nations, one of the very best things we can do to ensure the future economic vitality of our country is to guarantee that we have a workforce with the skills necessary to compete successfully with our competitors from abroad.

I once heard Alan Greenspan speaking to the 50 Governors saying the single most important factor in determining the long-term productivity growth rate which, more than anything else, determines whether we are going to be prosperous as a country or not, is the skill levels of our workers today and the education levels of our children, the workers of tomorrow. So improving the quality of education is critically important to our long-term economic well-being as a society.

What kind of society we will be will also be determined by whether we meet the education challenge today. The growing gap between haves and have-nots in our country is really an education gap, a knowledge gap, a skills gap, and if we are going to avoid, for the first time in our Nation's history, being divided into a country of haves and have-nots with an upper class and the lower class almost permanently shut out of opportunity, if we are going to avoid that, it will be because we give every child growing up in our country—even those from the wrong side of the tracks, even those growing up in homes less fortunate than others—the skills necessary to compete and succeed in the world in the 21st century.

Finally, the vitality of our democracy is at stake. I believe strongly in something Thomas Jefferson, one of the founders of the Democratic Party, once said. Thomas Jefferson happened to be our very first education President as well. He was the founder of the University of Virginia. Thomas Jefferson once said that a society that expects to be both ignorant and free is expecting something that never has been and never shall be.

Jefferson was right when he spoke those words in the early 1800s. If he were alive today, he would realize they resonate with more truth than even when he spoke them.

The complexity of the issues we face today, the critical decisions that face the American people require an even greater level of understanding and knowledge than in Thomas Jefferson's day.

Our economy, the nature of our society, and the very vibrancy of our democracy are all bound up in the way in which we resolve the educational challenges facing our Nation. This is why many of us have concluded we need to do better. The status quo is not good enough. The solutions of yesterday are inadequate to meet the challenges of tomorrow and the 21st century.

My colleague from Connecticut spoke eloquently to many of these factors. I have behind me a chart representing some of the NAEP scores. As you can see, we must do better. Sixty percent of America's children—at least 60 percent—are below proficient when it comes to reading, the very gateway to opportunity and literacy. Seventy-five percent of America's children are below proficient in mathematics, the gateway to sciences and the hard disciplines.

For America's less fortunate children, as the chart behind me demonstrates, the progress we need to make is even more significant if they, too, are to share in the fruits and the bounties that constitute the American dream.

I used to be amazed at the number of freshmen entering college, particularly in our 2-year institutions and those that are not the flagship sites for our State universities, who, of course, had received high school diplomas but who had to go back in their first year of college matriculation to do high school work. Something had broken down. Something wrong had taken place that they received a high school diploma and yet had to go back and do high school work upon entering college.

We are resolved we will do better. Our approach represents not only a significant break from business as usual when it comes to national education policy; it represents a significantly increased national commitment to the cause of improving America's education system for every child with a significantly stepped up Federal commitment.

It is woefully inadequate that only one-half of 1 percent of Federal investment today goes into our schools. We must do better. Yet we do not want Federal micromanagement or intrusive Federal control. It has to be a cooperative effort with State and local communities.

That is where our approach embodies what I would like to call the sensible center. Let's start with investment. We disagree with those who say no additional resources are necessary because we know we cannot expect our local schools to do the job unless we give them the tools with which to get that job done.

Resources. Dollars are an important part of those tools to ensure that they can meet the challenge of giving every child a quality education. But we also disagree with our colleagues who say just more money is the only thing that needs to be done to meet the challenges in education.

Instead, we combine significantly increased Federal investment in education with significant accountability and insistence upon results. We provide for a 50-percent increase every year in title I investment; a 90-percent increase in investment for professional development, to ensure that there are qualified, highly motivated teachers in every classroom; a 30-percent increase in investment for innovation, trying new ways to meet the challenges that confront us; and a 50-percent increase in investment for charter schools, magnet schools, and public school choice.

We have struck the sensible center: Increased investment, yes, not just throwing more dollars on the problem but insisting upon better education for all of America's children.

Accountability. We have also chosen the sensible center there between those who would have no additional accountability and those who would seek micromanagement from Washington, DC.

Our approach focuses upon outcomes rather than inputs. We focus upon how much our children can read and write, add and subtract, rather than just how Federal dollars happen to be spent. Accountability is one of the linchpins in educational progress. It is at the heart of our approach.

Streamlining. Some would call it consolidation. Again, we struck the sensible center between those who would seek no accountability for the

expenditure of Federal dollars whatsoever—block grants; that is not something we support—and those, on the other hand, who would seek Federal micromanagement.

Ours is the solution for the information age. We get away from an industrial age model in which the Federal Government would seek to find one or two solutions that work and impose them upon everyone.

Instead, in an era of flexibility and speed, to meet the necessity of rapid change and innovation, we provide for dollars to be targeted at less advantaged students, spent in five broad categories keenly related to academic success but then allowing for the flexibility to tailor-make those investments in ways that will be most meaningful and most productive at the local level because every school district across America is not exactly alike, and, we, at the Federal level, need to recognize that.

Senator LIEBERMAN and I have spoken of the targeting. It is vitally important. Again, we need to target the additional investment at those children who are most in need. We provide a factor in our formula that will guarantee that no school district would see their title I funding cut. That, too, defines the sensible center.

Finally, let me touch upon a couple of other factors.

The importance of competition. We rejected the thinking of those who would go to a purely market-based system of vouchers because in a purely market-based system there are winners and losers. What of the losers? What of them? We have a national commitment to them to ensure that they, too, get the education they need because it would be a tragedy not only for them but for the rest of us if we allowed them to fall through the cracks of educational and lifetime opportunity. But at the same time, we embrace the forces of the marketplace in competition because we know that will provide for more parental choice, greater innovation, and, ultimately, more productivity within the public school system.

So we have provided for the forces of the marketplace while retaining the genius of the public education system, which is a commitment to a better education not just for the few, not just for those who would succeed competitively in a marketplace but for everyone.

Finally, let me say, once again, I am grateful for the progress that has been made. The seeds of progress have been firmly planted. We cannot yet tell whether they will bear fruit in this session of Congress or in the next. But I thank my colleagues who have brought us to this point, both within my own caucus and those on the other side of the aisle. If we are going to make progress on this important subject, it will be by working together, not pointing fingers or seeking to assign blame.

So I will conclude by citing some words spoken by Winston Churchill, in a moment more dramatic than this, when he said: We have surely not reached the end, nor perhaps have we reached the beginning of the end, but at least—at least—we have reached the end of the beginning.

So let us begin to make progress for America's schoolchildren. Let us agree, on a bipartisan basis, to increase our commitment to their academic future. Let us agree on the importance of accountability, the forces of competition within the public school system, and the need for professional development. Let us agree upon these things.

Let us begin to move forward. If we do, it will not only improve the future for our children and the institutions of academic success across our country, but we will also begin to reinstill the confidence and trust of the American people in their ability to govern themselves. And that, perhaps, is the most important beginning of all.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. I will take a second. While the Senator from Indiana and the Senator from Connecticut are here, I would like to state that there are ongoing discussions, on a bipartisan basis, to try to see if this can be brought together. While we do not know what the conclusion is, the beginning of the end is certainly here. They are fruitful, no matter what happens in the long-term nature of the debate.

I compliment both Senators for the effort they have extended to reach out, along with Senator GREGG, Senator GORTON, and others, who have been instrumental in this ongoing work. I commend you to keep at it and see if we cannot come to a resolution.

I thank the Senator from North Carolina for giving me a moment to compliment these two Senators.

The PRESIDING OFFICER. Under the previous agreement, the Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair for recognizing me.

I ask unanimous consent that it be in order for me to deliver my remarks seated.

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

Mr. HELMS. Mr. President, may I inquire of the Chair if it is in order for me to offer an amendment to the bill under the existing unanimous consent agreement? I believe it is not.

The PRESIDING OFFICER. It would not be.

Mr. HELMS. That is my understanding. I thank the Chair.

Mr. President, I genuinely regret that it is not possible for me to offer an amendment at the present time, but I do wish to raise an issue that continues to cause confusion and frustration and hard feelings in the schools and in the courts at all levels. It involves an issue that deserves careful consideration by the Senate, and it seldom comes up; but I have made the decision that I am going to bring it up from time to time and have the Senate vote on it. All of us should be willing to stop pussyfooting and take a stand, unequivocally, clearly and honestly on the issue of school prayer.

There is no question about the absurdity of the Senate remaining silent while some judge somewhere says that a high school football team cannot even engage in a simple prayer before the whistle blows the start of the game.

Equally absurd is the denial of a valedictorian of a high school of the right to include a brief invocation in her remarks. But that sort of thing is going on all over the country.

I believe Benjamin Franklin and the other patriots, whom we refer to today as our Founding Fathers, made clear the power of—and the need for—prayer when they met at Philadelphia to set in motion this great land of freedom. It is very clear what Benjamin Franklin meant when he lectured his fellow colleagues. He said, ''We should close the windows and the doors and get down on our knees and pray for guidance.''

I have lived a large part of my life believing there should never be any limits on the right of public prayer. I never heard of a high school student being debased or deprived of his rights, or having any problem as a result of school prayer. We had prayer every day in every school I attended, and my recollection is that all of us got along pretty well. No student was ever shot, or raped, or found to have drugs on his or her person, let alone a gun, in any school that I attended. But then along came Madalyn O'Hair and her crusade against school prayer. That was in 1962 when she stirred up a few atheists and agnostics, and ultimately some judges, who contrived out of the whole cloth a fanciful argument that somebody's rights might be violated if a simple prayer were allowed in school. It was always allowed every day in the schools of America until Madalyn O'Hair came along. Since the systematic removal of nearly all aspects of religious expression from the schools, there have been repeated disasters of all kinds, cataclysmic things we never believed would happen.

From teen crime to teen pregnancy, so many young people are sinking in a quicksand of immorality. Would these heartbreaking events have occurred if prayer had not been banned from the schools? I don't think they would. When that question is raised, my response is that such things didn't happen before prayers and religion were banned from the schools.

There is still time to fix this problem. We can restore prayer in school. By the way, the distinguished occupant of the Chair this morning may have recalled that I offered this same amendment I am discussing right now to the Senate in 1994. It passed overwhelmingly, with 74 other Senators agreeing that a more sensible policy regarding

prayer in schools is essential and necessary. But that amendment was gutted—gutted—at the eleventh hour for partisan reasons, which I am not going to get into now. On some occasion, I may describe exactly how that happened.

In any event, the amendment I would like to have offered this morning allows students to exercise their first amendment prerogative of prayer.

Under the amendment:

No funds made available through the Department of Education shall be provided to any State, or local educational agency, that has a policy of denying, or that effectively prevents participation in, prayer permissible under the Constitution in public schools by individuals on a voluntary basis.

I must say that once more my amendment clearly states that:

No person shall be required to participate in prayer in a public school.

If a student doesn't want to pray, he or she, under no circumstances, will be required to do so. Therefore, I regret the parliamentary situation under which the Senate is operating this morning, which prevents my calling up this amendment for consideration.

Let me say this: I steadfastly believe that any education bill that does not protect the first amendment rights of students to engage in voluntary prayer is incomplete, and I intend to raise this issue subsequent to this morning as often as it takes until the right to voluntary school prayer is guaranteed once and for all.

I ask unanimous consent that the text of my amendment, No. 3128, now at the desk, be printed in the RECORD.

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

AMENDMENT NO. 3128

At the end, add the following:

**SEC. ___. FUNDING CONTINGENT ON RESPECT FOR CONSTITUTIONALLY PERMISSIBLE SCHOOL PRAYER.**

(a) SHORT TITLE.—This section may be cited as the ''Voluntary School Prayer Protection Act''.

(b) PROHIBITION.—Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any State, or local educational agency, that has a policy of denying, or that effectively prevents participation in, prayer permissible under the Constitution in public schools by individuals on a voluntary basis.

(c) SPECIAL RULES.—No person shall be required to participate in prayer in a public school. No State, or local educational agency, shall influence the form or content of any prayer by a student that is permissible under the Constitution in a public school.

Mr. HELMS. Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, without losing my right to the floor, I yield for a moment to my colleague from Florida.

Mr. GRAHAM. Mr. President, for the purposes of a unanimous consent request, I ask unanimous consent that after the Senator from Minnesota, the Senator from Louisiana be recognized next, and then an intervening Republican, and then myself to be the next Democrat, and then Senator LINCOLN be the next Democrat after that.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Mr. President, reserving the right to object, I think I heard it correctly. The Senator from Florida said that following the next Republican he would be in order, and then Senator LINCOLN would be the next Democrat following the next Republican; is that correct?

Mr. GRAHAM. Senator LANDRIEU is the first, I will be the next, Senator LINCOLN would be after myself, with the intervening Republicans.

The PRESIDING OFFICER. The way the Chair understands the unanimous consent request, Senator WELLSTONE is the present Senator, and then Senator LANDRIEU, and then the Senator said there would be a Republican, and then there would be himself and Senator LINCOLN; is that correct?

Mr. GRAHAM. Mr. President, the idea would be that these would be the next three Democrats, and if there were Republicans, they would be intervening in order to maintain the alternating nature of the debate.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object—I will not object—historically, although we get away from the history, those who are the principal proponents are generally recognized to make the case before opposition speaks. So we have tried to go back and forth. We have done pretty well. Since there are a number on our side who are prime sponsors, generally, as a courtesy, we have followed that historically and traditionally. We have gotten away from that.

I think the proposal is eminently fair. If it is all right, we might let them go in order to make the presentation, and then I would be glad to hear from two or three on the other side. These are all prime sponsors. Generally, in order to be able to make the case, I think we ought to have a chance to hear from them, certainly before the noon hour. I ask that we extend the time a bit before going into recess because I think they ought to be heard in outlining the presentation on the agreement. I have no objection.

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

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I shall be brief because a number of Senators are here who want to get the floor. I want to respond briefly to Senator GREGG. Then I want to raise one question for Senator LIEBERMAN. I wanted to speak to his amendment. I thought that was one way of being respectful. Then I want some Senators who are sponsoring this amendment, sometime after they make their presentation, to speak to the concerns I will raise in a moment.

First of all, however, I want to respond to the Senator from New Hampshire because all of this is a matter of record. The Senator brought out pictures of Governors and talked about when he was Governor. I think that is sort of beside the point. I don't remember anybody using such language, and I don't know that anybody implied such a thing. But I will say that when I talk about grassroots, I kid around about the Governors. People say: Let's hear from the grassroots.

Let me give you an example of what I consider grassroots—the National Campaign for Jobs and Income Support. This is a coalition of about 1,000 community groups, including faith-based and neighborhood organizations.

I had a chance to speak at their gathering in Chicago. Most of them are of color, and many are of low- to moderate-income.

They just released a study which I think speaks to one of the issues here. This is not, I say to Senator GRAHAM and others, responding to his amendment but in response to Senator GREGG's comments.

First of all, when we went through the debate on the welfare bill, I heard the discussion about this many times. Those who were for it said they didn't want the bill to be punitive. They talked about child care, food stamps, transportation, and health care. This study was just released this past weekend by this coalition. The problem, according to the study, is that many States are denying working poor families benefits to which they are legally entitled. That, of course, undermines the very incentives that Congress had in mind on behalf of the working poor.

Mr. President, I ask unanimous consent that this article entitled ''Fair Deal for the Poor'' by E.J. Dionne, Jr. be printed in the RECORD.

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

[From the Washington Post, May, 2000]

FAIR DEAL FOR THE POOR

(E.J. Dionne, Jr.)

It's fashionable to talk about poor Americans left out of the economic boom. It's not fashionable to do much about their problems.

In Congress and on the campaign trail, a favorite pastime for members of both parties is to brag about the welfare reform bill passed in 1996. The bragging is over the sharp drop in the welfare rolls brought about by a prosperity that has created so many new jobs, and also by the bill's tough welfare-to-work provisions.

George W. Bush regularly boasts about the decline in Texas's welfare rolls, while Al Gore trumpets his premier role in pushing welfare reform against the wishers of some of the leading voices in his own party.

It's hard to oppose the core principle behind the welfare bill: Public assistance should be temporary and the system should help the poor find jobs and pursue independence.

But supporters of the bill insisted they weren't just being punitive. They said they wanted benefits—Medicaid, food stamps, child care, transportation assistance and

children's health insurance—to follow poor people off the rolls and help support them as they found their footing in the workplace. These benefits are especially important to the children of the poor, and no member of Congress likes to look mean to kids.

The problem, according to a new study released this past weekend, is that many states are denying the working poor benefits to which they are legally entitled. That undermines the incentives Congress pledged to put in place on behalf of the working poor.

''Even if you're a proponent of welfare reform, you'd be shocked at what's happening,'' says Lissa Bell, policy director of the Seattle-based Northwest Federation of Community Organizations. If the purpose of welfare reform is ''self-sufficiency,'' that idea is ''not being adequately reflected'' in actual administration of the programs, she says.

What Bell and her co-author, Carson Strege-Flora, found were many cases of states and localities violating federal rules by imposing waiting periods for programs that are supposed to have none; creating cumbersome application rules to make it hard for eligible people to get benefits; and misinforming the working poor about what help was available to them.

Now, if there is good news in any of this, it is that community groups around the nation are organizing to put the cause of the working poor at the center of the national debate. Paradoxically, those who were most critical of the welfare bill when it passed may end up saving welfare reform by insisting that those willing to labor hard for low wages be lifted out of poverty.

''The people who are being denied access to these programs are people who work,'' says Deepak Bhargava, director of the National Campaign for Jobs and Income Support, which sponsored the study. The Campaign is a coalition of about 1,000 community groups, including faith-based and neighborhood organizations. ''Its goal is to put poverty back on the national agenda,'' he says.

The devolution of power to the states, an idea associated with conservatives, is unleashing a wave of activism by the poor and their supporters. ''The interesting thing about the devolution phenomenon,'' Bhargava says, ''is that it's really put the ball in the court of the community organizations.'' They are demonstrating ''a new level of sophistication about public policy politics.''

But in the end, he says, these groups will also look to Washington to make sure states run programs for the working poor by the rules. And Washington will necessarily play a large role in any serious expansion of benefits for those who work but are still trapped in poverty. Universal health care would be a nice place to start.

''Poverty is the great invisible problem in the national discourse,'' Bhargava says. ''. . .There hasn't been much political pressure from the people affected. And the problem is usually defined by the success of welfare reform in getting people off the rolls, as opposed to the failure to make much of a dent in the poverty rate.''

This ought to be the most promising of times for programs to alleviate poverty. Public coffers at all levels are bulging, thanks to good economic times. The old welfare system is dead, and most government assistance is now flowing to those who work—meaning that the vast majority of voters approve of the values now embedded in the programs.

If we're not willing to do more to help the working poor what does that say about our much-advertised commitment to the value of work? And how devoted are we to that sentiment now roaringly popular on the campaign trail compassion?

Mr. WELLSTONE. Mr. President, I quote from the article:

''Even if you're a proponent of welfare reform, you'd be shocked at what's happening,'' says Lissa Bell, policy director of the Seattle-based Northwest Federation of Community Organizations. If the purpose of welfare reform is ''self-sufficiency,'' that idea is ''not being adequately reflected'' in actual administration of the programs, she says.

What Bell and her co-author, Carson Strege-Flora, found were many cases of states and localities violating federal rules by imposing waiting periods for programs that are supposed to have none; creating cumbersome application rules to make it hard for eligible people to get benefits, and misinforming the working poor about what help was available to them.

Here is my point to my colleague, Senator GREGG, and to others. The point is this: There are many fine Governors, but there is a reason why over 30 years ago we said there are certain core standards. We used the word ''accountability''—a certain core accountability when it comes to the poorest children in the country. And we are not about to support legislation that does away with a commitment to migrant children, a commitment to homeless children, a commitment on the part of the Federal Government that says to every State and school district there will be programs that will respond to the special and harsh circumstances of these children's lives. We are not going to leave this up to the States because even if there is some abuse and that is all there is, it is too much.

That is the point, I say to Senator GREGG.

Second, very briefly on the amendment that is before us, I thank my colleagues for their good work. I wanted to express the main concern I have. This is the one provision of this legislation which troubles me.

Could I ask my colleagues to shut that door at the top, please.

The PRESIDING OFFICER. The Sergeant at Arms will restore order.

Mr. WELLSTONE. Thank you, Mr. President.

One of the provisions in this amendment says if there has not been adequate progress on the part of title I children—there is a 4-year period that you look at, and then we do this assessment, and if there has not been adequate progress, then 30 percent of the funds which are title VI funds, as I understand it, are withheld from these school districts.

I just want to say to my colleagues that I think this is a mistake. I think we should have the assessment. I think we should know. But, as I see it, when you hold back the funds—and I think we can talk about how we may need to have different teachers; we may need to have different principals, but when we actually cut the funds in a variety of these different programs, I think the children are the ones who are paying the price.

This is near and dear to my heart. I think this is a mistake.

Here is the parallel that I would draw. I have been trying over the last month to come to the floor and say: Look, when we have these high-stakes tests for third graders and whether they go on to fourth grade, for God's sake, let's also make sure they have the resources to be able to pass these tests and that each of these children has the same opportunity to achieve. If we don't do that, I think this will be punitive.

I don't understand what some of my colleagues are doing. I think it is a big mistake to basically say to these schools and these school districts, especially when I see that they are the ones—I heard this debate this morning. I heard the Senator from Indiana. I thought it was kind of interesting. He said, you know, I heard the debate. Is it the Governors' fault or is it not the Governors fault?

I think in many ways we are at fault. I think it is pathetic how little of the National Government budget—I heard anywhere from one-half of 1 percent to 2 percent of our overall budget—goes to education. I still argue, look, we should be a player for prekindergarten, and we are not doing it. It is as if we forgot. It is as if we will jump on a bandwagon and get off of it quickly. A year ago all of us were talking about the development of the brain. You have to get it right by the age of 3. Some of these kids come to school way behind. They fall further behind. Let's get that right. Let's do that.

We know from all of the research that has been done—whether we like it or not—that probably the two most important variables above and beyond a good teacher are the educational attainment and the income attainment of families. We are doing precious little, even with all of these surpluses and a booming economy, to change any of these circumstances that would so crucially affect how well children do.

The assumption is, if you are not trying hard enough, we are going to cut off the money. I think it hurts the kids.

I don't mind where Senator BINGAMAN and others are going on accountability. I think there are ways in which we can make it clear that there may have to be some reconstitution in terms of some of the personnel, albeit even there I am a little wary because I don't accept the assumption that the big problem is the teachers aren't trying hard enough or the principals are not trying hard enough or there isn't enough commitment. But, in any case, I don't like the sanction part. I think that is a big mistake because the kids are the ones who pay the price on this, as I understand this provision.

That was one concern I wanted to raise. I want my colleagues to speak to it because that is the way this debate should take place.

The only other concern I want to register, because there are plenty others who want to speak—some have said don't even raise it because we don't want to get into a big debate about it. But on paraprofessionals, I like some of

the changes that have been made with the language on this. There is language that I think says the only way you can hire paraprofessionals is to replace paraprofessionals.

I know what you are trying to get at, which is we don't want paraprofessionals actually doing the teaching. The teachers should be doing the teaching, and we don't want poor school districts to have the paraprofessionals who aren't certified and other school districts to have more.

On the other hand, it seems to me this may be a little bit too inflexible because as long as we make sure the teachers are doing the teaching, sometimes additional teaching assistants can make a huge difference in general above and beyond title I.

The second point I want to make is if we are going to talk about professional development for paraprofessionals—this happened, I say to Senator LIEBERMAN, about 3 weeks ago. I was back home. Sheila and I went to a gathering of cafeteria workers. We flew halfway across the State to be there. Sheila was a teaching assistant 19 years ago when we were married. She dropped out of school to put me through school. All the kids thought she was a librarian; she didn't have a college degree. She was a teaching assistant.

In addition, there were food service workers, teaching assistants, custodians, and the bus drivers. One of the things they said: We don't mind more professional development, and we don't mind saying go back and get an associate degree, but please remember, many of us who have these jobs don't have a lot of income. We can't just give up a job to go back to school. We can't just take a sabbatical.

We ought to be very careful, as we talk about this for these paraprofessionals. If we want them to receive more training, if we want them going back to school, make sure they are able to do so; many can't right now.

Those are the two questions I raise. I am prepared to yield the floor.

Mr. DODD. I know the sponsors are here. I know there is a limited amount of time. The sponsors of the amendment want to be heard.

I rise to commend Senator LIEBERMAN and the others—Senators BAYH, GRAHAM, LINCOLN, LANDRIEU, BRYAN, KOHL, ROBB, and BREAUX—who have offered this amendment. I want to commend them on their commitment and their ideas in working toward the goal before all of us today—accelerating the pace of reform in our schools.

We have worked hard together on this issue for months, and in some cases, for years. Senator LIEBERMAN and I are fortunate to come from the same state, Connecticut, which is a national leader in school reform and student achievement and a constant source of ideas for both of us—so we have worked together on this issue for some time.

And contrary to what some may have heard, there is significant agreement among all of us about the direction of federal education policy. As is always the case, we hear more about the planes that don't fly and the issues that divide us than the planes that do fly and the issues that unite us.

Our agreements are many and significant. First and foremost, we all agree the status quo is not good enough for our schools, our children, our nation, or for us. We agree that the federal government must be a leader, a partner and a supporter of local, public schools. We agree that federal dollars and efforts must be targeted on the neediest students and work to address the achievement gap that plagues too many of our schools and communities.

Beyond policy goals, we agree on many specifics of this proposal—a strengthened, reform-oriented Title I program; accountability for federal dollars and for progress in increasing student achievement; public school choice; a clear class size authorization; targeting of dollars to needy children; and a significant reinvestment in the public schools. These are the core issues of the debate before us—and core areas of agreement that unite all Democrats.

In particular, they unite us against the bill before us, S. 2. A bill which abandons the federal commitment to needy students, to high standards for all children, and to the goals and progress of school reform. We all stand against this vision for America's children.

I do, however, differ with my colleagues on the extent of consolidation they propose in their substitute—the other issues can and were worked out in our alternative. On consolidation, I believe it is appropriate to carefully examine programs and focus our federal programs on areas that demand a national response. I supported many of the provisions of S. 2 which eliminate a significant number of programs—Goals 2000, School to Work—but I cannot go quite as far as my good friends go in their proposal.

I think what is lost is that all-important support of local programs in areas like after-school, school safety, education technology, character education, school readiness, and literacy. The efforts that focus attention, attract dollars and produce results.

Let me give you one example that I know well—after-school programs. The 21st Century Community Learning Centers program was created in 1994 and was first funded at $750,000 in FY 1995; it has grown to $453 million in FY 2000. It grew because it is focused on after-school, which we know is desperately needed, so we funded it, and funded it substantially. Thousands of grants of significant size flow to needy school districts to support strong, comprehensive after-school programs.

The proposal before us would eliminate this strong program and instead have a small portion of the dollars that reach the local level go to support after-school programs. I believe this would not leverage change in this area; it would not attract the dollars needed and it would not meet our goals in as targeted a way. I believe we better leverage our dollars through our federal partnership directly with local schools in these areas than we would through a more generic funding approach such as offered in this bill.

So I cannot support this substitute today. I want to continue to work with my colleagues on these issues—their ideas have contributed a great deal to this debate. We made substantial progress putting together the Democratic Alternative, which we all supported. Our schools need many voices, many supporters and I welcome my colleagues to these issues, to this debate and ultimately to the effort to better serve our children.

We have had 25 or 30 hearings over the last year and a half or 2 years on the Elementary and Secondary Education Act, trying to get at the very issues and develop consensus. Participation is strongly welcomed. I look forward to an ongoing process.

This does not end today, tomorrow, or the next day but will take some time to reach the level of success we want accomplished in our public education environment in this country.

I thank my colleague for yielding, and my compliments to the authors.

Mr. WELLSTONE. I am pleased to yield.

Mr. LIEBERMAN. Mr. President, briefly, if I may respond to the two questions, and I appreciate the comments of my colleague from Connecticut.

It has been a pleasure, as always, to work with the Senator and others. We have made progress. I am grateful for his acknowledging that. I am also grateful for his long-time progressive leadership in this whole area of public education. I thank my friend from Minnesota for his kind words about the bill.

I respond briefly to the two good and fair questions. We struggled with both of them, particularly the question that if we set up a system where we give more money for education, and we want to reorient the program so we are not just arguing about how much money we will send or, when the auditors come from Washington, they do not just ask if we are spending the money in the particular paths we were told to spend it in, but that somebody asks: What is the result? Are the kids educated?

That is what we want to see happen, to put teeth into it. We believed we had to reward and punish. We have bonuses for schools and States that do well. How do we have answers without punishing the kids? That is a struggle. One answer is that the kids, particularly poor kids, are too often punished by the status quo because they do not get a good education and they are trapped by income. They have nowhere else to

go even though their parents clearly want a better way.

We have set this out over a period of years and allowed the States themselves to set the standard of adequate, clear progress. We are not setting an absolute standard. We are saying: You set the standard for each school district, for each school. The standard is, how much do you want to improve each year from the base, where they are now—not where an idealized base might be but where they are now.

Our first sanction: When a school fails to achieve its adequate clear progress for 2 years, it goes on to a ''troubled'' list and extra money comes in to help the school. If after 4 years it does not get raised—the kids are the victims, they are being punished—at that point, the bill says the school system has a choice: Radically restructure the school into a charter school, perhaps, or something similar within the public school system, or close it and give every child and their parents the right to go to a higher performing public school in the district.

Beyond that, if the State continues not to make the adequate yearly progress, the Senator is right, after 3 years they get 50 percent taken from the State administrative budgets. That was our attempt to impose penalties without hitting the kids.

Finally, after 4 years, if there is no adequate yearly progress, something is really wrong, then we take 30 percent of title VI, the public school innovation title. Yes, that reduces some programs that could be enrichment and improvement programs, but at some point we have to put teeth in the system to make it work.

In no event, I stress to my friend from Minnesota, do we ever take any money away from title I for disadvantaged kids. That, we thought, would be unfair. We will not touch the basic program to help disadvantaged kids learn better.

I was surprised that in my State of Connecticut when we introduced the bill, the area of the bill that got the most concern was from the paraprofessionals themselves who feared we were going to force them to get a college degree or put them out of jobs. Our aims are exactly what the Senator has said. I was surprised to learn that 25 percent of title I money around the country is spent on paraprofessionals. Some of that is very well spent because they supplement what the teacher is doing or they provide nonteaching support for children which can be critical to the child's ability to learn.

Our basic aim is what the Senator from Minnesota said. Let's not shortchange poor kids by asking paraprofessionals who are not trained to be teachers to be their teachers. Suburban schools would not accept that. We shouldn't accept it for our poorest children. Let's try to help them upgrade themselves. Also, we provide State-adopted certification programs for the paraprofessionals.

I hope my answers have been responsive.

Mr. WELLSTONE. Mr. President, since the Senator was responding to my concerns, I have a couple of comments.

First, I absolutely meant to thank the Senator for his effort. I don't want this to be a deal where I love you on the floor and then vote against your amendment. I want to make it clear I am thinking it through before the final vote. I appreciate what the Senator said, but I still think it doesn't speak to the concern I am trying to register.

For example, if you don't get it right in terms of these kids, then you are going to be cut. The problem is, there are other kids in the schools who may not be title I kids but they also need the help. The reason for that is title I is funded at the 30-percent level. In Minnesota, in St. Paul, when you get to a school that has fewer than 65 percent low-income kids, they don't get any of the money. All other schools get some of the money. There are a lot of other kids affected by cuts in the programs.

I am all for putting ''teeth'' into this. Again, I think the Bingaman amendment goes in the direction of accountability, and he talks about reconstitution. There are some definite proposals that do have teeth that say, look, we have to be accountable. I think ultimately it is a mistake to have your sanctions and trigger the cuts in what little assistance we give. We will end up cutting some of the scant resources we do give to schools which help kids.

I do not believe we should do that. I am going to make that point again, especially since I do not think we have in the Congress done anywhere close to what we should do to live up to our national vow of equal opportunity for every child. I believe this is a mistake. We are hurting the wrong people on this.

On professional development, again I appreciate the sensitivity of my colleague's response, but I actually was saying one other point, which was I still think we can make it crystal clear. The Senator has the teachers doing the teaching when they should be doing the teaching, but I do not understand why we have such an inflexible requirement that the only additional paraprofessionals hired would be hired to replace paraprofessionals. Some school districts say they need additional assistants who can help them do more one-on-one work.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I commend my colleague from Connecticut for his leadership on this issue, and I also commend my colleague from Indiana, whose insights as a former governor have been invaluable. A group of us have joined with them to call for a change in the role the Federal government plays in its partnership with our States and local governments in the area of education.

Before I begin, I would also compliment our great colleague from the State of Massachusetts for his leadership over the years —actually over the decades and throughout his entire lifetime —for being a tireless champion for education, particularly the education of children who are poor, children out of the mainstream, and children who are disabled. I thank him for his leadership.

There is a growing number of us in Congress who feel the need to stand up and say no to maintaining the status quo; that the status quo, while there is some incremental progress across the board in education, is not enough, is not happening quickly enough, and is leaving behind millions and millions of children, many of whom are least equipped with resources and families to help to educate them.

As I said a few weeks ago, in 1965, when the Federal Government first stepped up to the plate, the Elementary and Secondary Education Act, as signed by President Johnson, was 32 pages long and contained 5 programs. Today, the current law is 1,000 pages long—1,000 pages of instructions, prescriptions, unfunded mandates and micromanagement from the Federal level. It contains over 50 programs, 10 of which are not even funded.

At that time, the world of education was much different. In 1930, there were 260,000 elementary and secondary schools. Today, there are 89,000. Schools were smaller. Children were given more individual attention. Despite the tremendous increase in population, one can see the numbers of schools have declined.

Years ago, there were qualified teachers in the classrooms, because, to be very honest, while teaching was and still is wonderful, the fact is, laws, customs, and traditions barred many exceptional women and exceptional minorities from any other line of work. So the profession of teaching was the great beneficiary.

Today, that is no longer the case. Women and minorities are moving into different fields. Our schools have become larger and the demands on teachers have become greater. As a result we have less qualified individuals attracted to the field of teaching when the need for high quality teachers is even greater than ever before.

Years ago—and not that long ago—school violence meant a fist fight on the school playground. Today, unfortunately, it means a loaded automatic weapon in a cafeteria. The use of drugs in schools is increasing. A lot has changed in education over the last 35 years.

People say the prize belongs to those who are the quickest, the swiftest, and the smartest. I think the prize belongs to people most able to adapt to change, and that is really the argument. It is about change. It is about the status quo not working for the vast majority

of our children. It is about the fact the world has changed. The facts supporting public education have changed. Yet we find ourselves in Congress, at least too much to my mind, arguing for more of the same: more programs and more money, not recognizing these fundamental shifts that have occurred.

The prize belongs not always to the swiftest and the smartest, but those most able to change. The Lieberman-Bayh amendment is about changing these 1,000 pages to give more flexibility to local governments to make better decisions about how to reach the children who need to be reached. It is about targeting the money to needy kids. When the first bill was passed by this Congress and signed by President Johnson, the intention was excellent, to bridge the gap between the advantaged and the disadvantaged. The intention was to use Federal dollars to invest in the education of poor children. This intention has been lost in these 1,000 pages. Under the present title I formula, a school need only have 2% of their children in poverty to be eligible for title I funding. As a result, 1 in 5 schools with between 50% and 75% poverty receive no funding at all. Our formula would do what Title I funding was intended to do, serve poor children.

Our amendment, the Three R's proposal, is about increasing flexibility and accountability at the local level. If we try to provide more flexibility to the States, but we also do not provide, along with that accountability, increased investments, at best it is an unfunded mandate, at worst it is a hollow promise.

We are actually doubling the funding, as the Senator from Connecticut has pointed out, for title I and targeting the money to be sure the new money is getting to the poor children, the disadvantaged children, and the children for whom we need to close the educational gaps. Along with the increased funding comes real accountability. The taxpayers will appreciate the fact we are not just dumping more money into a growing problem, but we are securing our investment in education and rewarding states who make real strides in closing the achievement gaps are closed quickly and in a more appropriate fashion.

Senator BAYH made reference to these numbers but did not focus on the specifics of this chart. I believe it is important for the American people to know the reason some of us refuse to accept the status quo. Mr. President, I am sure you will agree that test scores are quite startling; they are quite troubling.

This chart shows, the performance scores of several minorities on the 1996 NAEP. One will notice that under the status quo, under these 1,000 pages, while there have been some improvements, only 26 percent of the white children are proficient level in math, only 8 percent of Native Americans, 7 percent of Latinos, and 5 percent of African American children.

If we are not satisfied with these numbers—which I am not, and I do not think there are many in this Chamber on the Republican or Democratic side who are satisfied with these numbers—we need to do something different. Funding more programs with more money is not going to work.

In response to something Senator KENNEDY said—and I think he is accurate on this one point—money from the Federal Government represents only 7 percent. If these test scores are what is happening with 92 percent of the funding, then let's not continue to do the same things or give it all to the Governors. He is absolutely correct.

Obviously, the money is not targeted to help these kids increase their student performance; the State dollars, the 92 percent, is not targeted, because if it was, these numbers would be improving significantly. The answer is not to sit by and do nothing; the answer is to lead by example. Let the Federal Government begin by taking its 7 percent and targeting the poor children so these test scores can improve, and we hope the States, the Governors, and the local education authorities will take their money and do the same thing so we can improve these test scores.

This next chart shows the eighth grade math scores: 23 percent of all children, at the eighth grade level, are scoring at the proficient level; only 4 percent of African Americans; 8 percent of Latinos; 14 percent of Native Americans; and 30 percent of the Caucasian children.

But I would like to do more than show you the numbers. Here is a chart showing an excerpt from the recent NAEP writing test. I have heard too much on this floor that you cannot test kids, that the tests are too high stakes. I want to share this with you so you can understand how dire this situation is. I am a strong believer in tests. I believe we have to have some objective measure to see how well our children are doing or how poorly they are doing.

Perhaps the tests should not serve as 100 percent of what we use to judge whether a child should be moved forward or not, but clearly, we have to have, as well as parents and taxpayers have to have, some way to judge if the children are doing well or not.

For those who say we cannot test them, let me just read from a real test. This is from a fourth grader whose writing is rated ''unsatisfactory.'' I am going to read it for you because you can hardly interpret it. But this represents what the National Assessment of Educational Progress rates as ''unsatisfactory.'' This was written by a fourth grader. He was asked to communicate a minimal description of his room. He writes:

> My room is very cool it white I got wester picture I got a king sides bed I have wester toys I got wester wall paper on my wall. I got wester t-shirt on my wall. I got

That is a writing sample of a fourth grader whose writing was rated ''unsatisfactory.''

Let me give you a sample of writing that is rated as ''approaching basic'' for a child in the fourth grade. This would be at a minimum. All States are different, but these are the kinds of tests we are talking about supporting in this amendment. This fourth grader is ''approaching basic,'' is not at ''basic'' yet. But this fourth grader writes:

> there to the left is my jeep and my cat. there to the right is my swimming pool and my dog and my waterguns. And to my left of my bed is my trampoline and maid. And by the wall is my roller blades and my nantendo—
>
> spelled N-A-N-T-E-N-D-O—
>
> 60 four.

These two samples represent the writing skills of over 50% of those in public schools. 50% of these kids can't master spelling or formulating sentences. We have to do better than this in our public schools.

So I just want to argue that life is high stakes. We have to be supportive of tests—not a Federal test, not something mandated from Washington—but we have to be about accountability, about real testing, so we can tell whether our children are reading, whether they are able to compute. We have to be able to identify what schools are not performing, not so we can punish the children or punish the parents, but so we can help them.

In conclusion, let me say, again, times have changed. The status quo is not sufficient. The amendment we have outlined, the Three R's, gives greater investment, greater accountability, greater flexibility, and more choice. Hopefully, it will spur greater outcomes faster so that children do not lose the only opportunity they have—one life, one chance at education—so they can graduate with a diploma that means something and go on to have a job, a career, and build a life they can be proud of in the greatest democracy on the face of the Earth. To do any less is falling down on our job.

No system is perfect. I will only conclude by saying that perhaps the amendment we offer is not perfect, but it is offered with great sensitivity and great commitment and great dedication, to urge both sides to try to move away from the rhetoric and move to recognizing the failings of the current system.

We do not want to abandon public schools and move to total block grants or total vouchers, but we want to move to a bill that creates the right kind of partnership, where kids can learn, parents are happy, taxpayers are happy to give money because the system is working, teachers are feeling fulfilled—most importantly, children are learning. That is what our amendment attempts to do.

I urge my colleagues, on both sides of the aisle, with all due respect to the other issues that have been talked about, to adopt our amendment, to move us in a new direction, away from the status quo, to a chance where children can actually learn to read, to

write, and to compute, and to take advantage of the tremendous, unprecedented, historic opportunities that exist in the world today.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Under the previous agreement, the Chair recognizes the Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Louisiana for her insightful remarks, and particularly with regard to what is too common, where our schools are not performing and our students are not performing at the level at which they need to perform.

We have a responsibility to make sure what we do in this body facilitates improvement in the system we have today—a system that has been in place for 35 years and is producing the kind of results that have been shown.

This is certainly a time for review and change, for altering and improving. To suggest we cannot do that is beyond credibility. We absolutely can improve what we are doing. We need to. We have to make sure that what the Federal Government does is a positive event with regard to actual learning in the classroom—which is what this is all about—and not a negative impact on learning in the classroom.

In a minute, I am going to share some examples of a Federal law that is absolutely undermining the ability of local school systems to educate, to create a learning environment where kids can reach their maximum potential. Wouldn't it be awful if we passed a law in Washington that actually made it more difficult to create a learning environment in the classrooms of America? The truth is, we have. We need to change that.

I appreciate what the Senator from Louisiana said about testing. There are limits to what testing can show, but when you test thousands and thousands of kids all over a State, you can know whether or not those kids are basically performing at the grade level at which they ought to be performing. We can learn that from a test.

I do not believe in a Federal test. That would be the Federal Government saying to the 50 States, that provide 94 percent of all the money for education in America: This is what your students must learn. If they don't pass this Federal test, they are not learning adequately, and therefore we have in Washington this school board of 100 Senators who would have to decide what is important and crucial in America.

I do not believe in that. I think that would be against our history. It would be against the policy of this Nation since its founding because schools have been a State and local instrumentality. The Federal Government has only been able to assist marginally. In some ways, we have contributed to its downfall in undermining education.

The test scores are important. Over a large number of people—not for every child—they give us very accurate indications of whether learning is occurring. I support that. In fact, I have been on the Education Committee a little over 1 year. We have many debates about accountability. Our friends on the other side of the aisle say: We need more accountability. Your plan, SESSIONS—this idea of turning more of the money over to the schools so they can use it as they see fit within their system—lacks accountability.

But I say to you, the present system totally lacks accountability. The system that has been proposed by the Members on this side has absolutely the kind of accountability that should be part of an education bill.

For example, we have approximately 700-plus education programs in America. Do you think that is not true? Would you dispute that with me? We have over 700 education programs in America, according to the General Accounting Office. Isn't that stunning? If a school system wants some money out of a program, they have to have a lawyer and a grant-writing expert just to find out where the money is and how it might be available to them. Many of these programs are ineffective and should not be continued.

We have all of these programs. What our friends on the other side of the aisle are saying, too often, is—I don't think my friend from Louisiana is saying this, perhaps—if you don't have strict rules about how this money is spent, and you can only spend it for a specific thing, you don't have accountability.

What do we have today in America? We have the Federal Government spending billions of dollars on education. We are pouring that money into schools right and left, and many of the school systems have a total inability to create a proper learning environment, and education and learning is not occurring.

Is that accountability? They may be following all the paperwork and spending the money just as they said, but the fundamental question of education is learning. If learning is not occurring, then we are not having accountability, are we?

What this program says to every school system in America—at least the 15 that choose it, and perhaps others in different ways, but 15 States in this country, if they choose it, would be able to have a substantial increase in their flexibility to use Federal money, with less paperwork, less rules, and less complaints about how they handle it. The only thing they would be asked to do is to create a testing system and an accountability system in their school system that can determine at the beginning of the year where children are academically, and go to the end of the year and see if they have improved.

What else are we here about? What is education about if not learning? That is the only thing that counts. That is the product of all of our efforts. It is not how many teachers, how many buildings, how many textbooks, or how many football fields they have. The question is, Is learning occurring? This way we would have that. The school systems would basically say to the Federal Government: Give us a chance. You give us this money and let us run with it. Let us create a learning environment we think is effective. Give us a chance and we will put our necks on the line. We tell you we are going to increase learning in the classroom and we are going to have an objective test to show whether or not we are doing it. If we don't do it, we will go back under all your rules and paperwork.

There is a myth here, and some have denigrated the role of Governors. But I don't know a Governor in America who isn't running for office and promising to lead and do better in education.

I see the Senator from Georgia. Do we have a time problem?

Mr. COVERDELL. We are under a little bit of a constraint.

Mr. SESSIONS. I will finish up soon.

In Alabama, our general fund budget, where all the funds are appropriated, is $1.2 billion. The education budget in Alabama is almost $4 billion. Do you hear that? In Alabama, we spent almost $4 billion on education and $1 billion on everything else. Do you think the Governor isn't concerned about that? Do you think the State legislature is not concerned about that? The primary function of State government in Alabama, and in every State in America, is education. That is where the responsibility needs to be, and that is where we need to empower them to use creative ideas to improve the system.

I have offered an amendment on the subject of special education; IDEA regulations are disrupting our classrooms. We have examples in our State of two people bringing a gun to school and one being put back in the classroom because he is a special student. The other was kicked out for the year as is every other student. We have created a separate rule of law, a separate rule of discipline, by a Federal mandate from Washington, in every schoolroom in America.

I have been in 15 schools this year in Alabama. This is one of the top concerns I hear from teachers and principals everywhere. They are concerned about that. I think I will talk about that later. I talked about it previously. I will also talk about this regulation, this Federal mandate, that is clearly not a help to the States but a major detriment. It is bigger and stronger and more burdensome than most people in this country have any idea. I think we need to talk about it more.

I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, to clarify the sequence of events, we had a unanimous consent agreement that recognized Senators back and forth. We got off of it. I am going to suggest this.

I have talked to the Senator from Florida, and we will hear from Senator COLLINS for a few minutes, then Senator GRAHAM, then a Republican, and then Senator LINCOLN. Then we will be back in order.

Mr. GRAHAM. Mr. President, are we going to break at 12:30?

Mr. COVERDELL. Mr. President, I think we will try to accommodate another 5 or 10 minutes so these Senators can be heard. I think the appropriate recognition would now be the Senator from Maine, briefly.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Florida. I rise to commend the Senator from Connecticut, the Senator from Florida, the Senator from Arkansas, the Senator from Louisiana, and all of those who have been involved in putting together the Lieberman amendment, for their efforts. It is a typical approach taken by the Senator from Connecticut to so many legislative issues, in that he is looking for a responsible and responsive approach that is innovative and attempts to bridge the partisan gap.

I don't support all of the provisions of the Lieberman amendment, but I commend the Senator and his cosponsors for recognizing that we do need to take a new approach, that we need to focus on whether or not our students are learning, rather than focusing on whether paperwork and regulations are complied with.

I commend the authors of this legislation for their efforts to focus the debate on giving States and local school boards more flexibility in using Federal funds to meet the greatest need in their communities. I also commend them for focusing on accountability, for making sure our Federal education efforts bear the fruit of increased student achievement, and help to narrow the gap that troubles all of us in the learning of poor children versus those from more affluent communities and affluent families.

One of the reasons we need more flexibility in using Federal funds can be found in Maine's experience under two Federal programs. Maine is fortunate in having small classes. In the classes in Maine, on average, the ratio is only 15 to 1.

So our problem and challenge is not class size. Yet Maine had to get a waiver to use the Federal class size reduction moneys for professional development which is, in many schools in Maine, a far greater need than the reduction of class size. One school board chair, from a small town in eastern Maine, wrote to me that they have received $6,000 under the Federal Class Size Reduction Program. Clearly, that is not enough to hire a teacher. They did receive permission from the Federal Government to use that effectively for professional development.

But my point is, why should this school system, or the State of Maine, have to get permission from the Federal Government to use those funds for the vital need of professional development?

The second example I have discussed previously, and it has to do with Maine's effort to narrow the achievement gap between poor and more wealthy students in high schools. Maine has done an outstanding job—and I am proud of this—in narrowing the achievement gap between disadvantaged and more advantaged children in the elementary schools. In fact, it has virtually disappeared. So that is not the need under title I funds for the State of Maine right now. We still, however, have a considerable gap when those title I children get to high school.

Maine came up with a very promising approach that was put out by the Maine Commission on Secondary Education that set forth a plan for narrowing the achievement gap among high school students. But, here again, it required a waiver from Federal regulations for Maine to use its funding for this purpose.

So, again, I do think we need more flexibility and accountability. I commend my friends on the other side of the aisle for their steps in that direction. I hope we can continue to work and see if it is possible for us to come up with a bipartisan package we could support that would help bridge the partisan gap and make a real difference in the futures of our students.

I yield the floor.

Mr. REID. Mr. President, with the consent of my friend, Senator COVERDELL, I ask unanimous consent that immediately following the scheduled vote at 2:15 there be 2½ hours remaining for debate on the Lieberman amendment, to be equally divided in the usual form, and that following the use or yielding back of time, the Senate proceed to vote in relation to the pending amendment without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, I commend the Senator from Maine for her very thoughtful remarks. She focused on the large issues that are appropriate for the Senate, and she spoke in the spirit of the importance of what we are dealing with, the future of American children, and the necessity that we approach it with a level of seriousness and bipartisanship. I thank her for her very succinct, extremely valuable contribution to this debate.

In that same vein, I wish to share an observation that some of us heard recently by a prominent American historian, Steven Ambrose. He is best known for his numerous books on military history, particularly on World War II, but he has also written a Pulitzer prize-winning book on the Lewis and Clark Expedition—an expedition which opened up much of America to serious study and exploration. It was an expedition that took place between 1804 and 1806. It comprised traversing some 7,600 miles of the recently acquired Louisiana Purchase in the northwest corner of the United States. What Mr. Ambrose pointed out is that the average length of each day of the Lewis and Clark Expedition was 15 miles. But the techniques used by Lewis and Clark between 1804 and 1806 were exactly the techniques that Julius Caesar would have used if he had the same assignment, which is to say that for a period of over 2,000 years their had been virtually no progress in man's mastery of the field of transportation. Since Lewis and Clark, in less than 200 years, we have had an explosion of transportation advancement. We are now in the process of building in space an international space station which will become the platform for which we will explore the universe.

That is how much progress we have made in 200 years after 2,000 years or more of stagnation. What is the explanation? What has happened that last allowed us to make this much progress?

According to this eminent historian, the single most significant fact that has allowed the 200 years of progress has been the fact that we committed ourselves as a nation—and much of the world—to the proposition of universal education; that we are allowing, for the first time in the history of mankind and in the last 200 years of America, hopefully, every human to reach their full potential.

He used the example of the Wright brothers. If the Wright brothers had been born 100 years earlier—just four generations earlier than in fact they were born—by all accounts, given the nature of their family and its economic and social standing, both of the Wright brothers would have been illiterate, and therefore the world would have been denied the ingenuity which played such a critical part in all of these great advancements which now benefit all of us.

We are not talking about a trivial issue. We are talking about a fundamental issue that has reshaped America and reshaped the world in the last two centuries, and which will reshape us again in this new 21st century and the centuries beyond. We are dealing with one of the most basic issues facing the world and America.

I am pleased that the Senate's new Democrats, with much of the membership having spoken on the floor this morning, have taken on this issue as our first contribution to the policy today in the Senate. That is, I hope, illustrative of the seriousness of our group and its desire to be a constructive part of helping the Senate and the American people develop policy in basic areas such as education.

I think we would all agree that there are certain important principles that

we should look at as we approach what the Federal role should be in education. Those would include words such as ''accountability,'' ''reward,'' ''excellence,'' and ''resources.''

On February 5, I asked a group of Florida educators to meet together in Tampa to discuss what they believe, based on their professional experience, to be some of the priorities the Congress should look at as it reauthorizes the fundamental education act for our Nation, the Elementary and Secondary Education Act.

Here are some of the responses from this group of educators.

First, not necessarily in priority on their points, was the importance of additional resources; that if we are going to achieve our purposes, we must have a Federal commitment as well as a State and local commitment which is commensurate to the challenge that is before us.

The RRR response to this request: It will increase the Federal role in education by more than $30 billion over the next 5 years, the most significant increase in funding since the program was established in 1965.

To underscore the importance of this, we talked about the implications of this chart. This chart is an attempt to indicate what has happened in America over the last 150 years in terms of the requirements for self-sufficiency by an older adolescent or young adult in America.

In 1850, there was a relatively limited amount of knowledge required to be self-sufficient. Literacy was not such a requirement. Many Americans functioned very effectively at a high level of self-sufficiency without being able to read or write in 1850.

Today, there has been a four-time explosion in the requirements of knowledge for an American to be self-sufficient. That explosion has not been a straight line. It has been an explosion driven by technology. Note the major increase in the knowledge demands that occurred in the late and early 20th century commensurate with the movement of America from a rural economy to an industrial economy. But the big increase has come well within our lifetime.

Coincidentally, it almost starts at the time the first Elementary and Secondary Act was passed in the mid-sixties with an explosion of knowledge requirements as Americans entering the workforce had significantly greater expectations of what their skill level would be, particularly in areas of mathematics and communication skills.

Mr. President, the second aspect of this chart is an attempt to indicate that one of the fundamental relationships in the acquisition of knowledge by Americans has been the relationship between what the family can contribute to that knowledge and what is provided by a formal educational institution, which we typically refer to as a school.

In the 1850s, the family provided more than half of the knowledge of their children. Typically, they were doing so by educating the children to be able to read and write to achieve that level of literacy.

It was the development of science and technology that began to effect the relationship of what a family and what a school was expected to provide to children's education. As science and technology has become more pervasive and more complex, the relative proportion of knowledge provided by the school and that which could be provided by the typical family has altered.

Whereas, in 1850 the family was providing two-thirds of the education, today the school is providing about two-thirds of the education.

The significance to me of this chart is the challenge that we as a society have to assure that all American children have an opportunity to acquire this much greater level of education; that our schools which are being called upon to provide a larger and larger share have the necessary resources—human resources, financial resources, and resources of support by the community—in order to carry out their responsibility.

We are going to be voting shortly on some major trade agreements with Caribbean countries—Central American countries, African countries, and China. One of the recurring realities of all of those trade agreements is that we are opening our markets broader and broader to countries whose standard of living and whose per capita annual incomes are dramatically lower by factors of 20, 30, 40 times what they are in the United States.

The only way the United States is going to be able to compete and maintain our standard of living is to assure that all Americans are getting this level of knowledge so that they can be full participants in the most effective and most competitive economy in the world—the economy of the United States of America.

Again, this chart underscores the seriousness of the issue we are considering.

We spent a good deal of time at that Tampa meeting with educators discussing this chart and its implications. The educators told me in addition to resources, they wanted more flexibility, the opportunity to adapt to the specific needs of the communities and the children they serve. That is the approach taken in the RRR program. We focus on results more than process and, thus, allow more flexibility to achieve those results. The educators said they don't mind accountability if there are resources there to realistically achieve the goals that have been sought. RRR demands accountability but provides the resources needed to accomplish these goals.

Not only do we increase the total amount of resources by some $30 billion over 5 years, we also target these resources to the children who are most in need. When President Johnson talked about America's role in education, he was specifically talking about the chasm that existed between the abilities of poor children and more advantaged children to achieve what would be required to be competitive in the world.

The Federal role has been targeted at these at-risk children. We need to refocus our commitment. I am sorry to say there has been a tendency for the formulas that distribute Federal education money to succumb to the temptation to have everybody get some piece of the Federal dollar. The consequence of that is the funds have been so diluted we have been unable to focus a sufficient quantity on those children who need it the most and who are most dependent upon that additional Federal support in order to be able to achieve their educational needs.

Our very focused and stated position in the RRR legislation is that we believe, as a nation, this Congress needs to recommit ourselves to the proposition that the purpose of Federal assistance is to aid those children who are most at risk and that we should demonstrate that commitment by having a formula that targets the money to those children who are greatest in need. With that, we can then talk seriously about accountability.

The Senator from Alabama talked about what I call process or product accountability where we count the number of books in the library. There are other forms of accountability that assess overall student performance. The type of accountability we are advocating is an accountability that focuses on what the school and what the local educational agency can do to contribute to a student's educational attainment. It is what I describe as a value-added approach. How much did the school experience add to the educational development of the child?

I have been very critical of the educational assessment program which is currently being used by my State, by the State of Florida. The basis of my criticism is it does not assess the value added by schools; rather, it is an assessment of the total influences that have affected a student's performance. The most fundamental of those influences has nothing to do with what the school contributed but, rather, relates to the socioeconomic status of the family from which the child came.

I spoke on an earlier date and submitted for the CONGRESSIONAL RECORD a very thoughtful analysis of the Florida plan by a professor at Florida State University, Dr. Walter Tshinkel. In that assessment, Dr. Tshinkel took the schools in Leon County, FL, which is the county of which Tallahassee, the State capital, is the county seat, and observed that if you looked at the affluence and poverty statistics of the various neighborhoods in Tallahassee and Leon County and assigned a letter grade based on that data alone without testing a single student, that 26 of the

33 school districts in the Leon County School District would have received exactly the same grade as they did when student test scores were taken into account.

That says to me what we have been essentially testing in Florida is not what the school contributes, but the socioeconomic status of the children who come into that school.

Professor Tshinkel went on to say if, in fact, you did assess on value added, what the school had contributed, you had almost a reversal of results. Schools that got F's actually should have gotten A's because they did the most to advance the students for which they had responsibility, and the schools that got A's should have gotten F's because they started with a very advantaged group of students and did not make that great of a contribution to their educational advancement.

RRR provides accountability for what the schools can be held accountable for, what they can reasonably contribute to a student's development and hence a student's performance.

Another topic discussed at our Tampa roundtable was professional development. It was very helpful that most of those who participated were current classroom teachers. These teachers are yearning for new avenues for professional development, for the time to be able to take advantage of these opportunities. The RRR will allow this to happen with a major new national focus on seeing that all of our teachers—those who are entering the profession and those who are at an advanced position as professional educators—have an opportunity to continue their professional development and enhancement. We can only do this in a comprehensive manner.

We believe strongly these principles are a key to achieving the challenge that America faces to provide the knowledge necessary for all Americans to be able to compete effectively in this rapidly changing world in which we live.

If this line on the chart of the increased need for knowledge to be self-sufficient in the world as it exists today is a harbinger of where that line would go in the 21st century, the challenge for American education and the challenge for this Congress to be responsive to the Federal role in education is a stunningly great challenge that requires the most serious attention of the Senate.

I thank all of my colleagues who have contributed to this debate, who have worked to bring forward to the Senate a proposal I believe is worthy of our task. Every 6 years we have a chance to analyze the programs that affect American children, from kindergarten to the 12th grade. This should be an opportunity not just to tinker around the edges, not just to make minor course corrections, but to look at the challenge we face to assure all American children, particularly those who enter the classroom with the least advantages, will have an opportunity to be successful, and through their success to contribute to the success of America.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KYL].

## EDUCATIONAL OPPORTUNITIES ACT—Continued

### VOTE ON AMENDMENT NO. 3126

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the Senate will proceed to vote in relation to amendment No. 3126. The yeas and nays have not been ordered.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3126. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nebraska (Mr. HAGEL), the Senator from Delaware (Mr. ROTH), and the Senator from Tennessee (Mr. THOMPSON) are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—97

| | | |
|---|---|---|
| Abraham | Enzi | Lugar |
| Akaka | Feingold | Mack |
| Allard | Feinstein | McCain |
| Ashcroft | Fitzgerald | McConnell |
| Baucus | Frist | Mikulski |
| Bayh | Gorton | Moynihan |
| Bennett | Graham | Murkowski |
| Biden | Gramm | Murray |
| Bingaman | Grams | Nickles |
| Bond | Grassley | Reed |
| Boxer | Gregg | Reid |
| Breaux | Harkin | Robb |
| Brownback | Hatch | Roberts |
| Bryan | Helms | Rockefeller |
| Bunning | Hollings | Santorum |
| Burns | Hutchinson | Sarbanes |
| Byrd | Hutchison | Schumer |
| Campbell | Inhofe | Sessions |
| Chafee, L. | Inouye | Shelby |
| Cleland | Jeffords | Smith (NH) |
| Cochran | Johnson | Smith (OR) |
| Collins | Kennedy | Snowe |
| Conrad | Kerrey | Specter |
| Coverdell | Kerry | Stevens |
| Craig | Kohl | Thomas |
| Crapo | Kyl | Thurmond |
| Daschle | Landrieu | Torricelli |
| DeWine | Lautenberg | Voinovich |
| Dodd | Leahy | Warner |
| Domenici | Levin | Wellstone |
| Dorgan | Lieberman | Wyden |
| Durbin | Lincoln | |
| Edwards | Lott | |

NOT VOTING—3

| | | |
|---|---|---|
| Hagel | Roth | Thompson |

The amendment (No. 3126) was agreed to.

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

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

The motion to lay on the table was agreed to.

### AMENDMENT NO. 3127

Mr. KENNEDY. Mr. President, I believe we have an agreement on the time on our side. Am I correct?

The PRESIDING OFFICER. Two and a half hours on the Lieberman amendment equally divided.

Mr. KENNEDY. I think we had an understanding with our colleagues that the distinguished Senator from Arkansas was going to be recognized to speak at this time for up to 15 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Thank you, Mr. President. I also would like to thank all of my colleagues who have worked so diligently on these issues, and particularly Senator LIEBERMAN and Senator BAYH who I have been working alongside on the proposal that is before us right now. I also would like to compliment Senator KENNEDY's staff for all the work they have put in, as well as the wonderful bipartisan spirit that has been shown by Senators GREGG, COLLINS, GORTON, and HUTCHINSON in trying to bring about this issue of great importance on behalf of our Nation and on behalf of our children.

I am proud to join my colleagues on the floor today to talk about a bold, new education plan that we hope will provide a way out of the current stalemate over reauthorizing ESEA. I must admit that I am disappointed because so far we have turned one of the most important issues we will debate this year into yet another partisan standoff.

I can't tell you how frustrated I am that we face the real possibility that our children will be forced once again to the back of the bus while partisan politics drive the legislative process off a cliff.

I would like to focus on a comment that was made by one of my colleagues earlier in this debate. Senator LANDRIEU mentioned that we had one chance at reaching each of these individual children in our Nation who are the greatest blessings in this world.

Each year we fall behind in making the revolutionary changes to move our educational system to where it needs to be in order to provide our children with the source of education they need in order to meet the challenges of the coming century. Each year that we fail to do that—if that happens this year—is one year in a child's life that we cannot replace; one year in a child's life that cannot be reproduced or given back to them in terms of what they need to know to be competitive.

If I have learned one thing since my first campaign for Congress in 1992, it

is that when voters send you to Washington to represent them they mean business. They expect leadership and they want results, and rightly so because they deserve it.

As parents, we certainly all understand one of the things that we will fight the hardest for, and that is benefits for our children.

The American people want us to get serious about educating our children in new and innovative ways that will allow them to learn and meet the challenges of the future.

I firmly believe we have a responsibility to pass a reauthorization bill this year that will improve public education for all children. That means working together until we reach an agreement a majority on both sides can support. Waiting to see what happens in the next election should not be an option.

Last week, I supported one alternative to S. 2 offered by Senator DASCHLE. It didn't contain everything I wanted, but after I and other Members expressed some initial concerns, we reached an agreement that reflected my key priorities on accountability, public school choice and teacher quality. Every Senator on this side of the aisle supported that proposal, but we didn't get one Republican vote.

At the same time, I don't know any Member on our side who is prepared to support the underlying bill that the President has indicated he will veto unless substantial changes are made. So it is clear that both sides have to give some ground in this debate if we have any chance of crafting a compromise proposal that the President will sign into law.

The Three R's amendment we proposed today helps bridge the gap on both sides of the debate over the role of the federal government in public education. Our bill synthesizes the best ideas of both parties, I believe, into a whole new approach to national education policy.

It contains three crucial elements to improve public education—tough accountability standards to ensure students are learning core academic subjects, a significant increase in federal resources to help schools meet new performance goals, and more flexibility at the local level to allow school districts to meet their most pressing needs.

Essentially, under our proposal, the federal government would concentrate less on rules and requirements and focus instead, on what I know every Member of this body can and will support—higher academic achievement for every student.

In addition to being smart national policy, the Three R's proposal would dramatically improve education in my home state of Arkansas.

As I noted earlier, the RRR bill significantly increases the Federal investment in our public schools and carefully targets those additional dollars where they are needed the most. We, as a moderate group, find ourselves in an unusual position of trying to change the law to actually enforce the original intent of that law—title I funds actually being targeted to the schools and to the students who need those resources the most. There is no doubt that we can only be as strong as our weakest link. That is why it is essential that in those poor school districts we make sure title I dollars actually get to where they were intended to go.

Statistics consistently demonstrate that, on average, children who attend low-income schools lag behind students from more affluent neighborhoods.

This is certainly true in Arkansas where the most recent test results indicate that students in the economically prosperous northwest region of the state outperform students in the impoverished Delta. These results also indicate that the disparity in student achievement between minority and non-minority students in Arkansas continues. It proves that in the past several decades we have not been eliminating the gap and disparity between haves and have nots.

I believe strongly that every child deserves a high-quality education and that the federal government has a right to expect more from our nation's schools. But we also have a responsibility to give public schools the resources they need to be successful.

The ''Three R's'' acronym can also apply to our efforts to improve teacher quality. In fact, this plan can best be summed up by Four R's: recruiting, retention, resources, and above all, respecting our teachers.

The difficulty schools experience today in recruiting and retaining quality teachers is one of the most enormous obstacles facing our education system.

In my State of Arkansas, somewhere around 30 percent or more of our teachers are under the age of 40. We are going to hit a brick wall eventually as our teachers begin to retire with no more younger teachers in our school systems.

If we do not provide the funds in order to make sure that teacher improvement and quality and retention are there, we will not have the teachers. We cannot expect students to be successful if they don't work with quality teachers. We can't expect quality teachers to stay in the profession if they don't get adequate training, resources, or respect.

In our bill, we include a 100-percent increase in funding for professional development for teachers. I think that is absolutely essential in supporting our educators for them to be able to provide for our students. That is why I believe we in Congress must do our best to help schools meet the challenges we are setting forth today.

Most experts agree teacher quality is as important as any other factor in raising student achievement. The amendment we are debating would consolidate several teacher training initiatives into a single formula grant program for improving the quality of public school teachers, principals, and administrators. This proposal would increase professional development funding by more than 100 percent, to $1.6 billion annually, and target that funding to the neediest school districts. In my home State of Arkansas, this will mean an additional $12 million for teacher quality initiatives. In my book, that is putting your money where your mouth is.

In addition, the RRR would give State and school districts more flexibility to design effective teacher recruitment and professional development initiatives to meet their specific needs. No two school districts are alike, and there is no one size fits all for the school districts of this country.

One overreaching goal we propose today is to require all teachers be fully qualified by 2005. Even the best teachers cannot teach what they don't know or haven't learned themselves. To be successful, we must work harder to reduce out-of-field teaching and require educators to pass rigorous, State-developed content assessments in the subject they teach, not a Federal test but those that are designed by the State.

I have the highest respect for the teachers, principals, and superintendents who dedicate their talent and skills every day to prepare our children for tomorrow. I think they have some of the hardest and most important jobs in the world. Our Nation's future, in large part, depends on the work they do. We should be reinforcing them. Our teacher quality proposal is an example of how, by combining the concept of increased funding, targeting flexibility, and accountability, we can join with States and local educators to give our children a high-quality education.

There is much more to say today about this approach of the amendment of Senator LIEBERMAN and Senator BAYH that Members such as myself have sponsored. I know there are others who want to speak.

Before I close, I truly think this is the question we must ask ourselves: What, honestly, is the best thing for our children in this country? I say to my colleagues, if you want accountability from local schools, our proposal has it. If you want more targeted, effective national investment, take a look at the amendment that was produced by Senator LIEBERMAN. Do we want more qualified, better trained teachers, investing in their professional development, with flexibility at the local level? Do you want higher minority student retention rates, which should be the objective of all Members? We have those answers in this amendment and in our bill.

We have one chance at producing something on behalf of our most treasured blessing in all this world, our children. Please, colleagues, let's don't lose that chance. Let's not disappoint our children in this country and, more importantly, the future of this country. Let's put party politics aside. I think

the RRR in the LIEBERMAN-BAYH proposal is the right approach to improve student achievement in every classroom.

I thank my colleagues for their involvement in this amendment and certainly in this debate. More importantly, I encourage all Members to remember what it is we are here to do and who, more importantly, we are here to do it on behalf of, our children.

Mr. KENNEDY. Mr. President, I yield myself a moment.

I commend my friend from Arkansas. The Senator from Arkansas has a varied and wide agenda of public policy issues. I think all Members in the Senate know the issue of teacher quality and recruitment and also how to get quality teachers in rural areas and underserved areas. That has been an area of great specialization. Those who had the alternative have benefited from her knowledge, including Senator LIEBERMAN, as well from her energy in these particular needs and by the very sound judgment of her positive suggestions. I thank the Senator. She has placed the important aspect of education on her agenda and we have benefited from her interaction and her recommendations.

Mr. JEFFORDS. I yield 10 minutes to Senator BUNNING.

Mr. KENNEDY. I ask unanimous consent the principal author of the amendment be recognized for 2 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Senator from Massachusetts.

I thank my friend and colleague from Arkansas, Senator LINCOLN, not only for a superb statement on behalf of this amendment but for the work the Senator has done as we developed the proposal, for the practical experience and common sense she brought, specifically for her genuine advocacy for children, particularly rural poor children.

I thank the Senator for that and for her excellent statement.

I ask that Senator FEINSTEIN of California be added as a cosponsor.

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

Mr. LIEBERMAN. Mr. President, this brings to double figures the cosponsors. We now have 10 cosponsors. We are proud to have the Senator from California with us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, we have been debating the future of the Federal role in education. Specifically, we are looking at who will take the lead role in educating our children. Will it be the Federal bureaucrats in Washington, DC, or will it be the teachers and parents who are closer to the children and understand their needs better?

Last week, President Clinton went on an education tour that I think can answer those questions. His tour took him to four cities: Davenport, IA; St. Paul, MN; Columbus, OH; and Owensboro, in my home State of Kentucky.

That is, we think the President visited Owensboro. I am one Kentuckian who is not sure the President ever made it there. The President's web site has something of a travelogue on his trip, the supposed trip the President made, that says President Clinton's school reform tour started in Owensboro, KY. Look closer and one will notice something is wrong. Apparently, Owensboro is not in Kentucky anymore. In fact, it looks like Kentucky isn't Kentucky anymore; it has moved to Tennessee. I find this terribly interesting.

We Kentuckians have nothing against Tennessee except, of course, when the Wildcats are playing the Volunteers. We like Owensboro in Kentucky, right where it is.

While he was in Owensboro, if that is where he really was, the President spoke about his Federal programs that require States to spend Federal money on Washington's priorities. The President thinks this is a good approach. When I look at the President's map that approach troubles me, and it is not just because the White House cannot tell Kentucky from Tennessee. If you will notice, western Kentucky is no longer there; it has been annexed by Illinois: No more Paducah, no more Mayfield, no more Murray.

I have some good news for my friends down there, and I have some good friends down there who have sent me word that they want to stay in Kentucky. I wonder if they know this administration sold them off to Illinois. The truth is, some of us do not know where President Clinton was for sure. We know we have newspaper stories and video clips which report that he was seen in Owensboro plain as day.

But, on the other hand, we have the Federal Government, the source of all wisdom, which the President would have us entrust with the education of our children, telling us the President and the entire city of Owensboro, KY, is actually in Tennessee.

I trust the teachers and the parents in Owensboro, KY, with the education of their children. They know what is what.

When presented with a choice between handing over control of their children's education to the Federal bureaucracy in Washington, DC, or letting those decisions be made by someone who personally knows the names of those children, I trust they will make the right choice.

Mr. KENNEDY. Will the Senator yield?

Mr. BUNNING. I will, after I have finished.

This administration says they care for the children in Owensboro, KY, but they do not even know their names. Parents and teachers know their names and the needs of their children and students. I trust them. As the Senate continues this debate on this education bill, I urge my colleagues to support education policies that truly return power to the people and away from the Federal bureaucracy.

Of course, it is very obvious there is one new Federal program needed, a program that is desperately needed—a geography class for this White House—because, quite literally, this administration cannot quite find Owensboro, KY, on the map.

Now I will be glad to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my colleague. I will take 2 minutes. I thank the Senator for yielding.

I had the pleasure of talking with the President of the United States on Wednesday evening after he came back from his trip. He told me about the school in Owensboro. I want to just give the assurance to the Senate that he told me it is one of the schools with the highest number of children receiving nutrition programs, which defines the disadvantaged children. They have a superb literacy program. They had small class size. They had a great emphasis on teacher training. It moved from one of the lower level schools, in terms of academic achievement, up to one of the top ones in Kentucky.

Is that correct?

Mr. BUNNING. That is very accurate. It is also accurate, there are very many other schools, not only in Owensboro but down along the border at Williamsburg and throughout many counties in Kentucky that have improved their educational facilities.

Mr. KENNEDY. Mr. President, on my time, I welcome that fact. I think it is worthwhile to take note about what has been happening in Owensboro and to try to share that kind of success story, which the President of the United States was extremely impressed with and quite willing to talk about. I have the notes back in my office about the percentage of progress that was made.

What he was talking about was well trained teachers, smaller class size, and support programs for children who are in need. Those are concepts we have tried to have in this program. I know we have some differences on that, but I wanted any reference to the President's trip to Owensboro also to relate the quality and very strong improvement in the education he witnessed down there. I think it is worthwhile taking note. We all ought to know what works and be encouraged by it.

I thank the Senator.

Mr. BUNNING. I would like to conclude by saying a former colleague of the Senator from Massachusetts is a little struck also, Senator Wendell Ford, because Owensboro happens to be his hometown. It is definitely in Kentucky.

I yield the floor.

Mr. JEFFORDS. Mr. President, if there are no supporters of the bill, I would like to yield 10 minutes to the Senator from Tennessee.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I understood we would go back and forth.

Mr. JEFFORDS. I think I represent those in opposition. If the Senator is in support of the amendment, then I believe he is right.

Mr. REED. I would like to speak about the amendment, not necessarily in support but speak about the amendment.

Mr. KENNEDY. I will yield 5 minutes.

Mr. JEFFORDS. I yield 10 minutes to the Senator from Tennessee.

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

Mr. KENNEDY. I want to object. I thought we might be going back and forth on this. If the Senator is on a particular schedule, I will ask the Senator from Rhode Island to withhold, but he indicated to me a preference.

Mr. FRIST. I will be glad to yield 5 minutes on the other side's time and be happy to follow that.

The PRESIDING OFFICER. Without objection, then, the Senator from Rhode Island is recognized for 5 minutes.

Mr. REED. Mr. President, I thank Senator FRIST, Senator KENNEDY, and Senator JEFFORDS.

I commend Senator LIEBERMAN and his colleagues for presenting a very thoughtful and principled alternative to discuss today. There are elements in this legislation which I support enthusiastically, and then there are other elements I do not accept and have great questions about. But the proposal of Senator LIEBERMAN along with colleagues underscores some critical points.

First of all, they underscore that the approach of S. 2—simply transferring money with very limited and ambiguous accountability provisions of the State—is not the way to reform accountability. Also, they recognized there is a legitimate State and local partnership that could be maintained and should be maintained, particularly in the context of title I.

They are also advocating a greater investment in education. That is something I know I agree with and I know many, if not all, of my colleagues on the Democratic side passionately agree with. Also, they advocate greater targeting of these funds into those low-income schools that need more assistance and, in fact, represent probably the best example why unconstrained State and local policy sometimes leads to bad outcomes.

If you look at the funding and the performance of schools in urban areas and low-income rural areas, you will see the combination of the property tax and local policies will lead to results, to outcomes we do not want. We at the Federal level have the opportunity and the resources to help a bit, at least, to change that outcome. Also, it recognizes the importance of class size reduction and school choice. All of these are very important.

In addition, it recognizes very strongly the notion and the need for accountability. Senator BINGAMAN has offered an amendment. He worked on this measure, not just in this Congress but in the preceding reauthorization. I joined him in that work as a Member of the other body. This provision is an important one. It is not part of the Lieberman proposal. I think it is something we should emphasize.

I do, though, disagree with the approach they are taking to consolidate certain programs because one of the issues with consolidation is that you tend to lose both the focal point and also we typically design specific targeted programs to do those things which States are unwilling to do or are not doing at the same level of resources which are necessary to accomplish a national purpose.

We can see examples throughout our policies. School libraries, I use, inevitably, to point out the fact that back in 1965 we did have direct Federal resources going to help collections of school libraries. In 1981 we rolled them into a consolidated block grant approach, and, frankly, if you spoke to school librarians, they would point out the status of their collections, which are very poor, with out-of-date books, and they would also say how difficult it is to get any real resources from the localities or States. Frankly, that is the type of acquisition they can always put off until next year and next year, and before you know it, it is 5 and 10 years and these books are out of date.

I believe, too, the proposal the Senator from Connecticut and his colleagues are advancing does not recognize some of the other challenges facing our schools. The fact is, we do need to help the States and localities, apparently, to fix crumbling schools. One of the things I hear repeatedly from the other side is the wisdom of State and local Governors about public education. If that is the case, why are there so many decrepit school buildings throughout our country? Why are there so many children going to schools to which we would be, frankly, embarrassed to send children? It is not because people are either ignorant or evil at these local levels. It is because when you have a limited tax base, when you have many other priorities, when most of the local budgets are consumed by personnel costs, it is awfully difficult without some outside help—i.e., Federal help—to do certain things. One of them, apparently, is to ensure that school buildings are maintained at a level where we would not be embarrassed to send children.

There are schools in Rhode Island that are over 100 years old. They are crumbling. They need help. Every time I go into these communities, I do not have local school committee people and mayors saying: Go away; take your terrible, terrible Federal rules and regulations away from us. I have them imploring me: Can you help us get some resources from the Federal Government to fix up our schools? That is the reality, not the rhetoric and mumbo jumbo about big education bureaucrats and everything else. There is potential in the Lieberman amendment. Unfortunately, this aspect of putting all these programs together defeats the purpose.

I have two other quick points.

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

Mr. REED. Mr. President, I request 1 more minute.

Mr. JEFFORDS. I yield 1 minute.

Mr. REED. Mr. President, I thank the Senator from Vermont and the Senator from Tennessee for their graciousness.

I commend them particularly for bringing up the issue of increased resources and targeting. One of the ironies is, we who have been doing this over the last few years fought through the last reauthorization. Targeting of resources of title I programs is intensely divisive politically. Particularly Members of the other body do not want to see their allocation in title I funds decreased, even if they represent fairly affluent communities. It is one thing to talk about targeting, but it is something else to have the political will to engage in that. I tried it in 1994, along with others. We made moderate success. I would be happy to join the battle of targeting again, but I would be remiss if I did not point out the real challenges of getting a bill such as this through both Houses of the Congress.

Again, I thank the Senator from Tennessee for his graciousness, and I yield the floor.

Mr. JEFFORDS. I yield the Senator from Tennessee 10 minutes.

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

Mr. FRIST. Mr. President, I rise in opposition to the Lieberman amendment, although let me say right up front that there are several principles that are underscored in the amendment in which I believe wholeheartedly and that are reflected in the underlying bill to reauthorize the Elementary and Secondary Education Act. The whole idea of being able to collapse programs into a manageable number and the emphasis on student achievement are two concepts which are very important as we look forward to how best to educate the current and future generations of children in areas in which we are failing.

I remain very concerned, though, with the specifics of the Lieberman amendment in terms of the formula, the impact it has on a number of districts in Tennessee. The focus on teachers, which I believe is appropriate, in terms of it being critical that we develop an opportunity for every child to be in a classroom with an excellent quality teacher is an important one, although maintaining this whole approach of 100,000 teachers and dictating that from above is something I simply cannot support.

We just voted on an amendment which I believe directs us in a much better, more optimistic, potentially more beneficial direction, and that is empowering teachers, attracting teachers, and recruiting teachers through the alternative certification process in that amendment. Careers to Classrooms is what it is called.

We have not had the opportunity to adequately explain the importance of this now-accepted amendment, but it is important to understand and for us to spend a few minutes on it because it does underscore the importance of having high-quality teachers, attracting teachers, keeping them in that position because of the demographics and the shift we are going to see in teachers and retiring teachers.

This careers-to-classrooms approach complements what is in the underlying bill, that part of the bill that applies to teachers and is called the Teacher Empowerment Act. I have worked carefully and closely with Senator KAY BAILEY HUTCHISON from Texas in crafting this careers-to-classroom aspect of the bill.

As we look forward, it is important to understand the importance of that high-quality person, not just a person at the head of the classroom, but that high-quality teacher.

This aspect of the bill expands the national activities section of the underlying bill to allow additional funds for States that want, that wish, that choose to attract new people into the teaching profession through what is called an alternative certification process.

We have all heard about the impending teacher shortage. It is something that has been discussed on the floor. It is something that Americans today do understand. The Department of Education estimates we will need about 2.2 million new teachers over the next decade. That 2.2 million is necessary for two reasons: No. 1, because of enrollment increases and, No. 2, to offset the large number of teachers, the so-called baby boomer teachers, who will be retiring over the next several years.

It is interesting to note that the severe shortages tend to be in areas that are either the most urban or the most rural. Even more interesting is if you look at the alternative certification processes that have been in effect, for example, in New Jersey, where there has been such a program for 15 years, it is in those most urban areas and those most rural areas that the alternative certification process has had the most beneficial and the most powerful impact. The underlying focus in the bill, made stronger by this amendment, is that it is not only numbers of teachers but, indeed, it is the quality of those teachers we have in the classrooms.

This amendment, and now the bill, directs resources to strengthen and improve teacher quality. There is a professor at the University of Tennessee whose name is William Sanders. He pioneered this concept of a value-added system of measuring the effectiveness of a teacher. His research clearly demonstrates that it is teacher quality more than any other variable that can be isolated, including class size, including demographics, that affects student achievement. He says the following:

> When kids have ineffective teachers, they never recover.

At the University of Rochester, Eric Hanushek has said, and I begin the quotation:

> The difference between a good and a bad teacher can be a full level of achievement in a single year.

The research of the importance of the quality of the teacher goes on and on. Again, as the statistics have shown, we have 12th grade students in the United States ranking near the bottom of international comparisons in math and science; where today most companies that are looking for future employees dismiss the value of a high school diploma; where we know that high school graduates are twice as likely to be unemployed as college graduates.

The statistics go on and on. No longer can we afford as a society to have this increasingly illiterate population continue.

It comes back to having a good quality teacher in the classroom, and today too many teachers in America lack proper preparation in the subjects they teach. Tennessee, my State, actually does a pretty good job overall, I believe, because they say a teacher has to have at least a major or a minor in the subject they are going to teach. Therefore, when we have these gradings of States on how well they do, we always get an A in this category of having a major or a minor.

Even in Tennessee, 64 percent of teachers teaching physical science do not have a minor in the subject. Among history teachers, nearly 50 percent did not major or minor in history. Other States do much worse.

Mr. President, 56 percent of those teaching physics and chemistry, 53 percent of those teaching history, 33 percent of those teaching math do not have a major or minor in the field they teach. We know this content is critically important to the quality of that teacher.

In closing, let me again say what this amendment does. It seeks to position a State, if they so wish, to have as good an opportunity as possible to recruit teachers. It actually helps States to recruit students and professionals into the teaching profession if they have not been in the teaching profession—both top-quality students who have majored in academic subjects as well as midcareer professionals who have special expertise in core subject areas. We want teachers teaching math to have majored or have an understanding of the content of math. We want teachers teaching science who have majored in and truly love science. It makes for a better teacher.

What this amendment does is help draw students and professionals into teaching, attracting a new group, a new pool of people into the field of teaching, different kinds of people, all through this alternative certification process.

We all know it is hard today, among our graduates, to attract the very best into teaching, given the barriers that are there, given the traditional certification process. Through this amendment Senator HUTCHISON and I have drafted, we provide resources to States that wish to offer these alternative certification programs to help them establish such new programs to recruit students, professionals, and others, into the teaching profession.

I am very excited that this amendment has strengthened the underlying bill. These alternative certification stipends will help provide a seamless transition for students and professionals who make that change, that movement from school or careers, and embark upon a new career in teaching.

Shortly, this afternoon, Senator HUTCHISON will come down and elaborate on this particular program. Again, I am very proud to be a part of helping this new generation of teachers and future teachers address the problems we all know exist in our education system today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, if we go into a quorum call, is the time equally divided?

The PRESIDING OFFICER. It would take unanimous consent to equally divide it. Is the Senator requesting unanimous consent?

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I yield myself 5 minutes under the time allotted to the manager of the bill on our side.

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

Mr. DORGAN. Mr. President, I am going to be opposing the amendment offered by my colleague, Senator LIEBERMAN. He, I know, has thought a great deal about education issues. I admire his commitment to education. But we come at this from slightly different perspectives.

I want to speak not so much about the amendment that is before us but a bit more about the underlying issue that brings us to this intersection of the debate on this bill.

We know that in this country the education system needs some repair

and adjustment. I happen to think many schools in this country perform very well. As I have said before on the floor of this Senate, I go into a lot of classrooms, as do many of my colleagues. I challenge anyone to go into these classrooms and come out of that classroom and say: Gee, that was not a good teacher. I have deep respect and high regard for most of the teachers I have had the opportunity to watch in the classrooms in this country.

But there is almost a boast here in the Senate by some that we do not want to have any national aspirations or goals for our education system. I do not know why people do that. Our elementary and secondary education system is run by local school boards and the State legislatures. That is as it should be.

No one is proposing that we transfer control of school systems to the federal government. But we are saying that, as a country, as taxpayers, as parents, as a nation, we ought to have some basic goals of what we expect to get out of these schools. Yet there are people who almost brag that we have no aspirations at all as a country with respect to our education system.

I would like to aspire to certain goals of achievement by our schools and by our kids across this country, so I am going to later offer an amendment, part of which is embodied in the Bingaman amendment, dealing with accountability, saying that every parent, every taxpayer ought to get a report card on their local school. We get report cards on students, but we ought to get a report card on how our schools are doing. It is one thing to tell the parents the child is failing. We certainly ought to know that as parents. But what if the school is failing? Let's have a report card on schools, so parents, taxpayers, and people in every State around this country can understand how their school is doing compared to other schools, compared to other States.

The issue of block granting, with all due respect, I think is ''block headed.'' Block granting is a way of deciding: Let's spend the money, but let's not choose. We know there are needs, for example, for school modernization.

I heard a speaker the other day at an issues retreat I attended who made an appropriate point that I know has been made here before. Not many years ago, we had a debate in the Senate about prisons and jails. Some of the same folks who stand up in this Chamber and say, we cannot commit any Federal money to improve America's schools, were saying, we want to commit Federal money to help State and local governments improve their jails.

Why is it the Federal Government's responsibility to help improve jails and prisons for local government, but when it comes to improving schools, we say that is not our responsibility? I do not understand that. Jails and prisons take priority over schools? I do not think so. It seems to me there is a contradiction here.

All of us have been to school districts all over this country. We have seen young children walk into classrooms we know are in desperate need of remodeling and repair. Some of them are 40, 50, 60, 80 years old. I was in one the other day that was 90 years old. The school is in desperate disrepair, and the school district has no money with which to repair it. What are we going to do about that?

Are we going to say those kids don't matter? Are we going to say that we are going to commit Federal dollars to education, but we don't want to know where those dollars are going? Are we going to say we don't want to direct funding to deal with the issues we know are important, such as school renovation and repair or decreasing class size by adding more teachers? Are we going to say we don't want to reach some sort of national goals because we are worried someone will mistake that for Federal control of local schools?

Hear it from me. I do not think we ought to try to have Federal control of local schools. The school boards and State legislatures do just fine, thank you; but there are areas where we can help, and school modernization is one of them. We were perfectly willing to jump in and renovate prisons and jails for State and local governments, but now it comes to schools and we say, no, that is not our job. It is our job.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DORGAN. Schools are certainly more important than prisons and jails when it comes to the subject of renovation.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes. We are awaiting Senators either on that side or on this side. I will withhold when they arrive. I yield myself 5 minutes.

I have heard the Senator from North Dakota speak to this issue about the General Accounting Office report that estimates we have about $110 billion worth of modernization or rehabilitation of schools. Is the Senator familiar with that report?

Mr. DORGAN. I sure am. The GAO reported about the disrepair of schools, on Indian reservations, in inner cities, all across the country. You go to poor school districts that don't have a large tax base, and you find that we are sending kids into classrooms in poor shape. We can do better than that. The GAO documents that very carefully in study after study. We must, as a nation, begin to make investments in our schools.

Mr. KENNEDY. Would the Senator not agree with me that we tell children every single day that education is important, a high priority, the future of our country depends upon it, your future is essential to the meaning of this country and what this country is going to be throughout the world? What kind of message does the Senator think a child gets who goes to a school that has windows open in the wintertime, an insufficient heating system, or a dilapidated electrical system so they can't plug in computers? What kind of subtle message does the Senator think that sends to the child where, on the one hand, we say it is important to get a good education, but on the other hand the child goes to a crumbling school, whether it is in the urban or rural areas, or Indian reservations?

Mr. DORGAN. The message is pretty clear. We talk about education, but then if the schools are in disrepair and adults do not seem to care about it, students feel that education and they themselves do not matter. I toured a school about a week ago with 150 kids. It had two bathrooms and one water fountain. It was in terrible disrepair.

The teacher said, ''Children, is there anything you would like to ask Senator Dorgan?'' One of the little kids who was in about the third grade raised his hand and said, ''Yes. How many bathrooms does the White House have?'' Do you know why he asked that? I think it was because that is an issue in their school. They have long lines to wait to go to the bathroom—150 kids and two bathrooms. Why is that the case? Because these kids are sent to an old school. The school district has no tax base. When we send them through the classroom door, we cannot, as Americans, be proud of that school. We must do better than that.

Mr. KENNEDY. I thank the Senator for his comments. I agree with them 100 percent. We will have an opportunity to consider this in amendment form. Senator HARKIN intends to address this issue in an amendment later in this debate—hopefully soon, if we can move along on some of our votes.

Again, as the good Senator has mentioned, what we are trying to do is target scarce resources on problems that we know exist, and with scarce resources we can make a difference that is going to enhance academic achievement. I thank the Senator and I yield the floor.

Mr. JEFFORDS. Mr. President, I yield 10 minutes to the Senator from Texas.

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

Mrs. HUTCHISON. Mr. President, I rise to speak on the pending Lieberman amendment. Senator LIEBERMAN is a friend of mine, and I know he has spent a lot of time with many colleagues trying to put together a substitute that could have bipartisan agreement. I think the Senator's amendment does make some good attempts, but there are concerns that will also force me to vote against his amendment.

I think the amendment is overly prescriptive. The reason I feel so strongly about this is that the amendment we just passed—Senator LOTT's amendment—which included my and Senator FRIST's careers-to-classroom provision—the whole purpose of that is to give more flexibility. I think what we are doing is drawing the bright red line

between the philosophy of what the Democrats are hoping to do and what the Republicans are hoping to do. The Republicans are trying to withdraw a lot of the redtape that we hear complained about by teachers everywhere we go in our States. When I go to a town hall meeting, in an urban or rural area, they complain about the redtape and the regulations that keep them from being able to do the job they want to do, which is to teach children in the classroom.

I think Senator LIEBERMAN's amendment fails to provide the flexibility and the accountability for our States and public schools, which really is the hallmark of the bill that is before us today. I am concerned about the revised formula for title I. I am concerned because title I will take millions of dollars from many of the rural and other schools in Texas and across America.

While I certainly understand the goal of providing money for low-income schools, I don't think it should come at the expense of our Nation's rural schools. They also have a great need, and oftentimes they lack the resources to give the quality education they need and want for their children.

I am also concerned about the provision in the Lieberman substitute that effectively requires certification for teachers' aides and other paraprofessionals. I think this is something best left to the States and the local districts. In fact, to go back to the amendment we just passed, Senator FRIST and I have been working, along with Senator GRAHAM from Florida, on a different concept that goes away from the overcertification issue and says we want professionals in the classroom, and we want to encourage school districts to put professionals in the classroom, even if they didn't major in education in college.

Now, I have to take a step back and say that I am very proud that my alma mater, the University of Texas, is actually beginning to do some testing on education degrees to see if we can focus more on the area of expertise that is going to be taught in the classroom and less on the ''how to make lesson plans'' part of the education degree. So far the tests have been very positive of the students who have gone more in the area of expertise for which they are going to be the teachers and less into the ''how to be a teacher''—not that you do away with that because it is important; but you lessen the focus on that and go more for the actual expertise that is going to be transferred to the children in the classroom. That is the exact concept of the careers-to-classroom amendment, which is cosponsored by Senator FRIST and myself.

It is very similar to what Senator BOB GRAHAM and I had worked on as well. Basically, it says to the midlevel professional who may be looking for a career change or who may be retiring because they have done well in their field, we want you to come into the classroom and give the benefit of our knowledge and expertise to children who are in schools that have teacher shortages or are in rural areas.

Here is an example. A friend of mine majored in French in college and taught French in private schools. She moved to a small school district in Greenville, TX. They wanted to offer French in Greenville High School. She wanted to teach it, but she didn't have a teacher certification. So she was not able to be put into the classroom in Greenville High School, and the students in that high school were deprived of that option because she was not certified.

Now, what she did—because she wanted to do this so much—she commuted 30 miles to the nearest teacher college and she eventually got her certification; but it took her several years because she was also raising children. During that period, those children who wanted to take French could not have that option at Greenville High School.

I think that is wrong. I don't want her to have to jump through that many hoops in order to give a great opportunity to that school district that they otherwise would not have. So our careers-to-classroom provision takes rural schools and schools that have teacher shortages and matches them with people who have professional expertise—especially in the fields of math, science, and languages. We can enhance education to a greater degree if we have qualified teachers.

We give encouragement. We give authorization for funding for school districts that will give alternative certification, which is expedited certification to these teachers who want to go into the classroom and help enrich the experience that our children will have all over our country.

We hear a lot on the Senate floor about the need to hire more teachers and reduce class size. There is a growing problem in America.

It has been estimated by the National Council on Education Statistics that the United States will need an additional 2 million teachers in public schools over the next decade. During the 1970s and 1980s, the American school age population grew at a relatively slow rate. But increased immigration and the new baby boomers have turned these numbers around. In 1997, a record 52.2 million students entered our Nation's public schools. Between 1998 and 2008, the population of secondary schools is going to increase an additional 11 percent. This is most pressing in our inner cities and rural communities.

We are trying to address these concerns by giving more flexibility and taking away some of these disincentives to get good professionals into the classrooms. I think our amendment, which has been agreed to by the Senate, is a better concept than the Lieberman approach, or Senator KENNEDY's approach, which I think have the effect of putting more restrictions and more redtape in the system.

I think we have tried the other way. While I believe Senator KENNEDY and Senator LIEBERMAN are very sincere in wanting better public education, I think we diverge on how we get there. I think we have tried the ''everything emanates from Washington'' approach to get Federal funding. I think now we ought to try something new. Let's try giving States flexibility by putting the money into the classroom where it does the most good rather than building up the Federal bureaucracy that has the effect of retarding the ability to be creative. Let's have the capability to put more teachers in to fill the teacher shortage with qualified teachers as well.

I want to end by saying that I believe in public education. I am a total product of public education. I know that is what makes America different from other countries in the world because we don't say to certain people: you will get a good education but other people in society will not have the same opportunity.

We have said in America that we want every child to reach his or her full potential with a public education. We want every child to have a choice. Many children choose private education. I support that, too. But it is our responsibility to have public education for children who cannot afford a private education or who do not want that kind of experience to be able to succeed and be the best with that public education.

The underlying bill and the Lott-Gregg-Hutchison-Frist amendment gives the tools to our country to create the public education system of excellence that is required to keep America a meritocracy and not an aristocracy.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield myself such time as I may consume from the amendment. I thank the Chair. I thank my friend and colleague from Texas for her thoughtful statement. I would like to respond to it.

It is interesting in this debate how common the usage of terms is on both sides. You have to really get down into the details.

The Senator from Texas talked about her support of flexibility for school systems at the local level. That is a centerpiece of the amendment that is now before the Senate, which is to consolidate a whole series of current Federal categorical grant education programs and give the local school systems some flexibility in the use of that money. But I think the difference between our proposal, the proposal before the Senate now, and the underlying bill is the difference between flexibility with purpose and essentially a blank check.

In our proposal, we have taken a series of categorical grant programs and put them together into four broad titles. We call them performance-based

partnership grants—not block grants. As I understand block grants, they are basically pooling money and sending it back to the States and localities to be spent for education as they would wish.

As others have pointed out before, and Senator KENNEDY particularly, at the outset of the ESEA program, the Federal Government essentially gave block grants to the communities and States. It was found that the money was being spent for what most in Congress at that time did not think were priority educational goals. They were not being spent for the focused purpose of the ESEA, which was to help disadvantaged children. Block grants don't target the disadvantaged children, and they don't have enough accountability for results that are ongoing. There is no guidance from the Federal Government. I think this is a broad category of how the money should be spent. This is the difference between the underlying bill and the amendment before us now.

Yes, we believe that Washington doesn't have all the answers. Yes, we think that some of the current categorical grant programs are too focused with too much micromanagement. So we fold them together. But we feel very strongly that if we in Congress and the Federal Government are authorizing and appropriating literally billions of dollars to be spent by the States and localities on education, it is not just our right but our responsibility to set overall standards, categories, and goals for how that money should be spent.

When we say we create performance-based partnership grants, that is what we mean. They are partnerships between the Federal, State, and local governments to achieve national educational goals.

I will get to that in a minute.

They are performance-based because there is an annual measurement of how students are doing. That is what this is all about. Is adequate yearly progress being made on these various proposals? If not, we ought to rush in with some extra help. If it continues to not be made, then we ought to impose some sanctions.

We have taken these four titles and asked that the localities spend in areas that we think enjoy broad support in the Nation as priority educational areas.

First and foremost, I think we granted title I for disadvantaged children. But of the other four, first and foremost, here is more money than the Federal Government has ever sent to the States and localities before for the purpose of improving teacher quality.

Second, here again, it is more money than the Federal Government has ever sent back before for the purpose of improving programs in limited-English proficiency, commonly known as bilingual education. It is a critical need. Too many children for whom English is not the first language are not getting the education they should get.

Third, public school choice—a great concept that is being adopted at the local level; again, a new funding stream to create new charter schools and to create new experiments in public school choice. Let parents and children have some choice within the public school setting by creating competition and forces that will improve the overall quality of education.

Finally, a broad category of what might be called public school innovation, including afterschool programs, summer school programs. Whatever the localities may decide is an innovative idea, we want them to be able to test.

There is a big difference between sending a blank check from Washington back to the States and localities, saying here is a substantially increased check but we are asking that localities spend it in one of these four priority areas and we are going to hold localities accountable every year for the results of that spending.

Ultimately, that is what matters. It is interesting and not unimportant to talk about performance-based partnership grants, but ultimately it is important to consolidate categorical grants. What is most important is, What is the result? Are our children being better educated? If not, we in Washington will set up a system that does not accept failure, that does not allow the Federal Government to sit back and accept failure, but pushes into the debate and the action to encourage success for our children.

The second broad point of response is on the question of teacher quality. As we all know, we have a rising need for new teachers—2 million over the next decade. We also want to make sure those teachers are the most able. There are a lot of ways to do this. In my State of Connecticut, the legislature adopted a program a decade or more ago that has worked. It begins with the State of Connecticut setting standards for paying teachers more money. It is true we get what we pay for. There are a certain number of people who have devoted themselves to teaching, regardless of salary, because they had a sense of mission. It is what gave them satisfaction. In an increasingly competitive economy, one of the ways we make it easier to attract the best people to teach is by paying more money.

The second is to create opportunities in midcareer for people to come into teaching. I point out to my friend from Texas, title II of our proposal on teacher quality specifically urges the States to open up alternative paths for people. In our proposal, title II encourages the localities to do exactly what Senator HUTCHISON advocates, which is to create alternative paths to teacher certification for people in midcareers so we can get the best people to better educate our children.

We think this is a balanced proposal. We ask our colleagues to consider it and hopefully support it as we come close to the time for voting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. JEFFORDS. I yield the Senator from Washington 5 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I am delighted to be on the floor in the presence of my friend, the Senator from Connecticut, the primary sponsor of this proposal. For well over a year, the Senator has shared his thoughtful ideas with me and with other Members on this side of the aisle.

While this is certainly not my proposal—it is not Straight A's by any stretch of the imagination—it does represent, in the view of this Senator, a genuine and thoughtful approach to the proposition that we haven't been doing everything right for the last 10, 20, 30, 35 years and that there is a newer and better way to provide education services to our children directed at seeing they get a better education and their achievement improves.

The proposal the Senator from Connecticut has before the Senate is a thoughtful and imaginative approach to our innovation in education. There have been a number of comments during the course of the day and earlier that the Senator from Connecticut and some of his friends and allies have been working with this Senator and others to see if we could marry most or many of the propositions contained in the current amendment—relating to Straight A's, to the Teacher Empowerment Act, and to portability —in a way that would reach across the aisle not with a half a dozen Members on each side of the aisle supporting the proposition but perhaps with a majority of the Members of the Senate.

While I can't say I am a supporter of the proposition exactly as it appears before the Senate, it does offer very real possibilities not only for a constructive debate on education policy but for a constructive resolution to the better education that every Member in this body, whatever his or her philosophy, seeks. I hope there may this afternoon even be a symbol of the fact we are beginning to work together.

I must say, there are clear differences even in negotiations over a middle ground. It is certainly possible they will not be surmountable. This Senator, however, hopes they will be. I think the Senator from Connecticut does. At the same time, there may be Members who do not desire a partnership that has involved matters other than this from time to time in a way that has upset certain Members of this body.

I thank the Senator from Connecticut for his thoughtful and sincere efforts and express the hope publicly that they may lead to something which will unite, rather than divide, members of both parties.

Mr. LIEBERMAN. Mr. President, I thank my good friend and colleague from the State of Washington for his gracious words and for the discussions we have been having for almost 2 years about this particular reauthorization,

in which I have learned a lot. I appreciate his openmindedness.

These discussions continue more broadly now. As he said, there are gaps remaining, but it has been a very good faith and worthwhile process. I look forward to continuing it with him and others in the days ahead toward the aim, which we hope is not going to elude us, of having a bipartisan reauthorization of ESEA.

I am grateful that the Senator from Virginia has come to the floor to speak on behalf of the amendment that is before the Senate. Senator ROBB is a cosponsor. He has been very active in our discussions of this proposal and, as always, he brings to these discussions the clear-headed vision based on experience— in this case, not only his experience as the Senator but valuable experience as the Governor of Virginia.

I yield whatever time Senator ROBB needs to discuss this proposal.

Mr. REID. Mr. President, so Members will know what is happening here, the minority and majority have agreed there will be a vote at 4:50, and on our side, the Senator from Virginia would have 20 minutes, Senator EDWARDS would have 10 minutes, Senator KENNEDY 5 minutes, and the majority would have 20 minutes.

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

Without objection, it is so ordered.

The Senator from Virginia.

Mr. ROBB. Mr. President, we may not have any more important debate this session than the one we are having now on the reauthorization of the major piece of federal legislation affecting K–12 education, the Elementary and Secondary Education Act. I was pleased to support the Democratic alternative last Thursday because it contained many of my highest priorities for education. It continues our commitment to class size reduction, an initiative that will give our children more individualized attention with a qualified teacher. It provides substantially more money for professional development for teachers and administrators, so we can help build our teachers up, rather than tear them down. It contains more money for schools to make urgently needed safety-related repairs to their facilities, so our children are not in schools with leaky roofs or fire code violations. It contains increased investments in equipping our schools with modern technology, so our children can learn the language of the new economy—the information technology language. It contains increased funding for school safety initiatives, because we can't have good schools, unless we have safe schools. I am pleased that the New Democrats were able to work with our Democratic Caucus to significantly enhance and strengthen the accountability measures contained in the Democratic alternative. Although the amendment was defeated, I believe it contained a better approach, frankly, to the reauthorization of ESEA than that which has been offered by our distinguished colleagues on the other side of the aisle.

The Senate new Democrats under the leadership of the distinguished Senator from Connecticut, Senator LIEBERMAN, and the Senator from Indiana, Senator BAYH, and others, as has already been stated, have been working for many months on a proposal to reauthorize the Elementary and Secondary Education Act in a way that will truly help our Nation's students and improve our Nation's schools. We have offered this proposal as an alternative to the way we think about the Federal role in K–12 education. The goal of this alternative approach is the principle reason why we should have an Elementary and Secondary Education Act at all: to improve student academic performance and readiness. Two critical factors on the federal level in achieving this goal are investment and real accountability.

In 1994, Congress took a monumental step toward encouraging standards-based reform across the states—a movement which really began in 1989 when President Bush convened a summit in Charlottesville, VA with our Nation's Governors to explore ways to improve our public education system. When we considered the Goals 2000 legislation in 1994, we reiterated the principle of that summit: that education is primarily a State and local responsibility, but it is also a national priority. We recognized that if the Federal Government is to be a meaningful partner in education reform, we must give greater flexibility to States in the use of their funds in order to foster innovation and to help States design their own standards-based reform plans.

During the floor consideration of Goals 2000, I voiced my support for Goals 2000 funding and said:

> [w]ith this new funding States can, if they choose, work to establish tough academic standards, create a system of assessments to put real accountability into our schools, and expand efforts to better train teachers and give them the tools they need to teach our kids.

As a result a result of Goals 2000, 48 States have now developed standards and many are in the process of aligning their curricula and assessments to those standards. But we need to help even more than we are now, because only about half of the States this year will meet their student performance goals. And what is more troubling is that there continues to be a startling achievement gap between low-income students and more affluent students.

Now that the vast majority of our States have standards in place, we need to help them meet those standards. Our Three R's amendment emphasizes the need to reinvest in our schools, to reinvent the way that we partner with States and localities, and to recognize that we, as a Nation, have a responsibility to ensure that our children are receiving the very best education that all levels of government can collectively provide. For the first time, this amendment attempts to hold States accountable not for filling out the right forms or for writing good grant proposals, but for actual increases in student achievement.

The Three R's approach ensures that States are held accountable for yearly improvement in student academic performance. States will set their own yearly targets for improvement. Our hope is that these performance goals will help all children become proficient in reading, mathematics, and science. States will be required to take dramatic corrective action in the event that school districts in their States chronically fail to make the grade. Failing schools can be shut down. They can be reconstituted with new administrations. They can be turned into charter schools. There are a variety of options available, but the point is simple: failing schools are failing our children, and our children deserve more. States that meet or exceed their performance targets will be rewarded with even more flexibility in the use of their funds.

But a demand for more accountability must be accompanied by increased investment—increased investment in our students, increased investment in our teachers, increased investment in our administrators, and increased investment in our schools themselves. This amendment calls for an unprecedented $35 billion increase in elementary and secondary education funding over the next 5 years. Currently, the Federal Government only spends $14.4 billion per year on K–12 education. To put that in some perspective, last year we spent $230 billion to pay interest on the national debt. The fact that we pay 15 times more money on debt that is akin to bad credit card debt, when we could be building schools, or training teachers, or hiring school safety officers, is shameful.

Our amendment would increase our current spending by $7.2 billion next year alone. Instead of pumping this money into more programs, our amendment distributes most of the new Federal funds to States based upon a formula, rather than to those States and localities who can afford to hire savvy grant writers. The distribution of funds is targeted to where the funds are needed most—to our neediest schools and students, that are so often left behind. The Three R's approach increases teacher quality funding to $1.6 billion, which is a $1 billion increase from our current spending. It substantially increases aid for economically disadvantaged students by 50 percent—from $8 billion to $12 billion. We continue our commitment to reducing class size by providing a guaranteed stream of funding for this important initiative which has so far provided States with enough funding to hire over 29,000 new teachers. And we get serious about helping Limited English Proficient students not only master English, but achieve high levels in core subjects as well. Our funding for LEP students is increased

from $380 million to $1 billion. Finally, we provide $2.7 billion to expand after-school and summer-school opportunities, to enhance school safety, to improve the technological capabilities of our students, teachers, and schools, and to fund innovative school improvement initiatives designed at the local level.

We need to invest in our teachers so they are the best in the world. We need to invest in our schools so they are safe and modern. We need to invest in our students so they will develop the skills they need to succeed. The Federal Government can provide these resources and we believe that it should. At the same time that we do this, we need to ensure that the Federal role in K–12 education is one that actually promotes improvement in academic achievement.

That is accountability with real meaning.

This amendment is also meant to provide a starting point for a bipartisan effort. Our education debate has a tendency to devolve into partisan battles with the extremes on both sides drawing hard and fast lines that either abandon public schools by promoting vouchers or continue the status quo by funding myriad small programs—programs which, however well intentioned, often dilute the effectiveness of the limited Federal dollars we have to spend on education. We have to get beyond these differences to better serve our children.

There is more to the education debate than just these priorities. Last month, the Senate new Democrats held a hearing about the RRR approach. The panelists were former Reagan Education Secretary William Bennett; former Chief Domestic Policy Advisor to President Clinton, William Galston; Seattle Superintendent Joseph Olchefske; Amy Wilkins, principal partner of the Education Trust, an organization dedicated to the education of disadvantaged children; and Robert Schwartz, president of Achieve, Incorporated, an organization formed by the Nation's Governors and corporate leaders to improve public education.

Despite the philosophical diversity among the panelists in many areas, all of the panelists agreed that focus on increased investment in exchange for real accountability was necessary and prudent.

Perhaps William Bennett summed it up best by saying:

> The Three R's has the potential to bring about a new era for the Federal Government and education, an era that actively emphasizes results over process and favors success over failure.

I believe our RRR amendment combines the principles upon which so many of us can and do agree. It is perhaps more aptly described as the ''III''—investment, innovation, and improvement. This really should be the model for the Federal role in elementary and secondary education in our country. I hope colleagues from both sides of the aisle will seriously consider this approach.

I yield the floor and reserve any time remaining.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina has 10 minutes.

Mr. EDWARDS. I thank the Chair.

Mr. President, I want to speak to three subjects today: first, to the subject of education in general; second, to some of the things we have done in North Carolina in the area of education of which we are very proud, particularly in our public schools; and, third, to talk specifically about the Lieberman-Bayh amendment.

First, the single test we should apply in determining what to do with our public school system is what is in the best interest of the kids—not what is in the best interest of either political party, not what is in the best interest for either candidate for the President of the United States, but what is in the best interest in improving the lives and education of our young people.

Anywhere one goes in North Carolina, if one were to ask folks what is the most important thing we do as a Government, they would tell you over and over: Educate our young people. If one were then to tell them the reality, which is that we spend less than 1 percent of the Federal budget on over 50 million school children in the United States, they would be absolutely flabbergasted. The single issue that the American people believe is the most important thing their Government does takes less than 1 percent of the Federal budget. They believe more needs to be done.

I believe strongly that our school systems should be run at the local level, that people at the State and local level know much better than people in Washington how our school systems should be run. That does not mean, however, there are not things we can do as the Federal Government to partner with State and local government officials in educating young people. That is what we need to be doing.

There is nothing in our Constitution that says we cannot devote more than 1 percent of the Federal budget to public education. We have to be willing to devote the resources to make education the priority it is for the American people, to put the resources into it, to put the effort into it, and to help State and local officials do the job they so desperately want to do.

I will say a word about some of the things we have done in North Carolina. We believe North Carolina is, in fact, the education State. For example, we started a program in early childhood development called Smart Start. The basic idea of Smart Start, which now exists in every county in North Carolina, was to get all kids into an early childhood development program and to get them on the right track so they later could be kept on the right track. Smart Start got them at a time when it had the most influence over them, which is before they reach the age of 6 or 7 and begin elementary school.

Smart Start has worked. It has had a dramatic effect in our State of North Carolina. Smart Start, most importantly, is an example of what happens when we are willing to think outside the box. We have to be willing to constantly examine whether what we are doing is working, whether there are new, innovative, more creative ways to educate our young people. Again, the test ought to always be the same: What is in the best interest of the kids? What is going to be most effective in giving our kids the best education we can possibly give them?

Smart Start is a perfect example of that. It is new. It was innovative when it came into play. It has worked. We have to be willing to continue to think about programs such as Smart Start.

The way we dealt with failing schools in North Carolina is another example. We went across the State and identified those schools that were failing; that is, they were not doing the job that needed to be done. Talk about accountability, this is accountability in its purest form. If a school was failing, we essentially replaced the administration of that school. In other words, we put people in charge of running the school for the purpose of turning it around.

The results have been absolutely phenomenal. Almost without exception, those schools have been turned around, the kids' grades have improved, and their performance has improved. Again, this is another example of being willing to think outside the box, to think creatively and innovatively.

Recently, I was in North Carolina meeting with some folks who were working on the cutting edge of public education. They showed an example of a computer program that can be used by kids in the early grades of elementary school.

They can take kids, particularly disadvantaged kids, and put them in front of a computer in an environment where they feel safe, where they do not have to perform in front of the other children so they do not feel as if they are a failure from the very beginning. It gets them engaged. The single most important thing with young kids is to get them engaged, to make them believe they have some control over their own destiny; that they can, in fact, compete; that they can effectively compete against all the kids; and, more important, it gives them self-esteem. It makes them feel as if they can actually do something about their lives.

This computer program had a phenomenal effect on the performance of disadvantaged kids. Once again, the test remains the same: What is in the best interest of the children? Are we willing to constantly challenge our approaches, how they can be better molded to fit the needs of the children? The computer program I just described does that; Smart Start does that; that is

what our mechanism for dealing with disadvantaged and failing schools did in North Carolina.

That brings me to the Lieberman amendment, which is just another example on the national level of being willing to address issues creatively, innovatively, and to think outside the box, to think about what is in the best interest of the kids and what is the most effective way of addressing the needs of kids.

I will freely admit there are some provisions in the Lieberman amendment which caused me some concern when I first saw them, but it does many positive, creative things. First and foremost for me is the willingness to invest in title I, to provide more resources and more funding and to target those funds to the kids who most need the help.

If my colleagues do what I have done over the course of the last 2½, 3 years and go to schools across my State of North Carolina, the one thing that becomes immediately apparent is our kids do not compete on a level playing field. That was the original idea behind title I: trying to create a level playing field so no matter where a kid went to school, no matter where they were enrolled in school, whether it was in the country in rural North Carolina or Charlotte, Raleigh, or Greensboro, they had an equal opportunity to achieve and equal opportunity to learn.

I have to give tremendous credit to Senator LIEBERMAN, Senator BAYH, and all the moderate Democrats who worked so hard on this amendment. What they have done is identified the kids who most need the help—the place where the achievement gap exists—and gone about thinking creatively how we can make these kids achieve, how we can give them the best possible chance to be able to perform because we have to be willing to do something.

We have consistently underfunded title I in the past. There has been a lot of rhetoric about our willingness and interest in helping disadvantaged kids. Now we get a chance to step up to the plate. That is exactly what Senator LIEBERMAN and Senator BAYH have done. They have said: We are willing to put our money where our mouth is. We are willing to put the resources in place that need to be there to help these kids, these disadvantaged kids, to give them a chance to compete.

That is all they ask for. That is what the computer program is about. That is what reducing class size is about. We have to give these children, who have not been achieving, who have not been responding to the traditional ways of educating young people, a chance to compete. We have to be willing to think outside the box. We have to be willing to say to ourselves that maybe we have been wrong in the past, maybe there are new and better ways to do this.

That is exactly what the Lieberman amendment is aimed at doing. That is the reason the Lieberman amendment is supported by the moderate Democrats. The Lieberman amendment is just another in a long line of examples—except in this case it is at the national level—of new and creative ways of addressing the needs of our young people.

As we go forward with this debate, and as we go forward with addressing the needs in educating our young people, we have to be willing to do what has been done in my home State of North Carolina, what has worked so well—programs such as Smart Start, programs dealing with failing schools, these computer programs that have been so effective, and now, in this case, on a national level, the Lieberman amendment.

We have to be willing to question ourselves. We have to be willing to put the money in place that is needed to educate our young people, which is more than 1 percent of the national budget, and that, ultimately, we are committed to making the first decade of this century the education decade, and that we are committed to making our schools the envy of the world. We have the best economy, the best roads, the best technology in the world; it is high time we be able to say to the world, our schools are the envy of the world.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield the Senator from Arkansas 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I listened with great interest to my distinguished colleague from North Carolina. I applaud his willingness to look at new and innovative approaches. I think his embrace of the Lieberman amendment is reflective of that desire for change.

I note, as I listened to the Senator's comments, he spoke of the North Carolina experience and some of the things they have done in North Carolina—some of the innovative, creative, and constructive programs in North Carolina.

I applaud the State of North Carolina. And I think that makes our case for Straight A's. I think the idea of giving those kinds of States which are doing good and innovative things more flexibility in carrying out those programs is exactly the direction we ought to be moving.

I believe the Lieberman proposal moves us in that direction, that it is a constructive effort, that it has been a positive effort, that there has been, on the part of the moderate Democrats who have spoken on behalf of the Lieberman amendment, a recognition of the need for change. There has been a candid recognition of the failure of the top-down, one-size-fits-all approach that we have taken for 35 years to the Federal role in education.

I must say that I still have a number of concerns and reservations, and have opposition to some of the provisions in the Lieberman proposal. I still think there is too much regulatory effort from Washington. I think there is a failure to embrace the kind of bold steps we need that are in the underlying Educational Opportunities Act and that it would be a shame for us, while recognizing the need for change, recognizing the need for adequate funding, to only take a half step or a baby step in the direction of reform. That is why I believe the underlying bill is far preferable.

I am pleased, however, that there have been ongoing discussions among those who believe that we need change on both sides of the aisle, that we need to provide greater flexibility, that we need to consolidate programs, that we need to streamline programs, and that there has been an effort to accomplish that. But I am very concerned that we still centralize too much power in the name of accountability. We still give too much authority to the Department of Education.

Members have been talking about the importance of accountability all week and last week. If we are to have accountability for Federal education funds, we must first ensure that accountability is occurring not only at the local level but at the Federal level as well.

So when I heard Senator LIEBERMAN earlier say these are billions of American taxpayers' dollars that we are sending back to the States and to the schools; therefore, we have a right and a responsibility to require specifics on how that money is spent, that sounds very good, but I say that we should require the same kind of accountability from the Department of Education which oversees these programs that it administers.

For the second year in a row, the U.S. Department of Education has been unable to address its financial management problems. Those management problems are very serious. In its past two audits, the Department was unable to account for parts of its $32 billion program budget and the $175 billion owed in student loans. They were unable to account for parts of that budget. Before we entrust the Department with administering more funds and creating more new programs, we must ensure that they are properly accounting for the funding they already have.

The Lieberman amendment, though a step in the right direction, still leaves more power in the hands of the Federal Department of Education and provides a modicum of improvement for State flexibility that, in my opinion, is not enough.

The House Education Committee has been holding hearings on the financial problems at the Department of Education and has found instances of duplicate payments to grant winners and an $800 million college loan to a single student. That is rather amazing.

In its 1998 audit, the Department blamed its problems on a faulty new

accounting system that cost $5.1 million, in addition to the cost of manpower to try to fix the system. A new accounting system will be the third new accounting system in 5 years.

The most recent 1999 audit showed the following: The Department's financial stewardship remains in the bottom quartile of all major Federal agencies. If you stack them all up, you find the Department of Education down toward the bottom in the job they are doing in fiscal responsibility. The Department sent duplicate payments to 52 schools in 1999, at a cost of more than $6.5 million. And perhaps most significant, none of the material weaknesses cited in the 1998 audit were corrected when the Department was reaudited in 1999.

So they have failed to take the kind of corrective measures that might reestablish confidence and faith in the Department of Education. These problems make the Department vulnerable to fraud, waste, and abuse. I have submitted an amendment to this bill that would require an investigative study by the GAO into the financial records of the Department of Education.

No one is suggesting we should eliminate the Department. No one is suggesting that having a voice for education at the Cabinet table is not critically important. But it is equally important that we require high standards of fiscal responsibility for the Department that oversees billions of dollars in taxpayer money. We entrust them with funding. We expect local schools to handle their funds properly. We should have the same kind of demand on the Department of Education.

In addition, I have an amendment to provide increased flexibility among Federal formula grant programs for States and local school districts. It is identical to language included in legislation in the House to reauthorize ESEA.

One of my concerns about the Lieberman amendment, although I do believe it is a step in the right direction and will provide expanded flexibility, is that it does not provide the kind of flexibility the States and local school districts are crying out for.

This amendment would give States and local school districts the authority to transfer funds among selected ESEA programs to address local needs as they see fit. Covered programs would include professional development for teachers, education technology, safe and drug-free schools, title VI innovative education block grants, and the Emergency Immigrant Education Program.

In addition, States may transfer funds into, but not away from, title I funding for disadvantaged students. So they would have the ability to take funds from these other programs and move them into title I for the benefit of disadvantaged students, but not the other way around.

It would not be only money flowing into the title I but would provide greater flexibility for the local school district to move money between programs—transferability. States may transfer all of the program funds for which they have authority, except for the administrative funds. Local school districts may transfer up to 35 percent of the funds they receive without obtaining State permission, and all other funds under these programs, if their State approves.

So this would provide for all of those States that are not fortunate enough to be included in the Straight A's Program, which the Presiding Officer has authored and expended so much energy and resources in promoting, but we still know that we have only 15 States in the underlying bill that are going to be able to participate in that program. So for those States not fortunate to be in the Straight A's Program, this would give them the ability to have some increased flexibility in devoting funds to arising needs in their schools. Local school boards know that needs often change from year to year. This gives them the authority to flexibly use their Federal funds to address those changing needs. As we all know, these local school boards are elected by the people just as we are in the Senate. I trust them to know the specific needs of their schools from year to year.

I believe that the debate for now more than a week has been very illuminating to the American people. The course of the debate has moved us a long way toward reaching, if not consensus, at least a strong majority of this body recognizes what we sought to do in the Health, Education, Labor, and Pensions Committee in producing the Educational Opportunities Act, which is supported by the American people and what we need to do—greater flexibility, greater local control, more child centered in our effort, high-performance expectations, a determination to see the achievement gap close between advantaged and disadvantaged students. And while initially we heard many on the other side simply defend the status quo in very plain terms, saying that we had to stick with the tried, true, and tested programs that have ''worked so well'' during the past 35 years, though with the expenditure of $120 billion, we cannot show that the achievement gap is closed.

I believe the debate has moved a long way, and I look forward to seeing the opportunity to pass the Educational Opportunities Act, including the Straight A's provision.

Mr. JEFFORDS. Mr. President, I yield myself such time as I have remaining.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in strong opposition to the Lieberman amendment. I want to be sure that all my colleagues understand that what the amendment would do is wipe out everything in S. 2—the bill we have been debating for the past week. The amendment would put in the provisions of S. 2254, a bill which was introduced about two weeks after the Committee on Health, Education, Labor, and Pensions completed its work on S. 2.

I believe that my colleagues should also understand that, if the Lieberman amendment is adopted, all amendments which were approved over the past week will be discarded along with S. 2. Moreover, no further amendments would be in order. I know that many members have prepared amendments which they wish to see considered. Should a substitute amendment be adopted, this will simply not be possible.

There may very well be ideas in the Lieberman amendment which are worth considering, but using it as the basis to scrap 18 months worth of hearings and other committee deliberations and to rewrite the Elementary and Secondary Education Act on the floor of the United States Senate is hardly the way to pursue those ideas.

A major function of the committee system in Congress is to assure that a bipartisan group of members have the opportunity to devote extra time and study to particular issues.

There may be disagreements among committee members and Members who do not serve on the committee may disagree with some of the conclusions reached by those who present a bill for the consideration of the full Senate. Nevertheless, there is a clear understanding of the issues at hand—so that a rational debate of differences can be held.

The danger in dismissing the work of a committee entirely in order to adopt something which may appear more appealing is that serious problems may well go unnoticed. I believe there are numerous aspects of the substitute amendment which illustrate this point.

For example, the amendment makes significant changes to the title I formula. Proposals to alter the formula by which title I funds are distributed are among the most difficult to analyze.

Changes which at first glance appear to represent sound policy often have unintended consequences that do not become evident until actual runs are performed.

Senator LIEBERMAN has proposed a significant change to the way that title I funds are to be distributed within states. Currently, the vast majority of funds are distributed through the Basic Grant Program 85%, and the Concentration Grant Program, 15%.

No funds have been made available for either the Targeted Grant Program or the Education Finance Incentive Grant Program. Importantly, the amount received by each state is determined by totaling amount that each eligible school district within the state is eligible to receive.

If the Lieberman amendment were adopted, the most dramatic changes would be experienced at the school district level. Under current law, the states distribute 85% the money to local educational agencies, LEAs, in

accordance with the Basic grant formula and 15% of the money through the Concentration Grant formula. This structure is retained under the committee bill. Importantly, the amount of funding to each state is based upon the amount that eligible school districts within the state are entitled to receive.

Under the Lieberman proposal, money would be received by the state on the basis of one formula and then distributed to LEAs on the basis of a modified version of the Targeted Grant Program. This establishes a new precedent and raises basic questions of fairness. For the first time, the amount that a state receives will be based upon the eligibility of school districts which shall not be given the funds. Let me state this again. States will receive money on the basis of the eligibility of certain school districts. These school districts will not, however, receive the money. The money that the state received on the basis of their eligibility will be diverted to other school districts within the state.

It may be argued by some that this improves targeting by sending money to high-poverty school districts. An examination of the actual numbers reveals that the proposal would establish deep inequalities among school districts across the Nation. It turns out that not all poverty is treated equally. In fact, it depends upon which state you happen to be fortunate enough to reside in and even which school district governs your school.

Let me provide some examples. These examples were selected simply by going through the LEA lists in alphabetical order to select districts with comparable poverty rates.

In Alabama the Thomasville City School District has a poverty rate of 30.3% and would lose 21.6% of its title I funding. In California, Burnt Ranch with a poverty rate of 30.5% would only lose 16% of its funding. New London School District in Connecticut with a poverty rate of 30.6% would receive an increase of 11.9% while Bridgeport with a poverty rate of 35.5% would be cut by .5%. The disparity in the dollar amounts of the reductions is even greater.

My point is this. Many school districts which currently receive funding under the Basic and Concentration Grant Programs would receive steady annual cuts in their title I funds under this proposal. These would not be potential cuts—these would be real cuts. Cuts that would have to be made up by raising property taxes or cutting services.

The Congressional Research Service has done runs for each LEA in each state. These runs reflect annual projected increases or decreases for each of the next three years. There is nothing magic about three years. Districts which are gaining funds would presumably continue to gain them and districts which are losing funds would presumably continue to lose them until an equilibrium is established in the out years.

Our goal during this reauthorization should be to strengthen educational opportunities for all students. This proposal pits poor children in one school against poor children in another and should be soundly rejected.

Proponents of the Lieberman substitute have spoken to the need to increase accountability. I do not believe there is any disagreement at all in this body that recipients of federal education funds must be held accountable. As I noted in my opening remarks when we began floor consideration of this bill, through a bipartisanship effort in 1994, we in the Congress decided that title I should carry out its mission of improving learning by assisting state and local efforts in the development of standards and assessments.

Congress completely rewrote Title I in 1994 and made the program more rigorous—requiring States to develop both content and student performance standards and assessments.

Congress gave the states seven years to complete this difficult task. We are mid-stream in this process.

In the name of accountability, the Lieberman substitute rewrites many of the standards, assessment, and school improvement provisions that were included in the 1994 law. I fear that rewriting these sections will not lead States down the path toward greater accountability, but rather will create detours for the states and school districts that have already spent several years going in the right direction. Developing and implementing standards-based reform and assessments is not a simple task. It requires sustained and consistent effort. Loading up States and school districts with new regulations, new reporting requirements, and more mandates is a distraction at best and a step backward at worst.

Finally, I believe it is important to point out that most of the individual programs authorized under the Elementary and Secondary Education Act outside of title I are repealed by the Lieberman substitute. A notable exception is that the amendment does authorize the President's class-size reduction program as a separate activity. Apparently, some merit is seen for that separate program which is not seen for programs such as the Reading Excellence Act, Gifted and Talented Education, Reading is Fundamental, or Character Education—to name just a few of the programs which are repeal by the substitute amendment.

It is my understanding that the funds from the various programs which are repealed are to be used within four general categories: school improvement, innovative reform, safe learning environments, and technology.

For example, the substitute amendment would repeal title IV of ESEA , the Safe and Drug Free Schools and Communities program. title IV funds would be pooled with the other funds allocated to repealed programs, and 15% of the funds in the pool are to be used for safe learning environments. The substitute amendment completely tosses overboard the Title IV reforms in S. 2 which were developed by a bipartisan group of members—spearheaded by Senators DEWINE, DODD, and MURRAY. These reforms were designed to assure that drug-free schools funds are used for proven, effective programs—rather than being used in some of the frivolous ways we have seen in the past. The Lieberman amendment sets back the clock on these important revisions to the bill.

As I indicated at the outset, it is important that we take great care in crafting changes to the Elementary and Secondary Education Act. The programs in this Act represent virtually all the support provided by the Federal Government in support of elementary and secondary schools. Although the federal share is small relative to the contributions made by States and localities, it is a substantial investment—approaching $15 billion a year.

I believe that the Committee on Health, Education, Labor, and Pensions has taken its responsibilities seriously in developing S. 2 over the past 18 months. We held 25 hearings on all aspects of the Act and have spent considerable time discussing the issues it includes—with much of this work being done on a bipartisan basis. I am pleased to have heard so much today about bipartisan cooperation with respect elementary and secondary education. Although the final vote out of committee was on a party-line basis, the fact of the matter is that much of the bill was developed through bipartisan discussions.

I have spoken many times on this floor on behalf of bipartisan efforts to help our nation's school children, and I remain willing to engage in such efforts. I am not, however, willing to turn my back on the work the committee has put into S. 2 in order to embrace a proposal which reduces title I funding for many school districts throughout the country, imposes additional reporting burdens on States and localities, and repeals many programs which have been of value to our nation's schools and students.

I want to say again that I strongly oppose the Lieberman amendment.

Mr. KOHL. Mr. President, I rise today as a proud cosponsor of the Lieberman amendment, which is based on our bill ''The Public Education Reinvestment, Reinvention, and Responsibility Act of 2000''—better known as ''Three R's.'' I believe that this bill represents a realistic, effective approach to improving public education—where 90% of students are educated.

For the past 35 years, when the time has come for the Senate to reauthorize the Elementary and Secondary Education Act, it has done so with bipartisan support. However, over the past week, most of what we've seen on the Senate floor has been partisan wrangling—from both sides of the aisle—over how to reform education. I think

that's tragic. Our nation's children deserve a serious debate and real reform—not partisan bickering and election-year gamesmanship.

Mr. President, addressing problems in education is going to take more than cosmetic reform. It will require some tough decisions and a willingness to work together. We need to let go of the tired partisan fighting over more spending versus block grants, and take a middle ground approach that will truly help our States, school districts—and most importantly, our students.

During the past several weeks, I am pleased to have been part of a bipartisan group of Senators who have put partisan politics aside and are seeking to find such a middle ground. Our group has been working to meld the best parts of all of our plans—in the hope that we can actually get a bill passed this year. In a short period of time, we have made tremendous progress and found more agreement between our two parties than the past week's floor debate has shown. I am hopeful that we will soon reach agreement on a bipartisan compromise, but even if we do not, we have laid the groundwork for the future. At some point, the entire Senate will have to put politics aside and deal with education reform. Our plan can serve as the foundation for that compromise—and I look forward to working with our group to make that happen.

Mr. President, I believe the Federal government must continue to be a partner with States, school districts, and educators to improve public education. But it is time to take a fresh look at the structure of Federal education programs—building upon past successes and putting an end to our past failures.

The amendment before us now—our ''Three R's'' bill—does just that. Three R's makes raising student achievement for all students—and closing the achievement gap between low-income and more affluent students—our top priorities. To accomplish this, our bill centers around three principles.

First, we believe that we must provide more funding for education—and that Federal dollars must be targeted to disadvantaged students. Federal funds make up only 7% of all money spent on education, so it is essential that we target those funds on the students who need them the most.

Second, we believe that States and local school districts are in the best position to know what their educational needs are. Three R's gives them more flexibility to determine how they will use Federal dollars to best meet those needs.

Finally—and I believe this is the lynchpin of our approach—we believe that in exchange for this increased flexibility, there must also be accountability for results. These principles are a pyramid, with accountability being the base that supports the federal government's grant of flexibility and funds.

For too long, we have seen a steady stream of Federal dollars flow to States and school districts—regardless of how well they educated their students. This has to stop. We need to reward schools that do a good job. We need to provide assistance and support to schools that are struggling to do a better job. And we must stop subsidizing failure. Our highest priority must be educating children—not perpetuating broken systems.

Mr. President, the ''Three R's bill takes a fresh look at public education. I believe it represents a real middle ground, building upon all the progress we've made and tackling the problems we still face. This bill—by using the concepts of increased funding, targeting, flexibility—and most importantly, accountability—demonstrates how we can work with our State and local partners to make sure every child receives the highest quality education—and a chance to live a successful, productive life. I urge my colleagues to support the Lieberman-Bayh amendment.

Mr. BRYAN. Mr. President, the quality of education in this country is of enormous concern to the American people, and is a defining issue in Congress this year. I believe that few priorities are more important than the future of our Nation's youth. When Americans lack education and skills, demands on Government support rise, and the long-term financial costs to the Nation are enormous. Our primary goal during this debate is to find the best way to bring every one of our students up to a high level of academic performance, in order that they may be successful, contributing members of the national and global economy.

As a former Governor of Nevada, I believe that education is first a State and local responsibility. Creative and innovative education programs have been initiated by many governors at the state level, and the local school districts who interact with students and families in their communities on a daily basis are better positioned than federal bureaucrats to identify their schools' specific needs, and to target the appropriate resources to meet these needs.

The primary purpose of the New Democrat amendment to the Elementary and Secondary Education Act, introduced by Senators LIEBERMAN and BAYH and of which I am a cosponsor, is to deliver better educational results by helping states and local school districts raise academic achievement for all children. The amendment recognizes that the Federal Government has an important role to play in working with states and localities on education. It also calls on the Federal Government to work with states to strengthen the standards by which states and local districts are held accountable for increased student achievement, and at the same time, to give states the flexibility to choose the programs that work best for their districts and schools.

The Federal Government has assumed the specific responsibility of ensuring that all students, especially those students who face significant disadvantages, receive a quality education, thereby preparing them to function as successful adults and to lead fulfilling lives. The Lieberman/Bayh amendment fulfills this responsibility by setting clear national goals. These goals are to increase targeting to schools with highest poverty concentrations; to consolidate professional development and teacher training initiatives to improve teacher, principal and administrator quality; to help immigrant students become proficient in English and achieve high levels of learning in all subjects; and to stimulate ''High Performance Initiatives'' by giving states money to choose what programs work best for raising the academic achievement of their students. States can use this ''High Performance Initiatives'' money to focus on priorities they deem necessary to the education of their students; priorities such as innovative school improvement strategies, expanding after-school and summer school opportunities, improving school safety and discipline, and developing technological literacy. These are all important goals.

More specifically, the Lieberman/Bayh amendment operates under the philosophy that getting money to those students who need it the most is crucial, and it strengthens our national commitment to targeting aid to disadvantaged students and schools. Under title I, the New Democrat alternative's formula sends 75 percent of new money to states and local districts with the highest concentrations of poverty. The amendment also distributes teacher quality money based on poverty and student population, and distributes money to help immigrant students become proficient in English and achieve high levels of learning by targeting aid to states with high concentrations of student with limited English proficiency.

Within the parameters of the Lieberman/Bayh amendment, states and localities get flexibility to choose what programs and strategies work best to raise their students' achievement. The amendment strengthens the decisionmaking authority of state and local officials by eliminating some of the strings that come attached to federal dollars. Under this new approach, states develop their own academic standards, their own assessments for measuring annual progress in student achievement, and their own goals for improving school performance. States also choose which initiatives and programs are of priority, and which will work best to raise academic achievement.

At the same time that states have this new flexibility, national interests and federal goals are protected and advanced, both fiscally and educationally. The new Democrat alternative does this by holding states accountable

for meeting the standards they set. Money is not enough to raise student achievement. Along with the added money and flexibility in the amendment, states and districts are given the responsibility of setting performance goals for their students, and of demonstrating clear progress towards these goals.

Not all currently funded educational programs produce the great results we are looking for. The Lieberman/Bayh amendment sets measurable standards so that states and local districts can evaluate the programs they are using, and see what is and what is not raising their students' academic achievement. The states have the flexibility to choose the programs that work best for their student populations, but the Federal Government, under the Lieberman/Bayh amendment, holds them accountable for raising student achievement.

Under the new Democrat alternative, there are real consequences for chronic failure. For the first time ever, states that fail to meet the performance objectives under any title would be penalized. After 3 years of failure, a state's administrative funding would be cut by 50 percent, and after 4 years of failure, programming funds to the state under the ''High Performance Initiatives'' title would be cut by 30 percent. The Lieberman/Bayh amendment also requires states to impose sanctions on local school districts that fail to meet annual performance goals, and rewards states who exceed their goals by receiving even greater flexibility in using their program funding to meet their own specific priorities. In this way, Federal funding is directly linked to the performance of schools in meeting the goals the schools themselves have set.

In summary, the new Democrat alternative was written with the underlying philosophy that state and local officials are better positioned than Federal bureaucrats to identify their specific needs, and to target the appropriate resources to meet these needs. At the same time, the amendment sets clear national goals and holds states responsible for producing progress toward these goals. The current system is far less fiscally responsible than the Lieberman/Bayh approach because it does nothing to ensure that taxpayer dollars are getting a real return on their investment. In the Lieberman/Bayh amendment, the Federal Government maintains control and plays a role in setting national priorities in education. It also strengthens our national commitment to target aid to disadvantaged students and schools, and holds states accountable for producing results in exchange for the flexibility. In conclusion, I would like to express my support for the new Democrat alternative amendment, introduced by Senators LIEBERMAN and BAYH, because I believe it will significantly and positively reform the current education system, while successfully raising the academic achievement of all students.

Mr. KERRY. Mr. President, I rise to discuss the Lieberman amendment to ESEA. I am very supportive of the efforts of the Senator from Connecticut and my other colleagues who have worked so diligently on this amendment. This amendment is based upon a theory that I am very supportive of: increased flexibility in exchange for increased accountability. This means that States and school districts should have more flexibility in using Federal funds, but they must meet certain achievement measures, and most important, those achievement gains must hold true for children of all races, all ethnicities, and regardless of gender. Therefore, I am sorry that I am not rising in support of this amendment, because it includes many components of education reform that I firmly believe are necessary to improving the public education system for all students.

The Lieberman amendment would target the title I formula even more to the most highly disadvantaged students. This amendment would also dramatically increase our investment in the title I program. The Federal Government's number one priority should and must be to ensure that economically disadvantaged students are provided with supplementary educational resources, and I commend my colleagues for increasing this critical investment in this program.

The Lieberman amendment would also increase the accountability of Federal dollars, a component of education reform that I know is critical to improving the public education system. The Federal Government has an obligation to ensure that we are getting the most from our investment in public education, by holding our teachers, our schools, and our students accountable to the highest standards. This amendment would make a great step toward increasing the Federal Government's investment in accountability. Accountability is the third side of an education triangle that also includes standards and assessments. Now that many states have adopted high standards and tests to measure students' progress toward those benchmarks, they have turned their attention to making sure that performance matters. Achieving real accountability in our schools is a large part of what this amendment is all about and I believe increased accountability is critically important for the state of public education in this country. Again I commend my colleagues for focusing their amendment on this important element of public school reform.

The Lieberman approach focuses on public school choice, another element of public education reform that I support and know to be critical to improving educational attainment for all children. Public school choice is becoming more and more a part of the American educational system. In 1993, only 11% of students attended schools chosen by their parents. In 1999, 15% of students attended schools chosen by their parents. While still serving a relatively small percentage of students, charter schools and magnet schools are becoming an increasingly common tool to improve the education of our nation's children. In 1994, there were only 100 charter schools in this country. Today, there are 1,700. Currently there are over 5,200 magnet schools serving approximately 1.5 million students. Magnet schools foster diversity and promote academic excellence in math, science, performing arts and marketable vocational skills.

Parents deserve more choice in their children's public schools. Increasing parental choice will allow healthy competition between public schools. Choice, of course, necessarily implies that one thing is being chosen over another. As a result, choice means competition which is a force that often hastens change and improvement in any organization or system. All schools, district and charter, are forced by competition to examine why parents, students, or prospective teachers might be choose to go to other schools. Even teachers' unions and school board associations are signing on to the concept of publicly funded schools that operate outside most state and district regulations. In early 1996, the National Education Association promised $1.5 million to help its affiliates start charter schools in five States and to study their progress. I am pleased that my esteemed colleagues have made public school choice a primary component of this amendment.

This amendment also deals with an issue we have frequently discussed during this ESEA debate: the consolidation of many Federal programs. Let me say that I am not opposed to consolidating some Federal programs. I do believe that there are important programs that are not overly burdensome on states and schools and that have proven successful, and I believe that the success of these programs is due in part on the competitive grant process and Federal guidelines of the programs. I know the Federal Government does not have all the answers and that we cannot always anticipate the needs of states and local school districts throughout this country, and though I have some specific concerns about the level of consolidation in the Lieberman amendment, I support the streamlining of Federal programs and providing flexibility to states and school districts.

Despite my support for so many things in this amendment, I am ultimately unable to support the Lieberman approach. The Federal Government is the only entity that ensures funding is provided to the most disadvantaged populations in this country, like migrant children, homeless and runaway youth, and immigrant children. I am greatly concerned about the loss of Federal support for these vulnerable youth. Therefore, I cannot support the Lieberman approach despite my commitment to so many of its

provisions. The Federal Government's involvement in education has always been to ensure that vulnerable populations are provided the additional funds that are necessary to their educational success. And I have heard from those people in Massachusetts who work with homeless young people and with troubled youth. And they have told me how incredibly important this Federal money is to these children. These children have so much going against their ability to succeed, I believe we must maintain our commitment to those children.

I am encouraged by the work my colleagues have done on this amendment. I am supportive of their new approach to public education reform and their attempt to draft legislation that would attract the support of both Republicans and Democrats. I am frustrated and saddened by the very partisan nature of this year's ESEA debate, and commend my colleagues for their fresh approach to ESEA reauthorization and their attempts to attract support from both sides of the aisle.

I regret that I cannot support this amendment, but I look forward to working with many my colleagues to address the concerns that I and other Senators have. I hope we can resolve these concerns and that we can bring this divided Senate together on the issue of public education. I look greatly forward to working with my colleagues in the future and deeply appreciate their hard work and new perspective on this critically important issue.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator controls 5 minutes before the vote.

Mr. KENNEDY. I yield myself 4½ minutes.

Mr. President, first of all, I thank Senator LIEBERMAN and his cosponsors for the focus and attention they have given to really the central priority for all families in this country in the area of education. The restlessness those Senators and others have with regard to making sure we are going to try to reach every needy child in this country is something we all should embrace and support.

I am not sure at this hour of the day, so to speak, in terms of the Elementary and Secondary Education Act, if it is possible to bring about the kind of change and focus that is desirable. But there are broad areas of support and agreement for that concept in terms of enhanced resources and enhanced accountability.

I certainly look forward to working with him in the future on this whole area of education.

I think the ideas that have been out there in terms of Safe and Drug-Free Schools, which has been basically a bipartisan effort in giving national focus and attention to that, and a sense of urgency, are still important to preserve. Senator DEWINE and Senator DODD worked out an effort in that area in our committee. I think it is important to preserve it. The progress we have made in technology I think is worth preserving. The afterschool programs are really the most heavily subscribed programs. They also have bipartisan support and are a matter of national urgency. I don't think they have gotten the kind of attention they should have in the Lieberman amendment.

Finally, there are several programs that are working very well in terms of being included in the consolidation program. One of them I have particular interest in is ''Ready to Learn.'' There is $11 million on ''Ready to Learn.'' It is done through the Public Broadcasting System. It reaches 94 percent of the country, 87 million homes, 37 million children, and received 57 Emmys. If you ask any public broadcaster in the 130 stations nationwide what the best children's program is, they will mention this one. I don't want to see that lost and sent back to any State thinking that could be recomposed.

The Star Schools Program works through nonprofits, again, led by strong bipartisan support, to try to reach out to schools that may not have a math and science teacher and up-to-date educational programs, and has been done through a number of States. It has been very effective through nonprofits. That is another program. It is a small program, but it has enormous educational values.

With reluctance, because I have great friendship and affection for my friend from Connecticut, I will not vote in support of it. But I want to certainly guarantee to him and to all of those who have been uniformly strong sponsors in our committee that I want to work closely with our colleagues on the other side to try to give greater focus and attention to the problems of the neediest students in the country.

I yield the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. All time has been yielded.

Do the Senators wish the vote to begin early?

Mr. COVERDELL. Mr. President, I ask unanimous consent that we proceed with the vote.

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

The question is on agreeing to amendment No. 3127. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH), the Senator from Tennessee (Mr. THOMPSON), and the Senator from Nebraska (Mr. HAGEL) are necessarily absent.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 13, nays 84, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—13

| | | |
|---|---|---|
| Bayh | Graham | Lincoln |
| Breaux | Johnson | Moynihan |
| Bryan | Kohl | Robb |
| Edwards | Landrieu | |
| Feinstein | Lieberman | |

NAYS—84

| | | |
|---|---|---|
| Abraham | Durbin | Mack |
| Akaka | Enzi | McCain |
| Allard | Feingold | McConnell |
| Ashcroft | Fitzgerald | Mikulski |
| Baucus | Frist | Murkowski |
| Bennett | Gorton | Murray |
| Biden | Gramm | Nickles |
| Bingaman | Grams | Reed |
| Bond | Grassley | Reid |
| Boxer | Gregg | Roberts |
| Brownback | Harkin | Rockefeller |
| Bunning | Hatch | Santorum |
| Burns | Helms | Sarbanes |
| Byrd | Hollings | Schumer |
| Campbell | Hutchinson | Sessions |
| Chafee, L. | Hutchison | Shelby |
| Cleland | Inhofe | Smith (NH) |
| Cochran | Inouye | Smith (OR) |
| Collins | Jeffords | Snowe |
| Conrad | Kennedy | Specter |
| Coverdell | Kerrey | Stevens |
| Craig | Kerry | Thomas |
| Crapo | Kyl | Thurmond |
| Daschle | Lautenberg | Torricelli |
| DeWine | Leahy | Voinovich |
| Dodd | Levin | Warner |
| Domenici | Lott | Wellstone |
| Dorgan | Lugar | Wyden |

NOT VOTING—3

| | | |
|---|---|---|
| Hagel | Roth | Thompson |

The amendment (No. 3127) was rejected.

Mr. KENNEDY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

## UNANIMOUS CONSENT AGREEMENT—AFRICA TRADE CONFERENCE BILL REPORT

Mr. LOTT. If I could get this unanimous consent request in, then we would understand what the procedure would be for today and tomorrow and even Thursday morning. So if my colleagues will bear with me one moment.

Mr. President, I ask unanimous consent that at 9:30 a.m. on Wednesday, the Senate proceed to the conference report to accompany the Africa trade bill, that the report be considered as having been read, and the vote occur on adoption of the motion to proceed immediately, and following the vote and the reporting by the clerk, I be immediately recognized to send a cloture motion to the desk. I also ask unanimous consent that the cloture vote occur on Thursday, May 11, at 10:30 a.m., with the mandatory quorum having been waived.

This has been discussed with the Democratic leadership.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, I would like to see if we could give at least some assurances to the Members about when we would come back to deal with the education legislation.

As the Senator himself knows, this is our one chance every 5 or 6 years to try to deal with this issue. We have been making some progress during the course of these last few days. We do not have a whole long list of amendments, and we are prepared to deal with short time limits.

I am wondering now whether the leader could give us at least some idea when we are going to come back to it.

Mr. LOTT. Let me again emphasize, first, that this would provide for a vote at 9:30 in the morning on the motion to proceed to the Africa and CBI trade bill. If it is agreed to, then the cloture vote, by agreement, will be Thursday morning at 10:30.

With regard to the Elementary and Secondary Education Act, our colleagues probably are aware we have already agreed that there are two more amendments that, by unanimous consent, we would go to next—the Stevens-Jeffords and others amendment; to be followed by a Kennedy amendment. So we have the next group of two amendments that would be in order.

I have discussed this with Senator DASCHLE. It is our intent, now that we have appropriations bills that are becoming available, that, for probably now on into the summer, we are going to be dual-tracking bills wherever it is necessary, so we can get an appropriations bill done or an urgent bill such as the conference report on Africa trade and CBI. There is a belief we should go ahead and get that done and move to appropriations bills when they are available, and then come back to the authorizations, whether it is the elementary and secondary education bill or trade bill or whatever it may be.

So it is our intent to come back to ESEA and proceed with the amendments that it is already been agreed we will consider next while we work to see if we can get another grouping of two or more amendments to be considered.

I agree, there has been good debate. The amendments have been focused on elementary and secondary education, and we have amendments still pending on both sides that relate to that. As long as there is that kind of cooperation and progress being made, I think we should continue to pursue it.

So it is my intent to come back to elementary and secondary education, if not later on this week, then next week, when we have a window.

Mr. KENNEDY. Mr. President, I appreciate what the Senator has said. As I understand, he will make the best effort to come back to it this week, but we will have an opportunity to come back to it next week. Is that the leader's plan?

Mr. LOTT. That is my hope and intent. We should be able to do that and continue to move appropriations bills, also.

Again, it will take cooperation on the MILCON construction appropriations bill, which does have the military funding for Kosovo and for the fuel costs. We have the agriculture bill that is available that has, I believe, the disaster funding in it in addition to the regular agricultural appropriations programs. And the Foreign Operations bill has been reported.

But we will work with the leadership as to exactly when those will come up. We will try to move through those three as quickly as we can and try to move the Africa trade bill with the CBI provisions, and the ESEA. I think those three appropriations bills and these two—the conference report and this authorization bill—will take the remainder of the time probably for the next couple weeks. We are going to stay on it.

Mr. KENNEDY. Mr. President, just further reserving the right to object, and I will not object, I take the assurances of the leader that we will return to this in every expectation next week. I think there are many of us who believe this issue is of equal importance to a number of the appropriations bills, since we are talking about appropriations next fall, next October, and we are running late in terms of the ESEA. So there is a real sense of urgency about it. But I am grateful to the leader for giving us those assurances.

I do not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, if I could go further, I ask unanimous consent that the time between 9:30 a.m. and 10:30 a.m. on Thursday be equally divided in the usual form on the subject of the African and CBI trade bill.

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

Mr. LOTT. Therefore, a rollcall vote will occur at 9:30 a.m. on Wednesday, and a vote is scheduled for 10:30 a.m. on Thursday. There may be additional votes after that.

I think Members should expect additional votes on Thursday, although we have not agreed to what they would be at this point.

I do want to note that I certainly believe the Elementary and Secondary Education Act is very important. That is why we have been on it the second week. We have given a lot of time to it. I think that is fine. This is a high priority in the minds of the American people and every State in the Nation, and with us.

However, the appropriations bills each have emergency provisions in them—an emergency for the Kosovo funding and the fuel costs for our military; the agriculture bill has the emergency disaster funding in it, though some of it for North Carolina, and expected disasters; and the Foreign Operations bill has funding in it for the very dangerous situation involving Colombian drugs. That is why we are going to be trying to move those as quickly as possible.

I thank my colleagues and announce there will be no further votes this evening.

## EDUCATIONAL OPPORTUNITIES ACT—Continued

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3139

(Purpose: To provide for early learning programs, and for other purposes)

Mr. STEVENS. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Mr. DOMENICI, Mr. BOND, Mr. KERRY, Mr. VOINOVICH, Mr. LAUTENBERG, Mrs. MURRAY, Mr. COCHRAN, Mr. BINGAMAN, Mr. SMITH of Oregon, Mr. DURBIN, Mr. L. CHAFEE, Mr. BAUCUS, Mr. MURKOWSKI, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. WELLSTONE, Mrs. FEINSTEIN, Ms. MIKULSKI, Ms. SNOWE, Mrs. BOXER, Mr. KERREY, Mr. SPECTER, and Mr. WARNER proposes an amendment numbered 3139.

Mr. STEVENS. I ask unanimous consent reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. STEVENS. Mr. President, I yield to the Senator from West Virginia to make a short statement.

The PRESIDING OFFICER. The Senator from West Virginia.

## KOSOVO AMENDMENT

Mr. BYRD. Mr. President, the Senate Appropriations Committee today adopted, by a very strong bipartisan vote, an amendment authored by Senator WARNER and myself that addresses the ongoing role of United States participation in the Kosovo peacekeeping operation. Our amendment, which was attached to a Kosovo supplemental appropriations package, is cosponsored by Senator STEVENS and a number of other Senators on both the Appropriations and Armed Services Committees.

The Byrd-Warner amendment goes to the heart of the constitutional responsibility of Congress to address issues involving the deployment of U.S. military troops to politically unstable and potentially dangerous war-ravaged nations overseas.

I am troubled by the trend that has developed in recent years to de facto authorize military operations through appropriations bills without further congressional discussion or debate on the policy. Under this practice, the Executive Branch determines how and

where it will spend the money, and how much money it will spend, and then presents the bill to Congress. We saw it happen in Bosnia, in Haiti, in Somalia, and now it is happening in Kosovo.

Mr. President, I do not believe that such a back-door authorization process is what the founding fathers had in mind when they delegated to Congress alone the power of the purse.

By continuing to allow the Executive Branch to deploy U.S. troops overseas and merely send the bill to Congress later, Congress is effectively abrogating its responsibility under the Constitution and to the American people.

The Byrd-Warner amendment restores congressional oversight to the calculation. Our amendment cuts off funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President seeks and receives congressional authorization to continue such deployment. At the same time, the amendment requires the President to develop a plan to turn the Kosovo peacekeeping operation entirely over to our allies by July 1, 2001.

The amendment provides ample time and an orderly process for this President, and the next President, to either develop a plan to turn the ground troop element of the Kosovo peacekeeping operation entirely over to the Europeans, or to seek congressional authorization to keep United States ground troops in Kosovo.

As an interim step, the amendment withholds 25 percent of the Kosovo money included in the supplemental appropriations package pending certification by the President that America's allies are making adequate progress in meeting their monetary and personnel commitments to the Kosovo peacekeeping operation. The certification is due by July 15. If the President cannot make the certification, the funds held in reserve can only be used to withdraw United States troops from Kosovo unless Congress votes otherwise.

Mr. President, this is a reasoned and reasonable approach to dealing with foreign peacekeeping operations. Senator WARNER and I believe that it can be executed without major disruption to the NATO peacekeeping mission in Kosovo. We are not turning our backs on Kosovo. We are not attempting to micromanage the Pentagon. We are merely attempting to restore congressional oversight to the peacekeeping process.

When it comes to exercising its constitutional authority, Congress has been sleeping on its rights. This amendment is a long overdue wake-up call. I thank Senator WARNER for his work on the amendment, and for his unswerving dedication to the nation and to the Senate, and I look forward to continuing to work with him on this very important issue.

Mr. WARNER. Mr. President, I am pleased to join today with my distinguished colleague, the senior Senator from West Virginia, as his principal cosponsor on this important Kosovo amendment which was adopted this morning by the Appropriations Committee. We have worked together as partners on this endeavor for the past several weeks, and I have confidence that the outcome of our efforts is sound precedent for our Nation's security policy.

The amendment which will soon be before the full Senate is a true collaboration—a melding of the original Warner certification amendment and the long-standing efforts of Senator BYRD to ensure that Congress exercises its constitutional role in decisions to deploy U.S. troops into harm's way.

There are two main goals that we are seeking to accomplish: first, to ensure that our allies are shouldering their commitments, their fair share of the burden for implementing stability and peace in Kosovo; and, second, to require the Congress to fulfill its constitutional responsibility to vote on the continued deployment of U.S. ground combat troops in Kosovo.

I would like to address—up front—what we are not doing with this amendment. We are not doing a ''cut and run'' from Kosovo. We are not deserting our NATO allies. I want to be very clear on these points. We are simply saying that our allies must fulfill the commitments which they made—I repeat, which they made—to provide assistance and personnel to rebuild the civil society in Kosovo; and that the Congress must take action—vote—to specifically authorize the continued presence of United States ground combat troops in Kosovo after July 1, 2001.

These are not precipitous or ill-conceived measures. They are supported by a respected group of cosponsors who are all strong supporters of NATO and who are determined not to let the United States military simply drift into an endless presence in Kosovo. The vote in the Appropriations Committee was overwhelmingly in favor of the Byrd-Warner amendment—23 to 3.

I would like to address in detail the certification requirement contained in this amendment, as it is an updated version of an amendment I originally put before the Senate on March 9. Subsection (d) of the Byrd-Warner amendment would provide 75 percent of the over $2 billion contained in the Supplemental for military operations in Kosovo immediately—no strings attached. The expenditure of the remaining 25 percent of the funding would be dependent on a certification by the President that our allies had provided a certain percentage of their commitments of assistance and personnel to Kosovo. If the President is not able to make that certification by July 15, 2000, then the remaining 25 percent of the Kosovo funds contained in the fiscal year 2000 supplemental could be used only to conduct the safe, orderly and phased withdrawal of our troops from Kosovo. This limitation could be overcome by a vote of the Congress—under expedited procedures—to allow the money to be used for the continued deployment of our troops in Kosovo, despite the lack of the Presidential certification.

Why do I feel so strongly about our Allies meeting their commitments in Kosovo? Because of the sacrifices of our brave men and women in uniform who bore the major share of the burden for the air war in Kosovo, and the continuing sacrifices of our troops, today and for the future, on the ground in Kosovo. As my colleagues know, the United States flew almost 70 percent of the total number of strike and support sorties in Operation Allied Force, at great personal risk, particularly to our aviators, and at a cost of over $4 billion to the U.S. taxpayers.

In return, the Europeans have promised to pay the major share of the burdens to implement and secure the peace. So far, they have committed and pledged billions of dollars and thousands of personnel for this goal. The problem is that not enough of the money or the necessary personnel have made it to Kosovo.

Since I first signaled my intentions on this amendment several months ago, considerable progress has been made—I gratefully acknowledge this. There has been a positive response from our allies. But more needs to be done, particularly in the areas of police and reconstruction.

What is happening as approval of this assistance for Kosovo is slowly working its way slowly through the bureaucracies in Europe? Our troops, and the troops of other nations, are having to make up for the shortfall—by performing basic police functions, running towns and villages, guarding individual homes and historic sites, escorting ethnic minorities—all functions for which they were not specifically trained and which increase their level of personal risk. When will this end? Time is of the essence as our troops stand in harm's way until relieved, in large measure, by civilians specially trained.

General Klaus Reinhardt, the fine German general who recently relinquished command of KFOR, said that he expects military elements of KFOR to be in Kosovo for a decade. I find this unacceptable, but I can see how it is possible if we do not move quickly to establish the basic economic and security infrastructure in Kosovo that is essential for long-lasting stability in that troubled region. That is one of the main goals of this amendment—to spur our allies on to quickly fulfill their commitments.

What we cannot—must not—allow to happen is for the current situation in Kosovo to drift on. There are problems. They must be addressed and addressed in a timely manner.

The principal sponsor of this amendment, the distinguished senior Senator from West Virginia and noted historian has eloquently addressed the constitutional responsibility of the Congress in deploying U.S. military forces overseas. I would simply add that it is

time—past time—for the Congress to fulfill its obligations regarding our deployment to Kosovo. Since last June, the United States has had thousands of troops engaged in a dangerous operation in Kosovo, and thus far Congress has taken no action, other than emergency supplemental appropriations, on this deployment.

This is disappointing, but not surprising. The last time the Congress exercised its constitutional responsibility to declare war was during World War II. Since that time, the United States military has been involved in over 100 military deployments—including the Korean conflict and the war in Vietnam. and where has the Congress been during all of that time? We occasionally pass resolutions authorizing the use of force—as we did for the Persian Gulf conflict—but more often than not, we simply fail to act. That must stop. We owe it to our brave men and women in uniform to act on their behalf. They are fulfilling their responsibilities; we must fulfill ours.

This amendment does not say we must leave Kosovo. This amendment does not mean that we are shirking our NATO responsibilities. This amendment simply says that Congress—as a co-equal branch on foreign policy matters—must exercise its constitutional responsibilities and authorize the continued deployment of United States ground combat troops in Kosovo.

I urge my colleagues to join us in our effort to prevent an open-ended United States military commitment in Kosovo.

Mr. President, in summary, the Byrd-Warner amendment was today adopted by an overwhelming majority of 23 to 3 in the Senate Appropriations Committee.

This is an amendment on which Senator BYRD and I have worked for the better part of 2 months. We have had extensive consultations with a number of our colleagues, and thus far we have, as cosponsors, Senators STEVENS, INOUYE, THURMOND, ROBERTS, SNOWE, INHOFE, GREGG, SMITH of New Hampshire, and SESSIONS. There are others who will be added in due course.

Senator BYRD and I are concerned about two things: The indefinite commitment of our troops into the Kosovo situation and that indefinite commitment not being backed up by an affirmative action of the Congress of the United States, which has a clear responsibility to act when we send young men and women into harm's way.

This is not a cut-and-run amendment. This is simply an assertion that the United States together with its allies is trying to bring about peace and stability in that region. We have succeeded after an extensive 78-day combat mission, 70 percent of which missions were flown by the U.S. airmen. It is time to address the future and to have our allies meet their commitments in a timely fashion, commitments they made prior to the combat action and shortly thereafter.

Secondly, we believe there should be some certainty as to how long our troops must remain in this commitment. It cannot be indefinite. We are, as a nation, now with troops all over the world. And we are stretched. We are having problems with retention, problems with recruiting because of the overextension of the U.S. military forces.

What Senator BYRD has emphasized—and many times on the floor of the Senate—is it is the duty of the Congress of the United States, through a vote, to affirm the policies of the executive branch as we deploy our troops into harm's way.

So those are the basic elements of this amendment.

I ask unanimous consent that a copy of the amendment be printed in the RECORD.

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

BYRD-WARNER AMENDMENT

At the appropriate place, insert the following new section:

**SEC. ___. LIMITATION ON AVAILABILITY OF FUNDS FOR UNITED STATES GROUND COMBAT TROOPS IN KOSOVO.**

(a) LIMITATION.—

(1) IN GENERAL.—Subject to subsection (d) and except as provided in paragraph (2), none of the funds appropriated or otherwise made available under any provision of law (including unobligated balances of prior appropriations) shall be available for the continued deployment of United States ground combat troops in Kosovo after July 1, 2001, unless and until—

(A) the President submits a report to Congress—

(i) containing a request for specific authorization for the continued deployment of United States ground combat troops in Kosovo;

(ii) describing the progress made in implementing the plan required by subsection (b); and

(iii) containing the information described in subsection (c); and

(B) Congress enacts a joint resolution specifically authorizing the continued deployment of United States ground combat troops in Kosovo.

(2) EXCEPTIONS.—The limitation in paragraph (1) shall not apply to the continued deployment in Kosovo of such number of United States ground combat troops as are necessary—

(A) to conduct a safe, orderly, and phased withdrawal of United States ground forces from Kosovo in the event that the continued deployment of United States ground combat troops in Kosovo is not specifically authorized by statute; or

(B) to protect United States diplomatic facilities in Kosovo in existence as of the date of the enactment of this Act.

(3) WAIVER.—

(A) IN GENERAL.—Except as provided in subparagraph (B), absent specific statutory authorization under paragraph (1)(B), the President may waive the limitation in paragraph (1) for a period or periods of up to 90 days each in the event that—

(i) the Armed Forces are involved in hostilities in Kosovo or that imminent involvement by the Armed Forces in hostilities in Kosovo is clearly indicated by the circumstances; or

(ii) NATO, acting through the Supreme Allied Commander, Europe, requests the emergency introduction of United States ground forces into Kosovo to assist other NATO or non-NATO military forces involved in hostilities or facing imminent involvement in hostilities.

(B) EXCEPTION.—The authority of subparagraph (A) may not be exercised more than twice unless Congress enacts a law specifically authorizing the additional exercise of the authority.

(4) REPORT ON SUBSEQUENT DEPLOYMENTS.—Absent specific statutory authorization under paragraph (1)(B), whenever there is a deployment of 25 or more members of the United States Armed Forces to Kosovo after July 1, 2001 pursuant to a waiver exercised under paragraph (3), the President shall, not later than 96 hours after such deployment begins, submit a report to Congress regarding the deployment. In any such report, the President shall specify—

(A) the purpose of the deployment; and

(B) the date on which the deployment is expected to end.

(5) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to prohibit the availability of funds for the deployment of United States noncombat troops in Kosovo to provide limited support to peacekeeping operations of the North Atlantic Treaty Organization (NATO) in Kosovo that do not involve the deployment of ground combat troops, such as support for NATO headquarters activities in Kosovo, intelligence support, air surveillance, and related activities.

(b) PLAN.—

(1) IN GENERAL.—The President shall develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with the exception of the United States, and appropriate non-NATO countries will provide, not later than July 1, 2001, any and all ground combat troops necessary to execute Operation Joint Guardian or any successor operation in Kosovo.

(2) QUARTERLY TARGET DATES.—The plan shall establish a schedule of target dates set at 3-month intervals for achieving an orderly transition to a force in Kosovo that does not include United States ground combat troops.

(3) DEADLINES.—

(A) INTERIM PLAN.—An interim plan for the achievement of the plan's objectives shall be submitted to Congress not later than September 30, 2000.

(B) FINAL PLAN.—The final plan for the achievement of the plan's objectives shall be submitted to Congress not later than May 1, 2001.

(c) REPORTS.—

(1) MONTHLY REPORTS.—Beginning 30 days after the date of enactment of this joint resolution, and every 30 days thereafter, the President shall submit a report to Congress on the total number of troops involved in peacekeeping operations in Kosovo, the number of United States troops involved, and the percentage of the total troop burden that the United States is bearing.

(2) QUARTERLY REPORTS.—Beginning 3 months after the date of enactment of this joint resolution, and every 3 months thereafter, the President shall submit to Congress a report on—

(A) the total amount of funds that the United States has expended on peacekeeping operations in Kosovo, and the percentage of the total contributions by all countries to peacekeeping operations in Kosovo that the United States is bearing; and

(B) the progress that each other country participating in peacekeeping operations in Kosovo is making on meeting—

(i) its financial commitments with respect to Kosovo;

(ii) its manpower commitments to the international civilian police force in Kosovo; and

(iii) its troop commitments to peacekeeping operations in Kosovo.

(d) CERTIFICATION.—

(1) IN GENERAL.—Of the amounts appropriated by this Act for fiscal year 2000 for military operations in Kosovo, not more than 75 percent may be obligated until the President certifies in writing to Congress that the European Commission, the member nations of the European Union, and the European member nations of the North Atlantic Treaty Organization have, in the aggregate—

(A) obligated or contracted for at least 33 percent of the amount of the assistance that those organizations and nations committed to provide for 1999 and 2000 for reconstruction in Kosovo;

(B) obligated or contracted for at least 75 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for humanitarian assistance in Kosovo;

(C) provided at least 75 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for the Kosovo Consolidated Budget; and

(D) deployed at least 75 percent of the number of police, including special police, that those organizations and nations pledged for the United Nations international police force for Kosovo.

(2) REPORT.—The President shall submit to Congress, together with any certification submitted by the President under paragraph (1), a report containing detailed information on—

(A) the commitments and pledges made by each organization and nation referred to in paragraph (1) for reconstruction assistance in Kosovo, humanitarian assistance in Kosovo, the Kosovo Consolidated Budget, and police (including special police) for the United Nations international police force for Kosovo;

(B) the amount of assistance that has been provided in each category, and the number of police that have been deployed to Kosovo, by each such organization or nation; and

(C) the full range of commitments and responsibilities that have been undertaken for Kosovo by the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), the progress made by those organizations in fulfilling those commitments and responsibilities, an assessment of the tasks that remain to be accomplished, and an anticipated schedule for completing those tasks.

(3) LIMITATION ON USE OF FUNDS.—If the President does not submit to Congress a certification and report under paragraphs (1) and (2) before July 15, 2000, then, beginning on July 15, 2000, the amount appropriated for military operations in Kosovo that remains unobligated under paragraph (1) shall be available only for the purpose of conducting a safe, orderly, and phased withdrawal of United States military personnel from Kosovo, unless Congress enacts a joint resolution allowing that amount to be used for other purposes. If Congress fails to enact such a joint resolution, no other amount appropriated for the Department of Defense in this Act or any other Act may be obligated to continue the deployment of United States military personnel in Kosovo. In that case, the President shall submit to Congress, not later than August 15, 2000, a report on the plan for the withdrawal of United States military personnel from Kosovo.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) JOINT RESOLUTIONS DEFINED.—

(A) For purposes of subsection (a)(1)(B), the term ''joint resolution'' means only a joint resolution introduced not later than 10 days after the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: ''That Congress authorizes the continued deployment of United States ground combat troops in Kosovo.''.

(B) For purposes of subsection (d)(3), the term ''joint resolution'' means only a joint resolution introduced not later than July 20, 2000, the matter after the resolving clause of which is as follows: ''That the availability of funds appropriated to the Department of Defense for military operations in Kosovo is not limited to the withdrawal of United States military personnel from Kosovo.''.

(2) PROCEDURES.—A joint resolution described in paragraph (1) (A) or (B) shall be considered in a House of Congress in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473; 98 Stat. 1936).

Mr. WARNER. I thank my distinguished colleague for yielding the time. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

## EDUCATIONAL OPPORTUNITIES ACT—Continued

Mr. STEVENS. Mr. President, this is an amendment that I have introduced with 27 cosponsors, and we invite other Members to join us. It is an amendment to deal with early learning opportunities of our children.

Research shows that children's brains are wired—literally wired—between the ages of birth and 6 years of age. The number of synopses that the brain forms, that is, the connections in the brain, depends upon the level of brain stimulation. The capacity to learn and interact successfully in society is determined even before children begin school. Long-term studies looking at data over 30 years show that children who participate in early learning programs are less likely to require special education, less likely to suffer from mental illness and behavior disorders, less likely to become pregnant before they are married, more likely to graduate from high school and college, less likely to be arrested and incarcerated, have lower recidivism rates if they are incarcerated, less likely to be violent and engaged in child or spousal abuse, and they earn higher salaries when they become adults. Both the General Accounting Office and the Rand Corporation made studies which showed that for each dollar invested in early learning programs, taxpayers saved between $4 and $7 in later years.

This amendment provides for block grants to States. States will work with local governments, nonprofit corporations, and even faith-based institutions to determine what is needed most at their own local level. Local entities can use the funds to expand Even Start, the program for children from birth to 3 years of age; expand Head Start to more children, expand it to full day or year-round coverage; offer nursery and preschool programs; train parents and child care professionals in child development, and provide parent training and support programs for stay-at-home moms and dads.

The amendment provides set-asides for Indian tribes and Native groups and provides for a small State minimum of 0.4 percent. This amendment has been endorsed now by the Christian Schools International, by Parents United, United Way, some 1,400 local organizations, Fight Crime-Invest In Kids, 700 police chiefs, and the National Association for the Education of Young Children, Children's Defense Fund, Child Care Resource Center, National Black Child Development Institute, and the National Education Association.

As a father of six children, I come to this amendment late in my life. I only wish I had had the opportunity to have had this type of information available to me and my wife when we, as a very young, newly married couple, decided to have our family very quickly. We had five children in less than 5 years, and there is a lot we had to learn along the way.

This is a bill to try to make America think about what we want to be. We have invested heavily in science, and through the decade of the brain that was stimulated by our late departed friend, David Mahoney, and the group of scientists he put together with Dr. Jim Watson, who worked with him, we now know a lot more about the brain than we did a decade ago. Basically, we learned of the fantastic capability of young people to absorb knowledge and to be stimulated to develop the abilities to absorb even more knowledge as they grow older. I think this is one of the most important things I have been involved in during my life.

I believe it is a time for change, a time for us to recognize that young children—little babies—can be stimulated in a way that will assure their capability will be improved to learn and to be good citizens and, in particular, to be able to lead the kind of lives their parents dreamed they would lead. I thank every Member who has cosponsored this amendment, and I hope for its early adoption.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I express my appreciation for the excellent statement that the Senator from Alaska has just given and thank him for his leadership on this issue. I also thank the chairman, Senator JEFFORDS, for his hard work on this issue as well. Both of them have helped us understand how parents and other caregivers can have a very positive impact on children and infants at very early ages. I thank colleagues on our side, including my colleague from Massachusetts, Senator JOHN KERRY, who has been particularly interested in this issue and has spent a great deal of time on it, and also the Senator from Connecticut, Senator CHRIS DODD, who has

led our efforts on issues involving children for many, many years. Finally, I want to thank Stephanie Robinson of my staff, who is sitting here on my left, for her insight and diligence as we have worked through the details of this early learning proposal.

I think the Senator from Alaska has really outlined a compelling case for this issue. If we go back a little while and think of the first studies—the Perry Preschool Program, which Senator STEVENS mentioned—almost 30 years ago, where the results have been followed over a period of years and have documented how early interventions for children resulted in more positive academic and lifestyle outcomes for many children.

I think that the Perry Preschool study caught the attention of a lot of educators. Then we had the meeting in 1990 when the Governors were together—the Charlottesville meeting. Many of the issues we have been talking about these past few days recall the discussion surrounding early learning that the Governors initiated back in 1990. And there the Republican and Democratic Governors together announced that our first priority should be to have children ready to learn when they enter school. They understood what was happening in the States, and that early learning was a matter of enormous positive consequence for all educational and social service efforts. Even before brain research provided a clear medical basis, Governors sensed that ''the earlier the better'' in terms of early interventions.

Then we had the studies done by the Carnegie Commission in 1993, which focused on impacts of these early interventions. Later, when we had the Year of the Brain in 1996, I believe, we found further information as described by the Senator from Alaska, about the importance of proper stimulation to the formation of brain synapses in young children. Important work continued throughout the 1990's by Dr. Brazelton and Dr. Zigler, who are really the godparents of this concept of early intervention.

The bottom line is that quality early learning experiences help children develop self-confidence, curiosity, social skills, and motor skills. These are the building blocks that children use to expand their interest in learning when they get to school. They may also develop a sense of humor. They certainly learn consideration of others. These are basic benefits of early learning, and they last a lifetime. They are absolutely essential in terms of learning and academic achievement, but also essential in terms of interpersonal skills, their own personal happiness, and their own productivity and contributions as members of a society.

As we debate education policy, we must continue to find common ground that enables us to act effectively. One of the most important opportunities is in early learning. Last month's Senate Budget Resolution included a bipartisan amendment that reserved $8.5 billion to improve early learning services throughout the Nation. The Senate is clearly moving toward a commitment to ensure that each of the 23 million American children under age six is able to enter school ready to learn.

Senator STEVENS and I worked together to build a strong bipartisan coalition for this reserve fund in the Senate resolution, and now is the time to continue these efforts. As we consider the investments that are needed in education, we cannot ignore early childhood learning.

Education occurs over a continuum that begins at birth and extends throughout life. The need to do more to make greater educational opportunities available in a child's very early years is clear. Study after study proves that positive learning experiences very early in life significantly enhance a child's later ability to learn, to interact successfully with teachers and peers, and to master needed skills. It is long past time to put this research into practice.

Just last week Fight Crime: Invest in Kids, a 700-member bipartisan coalition of police chiefs, sheriffs, and crime victims, released yet another convincing report. It finds that children who receive quality early learning are half as likely to commit crimes and be arrested later in life.

Early learning programs are good for children, good for parents and good for society as a whole. Unfortunately, far too many parents lack access to quality early learning activities for their children while they work. Although two thirds of mothers work outside the home, only 58% of 3- and 4-year-olds living above the poverty level, and 41% of those living below the poverty level, are enrolled in center-based early learning programs.

A dramatic recent survey found that more parents are satisfied with Head Start than any other federal program. But only two in five eligible children are enrolled in Head Start - and only one in 100 eligible infants and toddlers are enrolled in Early Head Start. As a result, literally millions of young children never have the chance to reach their full potential. What a waste! We must do better. We can do better.

The Committee for Economic Development reports that we can save over five dollars in the future for every dollar we invest in early learning today, the investment significantly reduces the number of families on welfare, the number of children in special education, and the number of children in our juvenile justice system. Investment in early learning is not only morally right - it is economically right.

We must steadily expand access to Head Start and Early Head Start. We must make parenting assistance available to all who want it. We must support model state efforts that have already proved successful, such as Community Partnerships for Children in Massachusetts and Smart Start in North Carolina, which rely on local councils to identify the early learning needs in each community and allocate new resources to meet them. We must give higher priority to early childhood literacy. In ways such as these, we must take bolder action to strengthen early learning opportunities in communities across the Nation.

The Rand Corporation reports: ''After critically reviewing the literature and discounting claims that are not rigorously demonstrated, we conclude that these [early learning] programs can provide significant benefits.'' Governors, state legislatures, local governments, and educators have all called for increased federal investments in early learning as the most effective way to promote healthy and constructive behavior by future adults. As we strengthen education policy, we cannot lose sight of the evidence that education begins at birth—and is not a process that occurs only in a school building during a school day.

We must examine children's experience during the five or six years before they walk through their first schoolhouse door. Our goal is to enable all children to enter school ready to learn, and maximize the impact of our investments in education.

It is especially important that low-income parents who accept the responsibility of work under welfare reform to have access to quality early learning opportunities for their children. The central idea of welfare reform is that families caught in a cycle of dependence can be shown that work pays. Today I am proud to stand with so many Senators who agree that children's development must not be sacrificed as we help families move from welfare to work.

A decade ago the Nation's Governors agreed that helping children enter school ready to learn should be America's number one priority. We have made some progress since then, but we are still falling far short of our goal.

In Massachusetts, the Community Partnerships for Children Program currently provides quality full-day early learning for 15,300 young children from low-income families. Yet today in Massachusetts over 14,000 additional eligible children are waiting for the early learning services they need—and some have been on the waiting list for 18 months. A 1999 report by the Congressional General Accounting Office on early learning services for low-income families was unequivocal—''infant toddler care [is] still difficult to obtain.''

Even as the need to provide these opportunities increases, it is clear that many current facilities are unsafe. The average early learning provider is paid under seven dollars an hour—less than the average parking attendant or pet sitter. These low wages result in high turnover, poorer quality of care, and little trust and bonding with the children.

Here in the Senate, we have worked together for several months on a proposal to enable local communities to

fill the gaps that impair current early learning efforts. Our amendment provides $3.25 billion for early learning programs over the next three years. Local councils will direct the funds to the most urgent needs in each community. The needs may include parenting support and education—improving quality through professional development and retention initiatives—expanding the times and the days children can obtain these services—enhancing childhood literacy—and greater early learning opportunities for children with special needs. These funding priorities are well-designed to strengthen early learning programs in all communities across the country, and give each community the opportunity to invest the funds in ways that will best address its most urgent needs.

I urge the Senate to approve it as a long overdue recognition of this important aspect of education reform.

Mr. President, I ask unanimous consent that several letters of support for this amendment be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, so ordered. (See Exhibit 1.)

Mr. KENNEDY. Mr. President, when the Senator brings this to the attention of the Senate, it is a matter of enormous importance and significance. I pay tribute to him and to our chairman, Senator JEFFORDS, who has been a strong supporter. I know there are others on that side, but they have been real giants in this area of concern and have been enormously constructive and helpful in moving us towards a legislative initiative in this area.

I am very grateful to my colleagues, Senator KERRY and Senator DODD, for the extraordinary work they have done.

I am very hopeful that at an early time we can have favorable consideration.

EXHIBIT 1

COMMONWEALTH OF MASSACHUSETTS,
DEPARTMENT OF EDUCATION,
*Malden, MA, May 5, 2000.*

Hon. EDWARD M. KENNEDY,
*Russell Senate Building, U.S. Senate, Washington, DC.*

DEAR SENATOR KENNEDY: I want to express my strong support for the Early Learning Opportunities Act as an amendment to the Elementary and Secondary Education Act. High quality early care and education programs are vital to children's development as well as to the national goal for all children to enter school ready to learn. It is also essential that the methods used to increase support for families and young children be flexible and responsive to the diverse needs and resources of communities and families across the country.

The program outlined in this proposal is quite consistent with our state preschool program, Community Partnerships for Children. For example, Massachusetts has many local councils working collaboratively to design comprehensive early care and education programs that ensure that funds are used in ways that are consistent with local needs. Our programs also conduct many family support and family literacy activities such as those described in your plan. Through our experience with Community Partnerships, we know that these elements as well as transportation and professional development are essential to helping early childhood programs achieve their potential to support young children and families.

With the in mind, I would like to express one concern. As is, the program is created within Health and Human Services and is ''entirely independent of ESEA.'' Historically, child care has been administered through human services agencies and it is likely that the program would be passed on through the states' social services infrastructure. At the same time, many of the program's purposes are based on the potential of early childhood programs as educational for children and parents. Based on many years of watching how our local collaborations evolve, it is clear that state and local linkages among Head Start, private child care and public preschools and elementary schools are becoming increasingly important, but are not easy. I believe the separation from ESEA at the national and state levels would not encourage these linkages. Although the program should support the growth and improvement of private child care and Head Start programs, a close connection with ESEA at the national and state levels would model the educational intention of the program and would build on existing Title I preschool programs programs at the local level.

To reiterate—the plan that has been proposed is very promising and I strongly support this amendment.

Secerely,

DAVID H. DRISCOLL,
*Commissioner of Education.*

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MAY 4, 2000.

DEAR SENATOR: I am writing to urge you to support the Early Learning Opportunities Act, sponsored by Senators Kennedy, Stevens, Jeffords and Dodd, as an amendment to the Elementary and Secondary Education Act. This Early Learning Amendment would help states to create and enhance the programs and services that infants and toddlers, and their parents, urgently need to ensure that young children will enter school ready to learn.

As you know, research clearly shows that the first few years of a child's life set the stage for a lifetime of learning. Time and again we see that healthy children who have formed secured and loving attachments to adults grow up to be hard working, productive members of society. But children cannot develop in a healthy manner without access to early learning programs, quality child care and health care, and special services for children and families at risk. Furthermore, a recent report issued by Fight Crime: Invest in Kids concludes that federal, state, and local governments could greatly reduce crime and violence by assuring families access to quality, educational child care program.

Equally important is parent education. All parents, but especially those in at-risk populations, need to know not only how to effectively bond with their young children, but how to access programs and services that help them to raise a healthy child.

The Early Learning Amendment is an important step toward improving the lives of America's youngest citizens. Not only does it provide and vital funding for early childhood programs and services, it gives states and localities the flexibility to creatively meet the needs of their populations.

Again, I urge you to support America's youngest children and their families by voting for the Early Learning Amendment.

Sincerely,

ROB REINER.

PARENTS UNITED FOR CHILD CARE,
*Boston, MA, May 8, 2000.*

DEAR SENATOR: On behalf of the membership of Parents United for Child Care (PUCC), I am writing to urge you to support the Early Learning Opportunities Act sponsored by Senators STEVENS, KENNEDY, JEFFORDS and DODD. This amendment would take important steps to ensuring the availability of high quality early care and education experiences for millions of American families.

PUCC is a grassroots membership organization of low- and moderate-income parents committed to increasing the supply of quality, affordable child care in Massachusetts. A small group of Boston parents founded PUCC in 1987 with the mission of creating and mobilizing a vocal constituency of parents to impact child care policy in their communities and on the state level. Since its founding PUCC has been working in neighborhoods through Massachusetts to provide a parent voice on public policy issues related to children families. A local and national model of successful parent empowerment and leadership, PUCC employs cutting edge organizing and leadership development strategies to provide parents with the necessary tools to take the lead in advocating for their own child care needs.

As you know, recent research about the impact of the first three years of life on children's brain development testifies to the importance of a high-quality early care and education experience, especially for children who are growing up in poverty. In addition, policy makers—at the state and national level—are increasingly acknowledging the importance of child care an essential tool for building the economic stability of working families. Finally, the implementation of Education Reform across the country has focused a spotlight on the importance of quality early learning opportunities in preparing children for school. Unfortunately, too many parents do not have access to the type of high quality early care services that will allow them to go to work and help their children to learn, play and thrive.

By supporting the Early Learning Amendment, you can make children and families a priority and help parents, providers and educators promote healthy physical and emotional development for our children. Please do not hesitate contact me for further information about Parents United for Child Care. Thank you in advance for your consideration of this request.

Sincerely yours,

ELAINE FERSH,
*Director.*

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NATIONAL WOMEN'S LAW CENTER,
*Washington, DC, May 8, 2000.*

Hon. EDWARD KENNEDY,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: We are writing to express our support for your Early Learning Amendment to be offered to the Elementary and Secondary Education Act.

Research on early brain development and school readiness demonstrates that the experiences children have and the attachments they form in the earliest years of life have a decisive, long-lasting impact on their later development and learning. Yet, despite the importance of early childhood learning, scarce resources limit the early childhood learning opportunities of many children. Your Early Learning Opportunities Amendment would provide grants to states and communities to help ensure that significantly more children across the country have positive early learning experiences. The added resources that your amendment offers will allow communities to improve and expand quality early childhood programs, and

assist parents and early childhood providers meet the diverse developmental needs of young children.

We appreciate your efforts to increase the availability and quality of early childhood learning for children, and look forward to working with you on this critical issue.

Sincerely yours,

NANCY DUFF CAMPBELL,
*Co-President.*

JUDITH C. APPELBAUM,
*Vice President and Director of Employment Opportunities.*

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NATIONAL BLACK CHILD DEVELOPMENT INSTITUTE, INC.,
*Washington, DC, May 4, 2000.*

DEAR SENATOR: I am writing to urge your support for the Stevens-Kennedy-Jeffords-Dodd Early Learning Amendment to ESEA.

Early care and education have been a leading tenet of the National Black Child Development Institute since its inception thirty years ago. Then, as now, we hold that there is no more effective way to prepare children to succeed in school and break the cycle of poverty than quality, accessible early care and education. Recent studies have shown that quality early education also reduces the likelihood that a child will later be involved in the juvenile justice system.

Despite its proven track record, Head Start is unable to serve all the eligible children. Less than 1 in 10 children eligible for the Child Development Block Grant are currently served. While Head Start has a comprehensive program with education and parental involvement, the programs funded under CCDBG could be greatly enhanced with community-based collaborations around parent training and developmentally appropriate learning programs.

The Early Learning Amendment provides support for communities to improve the quality of child care programs; to provide parent education and training independent of a child care setting; to provide training and professional development for providers of early care and education.

These are important goals that will improve the quality of life for our children and their communities for generations. When we strength a child, we shape the future of our nation.

I urge your support for the Early Learning Amendment to ESEA.

Sincerely,

ANDREA YOUNG,
*Director of Public Policy.*

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CHILD CARE RESOURCE CENTER, INC.,
*Cambridge, MA, May 4, 2000.*

DEAR SENATORS: The Child Care Resource Center (CCRC) in Cambridge, MA, is one of 13 child care resource and referral agencies across the state of Massachusetts. Agencies like CCRC strive to strengthen the field of child care in four ways: 1) we work with child care providers to increase the quality of child care, 2) we work with parents to provide consumer education, information and referrals to local child care programs, 3) we work with low-income families to ensure that they have access to quality affordable care and 4) work with communities to utilize child care demand and supply data for community planning purposes.

Working for a child care resource and referral agency provides a unique perspective on the child care system as a whole because we have the opportunity to work and interact with all aspects of this system, including the administration, the child care industry and families of all incomes who are struggling to make ends meet and find a safe nurturing environment for their child. From this vantagepoint, we see first hand what is and is not working with our system and where there are gaps in the services that are offered.

Based on this knowledge and experience, I am writing today in support of the Stevens-Kennedy-Jeffords-Dodd ''Early Learning Opportunities'' amendment to ESEA. Recent research has highlighted the importance of providing adequate stimulation to children between the ages of 0 and 5 in order to ensure the optimal physical and emotional development of a young child's brain. This development can not be recaptured during later years. Brain synopses that are not developed are lost forever.

The Early Learning amendment is an important step towards ensuring the availability of high-quality educational child development programs to both child care providers and to parents, two equally important components of the lives of our children. As a country, we need to make a stronger investment into supporting the healthy development of our youngest resources. Children do not begin the learning process at the age of five when they enter kindergarten. We must lay the groundwork earlier to ensure that children not only develop appropriately, but more importantly, thrive.

If you need any information or other materials to help you in this important debate, please do not hesitate to contact me at (617) 547–1063 ext 217 or CCRC's Public Policy Manager Jennifer Murphy at (617) 547–1063 ext 234.

Sincerely,

MARTA T. ROSA,
*Executive Director.*

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FIGHT CRIME: INVEST IN KIDS,
*Washington, DC, May 3, 2000.*

DEAR SENATOR: As an organization led by over 700 police chiefs, sheriffs, prosecutors, leaders of police organizations, and crime survivors, we write in strong support of the Stevens-Kennedy-Jeffords-Dodd ''Early Learning Opportunities'' amendment to ESEA.

The evidence is clear that well-designed early learning programs for kids can dramatically reduce crime and violence, and keep kids from becoming criminals. But these programs remain so under-funded they reach only a fraction of the youngsters who need them. For example:

A High/Scope Foundation study at the Perry Preschool in Michigan randomly chose half of a group of at-risk toddlers to receive a quality Head Start-style preschool program, supplemented by weekly in-home coaching for parents. Twenty-two years later, the toddlers left out of the program were five times more likely to have grown up to be chronic lawbreakers, with five or more arrests.

A new study of 1,000 at-risk children who attended the Chicago Child Parent Centers found that the children of a similar background who were left out of the program were almost twice as likely to have two or more juvenile arrests.

Yet inadequate funding for these high quality child development programs like these leaves millions of at-risk children without critical early childhood services. Making sure all children have access to educational childcare is one of the four points of our School and Youth Violence Prevention Plan, the key components of which have been endorsed not only by each of Fight Crime's 700 law enforcement leaders and victims of violence but also by the National Sheriffs Association; the Major Cities [Police] Chiefs Organizations; the Police Executive Research Forum; the National District Attorneys Association—and dozens of state law enforcement associations.

The Early Learning amendment is an important step towards ensuring the availability of high-quality educational child development programs. Those on the front lines of the battle against crime know these investments are among our most powerful weapons against crime.

For more information on the studies mentioned above, please see our new report America's Child Care Crisis: A Crime Prevention Tradegy co-authored by Dr. Berry Brazelton, Edward Zigler, Lawrence Sherman, William Bratton, Jerry Sanders and other child development and crime prevention experts. The report is available on our website, http://www.fightcrime.org.

Sincerely,

SANFORD NEWMAN,
*President.*

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UNITED WAY OF AMERICA,
*Alexandria, VA, May 3, 2000.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR KENNEDY: On behalf of 1,400 United Ways across the country, United Way of America (UWA) urges you to support the Early Learning Amendment to the Elementary and Secondary Education Act (ESEA) sponsored by Senators Stevens, Kennedy, Jeffords, and Dodd. The amendment allots $6.25 billion over five years to create a new program within the Department of Health and Human Services (HHS) that will improve opportunities for early learning and school readiness among young children from birth through age six.

For the past ten years, United Ways have been committed to early care and education through Success By 6®, an initiative that convenes local leadership (corporate, government and nonprofit) to leverage resources, raise awareness and impact policy on behalf of our youngest citizens. In over 300 communities, Success By 6® helps ensure a safe and nurturing environment for our children. Early childhood development is critical to an effective future workforce. Recent brain research has confirmed that investing early has lifetime benefits and positive implications for a child's success. The early learning amendment will allow local communities to take to scale existing early childhood initiatives and stimulate the creation of new ones.

An investment in early learning and development is a critical investment in our future. United Way of America hopes that the Senate will make a renewed commitment to America's children by supporting this amendment. If you need more information, please contract Ilsa Flanagan, Senior Director of Public Policy, at (703) 683–7817.

With appreciation,

BETTY BEENE.

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MAY 2, 2000.

U.S. SENATE,
*Washington, DC.*

DEAR SENATOR: We urge you to support the following amendments to S. 2, the Elementary and Secondary Education Act reauthorization that is currently being debated by the full Senate, to help ensure that young children have the strong start they need and older children the positive and safe after-school experiences and the comprehensive supports they need to succeed in school.

Stevens/Jeffords/Kennedy/Dodd Early Learning Opportunities Amendment. This amendment would provide grants to states and communities to improve and expand high-quality early learning programs serving children ages zero to five years old. This amendment would offer local communities much needed funds to help both parents and early childhood providers meet the varying needs of young children. Research is clear that children, particularly disadvantaged

children, who have the opportunity to participate in high quality early childhood programs are more likely to succeed in school and in life.

Dodd Early Childhood Education Professional Development Amendment. This amendment would provide resources to local partnerships to provide professional development for early childhood educators with a focus on early literacy and violence prevention. Given the low salaries of child care providers across the country, providers must have access to resources from their communities in order to grow professionally and provide high quality care in their programs. It is exceedingly important to offer new opportunities to strengthen their ability to work with children. Gaining early literacy skills is essential to children's ability to start school ready to read. High quality early childhood programs have also demonstrated that they can be effective in reducing the violent behavior that can lead to delinquency.

Reed Child Opportunity Zone Family Centers Amendment. This amendment would provide resources to help schools coordinate with other local health and human services at or near the school site to support children's ability to come to school each day ready to learn. This will ensure that children have the health and other supports they need to be able to thrive and take full advantage of their education.

Dodd 21st Century Community Learning Centers Amendment. This amendment would strengthen the collaboration among schools and community-based organizations and bolster their ability to provide enriching and educational after-school and other community education programs.

These amendment would help provide critical support to both younger and older children and their families, helping to ensure that their school experience is a success. We urge you to support them.

Sincerely yours,

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GERESH AND SARAH LEMBERG CHILDREN'S CENTER, INC.,
*Waltham, MA.*

From: Howard Baker, Executive Director.

To: Stephanie Robinson and Rachel Price, Staff of Senator Kennedy.

Subject: Amendments to Early Learning Part of ESEA.

COMMENTS: Thank you for sending me a copy of your proposed amendments ESEA. I support your addressing special educational needs (Part V,B,5), increased hours of care (Part V,B,6), and increases in compensation and recruitment incentives (Part V,B,7). I am glad to see the wording ''grants supplemental not supplant existing early learning resources'' (Part VII, G). As for the Funding total of $6.25 billion over 5 years, more is better.

Also, I spoke with Kimberly Barnes O'Connor, she said: ''Bringing up rates and wages in the ESEA is the wrong place. These are issues for the Child Care and Development Block Grant.'' Is this your position as well?

Thanks.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Massachusetts for his kind comments. I want to echo what he has said. Senator JEFFORDS has been a great leader in this area. As a matter of fact, he sort of encouraged me to get involved. I am happy to have been able to get involved. I told him it should have been the Jeffords-Stevens amendment. In his typical Vermont reticence—he is a Yankee as far as I am concerned—he said, no, that I should put in the amendment and be the sponsor. I am proud to do that. But the real voice of reason in this amendment has been Senator JEFFORDS.

I am pleased to yield to him, and I thank him for his cooperation.

Mr. JEFFORDS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I have an engagement pending, so I will proceed now. I would love to be able to stay and listen to my friends.

I certainly thank the Senator from Alaska for his very fine words. He has been an inspiration to all of us in bringing this forward. Without his help and support, I am not so sure that we would be here today. I appreciate his efforts in making sure that our amendment be heard in a timely manner.

Mr. STEVENS. Mr. President, if the Senator will yield, the lady who is responsible for the cooperation is sitting to my right, our deputy chief of staff. She started on the mommy track about a year ago and taught me all I know. So thank you very much.

Mr. JEFFORDS. I thank the Senator very much. Mr. President, I am very happy to join a strong bi-partisan group of my colleagues in introducing the ''Early Learning Opportunities Act'' amendment. The twenty-eight cosponsors of the amendment are: Senators STEVENS, KENNEDY, JEFFORDS, DODD, DOMENICI, BOND, KERRY, VOINOVICH, LAUTENBERG, MURRAY, COCHRAN, BINGAMAN, SMITH of Oregon, DURBIN, CHAFEE, BAUCUS, MURKOWSKI, ROBB, ROCKEFELLER, ROBERTS, WELLSTONE, FEINSTEIN, MIKULSKI, SNOWE, BOXER, KERREY, SPECTER, and WARNER.

In 1989, President Bush met with Governors from across the nation and identified a set of educational goals for our nation's children. The first national educational goal was that ''By the year 2000, all children in America will start school ready to learn,'' We have unfortunately failed to meet that critical goal.

Early childhood learning plays a key role in a child's future achievement and is the cornerstone of education reform. I am absolutely convinced that we must invest in early childhood learning programs if we are to have every child enter school ready to learn and succeed.

We know that from birth, the human brain is making the connections that are vital to future learning. We know that what we do as parents, care providers, educators, and as a society can either help or hurt a child's ability to gain the skills necessary for success in school—- and in life.

Many of America's children enter school without the necessary abilities and maturity. Without successful remediation efforts, these children continue to lag behind for their entire academic career. We spend billions of dollars on efforts to help these children catch up. As we demand that students and schools meet higher academic standards, these efforts become much harder. An investment in early learning today will save money tomorrow. Research has demonstrated that for each dollar invested in quality early learning programs, the Federal Government can save over five dollars—spend one, save five.

These savings result from future reductions in the number of children and families who participate in Federal Government programs like Title I special education and welfare.

This amendment is designed to help parents and care givers integrate early childhood learning into the daily lives of their children.

Parents are the most important teachers of their children. If parents are actively engaged in their child's early learning, their children will see greater cognitive and non-cognitive benefits.

Parents want their children to grow up happy and healthy. But few are fully prepared for the demands of parenthood. Many parents have difficulty finding the information and support they need to help their children grow to their full potential. Making that information and support available and accessible to parents is a key component of this amendment.

For many families, it is not possible for a parent to remain home to care for their children. Their employment is not a choice, but an essential part of their family's economic survival.

And for most of these families, child care is not an option, but a requirement, as parents struggle to meet the competing demands of work and family.

Just as it is essential that we provide parents with the tools they need to help their children grow and develop, we also must help the people who care for our nation's children while parents are at work.

Today, more than 13 million young children—including half of all infants—spend at least part of their day being cared for by someone other than their parents.

In Vermont alone, there are about 22,000 children, under the age of six, in state-regulated child care.

This amendment will provide communities with the resources necessary to improve the quality of child care. Funds can be used for professional development, staff retention and recruitment incentives, and improved compensation. By improving local collaboration and coordination, child care providers—- as well as parents—- will be able to access more services, activities and programs for children in their care.

Our ''Early Learning Opportunities'' amendment will serve as a catalyst to engage all sectors of the community in increasing programs, services, and activities that promote the healthy development of our youngest citizens. The amendment ensures that funds will be locally controlled.

Funds are channeled through the states to local councils. The councils are charged with assessing the early learning needs of the community, and distributing the funds to a broad variety of local resources to meet those needs.

Local councils must work with schools in the community to identify the abilities which need to be mastered before children enter school. Funds must be used for programs, activities and services which represent developmentally appropriate steps towards acquiring those abilities.

This amendment will expand community resources, improve program collaboration, and engage our citizens in creating solutions. It will will help parents and care givers who are looking for better ways to include positive learning experiences into the daily lives of our youngest children.

When children enter school ready to learn, all of the advantages of their school experiences are opened to them—-their opportunities are unlimited.

I urge all my colleagues to vote for the ''Early Learning Opportunities Act'' amendment.

I urge you to give our nation's children every opportunity to succeed in school and in life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

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

Mr. President, I rise today to lend my support to a critical component of our efforts to reform the public education system and ensure that all children can learn to high standards: a collaborative approach to increasing the availability of high-quality early learning initiatives for young children. The amendment before us today recognizes the importance that the early years of a child's life play in his or her future learning and development. This amendment acknowledges what we know to be to true: children who begin school lacking the ability to recognize letters, numbers, and shapes quickly fall behind their peers. Students who reach the first grade without having had the opportunity to develop cognitive or language comprehension skills begin school at a disadvantage. Children who have not had the chance to develop social and emotional skills do not begin school ready to learn. Mr. President, we have the opportunity here today in this bipartisan amendment to see to it that all of our young children have access to high-quality early learning initiatives and that all of our children begin school ready to learn.

The beauty of the approach that I am advocating for here today, is that it builds upon existing early learning and child care programs in each and every community in this country. Mr. President, this early learning amendment would provide support to families by minimizing government bureaucracy and maximizing local initiatives. This amendment would support the creation of local councils that will provide funding to communities to expand the thousands of successful early care and education efforts that already exist. It will establish an early learning infrastructure at the local level. This infrastructure will establish the necessary linkages between private, public, and non-profit organizations that seek to provide a healthy, safe, and supportive start in learning and in life for children of pre-school age. Mr. President, this amendment provides the Senate with a critically important bipartisan opportunity to support early learning collaboratives at the state level, in towns, in cities, and in communities throughout this country.

I can attest to the success and importance of this collaborative approach, because I have seen it work. I was so convinced by what I saw in Allegheny County, Pennsylvania, Mr. President, that I introduced legislation in the 105th and the 106th Congresses that is very similar to the amendment before us today. Let me tell you about the Early Childhood Initiative (ECI) in Allegheny County, Pennsylvania—an innovative program which helps low-income children from birth to age five become successful, productive adults by enrolling them in high quality, neighborhood-based early care and education programs, ranging from Head Start, center-based child care, home-based child care, and school readiness programs. ECI draws on everything that's right about Allegheny County—the strength of its communities—neighborhood decision-making, parent involvement, and quality measurement. Parents and community groups decide if they want to participate and they come together and develop a proposal tailored for the community. Regular review programs ensure quality programming and cost-effectiveness. We're talking about local control getting results locally: 19,000 pre-school aged children from low-income families, 10,000 of which were not enrolled in any childcare or education program. Evaluations have shown that enrolled children are achieving at rates equivalent to their middle income peers. And as we know, without this leveling of the playing field, low-income children are at a greater risk of encountering the juvenile justice system.

In the United States, child care, early learning, and school-age care result from partnerships among the public sector—federal state, and local governments; the private sector—businesses and charitable organizations; and parents. Both the public and the private sectors help children get a strong start in life by supporting and providing child care, by enhancing early learning opportunities, and by supplying school-age care. Attention to early childhood development by so many organizations and levels of government is important and appropriate. But oftentimes, early care and education is a hodgepodge of public and private programs, child-care centers, family day-care homes, and preschools and ironically the widespread concern for the provision and quality of such programs has led to what some experts in this field have called a non-system.

I'd like to tell you about one of the most ground-breaking studies in the effectiveness of early learning programs, called the Abecedarian Project, that is taking place at the University of North Carolina Chapel Hill. This highly-regarded study has found that low-income children who received comprehensive, quality early educational intervention had higher scores on cognitive, reading, math tests than a comparison group of children who did not receive the intervention. These effects persisted through age 21. The study also found that young people who had participated in the early education program were more likely to attend a four-year college and to delay parenthood. And the positive impact of the early learning program was not just limited to the children, Mr. President. Mothers whose children participated in the program achieved higher educational and employment status as well, with particularly strong results for teen mothers.

Community collaboration allows a vast array of people to assess what support children and families need, what resources are available in their own community, and what new resources are necessary. Collaboration is a way to meet the needs of parents who work full time. For example, children who attend a state-financed half-day preschool program in a child-care center are able to remain in the center after the formal preschool program has ended until a parent finishes working when linkages between disparate programs are made. This sort of continuity can eliminate transportation problems that often plague working families and stressful transitions for parents and children.

Child care and early learning are necessities for millions of American families. Children of all income levels are cared for by someone other than their parents. Each day, an estimated 13 million children under age six—including children with mothers who work outside the home and those with mothers who do not—spend some or all of their day being cared for by someone other than their parents. Many of these children enter non-parental care by 11 weeks of age, and often stay in some form of child care until they enter school.

I commend my esteemed colleagues, Senator STEVENS, Senator JEFFORDS, Senator BOND, Senator DODD, and the senior Senator from Massachusetts, Senator KENNEDY, who, as you all know, is a true leader in this area, for working so diligently on this amendment. And I'm pleased to have the opportunity to be here on the floor to discuss this bipartisan legislation. Indeed, supporting states and local early learning collaboratives is not a partisan

issue. In fact. Mr. President, the legislation that I introduced in the 105th and 106th Congresses, the Early Childhood Development Act, would support a collaborative approach and sustain an early learning infrastructure. My legislation has been supported by Senators on both sides of the aisle. I commend my colleagues—Senator BOND, Senator GORDON SMITH, Senator SNOWE, Senator COLLINS, and the late Senator CHAFEE, for supporting this important, non-partisan educational priority and approach to improving early learning opportunities for all children. And I particularly commend the bipartisan group of leaders on this amendment.

Early childhood programs are cost effective and can result in significant savings in both the short- and the long-term. For example, the High/Scope Foundation's Perry Preschool Study examined the long-term impact of a good early childhood program for low-income children. Researches found that after 27 years, each $1.00 invested in the program saved over $7.00 by increasing the likelihood that children would be literate, employed, and enrolled in postsecondary education, and making them less likely to be school dropouts, dependent on welfare, or arrested for criminal activity or delinquency. A study of the short-term impact of a pre-kindergarten program in Colorado found that it resulted in cost savings of $4.7 million over just three years in reduced special education costs.

Child care and early learning are particularly important for low-income children and children with other risk factors. Good early care and education programs help children enter school ready to succeed in a number of ways, and have a particularly strong impact on low-income children who are at greater risk for school failure. Mr. President, reading difficulties in young children can be prevented if children arrive in the first grade with strong language and cognitive skills and the motivation to learn to read, which are needed to benefit from classroom instruction.

Law enforcement has attested to the importance of early learning programs. A poll of police chiefs from across the country found that nearly none out of ten (86 percent) said that ''expanding after-school and child care programs like Head Start will greatly reduce youth crime and violence.'' Nine out of ten also agreed that a failure to invest in such programs to help children and youth now would result in greater expenses later in crime, welfare, and other costs. Police chiefs ranked providing ''more after-school programs and educational child care'' as the most effective strategy for reducing youth violence four times as often as ''prosecuting more juveniles as adults'' and five times as often as ''hiring more police officers to investigate juvenile crime.''

I urge my colleagues to think about what is at stake here. Poverty seriously impairs young children's language development, math skills, IQ scores, and their later school completion. Poor young children also are at heightened risk of infant mortality, anemia, and stunted growth. Of the millions children under the age of three in the U.S. today, 25 percent live in poverty. Three out of five mothers with children under three work, but one study found that 40 percent of the facilities at child care centers serving infants provided care of such poor quality as to actually jeopardize children's health, safety, or development. Literally the future of millions of young people is at stake here. Literally that's what we're talking about. But is it reflected in the investments we make here in the Senate? I would, respectfully, say no—not nearly enough, Mr. President. But today, during this debate on the Elementary and Secondary Education Act, we have a genuine opportunity to make a meaningful difference and contribution to the lives of poor children in this country.

I'd also like to discuss the results of a study conducted by the National Institute of Child Health and Human Development. This study has been following a group of children to compare the development of children in high quality child care with that of children in lower quality child care. Researchers have thus far tracked the children's progress from age three through the second grade. At the end of this most recent study period, children in high quality child care demonstrated greater mathematics ability, greater thinking and attention skills, and fewer behavioral problems. These differences held true for children from a range of family backgrounds, with particularly significant effects for children at risk.

Let me explain why this legislation is so fundamentally important and why it is clear we are not doing enough to ensure that our youngest children are exposed to meaningful learning opportunities:

A study in Massachusetts found that the supply of child care in communities with large numbers of welfare recipients was much lower than in higher-income communities. The 10 percent of zip code areas with the greatest share of welfare recipients had just 8.3 preschools operating per 1,000 children ages 3 to 5. This was one-third lower than in high-income communities.

Four out of five children already know what it means to be in the full-time care of someone other than one of their parents.

A study by the U.S. Department of Education found that public schools in low income communities were far less likely to offer pre-kindergarten programs (16 percent) than were schools in more affluent areas (33 percent).

Kindergarten teachers estimate that one in three children enters the classroom unprepared to meet the challenges of school.

Only 42 percent of low-income children between the ages of 3 and 5 are in pre-kindergarten programs compared with 65 percent of higher income children.

Our country has struggled, and this body has struggled, with ways to improve the lives of young, poor children in this country. The debate we are engaged in today centers around how to more effectively educate disadvantaged children, how to hold schools, administrators, and teachers accountable for providing a high-quality education, and ensuring that all children are given the opportunities to learn. Mr. President, early learning is a critical element of the fundamentally important goal of ensuring all children learn to high standards. We must go where the children are—in child care centers, in family-based care—and guarantee support of meaningful early learning services.

The intent of a collaborative approach to early education and child care is to create a system that supports children's development and is also responsive to the needs of working parents. We need to take action in order to make a difference in the lives of our children before they're put at risk, and this bipartisan approach is certainly a step in the right direction, I believe a step the Senate must take. We need to accept the truth, Mr. President, that we can do a lot more to help our kids grow up healthy with promising futures in an early childhood development center, in a classroom, and in a doctor's office than we can in a courtroom or in a jail cell.

I urge my colleagues to support this amendment.

I thank my colleague, the senior Senator from Massachusetts, for his extraordinary leadership in this arena, as well as in the entire area of education.

I think my colleagues will agree that there is no more forceful, eloquent, or committed voice on the subject of children and of education in the country. I am grateful for his leadership on their particular issue.

I also join in thanking the Senator from Alaska for his passionate and very firsthand commitment to this subject. He comes to this from a place of real understanding. And I hope his colleagues on his side of the aisle will recognize that this is not partisan. This is something that has the capacity to bring both sides together to the advantage of the children of America.

I also thank my colleague, Senator BOND, who joined me several years ago in what was then a ground-breaking effort in the Senate to try to recognize the capacity of collaboratives in the local communities to be able to pick up much of this burden. For a long time, we spent an awful lot of energy in the Senate reinventing the wheel. I think what we did was try to say how we solve the problem without necessarily creating a new Federal bureaucracy and without creating additional administrative overhead. How do we play to the strengths of our mayors, of our local charitable organizations, which do such an extraordinary job, and

which in so many cases are simply overburdened by the demand?

I think there is not one Member who is not aware of a Boys Club, Girls Club, YMCA, YWCA, Big Brother-Big Sister, or any number of faith-based entities, whether the Jewish community centers, the Catholic charities, the Baptist Outreach—there are dozens upon dozens of efforts—that successfully intervene in the lives of at-risk or troubled young people and who succeed in turning those lives around.

This should not be categorized as a government program with all of the pejoratives that go with the concept of government program. This is, in effect, the leveraging of those efforts at the local level that already work. The best guarantee that comes out of this amendment is that it appeals to the capacity of the local communities to choose which entities work and which entities don't. There is none of the rhetoric that somehow attacks so easily the notions that seek to do good and changes lives of people for the better, none of that rhetoric that suggests that Washington is dictating this or there is a new bureaucracy, or this is the long reach of the government at the Federal level trying to tell the local level what to do. None of that applies here.

This is a grant to local collaboratives with the Governors' input and the input of those local charitable entities. They know best what is working; they know best where that money can have the greatest return on the investment. They will, therefore, decide what to do.

Let me address for a quick moment the common sense of this. Senator STEVENS talked about the science and brain development. Indeed, we have learned a great deal about brain development. In fact, we are learning even more each day.

Just this year, new evidence about brain development has been made public which suggests that not only is the early childhood period so critical for a particular kind of discipline, but we are now capable of learning about the brain's functioning at different stages of development through to the point of adulthood. A child in their early teens, for instance, may be particularly susceptible to language input and at a later stage of life to more analytical skills; at the earlier stage of life much more subject to the early socialization skills and the early recognition, cognitive skills such as recognizing shapes, forms, numbers.

The problem in America is—every single one of us knows this—certain communities don't have the tax base, don't have the income, and we will find parents have a greater struggle to provide for a safe, nonchaotic atmosphere within which their children can be brought up. Find a place where children get the proper kind of early input and it makes a difference in their capacity to go to school ready to learn. In an affluent community, almost by 2 to 1 we find many more children are in safe, competent, early childhood environments where they are well prepared to go to school.

The consequences of not preparing a child to go to school at the earliest stage ought to be obvious to everybody, but they are not. I have heard from countless first grade schoolteachers who tell me in a class of 25 to 30 kids, they might have 5 to 10 kids who do not have the early cognitive skills their peers have, so the teacher is then reduced in their capacity to be able to provide the accelerated effort to the rest of the class because they are spending so much time trying to help people catch up. Moreover, it takes longer for the children to catch up.

There are a host of other disadvantages that come with the lack of that early childhood education that often play out later in life, sometimes in very dramatic ways, when they get in trouble with the law, when they become violent, and when we spend countless billions of dollars, literally billions of dollars, trying to remediate things that could have been avoided altogether in the first place.

That is what this is all about. This is common sense. There are two former Governors who will speak on this. I know what the Senator from Ohio did because I followed what he did when he was a Governor. We used some of what he did, as well as some of what was done by Governor Hunt in North Carolina, as models for possibilities. There are Governors all across this country who currently support wonderful, homegrown, locally initiated, locally based efforts that save lives and change lives on an ongoing basis.

We need to augment the capacity of all of those entities to reach all of the children of America. If we did that, we could provide a tax cut in the end to the American people. For the dollar invested at the earliest stage, there is a back-end savings of anywhere from $6 to $7 per child, and sometimes much greater percentages in terms of the costs of the social structure that we put in place to either mitigate, and sometimes simply to isolate, people from society as a consequence of those early deprivations.

This is not ''goo-goo'' social work. This is not do-goodism. It doesn't fit into any kind of ideological label. This is something that has worked all across the country.

I close by pointing to one very successful initiative that I visited several years ago which became part of the basis of the collaboration in which Senator BOND and I engaged.

In Allegheny County, PA, there is a thing called the Early Childhood Initiative. This program helps low-income children from birth to age 5 to become successful, productive adults by enrolling them in high-quality, neighborhood-based early care and education programs ranging from Head Start to center-based child care, to home-based child care, to school readiness programs. It draws on all of the corporate community. The corporate community matches funds. The corporations become involved with the charitable entities. The public sector becomes involved. They join together to guarantee there are regular review programs ensuring quality programming and cost effectiveness.

We are now talking about 19,000 preschool age children from low-income families, 10,000 of which were not enrolled in any children's care or education program prior to the childhood education initiative being put in place.

May I add, this has been done to date with a small amalgamation of Federal money, principally with corporate and local match and State money.

This can be done. For a minimal amount of Federal dollars, you can leverage an extraordinary outpouring of local match, of corporate private sector involvement, all of which builds communities, all of which in the end would make this country stronger and significantly augment the capacity of our teachers, who are increasingly overburdened, to be able to teach our children adequately.

I really hope this will be one amendment that does not fall victim to partisanship or to predisposition. I think we ought to be able to come to common agreement and common ground on this. I really commend it to my colleagues on that basis.

I thank my colleagues for their forbearance.

Mr. DODD. Mr. President, I am pleased to join my colleagues, Senators STEVENS, KENNEDY and JEFFORDS and others in support of this amendment.

As we enter the new millenium, we have before us a unique opportunity to enact legislation that will give every child the chance for the right start in life.

Recent research on the brain has clearly demonstrated that the years from birth to school enrollment are a hotbed of neurological activity—an unparalleled opportunity for children to acquire the foundation for learning.

While this seems to be common sense—and something that parents have always know intuitively—in fact, it is only recently that parents' intuition has been backed by evidence.

Until only 15 years ago, scientists still assumed that at birth a baby's potential for learning was pretty firmly in place. We now know that to be untrue.

Now we know that just in the first few months of life, the connections between neurons, or synapses, in a child's brain will increase 20-fold, to more than 1,000 trillion—more than all the stars in the Milky Way.

In those months and years, the brain's circuitry is wired. With attention and stimulation from parents and other caregivers, we begin to see the permanent pathways for learning and caring forming in a child's brain.

The downside to the plasticity of the brain is that it can be as easily shaped

by negative experiences as positive experiences. Fear and neglect are just as readily wired into the brain as caring and learning.

Scientists have also found that the brain's flexibility in those early years is not absolute. Some skills can only be acquired during defined windows of opportunity. Abilities, like sight and speech, that are not wired into place within a certain critical period may be unattainable—a ''use it or lose it'' phenomenon.

We see this phenomenon played out in the classroom. Kindergarten teachers across the country tell us that as many as one in three children begins the first day of school unprepared to learn. Because they have never been read to, basic literacy skills have not taken hold. Because they were never screened for health problems, they have undiagnosed hearing or vision impairments.

If we accept the science of brain development, it's clear that is where our investments should be.

The data is in and the facts are undisputable:

The experiences a child has in the years from birth to age 6 set the stage for that child's later academic success.

Investing in early learning saves us money in the long run.

It is very simple—if children enter kindergarten and first grade unprepared, they may never catch up. As a society, we pay dearly for that lack of readiness. We pay in the lost potential of that child. We pay in terms of higher special education costs. And we pay in terms of increased juvenile justice costs.

There is no more fitting place for this amendment to be considered than here as part of the Elementary and Secondary Education Act—a very appropriate place to formally recognize the fact that learning starts at birth.

This amendment has two main objectives: To provide parents and others who care for children with the skills and resources to support children's development and to engage communities in providing early learning opportunities for all children.

Because parents are children's first and best teachers, this legislation would support their efforts to create healthy and stimulating environments for their children.

But, knowing that more than 60 percent of children younger than age six—regardless of whether their mothers work—are in some form of non-parental care, this legislation would also support the efforts of child care centers and home-based child care providers to offer positive early learning experiences.

Importantly, the delivery system for all of these investments is the community. Under this legislation, local councils of parents, teachers and child care providers will assess the community's needs and determine how to allocate resources.

In addition to using funds to support parents and other caregivers, funds could be used:

To increase access to existing programs by expanding the days or times that children are served or by making services available to children in low-income families.

To enhance early childhood literacy.

To link early learning providers to one another and to health services.

To improve quality of existing early learning programs through recruitment, retention, and professional development incentives, and

To increase early learning opportunities for children with special needs.

If this model sounds familiar to you, it should. The strategy of investing in early learning has been embraced in some form by over 42 governors.

In the laboratory of the states, governors, business leaders, parents, and kindergarten teachers have decided that they are convinced enough by the science and the facts to forge ahead.

In Connecticut, we are entering our third year of a wildly popular school readiness initiative. As a result of this initiative, 41 cities and towns are now providing high quality preschool experiences to over 6,000 children.

The results of this initiative in terms of improvements in school readiness and reductions in special education costs have been so significant that the Governor and legislature have almost doubled funding in three years to $72 million.

Interestingly, perhaps the strongest backer of this initiative has been the business community. The people who like to crunch numbers, to see things in terms of costs and benefits looked at the facts and decided that early learning was a wise investment. That says a lot.

States are doing their part. Many businesses are doing their part. The federal government must do its part.

As we enter the 21st century, let's get our priorities straight.

We cannot and should not let this opportunity to make a real difference in the lives of children and families across America pass us by.

Our children are priceless—we shouldn't ''nickel and dime'' them when it comes to providing the best possible start in life.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank Senator KERRY for the work he and I have done over the years on early childhood education. This amendment by Senators STEVENS and JEFFORDS and others builds on that because we know that early in a child's development is the best time to begin the process of assuring that child is well educated, well prepared—the very earliest stages in life. This amendment recognizes if we do everything possible for our Nation's children in their overall education, we should begin at the earliest years.

While most of the debate on this bill will be about elementary and secondary education—the years of what we might call formal schooling—the education and mental development of a child begins long before that child enters kindergarten. In fact, the education and development of a child begins practically at birth and continues at an extremely rapid pace through the first several years of life.

This amendment recognizes this basic fact—that a child's education and mental development begins very early in life. Through this amendment, we are seeking to support families with the youngest children to find the early childhood education care programs that can help those families and parents provide the supportive, stimulating environment we all know their children need.

This amendment recognizes that if we want to do everything possible for our nation's children and their overall education, we need to focus on the earliest years as well as the years of formal schooling. We can do this—and this amendment proposes to do this—by supporting and expanding the successful early childhood programs and initiatives that are working right now on the local level. These programs help parents to stimulate and educate their young children in an effort to make sure every child enters kindergarten fully ready to learn.

I am pleased to say that this amendment is based on the basic ideas and principles I set forth in legislation that was first introduced several years ago with my good friend from Massachusetts, Senator KERRY.

Research shows that the first years of life are an absolutely crucial developmental period for each child with a significant bearing on future prospects. During this time, infant brain development occurs very rapidly, and the sensations and experiences of this time go a long way toward shaping that baby's mind in a way that has long-lasting effects on all aspects of the child's life.

And parents and family are really the key to this development. Early, positive interaction with parents, grandparents, aunts, uncle, and other adults plays a critical role.

Really we shouldn't be surprised that parents have known instinctively for generations some of these basic truths that science is just now figuring out. Most parents just know that babies need to be hugged, caressed, and spoken to.

Of course, the types of interaction that can most enhance a child's development change as the baby's body and mind grow. The best types of positive interaction—which are so instinctual to us for the youngest babies—may not be quite so obvious for two- and three-year-olds. Raising a child is perhaps the most important thing any of us will do, but it is also one of the most complicated.

And parents today also face a variety of stresses and problems that were unheard of a generation ago. In many families, both parents work. Whether

by choice or by necessity, many parents may not be able to read mountains of books and articles about parenting and child development to keep perfectly up-to-date on what types of experiences are most appropriate for their child at his or her particular stage of development. They also must try to find good child care and good environments where their children can be stimulated and educated while they work. Simply put, most parents can probably use a little help to figure out how best to help a child's mind and imagination to grow as much as possible.

Many communities across the country have developed successful early childhood development programs to meet these needs. Most of the programs work with parents to help them understand their child's development and to discuss ways to help further develop the little baby's potential. Others simply provide basic child care and an exciting learning environment for children of parents who both have to work.

In a report released in 1998, the prestigious RAND Corporation reviewed early childhood programs like these and found that they provide children, particularly high-risk children, with both short- and long-run benefits. These benefits include enhanced development of both the mind and the child's ability to interact with others. They include improvement in educational outcomes. And they include a long-term increase in self-sufficiency through finding jobs and staying off government programs and staying out of the criminal justice system.

Of course, it's no mystery to people from my home state of Missouri that this type of program can be successful. Missouri is the ''Show Me'' state, an we have been shown first-hand the benefit of a top-notice early childhood program. In Missouri, we are both proud and lucky to be the home of Parents as Teachers. This tremendous organization is an early childhood parent education program designed to empower the parents to give their young child the best possible start in life. It provides education for the parent on a volunteer basis. Over 150,000 Missouri families are participating in it, with 200,000 children benefiting from it. It combines visits by the parent/educator in the home to see the progress of the child. It provides ideas and information to the parent to stimulate that child's learning curiosity. It brings parents and children together in group sessions to discuss common problems.

This program has been shown, by independent tests, to improve significantly the learning capacity of children when they reach formal schooling years. In addition, it hooks the parents into their child's education for the future years. I personally, from my visits to over 100 of these sites around my State, can tell you it is clear to the teachers, to the administrators, to the school board members, children who have been in Parents as Teachers have an excellent start and they are above and ahead of the other children who have not been so lucky.

This program is available through every school district in our State. I have talked to mothers coming off welfare who say it is the most important thing for their children. I have talked to farm families who are struggling to make a living off the farm, who say it is the best thing that can happen to their children. I have talked to economically successful suburban families; mom and dad both have good jobs, not enough time, but Parents as Teachers gives them the direction and the tools so they can be the best first teachers of their children.

That is why it is called Parents as Teachers.

With additional resources, programs such as Parents as Teachers could be expanded and enhanced to improve the opportunities for many more infants and young children. And we have found that all children can benefit from these programs. Economically successful, two-income families can benefit from early childhood programs just as much as a single-parent family with a mother seeking work opportunities.

This amendment will support families by building on local initiatives like Parents as Teachers that have already been proven successful in working with families as they raise their infants and toddlers. The bill will help improve and expand these successful programs, of which there are numerous other examples, such as programs sponsored by the United Way, Boys and Girls Clubs, as well as state initiatives such as ''Success by Six'' in Massachusetts and Vermont and the ''Early Childhood Initiative'' in Pennsylvania.

The amendment will provide Federal funds to states to begin or expand local initiatives to provide early childhood education, parent education, and family support. Best of all, we propose to do this with no Federal mandates, and few Federal guidelines.

Many of our society's problems, such as the high school dropout rate, drug and tobacco use, and juvenile crime can be traced in part to inadequate child care and early childhood development opportunities. Increasingly, research is showing us that a child's social and intellectual development as well as a child's likelihood to become involved in these types of difficulties is deeply rooted in the early interaction and nurturing a child receives in his or her early years.

Ultimately, it is important to remember that the likelihood of a child growing up in a healthy, nurturing environment is the primary responsibility of his or her parents and family. Government cannot and should not become a substitute for parents and families, but we can help them become stronger by equipping them with the resources to meet the everyday challenges of parenting.

I believe this amendment can accomplish this and dramatically improve the life and education of millions of the youngest Americans.

I invite any of my colleagues, or anyone else who wants to know more about this program, to let me know because we have seen this program copied in other States, in other countries. It really can make a difference for children. I believe the support this amendment will provide for early childhood education is one of the best things we can do to assure the highest quality educational achievement for all of our children.

The screening for young children that goes along with it helps avoid problems and more than pays for the cost of the education programs. I believe this amendment, if we adopt it, can be a tremendous boost for children of all walks of life throughout our country.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I have been very impressed with the words of my colleagues, the two Senators from Massachusetts, the Senator from Alaska, the Senator from Vermont, and now the Senator from Missouri.

One of the things I decided on doing when I came to the Senate was to bring my passion for early childhood development to the Senate and to encourage my colleagues to give a much higher priority to children age prenatal to 3 than we have been giving in this country. Early childhood development, especially covering children age prenatal to 3, is fundamental if this Nation is to achieve the first of our eight national education goals, and that is, ''all children in America will start school ready to learn.''

There are great programs for children, such as Head Start, which Congress has supported for 35 years. I am proud that when I was Governor of Ohio, we increased spending for Head Start by 1,000 percent. So in our State today, every eligible child whose parent wants them in a Head Start Program has a slot for that child. Even though Head Start has made a tremendous impact on our children, we must recognize that the program is designed for 3- and 4-year-olds. The period in a child's life in which we have not invested enough in this country, and the period on which we need to start concentrating, is the period in a child's life from prenatal to age 3. It is the time in a child's life that has the most impact on their overall development.

Thanks to decades of research on brain chemistry, and through the utilization of sophisticated new technology, neuroscientists are now telling us that within the first 3 months in the womb, children start to develop the 100 billion neurons they will need as adults. By the time they reach the age of 3, children have all the necessary connections—what we call synapses—between brain cells that cause the brain to function properly.

What I am saying is almost frightening. If we do not create an appropriate environment for our children prenatal to age 3, they physically do not develop these synapses in their brains, and they are incapable of using what God has given them in the most efficient way possible.

In terms of priorities, the experiences that fill a child's first days, months, and years have a critical and decisive impact on the development of the brain and on the nature and extent of their adult capacities—in other words, who they are going to become. The window of opportunity can be impacted by things that are within our control.

We found, for example, children who lack proper nutrition, health care, and nurturing during their first years tend also to lack adequate social, motor, and language skills needed to perform well in school. That is why all young children, parents, and care givers of those children should have access to information and support services appropriate for promoting healthy early childhood development in the first years of life, including child care, early intervention services, parenting education, health care, and other child development services.

This new revelation requires that States streamline and coordinate healthy early childhood development systems. It also necessitates that the Federal Government reorder its education priorities to reflect the importance of a child's learning and growing experiences from prenatal to age 3.

This amendment responds to the obvious shortcomings of the Federal Government's partnership with State governments and encourages States to coordinate and galvanize all public and private assets on the State and local level.

The amendment authorizes the expenditure of some $3.2 billion over the next 3 years to make grants available to our States, and subsequently to the counties, in order to provide or improve early learning services for young children.

I want to underscore, this is not a new entitlement. I want to emphasize, what we are trying to do is prioritize money we are already spending for education and put more of it into early development programs where it is going to make the biggest difference for our children.

In order to receive this money, it does one other thing I think is very important. In too many communities in the United States, local social service, public, and private agencies do not cooperate and combine their resources. They do not collaborate enough to deliver services to children in their community. This amendment will require that:

> A State shall designate a lead State agency . . . to administer and monitor the grant and ensure State-level coordination of early learning programs.

For their part, localities must also follow guidelines to be eligible to receive funds. Again, from the bill, ''a locality shall establish or designate a local council, which shall be composed of—representatives of local agencies directly affected by early learning programs; parents; other individuals concerned with early learning issues in the locality, such as individuals providing child care resource and referral services, early learning opportunities, child care, education and health services; and other key community leaders.'' This could also include faith-based community organizations.

We are saying that unless a State gets its act together and gets its agencies that deal with families and children into a lead state agency in order to coordinate activities, and unless local communities come together in collaboratives, the money will not flow to those collaboratives.

In a way, it is an inducement for local private-public agencies to get together to talk about how they can look at the early period in a child's life and make a difference and galvanize all the resources in the community.

It will help eliminate some of the turf problems throughout this country where agencies do their own thing without working with other agencies.

It will encourage agencies to understand they have a symbiotic relationship with each other, and by working together, they can make a difference on behalf of the children in their respective communities.

In Ohio, we established the Ohio Family and Children First Initiative which was driven by locally based providers and not bureaucrats. The initiative developed a plan to meet the health, education, and social service needs of disadvantaged children and families and develop an action plan to meet those needs by eliminating barriers, coordinating programs, and targeting dollars.

We started out in Ohio with only 9 programs in 13 of our 88 counties. We put out an RFP and said those counties that get their act together can participate in the program. It was such a success that today all 88 counties that have these collaboratives that are making a difference in the lives of our children.

In my own county, we have a wonderful example of what can happen when agencies work together. The Cuyahoga County Early Childhood Initiative has undertaken a 3-year $40 million pilot program to promote and improve effective parenting, healthy children, and quality child care in order to assure the well-being of all children in the county from birth through age 5.

Under this collaborative partnership, which began last July, $30 million comes from a combination of local, State, and Federal sources, and $8.5 million has thus far been committed by 18 local foundations. In other words, this is a program where we are combining local, State, and Federal resources and private resources to make an impact on these youngsters.

One of the more innovative aspects of this initiative is that it guarantees a visit by a registered nurse, if requested, to every first-time and teen mother in the county. These nurses help identify health and social service needs of both moms and babies, and link families with services that underscore and highlight the importance of a child's first 3 years.

I will never forget when I was Governor, for my 1998 State of the State Address, I invited people who were benefiting from some of the programs we instituted. One of the individuals I invited was a woman from one of our rural counties.

I asked her before the State of the State Address: What did this program do for you? This may sound elementary, but she said: I had my baby, I came home, I put the baby in the crib, and I watched television. When the nurse came out, she said that I should hold my baby, I should sing to my baby, I should read to my baby. She taught me how to use Ziploc bags to make picture books so that I could look at those pictures with my baby. I was told the more I stimulated and spent time with that baby, the more that baby would develop the brain power that God had given her.

Another program we put in place was Help Me Grow, which gives new mothers in Ohio a wellness guide, an informational video, and access to a telephone helpline so that, right from the beginning, new mothers can get the information they need and know where they can turn for help.

Again, it is a private sector initiative that came about as a result of the Family and Children First Initiative. In other words, a woman has a baby at the hospital. She gets a 30-minute video which tells her how to be a better mother. A nurse spends time with her. It is a ''how to do it'' initiative.

This may be hard to believe, but women all over this country are having babies and need help in what to do when that child is born. This program is going to help make that possible.

The amendment from the Senator from Alaska and the Senator from Vermont will expand the collaborative effort nationwide. This amendment conditions the Federal dollars that localities receive through the lead State agency on the ability of communities to come together and establish collaborative efforts. That means, as I said, putting aside the ''turf battles'' and galvanizing the resources.

I want to emphasize how important this is. These Federal dollars will be what I refer to as ''the yeast that raises the dough.'' In other words, these funds will act as seed money generating additional local and State resources, and better use of Federal resources, as well as private sector and foundation funds, all to help our children. I know this program is going to work because of the way it has worked in the State of Ohio. Early childhood has been a passion of mine since my

four children were enrolled in a storefront Montessori school when they were just out of diapers.

On the Federal level, the Governors understand how important this program is. In 1998, some 42 Governors chose to highlight early childhood development as a major portion of their State agendas. With this amendment, we will make the Federal Government become a more effective partner with State governments. It will kick start the local and State agencies to better coordinate and collaborate so we can maximize all the resources that are available in the community.

More important, this will give us the opportunity to take the God-given qualities of our most important resource in this country—our children—and provide them the environment they need to fully develop during their most crucial period in life.

Finally—and again I underscore for my colleagues—this is not a new entitlement. It is my hope that my colleagues on the Labor-HHS Appropriations Subcommittee will reprioritize some of the funds we currently spend on education and other health and social services toward early childhood development.

To track what happens with these Federal funds, the amendment requires that States report back on what they have been able to accomplish, ensuring there is accountability for these resources.

This amendment is about our children's future. It is about our country's future. I hope my colleagues will support this amendment on a bipartisan basis. Of all of the things we can do for children in this country, the most important thing we can do is impact on them during this most important period in their life, and what we do during this period in a child's life, in my opinion, is going to be the best investment we can make in our children. All the research shows that for every dollar we invest during a child's earliest years, we save $4 and $5 later on in their lives.

I thank the Chair.

Mr. HATCH. Mr. President, yesterday Senator KENNEDY asked me about the source of one of the statistics I quote during the debate on S. 2. I am pleased to provide the Senator from Massachusetts with the source for my statistics.

During the 105th Congress, the House Subcommittee on Oversight and Investigation of the Committee on Education and the Workforce prepared an excellent report, entitled, ''Education at a Crossroads: What Works and What's Wasted in Education Today.'' I am pleased to share an excerpt from it with my colleagues. This report concludes that:

One of the main problems with delivering federal education aid to states and communities through such a vast array of programs is the added cost of paperwork and personnel necessary to apply for an keep track of the operations of each of these programs. Many of the costs are hidden in the burdens placed on teachers and administrators in time and money to complete federal forms for this multitude of overlapping federal programs.

In 1996, Governor Voinovich of Ohio noted that local schools in his state had to submit as many as 170 federal reports totaling more than 700 pages during a single year. This report also noted that more than 50 percent of the paperwork required by a local school in Ohio is a result of federal programs—this despite the fact that the federal government accounts for only 6 percent of Ohio's educational spending.

The Subcommittee has attempted to quantify the number of pages required by recipients of federal funds in order to qualify for assistance. Without fully accounting for all the attachments and supplemental submissions required with each application, the Subcommittee counted more than 20,000 pages of applications.

So how much time is spent completing this paperwork? In the recently released strategic plan of the Department of Education, the administration highlights the success of the Department in reducing paperwork burdens by an estimated 10 percent—which according to their own estimates accounts for 5.4 million man hours in FY 97. If this statistic is accurate, it would mean that the Department of Education is still requiring nearly 50 million hours worth of paperwork each year—or the equivalent of 25,000 employees working full-time. [page 15]

Mr. President, this paper chase, as I suggested yesterday, has our nation's teachers and administrators spinning their wheels on the requirements of a federal education bureaucracy instead of concentrating on teaching and meeting the needs of students. Our educational system has been taken over by a federally driven emphasis on form rather than substance.

While I commend Secretary Riley's 10 percent reduction effort, we need to go much further in order to put our education emphasis where it needs to be—in classrooms, not on process requirements. I am committed to helping reduce the amount of paperwork teachers and administrators must fill out. S. 2 goes a long way to easing this burden.

## REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. SARBANES. Mr. President, this is the ninth reauthorization of the Elementary and Secondary Education Act of 1965. Regrettably, the reauthorization, as reported by Committee, is not in my view in the best interest of our Nation's children. Established as part of President Lyndon Johnson's war on poverty, the original bill offered Federal support, for the first time, to schools in low-income communities. It underscored the importance of ensuring that all American children have access to quality education.

As the time has come to again reauthorize this important legislation that provides opportunity and hope to so many citizens, the negotiations have taken a drastically partisan turn. Members of the Majority have argued that, because states have paramount responsibilities for education, the role of the Federal Government should be diminished. However, that argument ignores our Nation's interest in ensuring an educated citizenry which is vital to the strength of our country, the continued health of our economy, and our ability to compete internationally.

On previous occasions, we have worked together to provide the Federal Government's 7 percent share of elementary and secondary education funding to the citizens of our country. We came together, despite our differences, to provide for the less fortunate in society. We came together to make progress on strengthening and improving public schools in every community, while ensuring that the Federal Government retained its mission of targeting the neediest communities.

The Congress and the President showed leadership in the last reauthorization of the Elementary and Secondary Education Act and with the passage of the GOALS 2000 legislation, which established a new benchmark in setting higher standards and moving our educational system in a new direction. Now, after years of tested programs and studies, the Majority wants to go back to the days of block grant funding to states and remove the Federal Government's ability to ensure that we have a targeted and responsible use of our citizens' tax dollars.

At a time when the Nation is enjoying remarkable economic prosperity, we should be working to increase the Federal investment in education to help states, communities, and schools meet the demands of higher standards of achievement, and address the challenges of diversity, poverty, and the lack of technology advancements in some communities. We need to do all we can to target resources to the neediest communities so that the most disadvantaged students get a good education.

During the last two years, we have been able to come together as a Congress and support the President's proposal to provide more teachers to the classrooms to lower class sizes. Over $2.5 billion has been provided for the purpose of recruiting, hiring, and training teachers. Now the Majority would have us retreat from this critical effort to provide more qualified teachers and reduced class sizes. And it is well settled that smaller class sizes enhances student achievement. Smaller classes enable teachers to provide greater individual attention and assistance to students in need. Smaller classes enable teachers to spend more time on instruction, and less time on discipline and behavior problems. In smaller classes, teachers cover material more effectively, and are able to work with parents more effectively to enhance their children's education.

Mr. President, the Majority's centerpiece for this legislation, the so-called ''Straight A's program'', whether in the 50-state or the 15-state form—abandons our commitment to help the Nation's most disadvantaged children receive a good education through proven and effective programs. The bill before

us would give states a blank check for over $12 billion—and then turns its back on holding states accountable for results.

In addition, the Majority undermines the cornerstone of our education reform by making Title I funds ''portable.'' Portability dilutes the impact that Title I funding has on individual public schools that serve all children. Supporters go to great lengths to avoid admitting that this funding could be used for private, religious, or for-profit services in the form of vouchers, but indeed, this is the case. Vouchers threaten to drain public schools of greatly needed public tax dollars and send the message that when public schools, which educate 90 percent of American children, do not work, they should be abandoned rather than fixed.

As we confront a world that is increasingly complex both technologically and economically, it is critical that we continue to meet the educational needs of our Nation's young people. It is in my view imperative that we maintain strong Federal support to ensure the successful continuation of education programs serving our country's young people. The legislation as submitted by the Majority diminishes the Federal role and does not provide accountability for education standards. This is an unfortunate departure from years of bipartisan support and movement towards higher achievement for all of our young people.

Mr. President, I have a longstanding and deep commitment to the goal of ensuring a quality education for all citizens. The bill before us would retreat from that goal by sharply reducing the Federal role in education—a role, that while narrow in scope, is critical to ensuring reform in our schools and real improvements in student performance, particularly among our neediest students and in our neediest communities.

Mrs. FEINSTEIN. Mr. President, the Senate's consideration of elementary and secondary education policy offers us an opportunity to begin to institute some fundamental reforms of American public education.

I fervently hope that the Senate does just that. I hope we will send to the President promptly a bill that brings about real change.

In the past week, we have debated several approaches and today we will debate another.

First, let me say that federal education funding is only 6 percent of total spending for elementary and secondary education. So in terms of dollars, the federal role is small. Public education spending and policy are largely set by local and state governments and that is the way it should be.

Nevertheless, federal dollars can and should leverage other dollars and in writing legislation to revamp federal education policy, we have the opportunity to stimulate some real reforms.

Why do we need reform? The numbers tell us a sad story.

American students lag behind their international counterparts in many ways. American twelfth grade math students are outperformed by students from 21 other countries, scoring higher than students from only two countries, Cyprus and South Africa.

Three-quarters of our school children cannot compose a well-organized, coherent essay.

U.S. eighth graders score below the international average of 41 other countries in math. U.S. twelfth graders score among the lowest of 21 countries in both math and science general knowledge.

Three-quarters of employers say that recent high school graduates do not have the skills they need to succeed on the job. Forty-six percent of college professors say entering students do not have the skills to succeed in college, according to a February Public Agenda poll.

These statistics speak for themselves. Our schools are failing many of our youngsters. It is not the students' fault. It is our fault.

We need major change.

Our changing economy, particularly in my state, poses huge challenges for public education. Our young people must be able to compete not just nationally, but in the world because the economy today is a global economy.

Here are a few examples:

Our state's economy has moved away from manufacturing toward more higher-skilled, service and technology jobs. Since 1980, employment has increased in California by nearly 28 percent, but growth in the traditional fields, such as manufacturing, has been only six percent. Jobs in the ''new economy,'' fields such as services and trade, have jumped nearly 60 percent.

California employers say job applicants lack basic skills. High tech CEOs come to Washington and ask us to increase visas so they can bring in skilled employees from overseas because they cannot find qualified employees in our state.

Nationally, over the next 10 years, computer systems analyst jobs will grow by 94 percent; computer support specialists, by 102 percent; computer engineers, 108 percent. Jobs for the non-college educated are stagnating.

Our economic strength is in large part dependent on how well we prepare our youngsters. And today, sadly, we are not preparing them very well by most measures.

California's public schools have gone from being among the best to some of the worst. California has 5.8 million students, more students in public school than 36 states have in total population! California has 30 percent of the nation's school-age immigrant children. We have 41 percent (1.4 million) of the nation's students with limited English proficiency.

We've gone from near the top rank in per pupil spending (we were 5th in the nation in 1965) to near the bottom. California ranks 46th today. In the 1960s California invested 20 percent above the national average per student in K–12 education. Today, California averages 20 percent below the national average.

We have low test scores, crowded classrooms, uncredentialed teachers, teacher shortages, growing enrollments, decrepit buildings.

Let's look at how California's students perform academically:

In fourth grade math, 11 percent of students score at or above proficiency levels—11 percent In fourth grade reading, 20 percent.

California ranks 32nd out of 36 states in the percent of eighth graders scoring at or above ''proficient'' on reading. For fourth grade readers, we rank 36 out of 39 states in reading.

California ranks 34th out of 40 states in the percent of eighth graders scoring at or above ''proficient'' on science.

California ranks 37th among the states in the high school graduation rate.

Forty-eight percent of freshman students enrolling in the California's State University system need remedial math and English.

California's students lag behind students from other states. Only about 40 to 45 percent of the state's students score at or above the national median, on the Stanford 9 reading and math tests.

These are dismal, disappointing and disturbing statistics.

What does this mean for California's future, when our high school graduates cannot read, write, multiply, divide or add, find China on a map, fill out an employment application or read a bus schedule? These are not abstract facts. These are real examples of the weaknesses in our education system.

The Center for the Continuing Study of the California Economy—a highly respected think tank—put it quite bluntly: ''Ranking in the bottom 20 percent of all states is simply not compatible with meeting the requirements of industries which will lead California in a world economy.''

In addition to low academic performance, we have a virtual litany of other problems:

California has one of the highest student-teacher ratios in the nation, even though we are reducing class sizes in the early grades.

We will need 300,000 new teachers by 2010. Currently, 11 percent or 30,000 of our 285,000 teachers are on emergency credentials.

We're 50th in computers per child and 43rd in schools with Internet access.

We need to add about 327 new schools over the next 3 years just to keep pace with projected growth. We need $22 billion to build and repair schools and $10 billion to install instructional technology, according to the National Education Association report that just came out on May 3. Two million California children go to school today in 86,000 portable classrooms.

Our Head Start programs serve only 13 percent of eligible children.

We have 40 percent of the nation's immigrants. We have 41 percent of the nation's limited English proficient students. Some of our schools have 50 languages spoken.

These challenges will be exacerbated multi-fold. California has nearly 34 million people today, with schools, and roads, and other infrastructure that were built when the population was 16 million. And our population is projected to increase to almost 50 million over the next 25 years. California's school enrollment rate between now and 2007 will be triple the national rate.

But California's education system cannot be fixed with just bricks, mortar and electrical wiring. The problems are much, much deeper than that. The bottom line is this: tinkering around the edges of a failing system is not meaningful change. Nothing short of a major restructuring will turn around our schools.

The condition of public education in California troubles me greatly because this is an area of human endeavor that is critical to the future of our state. California's public school system can be turned around. It will be painful. It will not be easy. But it can be done. And we have to start.

So the question is, what should we do. In my view, we should base our efforts on two key principles: performance and accountability.

The success of our schools must be measured, not by what we put into our classrooms, but what comes out.

There several core elements of education reform:

That basic achievement levels be set for students for every grade in all core subjects. These standards should be phased in over a period of years, and measured at key levels, such as 4th, 6th, and 10th grades.

That social promotion of students be ended. Promotion from one grade level to the next should be based on measured levels of achievement—period. Intensive intervention programs must be provided for those who fall short and who need extra help. Extra, intervention or remedial programs must accompany the end of social promotion because clearly, retention should not replace the ending of social promotion.

That standards be set to measure a school's achievement.

That class size be reduced and phased in over 10 years.

That school size be reduced. Educators tell us that elementary schools should be limited to 450 students.

That the length of both the school day and the school year be increased, thereby increasing both instructional time for students as well as instructional development time for teachers.

In most states, the school year is 180 days. In other industrialized nations, students spend more time in the classroom, and teachers have more time for instructional development each year. For example, in Korea the school year is 220 days. In Japan it is 220. In Israel it is 216, and in Great Britain, 190.

That public school choice be increased.

And that teacher training and pay be improved, to elevate teaching to a respected and competitive position. I have proposed, for example, master teachers who mentor and coach other teachers, especially those in their first year in the classroom and who get salaries commensurate with that role.

Today, I intend to vote for Senator LIEBERMAN's reform proposal because I believe it takes a fresh approach to federal education policy and will bring us ''more bang'' for our education bucks by linking real reforms to federal dollars.

Here is what the Lieberman amendment does. It does three things.

First, it takes almost 50 current, disparate federal education programs and consolidates them into five performance-based grants:

educating disadvantaged children;

improving teacher quality;

teaching English to non-English-speaking children;

expanding pubic school choice; and

supporting high performance initiatives.

Second, the amendment increases authorized funding levels:

educating disadvantaged children (Title I), a 50 percent increase, from $7.9 billion to $12 billion;

teacher training, a 100 percent increase from $620 million to $1.6 billion;

teaching English to non-English-speaking children, a 250 percent increase, from $380 million to $1 billion;

public school choice, from $145 million to $300 million;

high performance initiatives, a new infusion of $2.7 billion.

Third, instead of the funds just going out the door without ever knowing any results, the Lieberman amendment requires for each of the five areas, that states demonstrate improvement. How does it do that? Accountability. The amendment has several important elements.

It requires states to have content and performance standards in at least English language arts, math and science. It requires states to define ''adequate yearly progress'' (AYP) and requires 90 percent of school districts to meet AYP, and within school districts, 90 percent of schools to meet AYP.

It requires school districts to identify failing schools and after two years and requires those schools to develop an improvement plan. Every school district must have a system of corrective action for failing schools.

The amendment gives states three years to implement their own accountability systems; requires states to sanction districts that do not meet their annual performance targets; cuts administrative funds if states do not meet objectives; authorizes funds to correct low-performing schools.

For Title I, each state must develop plans to ensure that all children are proficient in math and reading within 10 years. Each states must set performance goals for increasing overall academic achievement and for closing the gap between high- and low-income students, minority and non-minority students, limited English proficient children and non-LEP students.

On teachers, it requires that states have all teachers fully qualified by 2005. It preserves the class size reduction program.

For non- or limited English-speaking children, it requires states to develop standards for measuring English proficiency, to set performance goals and to require school districts to make adequate yearly progress in core academic subjects.

On public school choice, it requires states to hold charter and non-traditional schools accountable to the same content and performance standards as any other public school. It allows students in failing schools to transfer to another public school.

It requires states to have annual performance goals and a plan for holding local districts accountable. It rewards districts that meet or exceed their performance goals.

If states do not show improvement in three years, they lose administrative funding. States must also hold school districts accountable and have sanctions for low performance.

I believe that this amendment represents a comprehensive, constructive approach to real school reform.

In addition, the amendment increases authorized funding for elementary and secondary education by $35 billion. But it doesn't just add money, it better targets funds to those truly educationally disadvantaged children, such as poor students and limited English proficient students. According to tables prepared by the Congressional Research Service, California would see increases in Title I, in teacher training, in programs for limited English proficient children and innovative high performance grants.

Some may see it as tough. Some may see it as a too different. But we have gotten to the point where we need to look at different ways. As doctors say about an antibiotic, it must be (1) targeted; (2) of sufficient duration and (3) of sufficient dose. That is what this amendment is.

By clearly linking federal dollars to results, we can begin to put in place some real steps toward improving student achievement and making public education produce real results.

My goal is not to be harsh, to ''dish out'' requirements, sanctions and penalties. Our schools are overwhelmed. Our teachers are overwhelmed. They are often asked to do the impossible.

But our few federal dollars—6 percent of total education spending—can and should be used to produce results.

That is what this amendment does and that is why I support it.

I want to thank Senator LIEBERMAN for including in his amendment two of my initiatives: one is on master teachers and the other is on use of Title I funds.

In Title II of the bill, the title providing funds to strengthen teacher training, Senator LIEBERMAN has added a master teacher section so that school districts can use these funds to establish master teacher programs. Under the language, a master teacher would be an experienced teacher, one who has been teaching at least five years, and who assists other (particularly new) teachers in improving their skills.

I have proposed creating master teacher programs because I believe these ''senior teachers'' could enhance the profession of teaching and encourage people to stay in the classroom, as well as help the newer teachers ''learn the ropes.'' School districts could use these funds to, for example, increase teachers' salaries and that too could keep them in the classroom instead of moving to an administrative job or to private industry.

In California, teachers' salaries average $44,585 which is $4,000 higher than the U.S. average. But the schools cannot compete with private industry without some help. I believe starting master teachers should earn at least $65,000 a year so that we can begin to reward excellence and dedication and keep our teachers in the classroom. These programs have proven to work in Rochester and Cincinnati and I believe other areas should be given the resources to try them too.

I am also grateful that Senator LIEBERMAN has included language I suggested to clarify and refine how Title I funds can be used. The goal of this amendment is to better focus Title I on improving students' academic achievement. Under current law, there is little direction and no restrictions on how Title I funds can be used. Under this amendment, Title I funds would have to be used for services directly related to instruction, including extending instruction beyond the normal school day and year; purchasing books and other materials; and instructional interventions to improve student achievement. Funds could not be used, for example, for paying utility bills, janitorial services, constructing facilities, and buying food and refreshments.

This amendment is needed because when my staff checked with a number of California schools, we learned that Title I funds have been used for virtually everything, from clerical assistants to payroll administration, from college counseling to coaching, from school yard duty personnel to school psychologists. Alan Bersin, Superintendent of the San Diego Public Schools, found that Title I funds have been used to pay for everything from playground supervisors and field trips to nurses and counselors.

Many of these are no doubt worthy expenditures. But we have to realize that Title I cannot do everything. With limited federal dollars, I believe we should focus those dollars on what counts—helping students learn and helping teachers teach. Activities unrelated to instruction will have to be funded from other sources.

This debate is about the future of our nation. We must ask some fundamental questions about our schools.

Seventeen years ago, the nation's attention was jolted by a report titled A Nation at Risk. In April 1983, the Reagan Administration's Education Secretary, Terrell Bell, told the nation that we faced a fundamental crisis in the quality of American elementary and secondary education. The report said:

> Our nation is at risk. If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

The report cited declines in student achievement and called for strengthening graduation requirements, teacher preparation and establishing standards and accountability.

Today, we still face mediocrity in our schools. While there are always exceptions and clearly there are many excellent teachers and many outstanding schools, we can do better. To those who say we cannot afford to spend more on education, I say we cannot afford to fail our children. Our children do not choose to be illiterate or uneducated. It is our responsibility and we must face up to it.

If we have failed, it is because as a society we have become complacent and have had low expectations. So we do whatever it takes, no matter how painful, to fix a system that is not only failing our children, but hurting our children.

If we are not willing to make the commitment to provide our children a first-class education, we are failing as a society. What can be more important that giving our children a strong start, a knowledge base and a set of skills that make them happy, productive and fulfilled citizens?

I truly believe, if we expect our children to achieve, we must make it clear that we expect and support achievement in every way. That is why I support this amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed as in morning business for the next 20 minutes.

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

## INTERNATIONAL PARENTAL KIDNAPPING

Mr. DEWINE. Mr. President, I have come to the floor this evening because I want to draw my colleagues' attention to a very important editorial that appeared in this morning's Washington Post. This editorial concerns international parental kidnapping. I also call my colleagues' attention to a feature article that appeared on the same subject in Sunday's Washington Post.

Both Sunday's article and today's editorial are very critical of the way the Federal Government has been handling international parental abduction cases. In fact, the editorial today characterizes the Government's response to these cases as ''incomprehensibly lackadaisical.'' I could not have said it better myself.

This is an issue that I have spoken on this floor about on several different occasions. It is a matter on which our committee has held several hearings. But despite those hearings and despite those speeches, I do not think there has been anything that has explained it in as great a detail and in as heartbreaking a way as the article that appeared in Sunday's Washington Post.

That story involves the heartbreaking story of Joseph Cooke, who, for the last 7 years, has been unable to retrieve his three children from a German foster home. In Mr. Cooke's case, his German-born wife had taken their three children on what was supposed to be a 3-week vacation to her homeland to visit her parents.

One day, though, during the trip, Mrs. Cooke took her children, boarded a German train, and essentially disappeared. She called her husband and only gave him a cryptic explanation as to where she was going and what she was doing with their children.

Joseph contacted his wife's parents in Germany, but they gave him little help or information. What Joseph eventually discovered was that his wife had checked into a German mental health facility and had placed their children in the care of the German Youth Authority, who, in turn, put the children in a foster family. And even though Mrs. Cooke eventually left the mental health clinic and returned to the United States, the children remained with the German foster family.

With very little information as to the whereabouts of his children, Mr. Cooke tried desperately to get his children back. But despite the fact that the children are U.S. citizens, and were living in the United States when they were taken—despite the fact that Joseph was awarded eventual custody of the children by a U.S. court, and despite the very plain terms of the Hague Convention, an international treaty setting forth a process for the timely return of children wrongly removed or retained from their home country—German courts, in spite of that, ruled that the children were to remain in Germany.

The Cooke case is a perfect example of how the Hague Convention, of which I point out Germany is a signatory, just isn't working. It isn't working because the nations that have agreed to it, including the United States, refuse to make it work.

The United States complies with the Hague Convention. When another country makes an order, the United States, in over 80 percent of the cases, complies. That is not what I am talking about. What I am talking about is we make no attempt to enforce it. It isn't working—let me repeat—because the

nations that have agreed to it, including the United States, refuse to make it work.

Member countries are not complying, and, tragically, our State Department and our Justice Department are not doing anything about it. The State Department is too reluctant to use the appropriate diplomatic channels to encourage foreign nations to comply with the treaty.

As the Washington Post article pointed out on Sunday:

The State Department says it cannot enforce the Hague convention or interfere in decisions overseas. ''There are no consequences for noncompliance,'' said a U.S. official with the embassy in Germany. ''I look at it as a voluntary compliance sort of thing.''

''I look at it as a voluntary compliance sort of thing.''

With that kind of attitude on behalf of our State Department, is it any wonder no country pays any attention to us?

''. . . a voluntary compliance sort of thing.''

As a Senator and as a parent and as a grandparent, I find that kind of approach to treaty enforcement appalling and unacceptable. The fact of the matter is, international parental abduction goes far beyond Joseph Cooke's tragic situation.

Currently, the State Department has on file at least 1,100 cases of international parental kidnapping, when one parent illegally takes his or her child out of the United States and right out of the life of the parent left behind.

These kidnappings and ensuing custody battles devastate families. They are devastating not only for the left behind parent but also for the child who is denied what every child should have; that is, the love of one of his or her parents.

Equally devastating is that during the media hype surrounding the Elian Gonzalez case, the State Department tried to use that case as a public relations opportunity to boost their own miserable record on getting our kids back from international parental abductions.

Amazingly, in one media account a State Department official actually said that in cases of international parental kidnappings: ''We don't take no for an answer.'' That is simply not true. The sad reality is that both our State Department and our Justice Department are, in fact, taking no for an answer. Their actions or inactions are speaking a lot louder than their words.

For example, the Justice Department rarely pursues prosecution under the International Parental Kidnapping Act, and, in the last 5 years, just 62 indictments and only 13 convictions have resulted from thousands and thousands and thousands of cases of abductions.

Every parent who has been left behind when a spouse or former spouse has kidnapped their children knows that our Government is not making the return of those children a top and immediate priority. The message this Government—our Federal Government—continues to send to these parents is that once their children are abducted and taken out of the United States, they just don't matter anymore.

When I have asked the State and Justice Departments about this, when I have asked repeatedly about why they are not doing more to help these parents get their kids back, all I get are excuses.

Contrast that message and that inaction toward American children with the dramatic and very different message that those same officials sent by forcing, at gunpoint, the reunion of Elian Gonzalez with his dad. That, indeed, paints a very different picture.

The excuses are endless. State and Justice blame their inaction on complicated extradition laws. Other times, they say these cases are private disputes between parents so the Federal Government should be left out of such matters. They figure, too, that these children are really not being kidnapped by strangers —they are with a parent, after all, so what is the big deal?

Taken all together, these factors suggest that the State Department is more interested in maintaining positive relationships and diplomatic ties with foreign governments than in helping American parents. In essence, these agencies are saying: You may steal American kids and get away with it.

Quite frankly, when it comes to a stolen child, there should be no excuses. Our Federal agencies must make these abductions a top priority. They need to coordinate efforts to offer more assistance to distraught parents seeking a safe return of their children from abroad. They should begin a training program for U.S. attorneys and designate one attorney in each of their offices across our country to be responsible for these international abduction cases.

Additionally, I am writing to President Clinton about his upcoming meeting with the German Chancellor and am encouraging him to discuss Joseph Cooke's case, and the other cases that we have pending in Germany, as well as the overall pattern of German noncompliance with the Hague Convention.

Further, with regard to the Hague Convention, specifically, in March, I submitted a resolution which now has the support of 35 Senate cosponsors to encourage all of the countries that have signed the Hague Convention, particularly those countries that consistently violate the convention—namely, Austria, Germany, and Sweden—to comply fully with both the letter and the spirit of their obligations under the convention that they signed.

This resolution we have introduced urges countries to return children under that convention without reaching the underlying custody dispute and to remove barriers to parental visitation. I am pleased to report that the resolution has been approved by the Senate Foreign Relations Committee and is awaiting floor consideration.

Governance is about setting priorities. Policymaking is about setting priorities. Yes, our State Department has a lot to do and, yes, our Justice Department has a lot to do and, yes, there is no real teeth in the Hague Convention, other than international opinion, other than good, hard negotiations between countries. What I am asking the State Department and the Justice Department to do is begin to prioritize these cases.

The Attorney General of the United States should say to every U.S. attorney across this country that parental kidnapping cases should be at the top of the list of your priorities. Pay attention and deal with these cases. The Secretary of State should say to our embassies overseas, to our ambassadors, yes, trade is important; yes, immigration issues are important; yes, whatever is the topic of the day is important as you sit down and discuss these issues with the President of the country you are dealing with, or the Prime Minister; these are all important things; but also don't forget the children who have been stolen from their parents in the United States are important, also, and they should have a high priority.

So it is not an excuse that should be accepted by the parents of these children, nor by this Senate, by this Congress, nor by the American people, that we just don't have time to do this, or it just can't be enforced or other things are going on. This should be a priority.

I am calling on our Government today to make judgments and set priorities. Our children should always be our first priority. I think it is ironic that it is easier today to get our ambassadors and our State Department engaged on a trade matter than it is on a matter regarding the stealing of one of our children. The stealing of our children is important, and it is equally as important, I hope, and would be so considered by the Justice Department and by the State Department as a trade matter or the enforcement or the prosecution of any number of other types of cases.

In the end, we are succeeding in bringing parentally abducted children back to their homes in the U.S. Our Federal Government must take an active role in their return. Ultimately, our Government has an obligation to these parents and, more important, to the children who have been kidnapped. It is time our Government agencies put American parents and their children first.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 15 minutes in morning business.

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

## THE 200TH ANNIVERSARY OF THE BIRTH OF JOHN BROWN

Mr. BROWNBACK. Mr. President, today, May 9, is the 200th anniversary of the birth of a famous American who remains probably the most controversial figure in U.S. history. On May 9, 1800, John Brown was born. It is his birth and his life and the institution of slavery that I will speak about this evening for a few minutes.

I grew up in eastern Kansas. As a child, I played on the ground where John Brown stayed most often while he was in Osawatomie, KS. He was known as Osawatomie Brown for his fighting during the early phases of what led to be the Civil War. He stayed at the Adaire cabin. His brother-in-law was a minister in Osawatomie. It was on property which my grandparents owned that the cabin was later moved, to the park where the Battle of Osawatomie took place. That park was dedicated by Teddy Roosevelt. Such was the importance of what took place there in the epic struggle in this country to end the institution of slavery.

John Brown, the renowned abolitionist, was hanged for his attempt to incite a slave rebellion at Harper's Ferry, VA. Yet even though everyone objects to his tactics, his death has become ''the symbol of every element opposed to slavery.'' His contemporary, Frederick Douglass, the great African American abolitionist, acknowledged that ''John Brown began the war that ended American slavery and made this a free Republic.''

This 200th anniversary is a reminder of the heartache wrought by slavery in America. It is a humble tribute to the suffering of millions of African Americans who lived and died under dehumanizing bondage. John Brown is a part of that story.

He was born in Litchfield County, CT, on May 9, 1800, and absorbed a deep hatred of the pervasive institution of chattel slavery early in his life. Once, while herding his father's cattle to market a long distance, he watched as a slave boy his age, whom Brown had befriended, was violently beaten with an iron shovel. He was acquainted with the common forms of punishment wherein ''slaves were stripped of their clothing, faced against a tree or wall, tied down or made to hang from a beam, their legs roped together with a rail or board between them, and severely beaten.'' Such things surely motivated his increasing disdain. He internalized a passage from the Bible, Hebrews 13:3, which says:

> Remember them that are in bonds, as bound with them; and them which suffer adversity, as being yourselves also in the body.

The English Parliamentarian, William Wilberforce, and other people of courage, had ended slavery in Great Britain by 1807. Yet in John Brown's America, slavery thrived and grew as the American cotton trade boomed from 1815 until 1860, aggressively capturing the European market. By 1860, there were 4 million slaves in America. No one knows the total number of slaves from the time of the first settlers in 1619 to the end of the Civil War in 1865, but the number is staggering—in the several millions.

Particularly during the 17th and 18th centuries, multitudes of people had been abducted from Africa to America. Their month-long passage epitomized the degradation to follow:

> Segregated by gender, the blacks were chained together and packed so tightly that they often were forced to lie on their sides in spoon fashion. Clearances and ships' holds often were only two to four feet high. In bad weather or because of some perceived threat, they had to remain below, chained to one another, lying in their own filth. ''The floor of the rooms,'' one 18th-century ship observer wrote, ''was so covered with blood and mucus which had proceeded from them in consequence of dysentery, that it resembled a slaughter house.'' Slave ships were smelled before they were seen, as they entered the harbor in heinous conditions.

It is said that slavery contemporary to this time was the largest manifestation of human bondage in the history of mankind. I ask, how could this great nation, birthed in freedom, systematically and shamelessly reap great fortunes, in part, on the backs of abducted, brutalized people? How could human beings be branded like cattle, bought and sold at will in the middle of a busy market place, ripped from their families, raped with impunity resulting in children who were then also enslaved, lashed with bullwhips, murdered without consequence, worked to death, their very humanity mocked in every possible way? One American commenting on our slave trade overseas remarked, ''We are a byword among the nations.'' It was in this evil time that John Brown began to champion political and social equality for African-Americans, as did a growing number of abolitionist societies which mushroomed in the 1830's.

In 1850, the Fugitive Slave Act was passed by Congress whereby harboring people escaping from slavery, even to the free states, became a Federal crime. This crime carried a penalty of up to 6 months of incarceration and a $1,000 fine, which was a substantial sum considering that the average daily wage was $1.50. Moreover, the act provided that Federal agents would not be charged in tracking escapees, even in the North, forcing slaves back to their masters. Consider that American taxes were paying for this wretched service of slave catching, in a country whose revolution was synonymous worldwide with a renowned liberty.

In protest, John Brown, like many abolitionists of his day, provided assistance to fugitive slaves seeking freedom in the northern United States and Canada. Also, fugitive slaves lived with him and his family, despite the threatened penalties. At one point, he moved his family to North Elba, NY, to live with a community of escaped and redeemed slaves, to teach reading and faming.

Another blow occurred in 1854 when the Kansas and Nebraska Act was passed by Congress, repealing earlier legislation which had outlawed slavery in the territory from which Kansas was created. This new act allowed residents to vote on whether or not slavery would be adopted by the new state, making it an option for the first time. so Kansas and Nebraska could be slave States.

It was the common thinking of the time that actually what would happen was Nebraska would become a free State and Kansas a slave State; that Iowans would pour over into Nebraska, making it a free State; Missourians would pour over into Kansas, and Kansas would become a slave State; thus, the balance would be maintained.

In response, John Brown and family members moved to Kansas in 1855 to oppose the expansion of slavery into the western territories, as did a flood of Free Soilers, as free state advocates were called, from the East. The free state epicenter was the city of Lawrence, which attracted many Eastern anti-slavery people and became a target for destruction by the Border Ruffians.

During this time, pro-slavery forces terrorized Kansan free state settlers with beatings, shootings, looting, and ballot stuffing. An English traveler observed that ''murder and cold-blooded assassination were of almost daily occurrence . . . Murderers, if only they have murdered in behalf of slavery, have gone unpunished; whilst hundreds have been made to suffer for no other crime than the suspicion of entertaining free-state sentiments.'' Numerous Kansas conflicts included the Wakarusa War, the sacking of Lawrence, and the battles of Black Jack, Osawatomie, and the Spurs. In this brutal period, Brown became a national symbol of ''Bleeding Kansas'' and the free state struggle. During his 3 years of activity in the Kansas Territory, he orchestrated offensives against the Border Ruffians, and helped to liberate dozens of enslaved African-Americans by force from Missouri farms. Sadly, he participated, tacitly or overtly, in the killing of 5 men at Pottawatomie Creek in a shameful incident which

still haunts his legacy today. These were dangerous times generating extreme responses from both sides.

During the presidential elections of 1856, the conflict crescendoed, and the central debate was slavery in Kansas. That year, the new Republican party ''emerged with a single plank in its platform: Stop the bloody struggle in Kansas; stop the spread of slavery in the territories.'' Finally, Kansas was birthed a free state in 1861. Her motto, Ad Astra Per Aspera—To the Stars Through Difficulty, is an historic truth, reflecting a people whose freedom had been won through unusual hardship and conflict. This is the extraordinary heritage of Kansas, and it is linked with John Brown.

His actions in Kansas, followed by his attempt to incite a slave insurrection at Harper's Ferry, Virginia on October 16, 1859 forced a renewed examination of the institution of slavery and strengthened the resolve of the North to resist further expansion. President Abraham Lincoln, condemned the tactics of John Brown at the time of his death as we all do now and did not object to his execution on December 2, 1859 for treason against the state. Nevertheless, Lincoln told an Atchison, Kansas audience that Brown had ''shown great courage, rare unselfishness'' and ''agreed with us in thinking slavery wrong.'' On that December day of his execution, his words rang prophetically true, foretelling the coming Civil War, when he stated, ''I, John Brown, am now quite certain that the crimes of this guilty land will never be purged away but with blood. I had, as I now think, vainly flattered myself that without very much bloodshed it might be done.''

Those were his words on the way to the gallows.

In this fight for which he had sacrificed everything, John Brown's excesses were as extreme as his hatred of slavery. His willingness to shed blood is wrong, should not be romanticized, nor justified, no matter the cruelty of the circumstances. Yet we should remember the sacrifices that he, and others like him, both black and white, made to procure the freedom of an entire people. A contemporary, Franklin Sanborn, summarized this best: ''We saw this lonely and obscure old man choosing poverty before wealth, renouncing the ties of affection, throwing away his ease, his reputation, and his life for the sake of a despised race and for zeal in the defense of his country's ancient liberties.''

Therefore, let us remember this 200th anniversary of John Brown and the crooked path we walked as a nation towards freedom for all.

## TRIBUTE TO CAPTAIN WILLIAM H. LEWIS, CIVIL ENGINEER CORPS, U.S. NAVY

Mr. LOTT. Mr. President, I take this opportunity to recognize the exemplary service and career of an outstanding naval officer, Captain William H. Lewis, upon his retirement from the Navy at the conclusion of more than 27 years of commissioned service. Throughout his distinguished career, Captain Lewis has truly epitomized the Navy core values of honor, courage, and commitment. It is my privilege to commend him for a superb career of service he has provided the Navy and our great Nation.

Captain Lewis is a native of Newburgh, New York. He studied civil engineering at the Ohio State University on a Naval Reserve Officer Training Command scholarship. He also received his Master's degree in Civil Engineering at Ohio State on an Environmental Protection Agency Fellowship before being commissioned as a Navy Civil Engineer Corps officer in 1973. Captain Lewis later attended L'Universita di Perugia, Italy, and the Executive Program at the University of Michigan.

His first tour of duty was at Naval Station Treasure Island as the Assistant Public Works Officer. He became Treasure Island's first Staff Civil Engineer with the commissioning of Public Works Center San Francisco Bay. He also had tours as an Assistant Resident Officer in Charge of Construction (ROICC), ROICC San Francisco Bay Area, with Western Division (WESTDIV), Naval Facilities Engineering Command (NAVFAC), San Bruno, California; an instructor at the Civil Engineer Corps Officers School at Port Hueneme, California; and as the Flag Aide to the Commander, Naval Facilities Engineering Command and Chief of Civil Engineers.

In 1980, he served with the Seabees as the Alfa Company commander for U.S. Naval Mobile Construction Battalion (NMCB) SIXTY-TWO homeported in my great State of Mississippi. The MINUTEMEN were deployed to Rota, Spain where they won the Battle E and Peltier Award as the best Seabee battalion in the Atlantic Fleet and entire fleet respectively. NMCB–62 also served in Roosevelt Roads where they redeployed to build a Cuban-Haitian refugee camp at Fort Allen and was the last full battalion deployed to Diego Garcia. In 1982, he returned to WESTDIV as the Assistant Head of the Acquisition Department. In that capacity, he served as the Air Force Program Coordinator for the Space Shuttle facilities for the military Space Transportation System program and the design of the $220 million David Grant Medical Center at Travis Air Force Base, Fairfield, California. In 1985, he was selected to be the Deputy Officer in Charge of Construction at Travis AFB on the largest firm fixed price construction contract awarded by NAVFAC that year. In 1986, he became the Staff Civil Engineer for Commander, Fleet Air Mediterranean in Naples, Italy responsible for the Navy's NATO Infrastructure Program and Project PRONTO. In 1989, he returned to Navy Public Works Center San Francisco Bay as the Production Officer and participated in the disaster recovery operations from the Loma Prieta earthquake. In 1992, he became Vice Commander at the Western Division, Naval Facilities Engineering Command, San Bruno, California. In 1994 he became the Commanding Officer, Engineering Field Activity, Mediterranean, Naples, Italy in support of the Fifth and Sixth Fleets and the Department of Defense's largest overseas construction program, including the Naples Improvement initiative, the bed down of the 31Tactical Fighter Wing at Aviano, Italy, and the force protection efforts at Bahrain. In 1997, he reported onboard as the Executive Officer, Naval Facilities Engineering Command, Southern Division (SOUTHDIV), Charleston, South Carolina. On May 14, 1998, he became the 27th Commanding Officer at SOUTHDIV.

Captain Lewis' awards include the Legion of Merit, Meritorious Service Medal (third gold star), Navy Commendation Medal (second gold star), Air Force Commendation Medal and Navy Achievement Medal (gold star). He is a member of the Society of American Military Engineers and Tau Beta Pi and is a registered Professional Engineer in the state of California. Captain Lewis is Seabee Combat Warfare qualified, a member of the Acquisition Professional Community and holds a Level III (unlimited) NAVFAC Contracting warrant as well as a Level III (unlimited) Real Estate Contracting Warrant.

Captain Lewis' visionary leadership, exceptionally creative problem solving skills and uncommon dedication have created a legacy of achievement and excellence. The Great State of Mississippi has benefitted immensely from Captain Lewis' engineering leadership, both during his time as a junior officer serving with the Seabees in Gulfport, Mississippi and in his present capacity as commanding officer of SOUTHDIV. As Commander, Southern Division, Naval Facilities Engineering Command, Captain Lewis was instrumental in completing projects throughout the Great State of Mississippi, to include critical waterfront projects at Naval Station Pascagoula; planning and design of a future Warfighting Center at Stennis, Mississippi, and a major Navy Family Housing complex in Gulfport.

Captain Lewis will retire on May 12, 2000 after 27 years of dedicated commissioned service. On behalf of my colleagues on both sides of the aisle, I wish Captain Lewis fair winds and following seas. Congratulations on completion of an outstanding and successful career.

## MYRA LEONARD—A LEGENDARY LADY

Mr. HELMS. Mr. President, this is an occasion when I wish to attempt, with a heavy heart, to pay my respects to a dear lady who last week passed away. Myra Leonard was a leader of the Polish-American community and the long-

time Executive Director of the Washington Office of the Polish American Congress.

For nearly 20 years Myra was a respected and tireless advocate of the ties that bind the United States and Poland. During the 1980s, when Poland's Solidarity movement struggled under martial law, Myra generated great support for the movement by soliciting humanitarian support to Poland.

She coordinated the ''Solidarity Express''—a train of some 22 railroad cars loaded with relief goods. At her suggestion, on the first-year anniversary of Solidarity, a Solidarity Convoy produced thirty-two container trucks bearing relief cargo.

Myra's initiatives contributed literally millions of dollars of humanitarian support to the Polish people during that difficult decade, but more recently, Myra played a pivotal role in the effort to transform the Polish-American relationship from one of partnership to that of allies. One cannot overestimate the energy and momentum she and her husband, Casimir, brought to the effort to bring Poland into the North Atlantic Treaty Organization. For her efforts, Myra and her husband were both honored by the Polish Government with the Commanders' Cross.

This year, Poland and the United States will, together, launch the Polish American Freedom Foundation. Myra's invaluable counsel and political judgment ensured that this initiative successfully navigated the difficult path of transforming a grand concept into a real foundation that will on a daily basis reaffirm the commitment of the United States and Poland to democracy and freedom.

So, we are deeply saddened by Myra's passing and we use this occasion to express to her husband, Casimir Leonard, and to the other members of her family, how much we will miss her. Our memory of Myra will be a lady of tireless energy and warmth who brought to Washington a genuine devotion to the ties binding Poland and America.

## REUNITING AMERICAN CHILDREN AND THEIR PARENTS

Mr. LEAHY. Mr. President, throughout the dispute over Elian Gonzalez, I have argued that he should be reunited with his father Juan Miguel, I have made this argument because I believe that children belong with their parents, barring evidence of unfitness. I also made this argument because I was concerned about how American parents are being treated internationally.

At the Judiciary Committee hearing held on the Elian Gonzalez case on March 1, I also urged that we consider the potential impact of that case on those of U.S. parents fighting to gain custody of their children in other countries. In fact, at that hearing I made sure to invite a U.S. parent who has struggled for years just for the right to see his children in Japan, and who believes, as do other American parents in similar circumstances, that to preserve American credibility we must practice what we preach and reunite Elian Gonzalez and his father.

I worked for months on such a case of an American child who was taken abroad by an estranged parent. Had it not been for the active intervention of the Government of Egypt, the child would not have been reunited with his American mother. Reuniting Elian and his father was the best thing for Elian and also the best way to advance American interests—and the interests of American parents whose children have been taken abroad without their consent.

At the March 1 hearing, I quoted Mary Ryan, the Assistant Secretary of State for Consular Affairs, who had testified in the federal court case regarding Elian Gonzalez that a failure to enforce the INS' decision that Elian Gonzalez should be reunited with his father would ''be inconsistent with the principles we advocate on behalf of the United States and could have potentially lasting negative implications for left-behind parents in the United States and for U.S. citizen children taken to foreign countries.''

I believe that the American government should stand behind that principle and seek to bring children and their parents back together. I am proud that the government has reunited Elian and his father, and I think the pictures of the two of them together have proven beyond a doubt that this was the right result.

But I am deeply concerned that the energy and effectiveness that our government showed in reuniting Elian and his father does not always seem to apply to its attempts to reunite American children and their parents. Indeed, recent articles in the Washington Post indicate that our State Department should take a far more active role in helping American parents who—in violation of international law—are being deprived of custody of their children.

The Washington Post tells the story of Joseph Cooke, a New York man whose then-wife took their two young children to Germany and, without Mr. Cooke's consent, turned the children over to the state because she felt unable to care for them. For a year and a half, Mr. Cooke was unable to find out what had happened to his children, as his wife refused even to tell him where they were. When he finally was able to locate them, he sought custody of them in both American and German courts. Although he obtained a custody order from an American court, which under the Hague Convention is binding upon Germany since the children had resided in the United States for all of their young lives, the German courts have refused to grant him custody. Instead, they have ruled that the children should stay with their foster parents, in part because during the drawn-out German legal process, the children learned German, went to German schools, and grew attached to their foster parents. The court felt that reuniting these children with their father would result in ''severe psychological loss.''

The State Department's reaction to this case hardly befits the importance of the issue involved. Despite Germany's obligations under the Hague Convention, a State Department spokeswoman told the Washington Post, ''We're not the courts. It's up to the courts to make those kinds of decisions.'' The very point of the Hague Convention is to provide countries with a diplomatic opportunity to question the rulings of courts outside the country were the children habitually reside. The Convention is rendered meaningless if our State Department is not willing to act as a strong advocate for American parents. As the Post reported, only 80 out of the 369 children—22 percent—who were the subject of Hague applications from American parents from 1990 to 1998 have come back to the United States, and that number includes those children who were voluntarily returned. Meanwhile, U.S. courts have returned 90 percent of children who were the subject of Hague applications in other countries.

In other words, while America obeys its treaty obligations, it has failed to enforce our own treaty rights. This is not a minor problem, either. The State Department says that it has 1,148 open international custody cases, and there are surely far more cases that have not been reported to the government. The State Department should be doing everything within its power to help American parents. I implore our government to pay more attention to this issue, and I ask our allies to abide by their own duties under the Hague Convention.

I ask unanimous consent to enter an editorial on this matter from today's Washington Post into the RECORD.

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

[From the Washington Post, May 9, 2000]

STOLEN CHILDREN

When Congress was considering legislation that would have kept Elian Gonzalez in this country, State Department officials argued that such a precedent could disrupt their efforts to intervene in cases where American parents have had children abducted abroad. A sound argument, with one big problem: It turns out that in many of the 1,100 open cases in which American parents are fighting to get their children back from recalcitrant court systems in other countries, the State Department isn't making much effort on the parents' behalf. The heartwrenching story of Joseph Cooke and his children, told Sunday in this newspaper by Post reporters Cindy Loose and William Drozdiak, highlights an unusually egregious problem with German-American custody battles in particular: In at least 30 cases, advocates say, German judges have flouted basic tenets of the 1980 Hague treaty on international abductions, to which their country is a signatory, and kept children from parents who had overwhelming claims to them. But the Cooke story also reveals an almost incomprehensibly lackadaisical U.S. Government response to the

human tragedies that arise when a parent cannot get his or her rights enforced.

The Hague Convention calls for quick resolution of custody disputes in the country where a child ''habitually resides.'' The law lacks teeth: An official at the U.S. Embassy in Germany told a Post reporter that he viewed the Hague Convention as ''a voluntary compliance sort of thing.'' Up the ladder, it's the same: U.S. ambassadors fail to raise individual cases or to make diplomatic noise over these cases. German officials say they cannot intervene in the court system. German Foreign Minister Joschka Fischer, meeting with Secretary of State Madeleine Albright this week, echoed that view when the secretary raised the Cooke case—though Mr. Fischer said he was touched by the Cookes' ''personal tragedy.''

American reluctance to apply diplomatic pressure makes no more sense than German excuses about ''interfering'' in the judiciary. Public and private pressure through diplomatic channels on behalf of sundered families can indeed have an effect; so could legislation to require judges to be trained in the applicable laws. When an ally such as Germany flouts good conduct in this regard, the issue should rise to the top of the diplomatic agenda, not be shunted aside.

## SENATE QUARTERLY MAIL COSTS

Mr. MCCONNELL. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the second quarter of FY2000 to be printed in the RECORD. The second quarter of FY2000 covers the period of January 1, 2000 through March 31, 2000. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106–57, the Legislative Branch Appropriations Act of 2000. I ask unanimous consent that material I referenced be printed in the RECORD.

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

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 03/31/00

| Senators | FY2000 official mail allocation | Total pieces | Pieces per capita | Total cost | Cost per capita |
|---|---|---|---|---|---|
| Abraham | $114,766 | 0 | 0 | 0 | 0 |
| Akaka | 35,277 | 0 | 0 | 0 | 0 |
| Allard | 65,146 | 0 | 0 | 0 | 0 |
| Ashcroft | 79,102 | 0 | 0 | 0 | 0 |
| Baucus | 34,375 | 0 | 0 | 0 | 0 |
| Bayh | 80,377 | 0 | 0 | 0 | 0 |
| Bennett | 42,413 | 0 | 0 | 0 | 0 |
| Biden | 32,277 | 0 | 0 | 0 | 0 |
| Bingaman | 42,547 | 0 | 0 | 0 | 0 |
| Bond | 79,102 | 0 | 0 | 0 | 0 |
| Boxer | 305,476 | 0 | 0 | 0 | 0 |
| Breaux | 66,941 | 0 | 0 | 0 | 0 |
| Brownback | 50,118 | 0 | 0 | 0 | 0 |
| Bryan | 43,209 | 0 | 0 | 0 | 0 |
| Bunning | 63,969 | 0 | 0 | 0 | 0 |
| Burns | 34,375 | 0 | 0 | 0 | 0 |
| Byrd | 43,239 | 0 | 0 | 0 | 0 |
| Campbell | 65,146 | 0 | 0 | 0 | 0 |
| Chafee, Lincoln | 34,703 | 0 | 0 | 0 | 0 |
| Cleland | 97,682 | 0 | 0 | 0 | 0 |
| Cochran | 51,320 | 0 | 0 | 0 | 0 |
| Collins | 38,329 | 0 | 0 | 0 | 0 |
| Conrad | 31,320 | 24,399 | 0.03820 | $4,860.16 | $0.00761 |
| Coverdell | 97,682 | 0 | 0 | 0 | 0 |
| Craig | 36,491 | 5,291 | 0.00526 | 4,179.01 | 0.00415 |
| Crapo | 36,491 | 2,344 | 0.00233 | 2,135.37 | 0.00212 |
| Daschle | 32,185 | 0 | 0 | 0 | 0 |
| DeWine | 131,970 | 0 | 0 | 0 | 0 |
| Dodd | 56,424 | 0 | 0 | 0 | 0 |
| Domenici | 42,547 | 0 | 0 | 0 | 0 |

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 03/31/00—Continued

| Senators | FY2000 official mail allocation | Total pieces | Pieces per capita | Total cost | Cost per capita |
|---|---|---|---|---|---|
| Dorgan | 31,320 | 1,033 | 0.00162 | 824.74 | 0.00129 |
| Durbin | 130,125 | 0 | 0 | 0 | 0 |
| Edwards | 103,736 | 0 | 0 | 0 | 0 |
| Enzi | 30,044 | 0 | 0 | 0 | 0 |
| Feingold | 74,483 | 0 | 0 | 0 | 0 |
| Feinstein | 305,476 | 0 | 0 | 0 | 0 |
| Fitzgerald | 130,125 | 0 | 0 | 0 | 0 |
| Frist | 78,239 | 0 | 0 | 0 | 0 |
| Gorton | 81,115 | 0 | 0 | 0 | 0 |
| Graham | 185,464 | 0 | 0 | 0 | 0 |
| Gramm | 205,051 | 2,478 | 0.00015 | 1,953.07 | 0.00012 |
| Grams | 69,241 | 73,933 | 0.01690 | 39,859.74 | 0.00911 |
| Grassley | 52,904 | 0 | 0 | 0 | 0 |
| Gregg | 36,828 | 0 | 0 | 0 | 0 |
| Hagel | 40,964 | 147,000 | 0.09313 | 25,935.25 | 0.01643 |
| Harkin | 52,904 | 0 | 0 | 0 | 0 |
| Hatch | 42,413 | 0 | 0 | 0 | 0 |
| Helms | 103,736 | 0 | 0 | 0 | 0 |
| Hollings | 62,273 | 0 | 0 | 0 | 0 |
| Hutchinson | 51,203 | 0 | 0 | 0 | 0 |
| Hutchison | 205,051 | 0 | 0 | 0 | 0 |
| Inhofe | 58,884 | 0 | 0 | 0 | 0 |
| Inouye | 35,277 | 0 | 0 | 0 | 0 |
| Jeffords | 31,251 | 14,260 | 0.02534 | 3,874.66 | 0.00689 |
| Johnson | 32,185 | 646 | 0.00093 | 606.59 | 0.00087 |
| Kennedy | 82,915 | 0 | 0 | 0 | 0 |
| Kerrey | 40,964 | 0 | 0 | 0 | 0 |
| Kerry | 82,915 | 1,109 | 0.00018 | 261.74 | 0.00004 |
| Kohl | 74,483 | 0 | 0 | 0 | 0 |
| Kyl | 71,855 | 0 | 0 | 0 | 0 |
| Landrieu | 66,941 | 0 | 0 | 0 | 0 |
| Lautenberg | 97,508 | 0 | 0 | 0 | 0 |
| Leahy | 31,251 | 14,714 | 0.02615 | 5,939.97 | 0.01056 |
| Levin | 114,766 | 0 | 0 | 0 | 0 |
| Lieberman | 56,424 | 0 | 0 | 0 | 0 |
| Lincoln | 51,203 | 0 | 0 | 0 | 0 |
| Lott | 51,320 | 39,083 | 0.01518 | 6,428.68 | 0.00250 |
| Lugar | 80,377 | 0 | 0 | 0 | 0 |
| Mack | 185,464 | 0 | 0 | 0 | 0 |
| McCain | 71,855 | 0 | 0 | 0 | 0 |
| McConnell | 63,969 | 0 | 0 | 0 | 0 |
| Mikulski | 73,160 | 2,289 | 0.00048 | 496.12 | 0.00010 |
| Moynihan | 184,012 | 0 | 0 | 0 | 0 |
| Murkowski | 31,184 | 0 | 0 | 0 | 0 |
| Murray | 81,115 | 0 | 0 | 0 | 0 |
| Nickles | 58,884 | 0 | 0 | 0 | 0 |
| Reed | 34,703 | 16,164 | 0.01611 | 4,708.58 | 0.00469 |
| Reid | 43,209 | 0 | 0 | 0 | 0 |
| Robb | 89,627 | 0 | 0 | 0 | 0 |
| Roberts | 50,118 | 0 | 0 | 0 | 0 |
| Rockefeller | 43,239 | 39,900 | 0.02225 | 7,100.75 | 0.00396 |
| Roth | 32,277 | 0 | 0 | 0 | 0 |
| Santorum | 139,016 | 0 | 0 | 0 | 0 |
| Sarbanes | 73,160 | 0 | 0 | 0 | 0 |
| Schumer | 184,012 | 0 | 0 | 0 | 0 |
| Sessions | 68,176 | 0 | 0 | 0 | 0 |
| Shelby | 68,176 | 0 | 0 | 0 | 0 |
| Smith, Gordon | 58,557 | 0 | 0 | 0 | 0 |
| Smith, Robert | 36,828 | 0 | 0 | 0 | 0 |
| Snowe | 38,329 | 0 | 0 | 0 | 0 |
| Specter | 139,016 | 0 | 0 | 0 | 0 |
| Stevens | 31,184 | 0 | 0 | 0 | 0 |
| Thomas | 30,044 | 1,505 | 0.00332 | 1,218.04 | 0.00269 |
| Thompson | 78,239 | 0 | 0 | 0 | 0 |
| Thurmond | 62,273 | 0 | 0 | 0 | 0 |
| Torricelli | 97,508 | 1,304 | 0.00017 | 360.95 | 0.00005 |
| Voinovich | 131,970 | 800 | 0.00007 | 168.13 | 0.00002 |
| Warner | 89,627 | 0 | 0 | 0 | 0 |
| Wellstone | 69,241 | 707 | 0.00016 | 570.46 | 0.00013 |
| Wyden | 58,557 | 0 | 0 | 0 | 0 |
| Totals | 7,594,942 | 388,959 | 0.26790 | 111,482.01 | 0.07332 |

## THE CLINTON-GORE ADMINISTRATION'S PROPOSALS TO INVEST SOCIAL SECURITY INTO PRIVATE MARKETS

Mr. ASHCROFT. Mr. President, I note with interest Vice President GORE's recent attacks on Governor Bush's comments regarding Governor Bush's thoughts on Social Security reform. In dismissing the Governor's suggestions regarding Social Security reform, Vice President GORE denied that the Clinton-Gore Administration ever proposed the dangerous idea of having the government invest Social Security surpluses in the stock market. According to the May 2, 2000 Washington Post, the Vice President claimed that the administration never made any such proposal, saying ''We didn't really propose it.''

I find it surprising that the Vice President made this denial, especially since the Clinton-Gore administration has indeed made this proposal, and done so a number of times. First, on January 19, 1999, with the Vice President right behind him, President Clinton said in his State of the Union Address, and I quote, ''Specifically, I propose that we commit 60 percent of the budget surplus for the next 15 years to Social Security, investing a small portion in the private sector, just as any private or state government pension would do.''

Just a few weeks later, the Clinton-Gore FY 2000 budget said quite clearly, on page 41, that ''The Administration proposes tapping the power of private financial markets to increase the resources to pay for future Social Security benefits. Roughly one-fifth of the unified budget surplus set aside for Social Security would be invested in corporate equities or other private financial instruments.''

When I read this proposal, I was extremely concerned and proposed an amendment to the FY 2000 Budget Resolution that would express the Sense of the Senate that the government should not invest Social Security funds in the stock market. My amendment passed the Senate unanimously. After this resounding statement by the Senate, I hoped that we had laid the risky scheme to have the government invest Social Security funds in the stock market to rest.

Despite the fact that we had sent the clearest possible signal on this issue, the Clinton-Gore administration apparently did not get the message. On page 37 of the Clinton-Gore administration's FY 2001 budget, they resurrected this risky scheme to have the government invest the Social Security dollars in the stock market, saying, ''The President proposes to invest half the transferred amounts in corporate equities.'' The only concession that the Clinton-Gore administration appeared to make was writing this unpopular proposal in smaller type than last year.

In response to this repeated proposal, I once again submitted an amendment to the Budget Resolution expressing the Sense of the Senate that the federal government should not invest the Social Security trust fund in the stock market. Once again this amendment passed with no votes in opposition.

The Senate has twice unanimously passed an amendment rejecting the idea of having the government invest the trust fund in the stock market. I am pleased that the Vice President now agrees with us, but I find it curious that he has failed to notice that it is his administration that has repeatedly suggested this risky scheme.

The Clinton-Gore administration's repeated attempts to implement this plan violates U.S. law. For more than 60 years Social Security law has forbidden the trust funds from being invested in the stock market. This new scheme is directly contrary to six decades of U.S. policy on Social Security.

In addition to the Senate and longstanding U.S. government policy opposing government investment of the trust funds in the stock market, Federal Reserve Board Chairman Alan Greenspan opposes the idea as well. Chairman Greenspan says that investing Social Security funds in the market is bad for Social Security and bad for our economy.

When Alan Greenspan talks, the Clinton-Gore administration ought to listen. Chairman Greenspan has said this plan ''will create a lower rate of return for Social Security recipients,'' and he ''does not believe that it is politically feasible to insulate such huge funds from a governmental direction.''

In addition to these other concerns, I am also listening to the concerns of Missourians. Last year I received a letter from Todd Lawrence of Greenwood, Missouri, who wrote: ''It has been suggested that the government would invest in the stock market with my Social Security money. No offense, but there is not much that the Government touches that works well. Why would making MY investment decisions for me be any different. Looking at it from a business perspective, would the owner of a corporation feel comfortable if the government were the primary shareholder?''

Todd Lawrence understands what the Clinton-Gore administration does not. No corporation would want the government as a shareholder, and no investor should want the government handling their investment.

Even if the government were able to invest without adding new levels of inefficiency to the process, the government's putting Social Security taxes in the stock market adds an unacceptable level of risk to retirement. This risk is a gamble I am unwilling to make for the one million Missourians who get Social Security.

It is hard to overestimate how dangerous this scheme really is. While individuals properly manage their financial portfolios to control risk, the government has no business taking these gambles with the people's money.

Just recently, the Microsoft case gave us a chilling illustration of the potential conflicts of interest caused by the President's proposal. If the government had invested Social Security funds in the stock market, the antitrust suit against Microsoft would have put those funds at risk. Whatever one may think of the wisdom of the case, we do not want the federal government making law enforcement decisions based on government's stock portfolio.

While Americans should invest as much as they can afford in private equities to plan for their own retirements, the government should stay out of the stock market. I am glad that the Vice President has finally recognized that having the government invest the trust fund in the stock market, but I wish that he would remember that his administration has been the most vocal proponent of this bad idea. If the federal government tried to pick market winners and losers, all of us would end up as losers.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 8, 2000, the federal debt stood at $5,662,693,356,964.51 (Five trillion, six hundred sixty-two billion, six hundred ninety-three million, three hundred fifty-six thousand, nine hundred sixty-four dollars and fifty-one cents).

Five years ago, May 8, 1995, the federal debt stood at $4,856,503,000,000 (Four trillion, eight hundred fifty-six billion, five hundred three million).

Ten years ago, May 8, 1990, the federal debt stood at $3,080,170,000,000 (Three trillion, eighty billion, one hundred seventy million).

Fifteen years ago, May 8, 1985, the federal debt stood at $1,744,562,000,000 (One trillion, seven hundred forty-four billion, five hundred sixty-two million).

Twenty-five years ago, May 8, 1975, the federal debt stood at $512,942,000,000 (Five hundred twelve billion, nine hundred forty-two million) which reflects a debt increase of more than $5 trillion—$5,149,751,356,964.51 (Five trillion, one hundred forty-nine billion, seven hundred fifty-one million, three hundred fifty-six thousand, nine hundred sixty-four dollars and fifty-one cents) during the past 25 years.

## ADDITIONAL STATEMENTS

### TRIBUTE TO MARVIN FIFIELD

• Mr. HATCH. Mr. President, next month, friends, associates and colleagues will gather at Utah State University to honor Mr. Marvin G. Fifield, a remarkable man whose entire professional career has been devoted to improving the lives of those with learning or developmental disabilities. While I stand in tribute to my friend of many years, it is his body of work over the span of forty-four years that does him honor.

At his retirement on July 1, Dr. Fifield will have served as the founder and Director of the Center for Persons with Disabilities for thirty-three years. He wrote the grant application, saw it funded, and directed the creation of the center. But it is not the Center alone that owes its existence to Dr. Fifield. Over a thirty year period, he succeeded in writing, achieving the approval and funding for over fifty projects, with combined grants exceeding $60 million. Without his skilled direction, numerous regional mental health centers, rehabilitation and vocational services, studies and workshops would not now be available. The Navajo Initiative in the Developmental Disabilities program, the Indian Children's Program, and the Native American Initiative program all owe their start to this man.

Dr. Fifield's chairmanship and membership in professional and community service organizations bridges more than three decades and forty organizations. To this day he chairs or serves on eight boards, including serving as Chairman of the Hatch Utah Advisory Committee on Disability Policy. He also serves on the innovative Assistive Technology Work Group. Marv was the first to champion assistive technologies for people with disabilities—or at least I think he was the first because he was the first to tell me about this exciting field. Assistive technology comprises all devices that improve the functional capabilities of those individuals with disabilities.

Marv Fifield is so accomplished that his curriculum vitae is not so much measured in pages as in pounds.

In academe, an individual's worth is often measured by how widely they have been published. Dr. Fifield has published seventeen books, chapters in books, or monographs; he has published twelve refereed journal articles and seven non-referenced journal articles; he has published seven technical papers; he has submitted ten testimonies and reports to congressional and Senate subcommittees; published twenty-three final reports and research reports; authored eleven instructional products, and has authored ninety-one selected unpublished conference papers.

Dr. Fifield has been a consultant to both national and international organizations including the World Health Organization. Among the richly deserved honors bestowed upon him, he is the recipient of the Leone Leadership Award, the highest honor an administrator can receive. He was presented the Maurice Warshaw Outstanding Service Award by the Governor of the State of Utah and was twice called to serve as a staff member on the Labor and Human Resources Committee.

Since 1981, Marv Fifield has provided leadership for my Utah Advisory Committee on Disability Policy. The Disability Advisory Committee has become a model for encouraging constructive dialogue among diverse interests and points of view. The committee has often been able to develop consensus recommendations, which have helped me a great deal over the years. I am most grateful to Marv for all his efforts with the committee.

I want to wish him well as he enters the next chapter in his already full life. I hope he will find retirement rewarding. But, if he thinks he can escape consulting with me and those in Utah who rely on his quiet and good-natured leadership to achieve consensus on matters of importance in disability policy, he can forget it. I am here to announce that we are not letting him off the hook. We need the benefit of Marv's knowledge, his humor, and his diplomacy to help us continue moving forward.

So, Mr. President, I rise today to pay a well-deserved tribute to Dr. Marvin Fifield. But, I am not bidding him farewell. On the contrary, I will be calling

on him often for the same solid advice and counsel he has given to us for so many years.

The lives of countless thousands of disabled and disadvantaged citizens have been enriched as a result of Marvin Fifield's work. As a result, our nation will benefit for generations to come. It is a privilege to honor him today. I am proud to call him a friend.●

## SALUTE TO WE THE PEOPLE STUDENTS

● Mr. DORGAN. Mr. President, over the past several days, more than 1,200 students from across the United States are in Washington to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Wyndmere High School from Wyndmere, North Dakota represents my state in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of these students are: Brian Boyer, Mandy David, Julie Dotzenrod, Elizabeth Foertsch, Alissa Haberman, Lindsey Heitkamp, Lori Heitkamp, Daniel Hodgson, Jesse Nelson, Kari Schultz, Amy Score, John Totenhagen, and Bobbi Ann Ulvestad. I would also like to recognize their teacher, Dave Hodgson, who deserves much of the credit for the success of the class, Phil Harmeson, North Dakota's dedicated state coordinator, district coordinator Dan Vainonen, and Kirk Smith, who serves as a judge for this year's competition.

One of the most memorable experiences of my life was when I was one of 55 people chosen to represent all Americans at a ceremony in the Assembly Room in Constitution Hall in Philadelphia to commemorate the 200th anniversary of the writing of the Constitution. Our Constitution was written by 55 white men, including some of the most revered men in our nation's history. In the Assembly Room, George Washington's chair is still sitting at the front of the room where he presided over the Constitutional Convention, along with Ben Franklin and James Madison.

Two hundred years later, the gathering was noticeably different—this time it was 55 men, women, minorities. I got chills sitting in this room because I had studied in a very small school the history about Ben Franklin, Madison, Mason, George Washington—just like those students participating in the We the People . . . program are doing now—and there I was sitting in the very room where they wrote the Constitution of the United States.

I wish every American could have the same opportunity to visit Constitution Hall the way I did, but at the very least, every young American student should learn about the history and importance of our Constitution and the Bill of Rights. The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. Columnist David Broder described the national finals as ''the place to have your faith in the younger generation restored.''

The class from Wyndmere High School has worked hard to become ''constitutional experts,'' and on behalf of my fellow North Dakotans and my colleagues in the Senate, I want them to know we are proud of their hard work and dedication.●

## RECOGNIZING NATIONAL EMS WEEK

● Mr. GRAMS. Mr. President, almost one year ago today, I came to the floor of the Senate to recognize a very important group of individuals: Emergency Medical Services (EMS) personnel.

I would like to take some time again this year to applaud the selfless efforts of the men and women who dedicate themselves to such a worthy cause day in and day out. For most of us, it is hard to imagine going to work every day not having any idea what kind of tragic situations we may encounter or what kinds of dangers we might face. These dedicated individuals overlook these challenges every day and often imperil themselves to help those in need of medical attention.

Unfortunately, especially given the important work they do, this group often goes unrecognized. I rise today in support of National EMS Week and want to recognize EMS personnel by celebrating their selfless efforts with thanks and gratitude. My praise comes early; while National EMS Week is observed during the third week in May, I felt it necessary to make these remarks today, as many EMS personnel will be honored this evening at a special reception held here in Washington, DC.

Mr. President, this year's National EMS Week theme, ''New Century, New Hope,'' encourages a forward-looking, optimistic approach to identifying and meeting newly emerging community challenges. EMS is a complex, integrated system of personnel in both ambulances and hospitals that provides excellent care in emergency medical situations by affecting safe and efficient transport and treatment until more advanced medical care can be delivered. Importantly, EMS also includes the person who recognizes an emergency and summons help through a phone call to 9–1–1. This is the beginning of a very important chain of communication and care, which results in saved lives.

During both the 105th and 106th Congresses, I have come to the floor of the Senate to introduce the Emergency Medical Services Efficiency Act, S. 911. This bill was a product of the Emergency Medical Services Advisory Committee that I formed in 1997 to evaluate some of the problems facing EMS providers. Because I believe there is an overriding public health interest in ensuring a viable and seamless EMS system, I continue to pursue passage of S. 911.

This legislation attempts to create acceptable government standards for EMS providers and allows expansion in the next century to enable providers to better serve their local communities. A first priority included in my bill is for ''prudent layperson'' language to accompany the approval of EMS services under many medical plans, especially Medicare. One of the most fiscally disruptive forces is the denial of emergency transport due to a physician's reevaluation of what ''seemed'' critical and is later labeled as being ''medically unnecessary.'' Portions of this legislation have already been approved by the Senate. In addition, S. 911 calls for EMS providers to play a role in the process of providing recommendations on how federal regulatory policy is made. I think this makes sense, and most importantly, it gives EMS providers a clear voice in identifying and finding a solution to the most challenging aspects of critical care delivery.

On an annual basis, the American Ambulance Association recognizes EMS personnel from around the country for their selfless contributions to their profession, and presents them with the Star of Life Award. This year, 94 individuals were chosen by their peers to receive this prestigious award. I would like to personally thank those honorees for their service, and commend them on the respect they have generated for themselves and their profession amongst their peers and the public.

Again, I would like to applaud the efforts of all EMS personnel. They have the sometimes unenviable task of cleaning up the messes that life affords every community, but they do it with pride and they do it well. I plan to do everything in my power to provide these individuals with the additional tools and loud voice that they have earned through their devotion to our local communities.

Mr. President, I ask that the names of the year 2000 American Ambulance Association's Star of Life honorees be printed in the RECORD.

The list of honorees follows:

AMERICAN AMBULANCE ASSOCIATION—2000 STARS OF LIFE

Dub Morris, Columbia County Ambulance Service, AZ.

Barbara K. Clark, Rural/Metro—Southwest Ambulance, AZ.

David Stockton, Rural/Metro—Southwest Ambulance, AZ.

David Atkins, American Medical Response, CA.

Rachelle Byler, American Medical Response, CA.

Bert DeMello, American Medical Response, CA.

Dennis Flannery, American Medical Response, CA.
Darlene Heitman, American Medical Response, CA.
Noella Lelham, American Medical Response, CA.
Brian Pounds, American Medical Response, CA.
Dennis G. Smith, American Medical Response, CA.
Sheri Burcham, American Medical Response, CO.
Michael Harvey, American Medical Response, CO.
Jeffery Adams, American Medical Response, CT.
Brooke Liddle, American Medical Response, FL.
Pagona Pratt, American Medical Response, FL.
Terri L. Brown, American Medical Response, GA.
Bradley A. Melone, Mid Georgia Ambulance, GA.
Lisa D. Scott, Rural/Metro Ambulance, GA.
Danny Sagadraca, American Medical Response, HI.
David Cole, Iowa EMS Association, IA.
Wendy L. Hackett, MEDIC EMS, IA.
Christine A. Hartley, Lee County EMS Ambulance, Inc., IA.
Sandy Neyen, Iowa EMS Association, IA.
Jim B. Steffen, Henry County Health Center EMS, IA.
Andrew D. Stevens, MEDIC EMS, IA.
Dan R. Walderbach, Henry County Health Center EMS, IA.
Darin E. Longanecker, American Medical Response, IL.
Daren T. Pfeifer, American Medical Response, KS.
Michael Moree, Acadian Ambulance & Air Med Services, LA.
Annette V. Mouton, Med Express Ambulance Service, Inc., LA.
Jamie L. Richaud, Med Express Ambulance Service, Inc., LA.
Joan Savoy, Priority Mobile Health, LA.
Mary Williams, Priority Mobile Health, LA.
Jamie J. Crawford, Lyons Ambulance Service, MA.
Robert McDevitt, Action Ambulance, MA.
Donna L. Moore, Lyons Ambulance Service, MA.
James Scolforo, American Medical Response, MA.
Alfred Theirrien, American Medical Response, MA.
Gary Wright, Action Ambulance, MA.
David L. Janey, Rural Metro Corporation, MD.
Cindy Walker, American Medical Response, ME.
Mandy Argue, American Medical Response, MI.
Bryan A. Fuller, American Medical Response, MI.
Steve Hazucka, Medstar Ambulance, MI.
Scott Hicks, Medstar Ambulance, MI.
Joseph Horvath, Huron Valley Ambulance, MI.
Robert Martin, American Medical Response, MI.
Wayne H. Mervau, North Flight, Inc., MI.
Judy Pearson, American Medical Response, MI.
Jack Taylor, Life EMS, MI.
Robert Atzenhoefer, Gold Cross Ambulance, MN.
Richard P. Humble, Metropolital Ambulance Service Trust, MD.
Scott Wolf, Metropolitan Ambulance Service Trust, MD.
Jimmy H. Gill, American Medical Response, MS.
Martha A. Branden, Mecklenburg EMS Agency, NC.
Rolanda L. Collins, American Medical Response, NC.
Littlejohn Goodwin, Mecklenburg EMS Agency, NC.
Patricia Graham, Medical Transportation Specialists, Inc., NC.
John R. Tompkins, Mecklenburg EMS Agency, NC.
Lee M. Van Vleet, FirstHealth of the Carolinas, NC.
James G. White, FirstHealth of the Carolinas, NC.
Darin B. Haverland, F–M Ambulance Service, ND.
David Lacaillade, Rockingham Regional Ambulance, Inc., NH.
Sylvia Riley, Rockingham Regional Ambulance, Inc., NH.
Earl F. Gardner Jr., Med Alert Ambulance, Inc., NJ.
John E. Romano, Rural/Metro Ambulance, NJ.
Charlene Ortega, Living Cross Ambulance Service, Inc., NM.
Patricia Beckwith, American Medical Response, NV.
Robert E. Mann, Rural/Metro, NY.
James Poole, Mohawk Ambulance Service, NY.
Gaye Buckingham, Stofcheck Ambulance Service, OH.
Roger Meir, Rural metro Ambulance, OH.
Randy W. Benetti, Sr., Rural/Metro Fire Department, OR.
Brett Gnau, Pacific West Ambulance, OR.
Joseph D. Hyatt, Rural/Metrol Fire Department, OR.
Kevin Lambert, Metro West Ambulance, OR.
Paul Martin, American Medical Response, OR.
Zane McKnight, Oregon State Ambulance Assn. & Medix Ambulance, OR.
Timothy Blackston, Cetronia Ambulance Corps., PA
James Ralston, Rural/Metro Medical Services, PA.
Wonda C. Pickler, Rural/Metro—Mid South, TN.
Cheryl Barrett, Life Ambulance Services, Inc., TX.
Michael DeBerry, LifeNet EMS, TX.
Ben Kruse, American Medical Response, TX.
Paul M. Rogers, Rural/Metro—MedStar, TX.
Daniel L. Evans, Gold Cross Service, UT.
Ryan D. Pyle, Gold Cross Service, UT.
James D. Stevens, Gold Cross Service, UT.
Lauren C. Challis, American Medical Response, VA.
Colleen Gilman, Regional Ambulance Service, Inc., VT.
Bradley C. Derting, American Medical Response, WA.
Ron Stewart, Rural/Metro Ambulance, WA.
Laurie Whitfield, American Medical Response—Pathways, WI.●

## RETIRING CLARK COUNTY SUPERINTENDENT OF SCHOOLS

● Mr. REID. Mr. President, on Friday, May 12, 2000, Nevadans will pause to honor the outstanding achievements and retirement of Clark County Superintendent of Schools, Dr. Brian Cram. Throughout his 34 years as an educator, Dr. Cram has touched the lives of hundreds of thousands of youth in the Las Vegas Valley as a teacher, assistant principal, principal, assistant superintendent and superintendent, all within the Clark County School District. He is retiring after serving more than eleven years as superintendent. The fact that his tenure has been approximately nine years longer than the average for a superintendent demonstrates his excellence and commitment to our community Southern Nevada.

Dr. Cram can be appreciated most for his outstanding management of the fastest growing school district in the country. During his tenure, the district has grown from 111,000 to more than 215,000 students, and is currently the eighth largest school district in the country. Dr. Cram is a self-proclaimed ''poster boy for school bonds,'' having successfully secured billions of dollars for the construction of more than 100 new schools for the students, teachers and staff of the Clark County School District. He recently was successful in obtaining voter approval of school construction funding for the next ten years, a legacy that will carry on well beyond his tenure. This achievement takes on added significance when one considers that Nevada, as my Senate colleagues have heard me state on numerous occasions, must build approximately one school a month just to keep up with the unprecedented growth in the Silver State.

Although he spent many years in administration, Dr. Cram has always been happiest when working with children. He has never been one to sit behind a desk, preferring instead to be out working with children, families and staff. His tenure as superintendent will be characterized by strong personal relationships with the students, teachers, families and employees of the school district and the entire community.

Above all, Dr. Cram is a true believer in the value of education. He hails from a home which stressed the importance of sound learning and lifelong education, and he has been driven by a fundamental belief that education is the great equalizer and provider in life.

It is my distinct pleasure and honor to join all Nevadans in wishing Dr. Brian Cram all the best upon his retirement. His genuine commitment of the youth of Nevada will be appreciated for many generations to come.●

## TRIBUTE TO DANIEL AZZIZE SAMUEL

● Mr. WARNER. Mr. President, I rise today to recognize an outstanding young Virginian, Daniel Azzize Samuel, who has been selected to receive the 2000 American Automobile Association Lifesaving Medal. This award is the highest honor given to members of the school safety patrol.

Daniel is a member of the Kent Gardens School Safety Patrol in McLean, Virginia. On January 12th of this year, he was on his way to his post when he saw an eight-year-old student running back toward his departing bus. Quickly sizing up the danger, Daniel yelled at the student to stop. The bus driver also heard Daniel's yells and stopped the

bus, a mere three feet from the oncoming student who was approaching in the driver's blind spot.

I salute Daniel and the other young recipients of this year's award, Daniel Rogers of Maryland and Greg Lawson and Tasha Tanner of Ohio, for their lifesaving contributions to the safety of their fellow students. As members of their school safety patrols, these young people have made invaluable contributions to their schools and communities. I also commend the American Automobile Association for their sponsorship of this valuable program to keep our nation's young people safe on their trips to and from school.●

## REBIRTH FOR RUTLAND'S PARAMOUNT THEATER

● Mr. LEAHY. Mr. President, on Saturday, March 18, the Paramount Theater opened its doors to the Rutland community for the first public performance on its stage in nearly 20 years. This was a memorable night for Vermonters who had the opportunity to see Arlo Guthrie perform with the Vermont Symphony Orchestra. This grand reopening also marked the successful completion of an important and historic restoration project.

The Paramount Theater is a Vermont treasure that was an icon of downtown Rutland from the time it first opened its doors in 1914 to the day those doors closed in 1981. Founded by Rutland businessman George T. Chaffee, the Chaffee Playhouse served as a venue for the entertainers of the day, allowing Rutland area residents the opportunity to see the likes of Will Rogers, the Marx Brothers and Harry Houdini, among many others. As motion pictures moved into the spotlight in the 1930s, Chaffee's Playhouse was taken over by Paramount and became known as the Paramount Movie House.

Then times changed, and after years of screening movies for fewer and fewer patrons, the Paramount closed its doors to the public in 1981. The ornate theater that had once served as a centerpiece for the Rutland arts and social scenes had become only a fond memory for those whose lives it had affected.

Now times have changed again, and over the past several years, downtown Rutland has undergone remarkable growth and revitalization. As the downtown community began to bustle with more and more visitors, local residents and merchants felt the time had come to reopen the doors of the old Center Street theater.

Coming up with a good idea is often the easy part of a project. Finding a way to turn that idea into reality can be a much larger task. That was the case with the project to reopen the Paramount Theater, which required significant renovation and restoration. Through the tireless efforts of community leaders, a major fund raising effort was launched with contributions from individuals and local businesses, with grants also from the state and federal governments. More than 1500 people made personal contributions toward the renovation project. My colleague, Senator JEFFORDS, took the lead in making the case for the federal contribution, and I was pleased to support that effort.

Nearly 20 years after it closed, and after more than $3.5 million in construction and renovation, the Paramount Theater has been restored to the beauty and splendor enjoyed by those Vermonters who attended its original opening night on January 15, 1914. The reopening of the Paramount Theater now will serve the Rutland community's need for an arts center, and, for new generations of Vermonters, it will once again be a focal point for the social life of a vibrant community.●

## TAIWANESE-AMERICAN HERITAGE WEEK

● Mr. TORRICELLI. Mr. President, this month I join people in New Jersey and throughout the nation in celebrating Pacific-American Heritage Month. The Pacific-American community represents an important part of America's future and I applaud their proud celebration of heritage and community.

Taiwanese-American Heritage Week, from May 7 to May 14, celebrates the unique and diverse contributions of the more than 500,000 Taiwanese-Americans in the United States. These Americans have played a significant role in our nation's life and their countless accomplishments can be found in every facet of American society. For instance, Taiwanese-Americans have succeeded as notable artists, Nobel Laureate scientists, researchers, human rights activists, and business leaders.

In addition to recognizing these contributions, this is an excellent opportunity to celebrate the success of democracy on the island of Taiwan. Since 1987, the Taiwanese people have possessed the rights to select their own leaders, practice the religion of their choice, and express their thoughts openly and freely. Taiwan is a vibrant and democratic participant in the family of nations.

The election on March 18 of opposition leader Chen Shui-bian as president, and my friend Annette Lu as vice-president, represents the crowning achievement of the struggle of the people of Taiwan for full-fledged democracy and freedom. While Taiwan has established a model democracy, there remain political challenges. Gaining worldwide recognition of the legitimacy of Taiwan's government is paramount. With all that Taiwanese and Taiwanese-Americans have accomplished there is still more work to be done before Taiwan's status and global contributions are properly respected and appreciated.

Mr. President, Taiwanese-American Heritage Week recognizes the longstanding friendship between the United States and Taiwan. I commend the great accomplishments and contributions of the Taiwanese-American community.●

## RECOGNIZING NATIONAL HOSPITAL WEEK

● Mr. GRAMS. Mr. President, I rise today to praise the work of Minnesota's hospitals and those across America as we recognize National Hospital Week. This year's theme, ''Touching The Future With Care,'' focuses on the heart of the hospital system: its people. For those Minnesota doctors, nurses, administrators, and volunteers who consistently provide the highest level of quality health care in America, I commend your selfless efforts. You are very deserving of our recognition here today.

Hospitals are open 24 hours a day, 365 days a year, providing their communities with around-the-clock health care services. In my own state of Minnesota, 142 hospitals and 22 different health care systems provide Minnesotans with one of the most efficient and effective health care systems in the United States. This is not a result of mere chance. Rather, it is the combined efforts of our health care professionals—those men and women who devote themselves to the delivery of timely, quality health care, when and where it is needed.

As we all know, American hospitals have faced severe challenges over the last several years due to rapidly declining reimbursement rates under Medicare. The Balanced Budget Act of 1997 made dramatic changes to the payment rates to hospitals, clinics, nursing homes, and individual providers. In fact, Medpac, Congress' Medicare Payment Advisory Commission, reported that profit margins for hospitals across the country dropped nearly 40 percent between 1998 and 1999. This is the lowest level in 20 years. And to add insult to injury, the Congressional Budget Office reported that Medicare payments, which serve as one of the largest revenue sources to hospitals, would realize a 62% decrease over the next five years. Clearly, in an industry that is already running on fumes, we cannot afford to cut deeper into the margins of hospitals and simply hope that they will be able to absorb the added losses and continue to provide the quality health care that we expect.

Last year, in an effort to reduce some of this burden, Congress attempted to address the problem with the 1999 Balanced Budget Refinement Act. This legislation restored some of the drastic cuts called for in 1997, and provided relief in payments for outpatient services. This effort has already made a measurable difference and has enabled many hospitals and other providers to remain in business. Yet, this is only half the problem.

The Balanced Budget Refinement Act addressed outpatient care provided by hospitals, and now, through legislation

I cosponsored earlier this year called the American Hospital Preservation Act, we are addressing inpatient services. This is the other half of the equation. The American Hospital Preservation Act will help restore the scheduled 1.1 percent reduction in the inflation rate adjustment for in-patient services for years 2001 and 2002. Most importantly, this legislation will allow hospitals to better keep up with rapid increases in health-related costs.

Mr. President, we in Congress have a big task ahead of us. We need to remain steadfast in our commitment to these institutions and complement the efforts of the people who devote so much of themselves to saving and preserving the lives of others. National Hospital Week exists so that we may remember and recognize the efforts of these organizations, and more importantly, the people who work within them. I am proud of the level of quality health care that is provided through our city and rural hospitals in Minnesota, and I am going to continue to do all I can to help preserve the integrity of these institutions on which we all rely.●

## IN RECOGNITION OF SAUL B. KATZ

● Mr. SCHUMER. Mr. President, I rise today in recognition of Saul B. Katz; an outstanding member of the New York health care community.

Mr. Katz has the distinction of serving as the first Chairman of the Board of Trustees of the North Shore—Long Island Jewish Health System. After serving in various leadership capacities within the health system for over a decade, Mr. Katz lead the development of a system that now includes 13 hospitals, 2 skilled nursing centers and numerous ambulatory programs which span across the New York Metropolitan area.

As Co-founder, President and Chief Operating Officer of Sterling Equities, Inc., a diversified investment and operating company, Mr. Katz was a member of the governing Board of the Community Hospital of Glen Cove, which became North Shore University Hospital at Glen Cove in 1989. Mr. Katz served as the First Vice President of the Board of Trustees, as well as a member of the Finance, Planning, Development and Building committees.

In addition, Mr. Katz serves as a Director, Trustee and Member of numerous trade and charitable organizations including the Jewish Association for Services for the Aging, the Brooklyn College Foundation and the Federation of Jewish Philanthropies of New York.

The Katz family is a close-knit one. Saul and his wife Iris have enjoyed 40 years of marriage and spend as much time as they can with their grown children and their spouses: Heather Katz Knopf and Dan Knopf, Natalie Katz D'Amore and Al D'Amore and David Katz. Iris and Saul recently celebrated the arrival of their first grandchild Carly Frances Knopf.

The North Shore—Long Island Health System will certainly miss the exemplary leadership that Mr. Katz provided all these years and I applaud the significant improvements he has made to the state of health care in the New York Metropolitan area.

Finally, I would like to congratulate Mr. Katz on his retirement from the Board and wish him and his family well in his golden years.●

## RETIREMENT OF DIANE RODEKOHR

● Mr. ENZI. Mr. President, I wanted to take this opportunity to express the heartfelt appreciation and gratitude I feel, along with my staff and my wife Diana, for the hard work and determined effort Diane Rodekohr has given the Senate and my office over these past few years. If not for Diane, or Dee as she is known to her friends, we just could not have accomplished as much for the people of Wyoming as we have been able to do since my election to the Senate four years ago.

When Diana and I arrived in Washington ready to take on this new adventure in our lives, knowing we already had staff in place with experience who were committed to me and to Wyoming made all the difference. The continuity that I benefitted from having a seasoned staff helped to make a transition that was better than smooth—it was almost seamless.

I'll always be grateful to Dee for staying on as State Director when she could have ridden off into the sunset to enjoy her well deserved retirement. Instead she stayed with me and with Wyoming and continued to make a difference for me, for my constituents, and for her fellow staff members who continued to look to her for her sage advice, counsel and support.

Now she has made a decision to turn her attention to tending different areas of the garden of her life. I hope she fully enjoys whatever challenges await her. The Bible tells us that ''to everything there is a season''—and this is the season for Dee to enjoy her life to the fullest! May God continue to bless and watch over her. My wife, Diana, my staff and the people of Wyoming join in sending our best wishes to her for a life full of continued joy and happiness. Dee, you have truly earned that and so much more!●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 2:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1237. An act to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

H.R. 3069. An act to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

H.R. 3577. An act to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 89. Concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

The message further announced that pursuant to Senate concurrent resolution 89, 106th Congress, the Speaker has appointed the following Members of the House to the Joint Congressional Committee on Inaugural Ceremonies: Mr. HASTERT of Illinois, Mr. ARMEY of Texas, and Mr. GEPHARDT of Missouri.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1237. An act to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3069. An act to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia; to the Committee on Governmental Affairs.

H.R. 3577. An act to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 89. Concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage; to the Committee on Energy and Natural Resources.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8864. A communication from the Comptroller General, transmitting an updated compilation of historical information and statistics regarding rescissions proposed by the executive branch and rescissions enacted by the Congress through October 1, 1999; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; and the Budget.

EC–8865. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of unit cost breaches for two Air Force Major Defense Programs; to the Committee on Armed Services.

EC–8866. A communication from the Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a report entitled ''Military Child Care: Meeting Extended and Irregular Duty Requirements''; to the Committee on Armed Services.

EC–8867. A communication from the Office for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–8868. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $14,000,000 or more to Greece; to the Committee on Foreign Relations.

EC–8869. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Separation from Service and Same Desk Rule'' (Rev. Rul. 2000–27), received May 5; to the Committee on Finance.

EC–8870. A communication from the President of the United States of America, transmitting, pursuant to law, a report concurring with the findings of the Secretary of Commerce in his report entitled ''The Effect on the Natuinal Security of Imports of Crude Oil and Refined Petroleum Products''; to the Committee on Finance.

EC–8871. A communication from the Financial Management Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing FedSelect Checks, 31 CFR Part 247'' (RIN1510–AA44), received April 18, 2000; to the Committee on Finance.

EC–8872. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Evaluation of the Community Nursing Organization Demonstration—Final Report'', dated April 13, 2000; to the Committee on Finance.

EC–8873. A communication from the United States Sentencing Commission transmitting, pursuant to law, the report of amendments to the sentencing guidelines, policy statements, and official commentary; to the Committee on the Judiciary.

EC–8874. A communication from the Assistant Secretary for Communications and Information, Department of Commerce and the Register of Copyrights, Library of Congress transmitting, pursuant to law, a report entitled ''Joint Study of Section 1201(g) of The Digital Millennium Copyright Act''; to the Committee on the Judiciary.

EC–8875. A communication from the Office of Justice Programs, Department of Justice transmitting, pursuant to law, the report of a rule entitled ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations'', received April 28, 2000; to the Committee on the Judiciary.

EC–8876. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–8877. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Annual Report for the Strategic Petroleum Reserve'' for calendar year 1999; to the Committee on Energy and Natural Resources.

EC–8878. A communication from the Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''State Energy Program'' (RIN1904–AB01), received May 4, 2000; to the Committee on Energy and Natural Resources.

EC–8879. A communication from the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Kentucky Regulatory Program'' (SPATS No. KY–218–FOR), received May 5, 2000; to the Committee on Energy and Natural Resources.

EC–8880. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received May 4, 2000; to the Committee on Governmental Affairs.

EC–8881. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate System; Redefinition of the Southern and Western Colorado Appropriated Fund Wage Area'' (RIN3206–AI95), received May 4, 2000; to the Committee on Governmental Affairs.

EC–8882. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate System; Definition of Napa County, CA to a Nonappropriated Fund Wage Area'' (RIN3206–AI86), received May 4, 2000; to the Committee on Governmental Affairs.

EC–8883. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Reduction in Force Notices'' (RIN3206–AI99), received May 4, 2000; to the Committee on Governmental Affairs.

EC–8884. A communication from the Federal Labor Relations Authority, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–8885. A communication from the United States Parole Commission, Department of Justice, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–8886. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Perishable Agricultural Commodities Act: Recognizing Limited Liability Companies'' (Docket Number FV99–361), received May 5, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8887. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Modification of Handling Regulations'' (Docket Number FV00–945–1–IFR), received May 5, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8888. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation relative to protecting agricultural producers from short-term market and production fluctuations and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8889. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azoxystrobin; Pesticide Tolerance'' (FRL # 6554–9), received May 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8890. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyromazine; Pesticide Tolerance'' (FRL # 6556–3), received May 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8891. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fludioxonil; Re-establishment of Tolerance for Emergency Exemptions'' (FRL # 6554–9), received May 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8892. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Harpin Proteinl Exemption from the Requirement of a Tolerance'' (FRL # 6497–4), received May 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8893. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prohexadione Calcium; Pesticide Tolerance'' (FRL # 6555–2), received May 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8894. A communication from the Office of Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations'' (RIN1291–AA30), received April 25, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8895. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled the ''Internet Prescription Drug Sales Act of 2000''; to the Committee on Health, Education, Labor, and Pensions.

EC–8896. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Gasoline Sulfur Rule Questions and Answers''; to the Committee on Environment and Public Works.

EC–8897. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''NESHAP: Pulp and Paper Questions and Answers, 2nd Vol., dated March 31, 2000''; to the Committee on Environment and Public Works.

EC–8898. A communication from the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and

Threatened Wildlife and Plants; Final Determination of Threatened Status for the Koala'' (RIN1018–AE43), received May 4, 2000; to the Committee on Environment and Public Works.

EC–8899. A communication from the Nuclear Regulatory Commission transmitting, pursuant to law, a quarterly report on the denial of safeguards information for the period of January 1, 2000 through March 31, 2000; to the Committee on Environment and Public Works.

EC–8900. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District'' (FRL # 6579–3), received April 13, 2000; to the Committee on Environment and Public Works.

EC–8901. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Alabama: Approval of Revisions to the Alabama State Implementation Plan: Transportation Conformity Interagency Memorandum of Agreement'' (FRL # 6605–8), received May 8, 2000; to the Committee on Environment and Public Works.

EC–8902. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans: Oregon RACT Rule'' (FRL # 6582–9), received May 8, 2000; to the Committee on Environment and Public Works.

EC–8903. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 30, 1994'' (FRL # 6603–5), received May 8, 2000; to the Committee on Environment and Public Works.

EC–8904. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Priorities List for Uncontrolled Hazardous Waste Sites'' (FRL # 6603–3), received May 4, 2000; to the Committee on Environment and Public Works.

EC–8905. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the California State Implementation Plan, Mojave Desert Air Quality Management District'' (FRL # 6587–1), received May 8, 2000; to the Committee on Environment and Public Works.

EC–8906. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL # 6604–3), received May 4, 2000; to the Committee on Environment and Public Works.

EC–8907. A communication from the Federal Highway Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Emergency Relief Program—$500,000 Disaster Eligibility Threshold'' (RIN2125–AE27), received May 8, 2000; to the Committee on Energy and Natural Resources.

EC–8908. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification relative to shrimp harvested with technology that may adversely affect certain sea turtles; to the Committee on Commerce, Science, and Transportation.

EC–8909. A communication from the National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Advanced Air Bags'' (RIN2127–AG70), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8910. A communication from the Federal Highway Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Motor Carrier Safety Assistance Program (MCSAP)'' (RIN2125–AE46), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8911. A communication from the Federal Motor Carrier Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Carrier Safety Regulations; Technical Amendments'' (RIN2126–AA45), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8912. A communication from the, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Redoubt Shoal, Cook Inlet, AK (COTP Western Alaska 00–004)'' (RIN2115–AA97) (2000–0010), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8913. A communication from the, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Vicinity of Atlantic Fleet Weapons Training Facility, Vieques, PR and Adjacent Territorial Sea (CGD07–00–080)'' (RIN2115–AA97) (2000–0012), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8914. A communication from the, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Port Graham, Cook Inlet, AK (COTP Western Alaska 00–002)'' (RIN2115–AA97) (2000–0011), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8915. A communication from the, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Kachemak Bay, AK (COTP Western Alaska 00–001)'' (RIN2115–AA97) (2000–0009), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8916. A communication from the, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Chef Menteur Pass, LA (CGD08–00–005)'' (RIN2115–AE47) (2000–0026), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8917. A communication from the Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Appliance Labeling Rule, 16 CFR Part 305'' (RIN3084–AA74), received May 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8918. A communication from the Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''DotCom Disclosures: Information About Online Advertising'', received May 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8919. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2000 Specifications'' (RIN0648–AN53), received May 4, 2000; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Small Business, with an amendment in the nature of a substitute:

H.R. 2614: A bill to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes (Rept. No. 106–280).

By Mr. BURNS, from the Committee on Appropriations, without amendment:

S. 2521: An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. Mr. MCCONNELL, from the Committee on Appropriations, without amendment:

S. 2522: An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH (for himself, Mr. REID, Mr. DEWINE, Mr. KENNEDY, Mr. BRYAN, Mr. MCCONNELL, Mr. HARKIN, Mr. THOMPSON, Mr. FRIST, and Mr. BUNNING):

S. 2519. A bill to authorize compensation and other benefits for employees of the Department of Energy, its contractors, subcontractors, and certain vendors who sustain illness or death related to exposure to beryllium, ionizing radiation, silica, or hazardous substances in the performance of their duties, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JEFFORDS (for himself, Mr. WELLSTONE, Ms. SNOWE, and Ms. COLLINS):

S. 2520. A bill to amend the Federal Food, Drug, and cosmetic Act to allow for the importation of certain covered products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS:

S. 2521. An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year

ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. MCCONNELL:

S. 2522. An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CONRAD (for himself and Mr. MURKOWSKI):

S. 2523. A bill to amen title XVIII of the Social Security Act to provide for reimbursement of certified midwife services, to provide for more equitable reimbursement rates for certified nurse-midwife services, and for other purposes; to the Committee on Finance.

By Ms. SNOWE:

S. 2524. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. LAUTENBERG, Mrs. BOXER, and Mr. SCHUMER):

S. 2525. A bill to provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 2526. A bill to amend the Indian Health Care Improvement Act to revise and extend such Act; to the Committee on Indian Affairs.

By Mr. GRASSLEY:

S. 2527. A bill to amend the Public Health Service Act to provide grant programs to reduce substance abuse, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN:

S. Res. 304. A resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs; to the Committee on the Judiciary.

By Mr. NICKLES (for himself, Mr. KYL, Mr. LIEBERMAN, Mr. GRAHAM, Mr. GRASSLEY, and Mr. LUGAR):

S. Con. Res. 111. A concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber; to the Committee on Finance.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself, Mr. REID, Mr. DEWINE, Mr. KENNEDY, Mr. BRYAN, Mr. MCCONNELL, Mr. HARKIN, Mr. THOMPSON. Mr. FRIST, and Mr. BUNNING):

S. 2519. A bill to authorize compensation and other benefits for employees of the Department of Energy, its contractors, subcontractors, and certain vendors who sustain illness or death related to exposure to beryllium, ionizing radiation, silica, or hazardous substances in the performance of their duties, and for other purposes; to the Committee on Health, Education, Labor, and Pension.

### ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION ACT OF 2000

Mr. VOINOVICH. Mr. President, over the last half century, and at facilities all across America, tens of thousands of dedicated men and women in our civilian federal workforce helped keep our military fully supplied and our nation fully prepared to meet any potential threat. Their success is measured in part with the end of the Cold War and the collapse of the Soviet Union. However, for many of these workers, their success came at a high price; the sacrifice of their health, and even their lives, for our liberty. I believe we have a federal obligation to live up to our responsibilities with these Cold War veterans.

The bill I am introducing today, along with Senators REID, DEWINE, KENNEDY, MCCONNELL, BRYAN, HARKIN, THOMPSON, FRIST, and BUNNING is titled the ''Energy Employees Occupational Illness Compensation Act of 2000.'' This bill will provide financial compensation to Department of Energy workers whose impaired health has been caused by exposure to beryllium, radiation or other hazardous substances while working for the defense of the United States. The bill will also provide compensation to survivors of workers who have died while suffering from an illness resulting from exposure to these substances.

Many will express concern that it will be hard to prove if someone was made chronically ill by their work environment, however, such concerns can be refuted. For example, beryllium disease is a ''fingerprint'' disease, in that it leaves no doubt as to what caused the illness of the sufferer. Additionally, the only processing of the materials that cause Chronic Beryllium Disease is unique to our nuclear weapons facilities. Skepticism is understandable in many cases of radiation exposure at DoE facilities because the records may not generally reflect employee exposure to radioactive materials. However, concerns have been raised that the DoE destroyed or altered workers' records. Additionally, dosimeter badges, which record radiation exposure, were not always required to be worn by workers. When they were required to be worn, they were not always done so properly or consistently. DoE plant management would even ''zero'' dose badges. Therefore, many records do not exist, and where they do exist, there is adequate reason to doubt their accuracy. That is why this bill places the burden of proof on the government to prove that an employee's illness was not caused by workplace hazards.

As one who believes we should rely on sound science, I would certainly support a method for compensation based on this principle if it was available. Unfortunately in this case, sound science either does not exist in DoE facility records, or it cannot be relied upon for accuracy. That's precisely what happened in my state of Ohio.

In a series of newspaper articles from the Columbus Dispatch, it was shown that for decades, some workers at the Portsmouth Gaseous Diffusion Plant in Piketon, Ohio—a plant which processes high-quality nuclear material—did not know they had been exposed to dangerous levels of radioactive material. That's because until recently, proper safety precautions were rarely taken to adequately protect workers' safety. Even when precautions were taken, the application of protective standards was inconsistent. In addition, workers at the Piketon plant have stated that plant management not only did not keep adequate dosimetry records, in some cases, they changed the dosimetry records to show lower levels of radiation exposure. If consistent, reliable and factual data is not available, then it will be quite difficult to utilize sound science.

Similar occurrences have been reported at the Fernald Feed Materials Production Center in Fernald, Ohio and the Mound Facility in Miamisburg, Ohio as well as other facilities nationwide.

The DoE has admitted that at some facilities, workers were not told the nature of the substances with which they were working, nor the ramifications that these materials may have on their future health and quality of life. It is unconscionable that DoE managers and other individuals in positions of responsibility could be so insensitive and uncaring about their fellow man.

Last year, the Toledo Blade published an award-winning series of articles outlining the plight of workers suffering from Chronic Beryllium Disease (CBD). While government standards were met in protecting the workers from exposure to the beryllium dust, many workers still were diagnosed with CBD. The stories of these workers who are suffering from this often debilitating disease are heart-wrenching. It is estimated that 1,200 people have contracted CBD, and hundreds have died from it, making CBD the number one disease directly caused by our Cold War effort.

Title one of this bill provides compensation to individuals suffering from Chronic Beryllium Disease (CBD). Beryllium, which is a toxic substance, can cause major health problems if proper precautions are not taken while it is being handled. Individuals who suffer from Chronic Beryllium Disease experience a loss of lung function, and in many cases face a painful death. While there is a blood test that can detect CBD, and there are treatments for it, there is no cure. Under this bill, if the disease is confirmed, it is presumed work-related and workers compensation at benefit levels established under

the Federal Employees Compensation Act (FECA) is paid—roughly two-thirds of six years worth of wages and health care coverage. Alternatively, a claimant can elect a one-time lump sum payment of $200,000 (with healthcare benefits related to their disease) in lieu of wage replacement payments. Employees at DoE sites and DoE beryllium vendors would be covered under the bill.

Title two of this bill covers illnesses related to radiation and other hazardous substances. The first part of this title covers workers at all DoE sites who contract cancer that has been potentially caused by exposure to radiation (radiogenic cancer), worked at the site for at least one year and wore a radiation dosimeter badge or should have worn one. Causation is presumed if the covered cancer is a primary cancer. Again, benefits are paid at FECA levels, or in the alternative, a claimant can elect a one-time lump sum payment of $200,000 (with healthcare benefits) in lieu of wage replacement payments. The presumption is modeled after the Radiation Exposure Compensation Act. This proposal incorporates all DoE sites across the nation, plus four vendor facilities.

The second part of this title covers workers at DoE sites for illness, impairment, disease or death, using a FECA level of benefits. The Secretary of Health and Human Services is required to create a panel of occupational doctors to review the claims for the Department of Labor, and the threshold for eligibility is whether exposure was a significant contributing factor to a worker's illness. The bill allows claimants to seek a second medical opinion. Further, the bill directs the HHS to empanel occupational physicians to develop additional presumptions for use in guiding future HHS and Labor Department decisions.

To obtain restitution under the bill, claimants would file with the Department of Labor's Office of Worker Compensation Programs under a FECA-like program but not FECA itself. The claims reviewer, after obtaining all the necessary information, would have 120 days to render a decision. If a denial is issued, the claimant can appeal to an administrative law judge (ALJ). The ALJ has 180 days to render an opinion. If an opinion is not rendered, the appeal can be brought to the federal Benefits Review Board (BRB). The BRB has 240 days to render an opinion, after which appeals can be brought to the U.S. Court of Appeals. Failure to meet deadlines by the DoL results in a default in favor of the claimant. This approach is intended to remedy the major defects in FECA, which excludes any rights to the Courts and results in years of delay in many cases.

Mr. President, there may be some who will say that this bill costs too much, or we can't afford it so we shouldn't do it. I strongly disagree.

Congress appropriates billions of dollars annually on things that are not the responsibility of the federal government. And here we have a clear instance where our federal government is responsible for the actions it has taken and the negligence it has shown against its own people. This is an issue where peoples' health has been compromised and lives have been lost. In many instances, these workers didn't even know that their health and safety was in jeopardy. It is not only a responsibility of this government to provide for these individuals, it is a moral obligation.

Mr. President, it is unfortunate that a bill establishing this type of compensation program is necessary; it is little consolation for the pain, health problems and diminished quality of life that these individuals have suffered. These men and women who won the Cold War have only asked that the United States government—the government of the nation that they spent their lives defending—acknowledge that they were made ill in the course of doing their job and recognize that the government must take care of them.

Sadly, because of the government's stonewalling and denial of responsibility, the only way many of these employees believe they will ever receive proper restitution for what the government has done is to file a lawsuit against the Department of Energy or its contractors. That should not have to happen and it is my hope that this legislation will preclude any perceived need for such lawsuits.

I believe that all those who have served our nation fighting the Cold War deserve to know if the federal government was responsible for causing them illness or harm, and if so, to provide them the care that they need. I encourage my colleagues to join us in cosponsoring this legislation and I urge the Senate to consider this bill during this session of Congress.

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By Mr. JEFFORDS (for himself, Mr. WELLSTONE, Ms. SNOWE, and Ms. COLLINS):

S. 2520. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the importation of certain covered products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEDICINE EQUITY AND DRUG SAFETY ACT OF 2000

Mr. JEFFORDS. Mr. President, as we work to address the problems of health care in the new millennium, we are blessed and we are cursed: blessed with the promise of new research capabilities and the knowledge gleaned from the human genome, and cursed with the high costs of all medicines, new and old. Today, I come to the floor to introduce a bill that will help address the curse of out-of-control drug prices, the Medicine Equity and Drug Safety Act of 2000, or MEDS Act.

There is no question that prescription drugs cost too much in this nation.

During a time when we are experiencing unprecedented economic growth, it is not uncommon to hear of patients who cut pills in half, or skip dosages in order to make prescriptions last longer, because they can't afford the refill. The question that we should ask is, can we put politics aside and work in a bipartisan manner to deal with this national crisis? I say we must. And I am hopeful we can.

Prescription medicines have revolutionized the treatment of certain diseases, but they are only effective if patients have access to the medicines that their doctors prescribe.

The best medicines in the world will not help a person who cannot afford them. And they can actually do more harm than good if taken with the improper dosage.

Mr. President, it is well documented that the average price of prescription medicines is much lower in Canada than in the United States, with the price of some drugs in Vermont being twice that of the same drug available only a few miles away in a Canadian pharmacy. This is true even though many of the drugs sold in Canada are actually manufactured, packed, and distributed by American companies that sell the same FDA-approved products in both markets, but at drastically different prices.

This pricing disparity unfairly places the heaviest burden on the most vulnerable Americans—hardworking, but uninsured Americans who make too much money to qualify for Medicaid, yet still cannot afford the high cost of lifesaving drugs.

The legislation I am introducing today will allow pharmacists and wholesalers to get the same FDA-approved drugs sold at lower prices in other countries, and pass the savings on to consumers in the U.S.

This bipartisan proposal builds on legislation I introduced last year, S. 1462, that would allow imports from Canada for personal use, and borrows from another bill cosponsored by Senator WELLSTONE, S. 1191, that would allow reimportation of prescription drugs that were made in U.S. facilities.

The most important aspect of this bill, Mr. President, is safety. We all want to find ways to bring drug costs down for all Americans, but the concept of reimportation has been criticized as compromising the Food and Drug Administration's (FDA) world-renowned gold standard for safety by opening the American market to foreign counterfeiters who will attempt to flood the market with fake drugs.

This bill is simple in its approach. It would empower pharmacists and wholesalers to purchase FDA-approved medicines in Canada and pass the discounts along to American patients, and would let the experts at Health and Human Services (HHS) determine the best mechanism for allowing such imports while preserving the gold standard for safety.

The discretionary authority granted to the Secretary of HHS would be subject to a few important requirements,

such as identification of the importer and the product, but would require the Secretary to promulgate regulations setting up a safe system for allowing the reimportation of prescription drugs as long as the importer has demonstrated, to the satisfaction of HHS, that the product being reimported is safe, and is the same product that is being sold in the United States at a higher price.

Mr. President, I have said before and I will say again, this is not the only solution, and it may not be the best solution to this problem.

I strongly believe we need to enact a broad prescription drug benefit, and I believe we need to find ways to encourage more insurance coverage for more Americans that covers the cost of drugs. But this is a positive, bipartisan measure that we can implement now that will bring prescription drug prices down for all Americans, and I encourage your support.

Mr. WELLSTONE. Mr. President, I am very pleased to join Senator JEFFORDS, Senator COLLINS, and Senator SNOWE as a cosponsor of the Medicine Equity and Drug Safety Act of 2000. As this bill demonstrates, concern about the high price of prescription drugs in this country is a bipartisan issue. Republicans, Democrats, and independents alike suffer from the unconscionable behavior of American drug companies who overcharge American consumers day in and day out, compared to prices they charge in every other country of the world. Americans regardless of party have a fundamental belief in fairness—and know a rip-off when they see one. This bill aims to end the rip-off, to end the choke hold that the pharmaceutical industry has on America's seniors.

The Jeffords-Wellstone Medicine Equity and Drug Safety Act will make prescription drugs affordable for millions of Americans by applying the principles of free trade and competition to the prescription drug industry—without sacrificing safety. Senator JEFFORDS, Senator SNOWE, Senator COLLINS and I have heard the firsthand stories from our constituents—in Minnesota, in Maine and in Vermont—constituents who are justifiably frustrated and discouraged when they can't afford to buy prescription drugs that are made in the United States—unless they go across the border to Canada where those same drugs, manufactured in the same facilities here in the U.S. are available for about half the price.

This legislation provides relief from the price gouging of American consumers by our own pharmaceutical industry. This price gouging affects all Americans, but especially our senior citizens who feel the brunt of this problem more than any other age group because of the increasing number of prescription drugs we all will take as the years pass. Senior citizens have lost their patience in waiting for answers—-and so have I. That is why I have joined Senator JEFFORDS in this bipartisan effort to allow all Americans to have access to prescription drugs at prices they can afford.

While we can be proud of both American scientific research that produces new miracle cures and the high standards of safety and efficacy that we expect to be followed at the FDA, it is shameful that America's most vulnerable citizens—the chronically ill and the elderly—are being asked to pay the highest prices in the world here in the U.S. for the exact same medications manufactured here but sold more cheaply overseas.

Pharmacists could sell prescription drugs for less here in the United States, if they could buy and import these same drugs from Canada or Europe. Now, however, Federal law allows only the manufacturer of a drug to import it into the U.S. Thus American pharmacists and wholesalers must pay the exorbitant prices charged by the pharmaceutical industry in the U.S. market and pass along those high prices to consumers.

The legislative solution is simple. The bipartisan Medicine Equity and Drug Safety Act does two things: first, it allows Americans to legally import prescription drugs for personal use (which currently is allowed by FDA discretion), and more importantly, in the long run, it allows American pharmacists and wholesalers to import FDA approved prescription drugs into the United States for resale. Only drugs which have already been approved by the FDA for use in the United States could be imported for resale. Thus, the existing strict safety standards of the FDA will be maintained.

Pharmacists and wholesalers will be able to purchase drugs at lower prices and then pass the savings along to American consumers. To assure safety, the bill requires the FDA to develop regulations to precisely track imported drugs and to issue any other safety requirements the FDA deems necessary. It is time to tell the pharmaceutical industry: Enough! It is an industry that controls competition to keep prices so high that prescription drugs become unaffordable for the average American. It is an industry that puts profits first and leaves patients to fend for themselves.

What this bill does is to address the absurd situation by which American consumers are paying substantially higher prices for their prescription drugs than are the citizens of Canada, Mexico, and other countries. This bill does not create any new federal programs. Instead it uses principles of free trade and competition to help make it possible for American consumers to purchase the prescription drugs they need.

In summary, this bill brings competition into the price of pharmaceuticals and extends the promise of America's medical and pharmaceutical research to every American. It deserves bipartisan support, and I am glad to say it has it.

Ms. SNOWE. Mr. President, I am pleased to join Senators JEFFORDS, WELLSTONE, and COLLINS today as an original cosponsor of the Medicine Equity and Drug Safety Act of 2000.

There is no doubt that providing access to affordable prescription drugs for American consumers is a very important policy issue. It seems that everywhere we turn—from ''60 Minutes'' to Newsweek—we are hearing stories that our nation's patients face dramatically higher prices for their prescription medication than do our neighbors to the North.

In my view, a solution to the pressing problem of prescription drug coverage can't come soon enough. In 1998, drug costs grew more than any other category of health care—skyrocketing by 15.4 percent in a single year. And that's a special burden for seniors, who pay half the cost associated with their prescriptions as opposed to those under 65 who pay just a third.

Seniors are reeling from the burden of their prescription drug expenses. The March/April 2000 edition of Health Affairs reports that the average senior now spends $1,100 every year on medications. And with the latest HCFA estimates putting the number of seniors without drug coverage at around 31 percent of all Medicare beneficiaries—or about 13 out of nearly 40 million Americans—it's not hard to see why we can no longer wait to provide a solution. In fact, nearly 86 percent of Medicare beneficiaries must use at least one prescription drug every day.

Who are these seniors who don't have prescription drug coverage? Who are the ones traveling by the busload to Canada to buy their prescription drugs? They are people caught in the middle—most of whom are neither wealthy enough to afford their own coverage nor poor enough to qualify for Medicaid. In fact, we know that seniors between 100 percent and 200 percent of the federal poverty have the lowest levels of prescription drug coverage. And these seniors who are just over the poverty level are the least likely to have access to either employer-based coverage or Medicaid.

But even Medicaid is not the answer. According to the Urban Institute, in 1996, 63 percent of beneficiaries eligible for QMB (Qualified Medicare Beneficiary) protections—that is, those under the federal poverty level—actually receive those protections, while only 10 percent of those between 100 and 120 percent of the poverty level—those eligible for SLMB (Specified Low-Income Medicare Beneficiary) protections—are receiving that coverage. And only 16 states—including my home state of Maine—have their own drug assistance programs.

The high cost of prescription medications in the United States is forcing many of our nation's seniors to make unthinkable decisions that are harmful to their health and well-being. It is simply unacceptable that any person should have to choose between filling a prescription or buying groceries.

It is fundamentally unfair that a senior in Maine, Vermont, or Minnesota must drive across the Canadian border to be able to afford to buy his or her prescription medications. And while it is illegal for Americans to go to Canada and purchase drugs to be brought back to the United States, we know that this happens on a daily basis.

Mr. President, we are in a time of unparalleled prosperity. Almost daily, it seems, we learn of astounding new breakthroughs in biomedical research and in new prescription medications. And there is no question in anyone's mind that we have the best—the very best—health care in the entire world. But yet what does it say when our seniors are forced to go to Canada to purchase their prescription medications?

Mr. President, the legislation introduced today by Senator JEFFORDS will allow Americans to legally purchase in Canada a limited amount of their medication for personal use. This will enable American patients to purchase their medications at the lower prices. In addition, pharmacists and wholesalers will be allowed to reimport prescription drugs that were made in the U.S. or in FDA-approved facilities.

Mr. President, I support this bill and believe that Senator JEFFORDS has written a sound piece of legislation. But the fact of the matter is that addressing the issue of seniors crossing the border to purchase drugs is really only an interim approach—the real issue for America's seniors is the lack of comprehensive prescription drug coverage for Medicare beneficiaries.

This is why last August I introduced the Seniors Prescription Insurance Coverage Equity (SPICE) Act, S. 1480, with Senator RON WYDEN of Oregon. Our plan will give seniors coverage options similar to those enjoyed by Members of Congress and other federal employees, through a choice of competing comprehensive drug plans. SPICE will prescribe prescription drug coverage for all Medicare-eligible seniors, with the federal government covering all or part of the premiums on a sliding scale.

SPICE has the advantage of working with or without Medicare reform—something I've heard time and again is important to seniors, because it means that they don't have to wait for meaningful prescription drug coverage. The SPICE gives us the best of all possible worlds—a system that can exist outside of Medicare reform, co-exist with a new Medicare regime when it comes, and actually serve as a downpayment on comprehensive reform.

Mr. President, I am pleased to join Senator JEFFORDS as an original cosponsor of this bill. He has written a bill with the needs of American consumers in mind, and he is ensuring that Americans will have access to safe and affordable prescription medications while Congress works to devise a long-term solution to this very serious problem.

Thank you, I yield the floor.

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By Ms. SNOWE:

S. 2524. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis; to the Committee on Finance.

MEDICARE OSTEOPOROSIS MEASUREMENT ACT OF 2000

● Ms. SNOWE. Mr. President, I rise today to introduce the Medicare Osteoporosis Measurement Act.

Three years ago Congress passed the Balanced Budget Act of 1997. In doing so, we dramatically expanded coverage of osteoporosis screening through bone mass measurements for Medicare beneficiaries. Since we passed this law, we have learned that under the current Medicare law, it is very difficult for a man to be reimbursed for a bone mass measurement test. The bill I am introducing today, the Medicare Osteoporosis Measurement Act, would help all individuals enrolled in Medicare to receive the necessary tests if they are at risk for osteoporosis.

Currently, Medicare guidelines allow for testing in five categories of individuals—and most ''at risk'' men do not fall into any of them. The first category in the guidelines is for ''an estrogen-deficient woman at clinical risk for osteoporosis.'' The bill I am introducing today changes this guideline to say that ''an individual, including an estrogen-deficient woman, at clinical risk for osteoporosis'' will be eligible for bone mass measurement. This change—of just a few words—will vastly increase the opportunities for men to be covered for the important test.

Osteoporosis is a major public health problem affecting 28 million Americans, who either have the disease or are at risk due to low bone mass. Today, two million American men have osteoporosis, and another three million are at risk of this disease. Osteoporosis causes 1.5 million fractures annually at a cost of $13.8 billion—$38 million per day—in direct medical expenses. In their lifetime, one in two women and one in eight men over the age of 50 will fracture a bone due to osteoporosis. Each year, men suffer one-third of all the hip fractures that occur, and one-third of these men will not survive more than a year. In addition to hip fracture, men also experience painful and debilitating fractures of the spine, wrist, and other bones due to osteoporosis.

Osteoporosis is largely preventable and thousands of fractures could be avoided if low bone mass were detected early and treated. Though we now have drugs that promise to reduce fractures by 50 percent and new drugs have been proven to actually rebuild bone mass, a bone mass measurement is needed to diagnose osteoporosis and determine one's risk for future fractures. And we have learned that there are some prominent risk facts: age, gender, race, a family history of bone fractures, early menopause, risky health behaviors such as smoking and excessive alcohol consumption, and some medications all have been identified as contributing factors to bone loss. But identification of risk factors alone cannot predict how much bone a person has and how strong bone is.

Mr. President, we know that osteoporosis is highly preventable, but only if it is discovered in time. There is simply no substitute for early detection. My legislation will ensure that all Medicare beneficiaries at risk for osteoporosis will be able to be tested for osteoporosis.●

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By Mrs. FEINSTEIN (for herself, Mr. LAUTENBERG, Mrs. BOXER, and Mr. SCHUMER):

S. 2525. A bill to provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes; to the Committee on the Judiciary.

FIREARM LICENSING AND RECORD OF SALE ACT OF 2000

● Mrs. FEINSTEIN. Mr. President, on any given day in the United States 80 people are killed by gun violence, 12 of them children. Seeking to bring an end to this senseless violence, supporters of sensible gun laws are coming together this Mothers' Day from all over the country to participate in the Million Mom March and say to Congress: ''Enough is Enough.''

We share a common purpose: The passage of sensible gun laws that will hopefully help save lives.

This common goal includes moving forward with the four, common-sense gun measures passed by this body almost a full year ago—trigger locks, closing the gun show loophole, banning the importation of large capacity ammunition magazines, and banning juvenile possession of assault weapons.

And beyond those four common sense measures, the mothers flooding into Washington are calling for legislation to license gun owners and keep track of guns.

Earlier today, I stood with some of those moms, with Donna Dees-Thomases, the head of the Million Mom March, with Chief Ramsey of the District of Columbia Police Department, with representatives of Handgun Control and the Coalition to Stop Gun Violence, and with several of my colleagues to announce the introduction of a bill to take the next step in the fight to keep guns out of the hands of criminals and juveniles.

And so I now rise to introduce the ''Firearm Licensing and Record of Sale Act of 2000,'' which I believe represents a common-sense approach to guns and gun violence in America.

I am pleased to be joined in this effort by Senators FRANK LAUTENBERG, BARBARA BOXER and CHARLES SCHUMER. And I am pleased that Representative MARTY MEEHAN from Massachusetts will soon be introducing this legislation in the House. I know that this will be an uphill battle, and I don't expect this bill to pass overnight. But it is my

hope that in the coming months, more of our colleagues in both Houses will join us and help us to move this bill forward until we succeed.

Mr. President, in this country, when you want to hunt, you get a hunting license; when you want to fish, you get a fishing license. But when you want to buy a gun, no license is necessary. That makes no sense.

We register cars and license drivers. We register pesticides and license exterminators. We register animal carriers and researchers, we register gambling devices. And we register a whole host of other goods and activities—even ''international expositions,'' believe it or not, must be registered with the Bureau of International Expositions!

But when it comes to guns and gun owners—no license and no registration, despite the loss of more than 32,000 lives a year from gun violence.

To this end, I have worked with law enforcement officials and other experts in drafting the bill we are introducing today.

Upon enactment of this legislation, anyone purchasing a handgun or semi-automatic weapon that takes detachable ammunition magazines will be required to have a license. Shotguns and a large number of common hunting guns are not covered by the requirements of this bill.

Current owners of these weapons will have up to 10 years to obtain a license.

The bill sets up a federal system, but allows states to opt out if they adopt a system at least as effective as the federal program.

Under this bill, anyone wishing to obtain a firearm license will need to go to a federally licensed firearms dealer. There are currently more than 100,000 such dealers across the country—to put that in some perspective, there are four times more gun dealers in America than there are McDonald's restaurants in the entire world. Operating the federal licensing system through these licensed dealers will minimize the burden on those wishing to obtain a license.

If a state opts-out of the federal program, an individual will go to a State-designated entity, like a local sheriff, local police department, or even Department of Motor Vehicles. It will all depend on where the state feels is best.

Either way, the purchaser will then need to:

Provide information as to date and place of birth and name and address;

Submit a thumb print;

Submit a current photograph;

Sign, under penalty of perjury, that all of the submitted information is true and that the applicant is qualified under federal law to possess a firearm;

Pass a written firearms safety test, requiring knowledge of the safe storage and handling of firearms, the legal responsibilities of firearm ownership, and other factors as determined by the state or federal authority;

Sign a pledge to keep any firearm safely stored and out of the hands of juveniles (this pledge will be backed up by criminal penalties of up to three years in jail for anyone failing to do so);

Undergo state and federal background checks.

Licenses will be renewable every five years, and can be revoked at any time if the licensee becomes disqualified under federal law from owning or possessing a gun.

And the fee for a license cannot exceed $25.

Once the bill takes effect, all future sales and transfers of firearms falling within the scope of the bill will have to be recorded through a federally licensed firearms dealer, with an accompanying NICS background check. That way, law enforcement agencies will have easier access to information leading to the arrest of persons who use guns in crime.

The bill covers both handguns and other guns that are semi-automatic and can accept detachable magazines.

The legislation covers handguns because statistically, these guns are used in more crimes than any other. In fact, approximately 85 percent of all firearm homicides involve a handgun.

And the legislation also covers semi-automatic firearms that can accept detachable magazines, because these are the kind of assault weapons that have the potential to destroy the largest number of lives in the shortest period of time.

A gun that can take a detachable magazine can also take a large capacity magazine. Combine that with semi-automatic, rapid fire, and you have a deadly combination—as we have seen time and again in recent years.

Put simply, this legislation will cover those firearms that represent the greatest threat to the safety of innocent men, women and children in this nation.

Common hunting rifles, shotguns and other firearms that cannot accept detachable magazines will remain exempt.

This represents a compromise between those who would rather not have this bill at all, and those of us who believe that universal coverage of all firearms would be appropriate.

Penalties will vary depending on the severity of the violation. But in no case will gun owners face jail time simply because they forgot to get a license:

Those who fail to get a license will face fines of between $500 (for a first offense) and $5,000 for subsequent offenses.

Failing to report a change of address or the loss of a firearm will also result in penalties between $500 and $5,000, because this system works best for law enforcement when the perpetrators of gun crime can be quickly traced and arrested;

Dealers who fail to maintain adequate records will face up to 2 years in prison—dealers know their responsibilities, and this will give law enforcement the tools necessary to root out bad dealers and prevent the straw purchases and other violations of law that allow criminals easy access to a continuing flow of guns;

And adults who recklessly or knowingly allow a child access to a firearm face up to three years in prison if the child uses the gun to kill or seriously injure another person. In this way, the bill truly puts a new sense of responsibility onto gun owners in America.

Mr. President, law enforcement in California tells me that a licensing and record of sale system like the one I am introducing today will help law enforcement, upon recovery of a firearm used in crime, to track the gun down to the person who sold it, and then to the person who bought it.

And this legislation also sets in place a method through which we can better attempt to ensure that gun owners are responsible and trained in the use and care of their dangerous possessions.

We have tried to minimize the burden of this bill at every turn:

The licensing process will take place through federally licensed firearms dealers—as I mentioned earlier, there are currently more than 100,000 in this country;

The fee for a license will be only $25;

Current gun owners will have ten years to get a license, and guns now in homes will not have to be registered.

Future gun transfers will simply be recorded by licensed dealers—as they are now—and a system will be put in place to allow the quick tracing of guns used in crime. Gun owners themselves will not have to register their old guns or send any paperwork to the government.

Mr. President, this nation is awash in guns—there are more than 200 million of them in the United States. The problem of gun violence is not going away, and accidental deaths from firearms rob us of countless innocents each year.

Too many lives are lost every year simply because gun owners do not know how to use or store their firearms—particularly around children. In fact, according to a study released early last year, in 1996 alone there were more than 1,100 unintentional shooting deaths and more than 18,000 firearm suicides—many of which might have been prevented if the person intent on suicide did not have easy access to a gun owned by somebody else. It is my hope that the provisions of this bill, particularly with regard to child access prevention, will begin the process of making it harder for children and others to gain easy access to firearms.

I know that this bill will not pass overnight. We have a long process of education ahead of us. But the American people are with us. The facts are with us. And common sense is with us.

I thank the Senate for its consideration of this measure, and I look forward to working with each of my colleagues to move this bill forward in the coming months.●

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By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 2526. A bill to amend the Indian Health Care Improvement Act to revise and extend such Act; to the Committee on Indian Affairs.

INDIAN HEALTH CARE IMPROVEMENT ACT REAUTHORIZATION OF 2000

Mr. CAMPBELL. Mr. President, I am pleased to be joined by Senator INOUYE today in introducing a bill to reauthorize the Indian Health Care Improvement Act (the ''IHCIA'' or the ''Act'').

The United States first began to provide health services to Indians in 1824 as part of the War Department's handling of Indian affairs. In 1849 this responsibility went to the newly-created Interior Department where it rested until 1955 when it was transferred to the Public Health Service's Indian Health Agency.

In 1970, President Nixon issued his now-famous ''Special Message to Congress on Indian Affairs'' laying out the rationale for a more enlightened Indian Policy—Indian Self Determination.

The Indian Self-Determination and Education Assistance Act of 1975, the Indian Health Care Improvement Act of 1976, and the amendments to each over the years can be traced directly to the fundamental change proposed in 1970.

I am happy to say that legislation I proposed earlier this session, the Indian Self Governance Amendments of 1999, have passed the House and the Senate and awaits final action.

With the introduction of this bill, we re-affirm the core principles that were part of the 1976 legislation: (1) that federal health services are consistent with the unique federal-tribal relationship; (2) that a goal of the U.S. is to provide the quantity and quality of services to raise the health status of Indians; and (3) that Indian participation in the planning and management of health services should be maximized.

First enacted in 1976, this IHCIA provides the authorization for programs run by the Indian Health Service and is the legislation most responsible for raising the health status of Indian people to a level that, while still alarming, is not nearly as serious as it was just twenty-five years ago.

Before the passage of the Act in 1976 the mortality rate for Indian infants was 25% higher than that of non-Indian babies. The death rates for mothers was 82% higher and the mortality rates from infectious disease caused diarrhea and dehydration was 138% greater.

Today we can see marked improvements. Infant mortality rates have been reduced by 54%, maternal mortality rates have been reduced by 65%, tuberculosis mortality by 80% and overall mortality rates have been reduced by 42%.

While encouraging, these statistics mask the fact that the health status of Native people in America is still poor and below that of all other groups.

There are 3 issues in particular that need to be raised: urban Indians; Indian health facilities construction needs; and the booming problem of diabetes.

As past censuses have shown, the 2000 decennial census is likely to show that more than one-half of the 2.3 million American Indians and Alaska Natives reside off-reservation and are what commonly called ''urban Indians.'' Though the health services framework that now exists has slowly begun to acknowledge this trend, I am concerned that urban Indian health care needs require a more focused approach.

An ongoing problem that continues to confront the tribes, the IHS, and the Congress is the growing backlog in health care facilities construction. Recent estimates show that these needs top $900 million and federal appropriations simply will not satisfy these needs. I strongly believe that innovative proposals need to be made, refined and perfected in order to accomplish our common goal. I am heartened by the success of the Joint Venture Program and want to explore other proposals to get these facilities built.

Ailments of affluence continue to seep into native communities and erode the quality of life and very social fabric that holds these communities together. Alcohol and substance abuse continue to take a heavy toll and diabetes rates are reaching alarmingly high rates. Most troubling is the increasing obesity and diabetes that is showing up with alarming frequency in Native youngsters.

It is now time to take that extra step an to look at the positive things we have accomplished and build upon them.

This bill is a step in the right direction. It is the product of months-long consultations by a group of very dedicated individuals consisting of Indian tribal leaders, legal professionals and representatives of the private and public health care sectors.

The group reviewed existing law and has proposed changes to improve the current system by stressing local flexibility and choice, and making it more responsive to the health needs of Indian people.

The Committee on Indian Affairs has already had one hearing on the bill and will continue to review it in the months ahead.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 2526

*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 ''Indian Health Care Improvement Act Reauthorization of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—REAUTHORIZATION AND REVISIONS OF THE INDIAN HEALTH CARE IMPROVEMENT ACT

Sec. 101. Amendment to the Indian Health Care Improvement Act.

TITLE II—CONFORMING AMENDMENTS TO THE SOCIAL SECURITY ACT

Subtitle A—Medicare

Sec. 201. Limitations on charges.
Sec. 202. Indian health programs.
Sec. 203. Qualified Indian health program.

Subtitle B—Medicaid

Sec. 211. Payments to Federally-qualified health centers.
Sec. 212. State consultation with Indian health programs.
Sec. 213. Fmap for services provided by Indian health programs.
Sec. 214. Indian Health Service programs.

Subtitle C—State Children's Health Insurance Program

Sec. 221. Enhanced fmap for State children's health insurance program.
Sec. 222. Direct funding of State children's health insurance program.
''Sec. 2111. Direct funding of Indian health programs.

Subtitle D—Authorization of Appropriations

Sec. 231. Authorization of appropriations.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Repeals.
Sec. 302. Severability provisions.

**TITLE I—REAUTHORIZATION AND REVISIONS OF THE INDIAN HEALTH CARE IMPROVEMENT ACT**

**SEC. 101. AMENDMENT TO THE INDIAN HEALTH CARE IMPROVEMENT ACT.**

The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended to read as follows:

**''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

''(a) SHORT TITLE.—This Act may be cited as the 'Indian Health Care Improvement Act'.

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

''Sec. 1. Short title; table of contents.
''Sec. 2. Findings.
''Sec. 3. Declaration of health objectives.
''Sec. 4. Definitions.

''TITLE I—INDIAN HEALTH, HUMAN RESOURCES AND DEVELOPMENT

''Sec. 101. Purpose.
''Sec. 102. General requirements.
''Sec. 103. Health professions recruitment program for Indians.
''Sec. 104. Health professions preparatory scholarship program for Indians.
''Sec. 105. Indian health professions scholarships.
''Sec. 106. American Indians into psychology program.
''Sec. 107. Indian Health Service extern programs.
''Sec. 108. Continuing education allowances.
''Sec. 109. Community health representative program.
''Sec. 110. Indian Health Service loan repayment program.
''Sec. 111. Scholarship and loan repayment recovery fund.
''Sec. 112. Recruitment activities.
''Sec. 113. Tribal recruitment and retention program.
''Sec. 114. Advanced training and research.
''Sec. 115. Nursing programs; Quentin N. Burdick American Indians into Nursing Program.
''Sec. 116. Tribal culture and history.
''Sec. 117. INMED program.
''Sec. 118. Health training programs of community colleges.
''Sec. 119. Retention bonus.
''Sec. 120. Nursing residency program.
''Sec. 121. Community health aide program for Alaska.

''Sec. 122. Tribal health program administration.
''Sec. 123. Health professional chronic shortage demonstration project.
''Sec. 124. Scholarships.
''Sec. 125. National Health Service Corps.
''Sec. 126. Substance abuse counselor education demonstration project.
''Sec. 127. Mental health training and community education.
''Sec. 128. Authorization of appropriations.

''TITLE II—HEALTH SERVICES

''Sec. 201. Indian Health Care Improvement Fund.
''Sec. 202. Catastrophic Health Emergency Fund.
''Sec. 203. Health promotion and disease prevention services.
''Sec. 204. Diabetes prevention, treatment, and control.
''Sec. 205. Shared services.
''Sec. 206. Health services research.
''Sec. 207. Mammography and other cancer screening.
''Sec. 208. Patient travel costs.
''Sec. 209. Epidemiology centers.
''Sec. 210. Comprehensive school health education programs.
''Sec. 211. Indian youth program.
''Sec. 212. Prevention, control, and elimination of communicable and infectious diseases.
''Sec. 213. Authority for provision of other services.
''Sec. 214. Indian women's health care.
''Sec. 215. Environmental and nuclear health hazards.
''Sec. 216. Arizona as a contract health service delivery area.
''Sec. 217. California contract health services demonstration program.
''Sec. 218. California as a contract health service delivery area.
''Sec. 219. Contract health services for the Trenton service area.
''Sec. 220. Programs operated by Indian tribes and tribal organizations.
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''Sec. 814. National Bi-Partisan Commission on Indian Health Care Entitlement.
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**''SEC. 2. FINDINGS.**

''Congress makes the following findings:

''(1) Federal delivery of health services and funding of tribal and urban Indian health

programs to maintain and improve the health of the Indians are consonant with and required by the Federal Government's historical and unique legal relationship with the American Indian people, as reflected in the Constitution, treaties, Federal laws, and the course of dealings of the United States with Indian Tribes, and the United States' resulting government to government and trust responsibility and obligations to the American Indian people.

''(2) From the time of European occupation and colonization through the 20th century, the policies and practices of the United States caused or contributed to the severe health conditions of Indians.

''(3) Indian Tribes have, through the cession of over 400,000,000 acres of land to the United States in exchange for promises, often reflected in treaties, of health care secured a *de facto* contract that entitles Indians to health care in perpetuity, based on the moral, legal, and historic obligation of the United States.

''(4) The population growth of the Indian people that began in the later part of the 20th century increases the need for Federal health care services.

''(5) A major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians, regardless of where they live, to be raised to the highest possible level, a level that is not less than that of the general population, and to provide for the maximum participation of Indian Tribes, tribal organizations, and urban Indian organizations in the planning, delivery, and management of those services.

''(6) Federal health services to Indians have resulted in a reduction in the prevalence and incidence of illnesses among, and unnecessary and premature deaths of, Indians.

''(7) Despite such services, the unmet health needs of the American Indian people remain alarmingly severe, and even continue to increase, and the health status of the Indians is far below the health status of the general population of the United States.

''(8) The disparity in health status that is to be addresses is formidable. In death rates for example, Indian people suffer a death rate for diabetes mellitus that is 249 percent higher than the death rate for all races in the United States, a pneumonia and influenza death rate that is 71 percent higher, a tuberculosis death rate that is 533 percent higher, and a death rate from alcoholism that is 627 percent higher.

**''SEC. 3. DECLARATION OF HEALTH OBJECTIVES.**

''Congress hereby declares that it is the policy of the United States, in fulfillment of its special trust responsibilities and legal obligations to the American Indian people—

''(1) to assure the highest possible health status for Indians and to provide all resources necessary to effect that policy;

''(2) to raise the health status of Indians by the year 2010 to at least the levels set forth in the goals contained within the Healthy People 2000, or any successor standards thereto;

''(3) in order to raise the health status of Indian people to at least the levels set forth in the goals contained within the Healthy People 2000, or any successor standards thereto, to permit Indian Tribes and tribal organizations to set their own health care priorities and establish goals that reflect their unmet needs;

''(4) to increase the proportion of all degrees in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each geographic service area is raised to at least the level of that of the general population;

''(5) to require meaningful, active consultation with Indian Tribes, Indian organizations, and urban Indian organizations to implement this Act and the national policy of Indian self-determination; and

''(6) that funds for health care programs and facilities operated by Tribes and tribal organizations be provided in amounts that are not less than the funds that are provided to programs and facilities operated directly by the Service.

**''SEC. 4. DEFINITIONS.**

''In this Act:

''(1) ACCREDITED AND ACCESSIBLE.—The term 'accredited and accessible', with respect to an entity, means a community college or other appropriate entity that is on or near a reservation and accredited by a national or regional organization with accrediting authority.

''(2) AREA OFFICE.—The term 'area office' mean an administrative entity including a program office, within the Indian Health Service through which services and funds are provided to the service units within a defined geographic area.

''(3) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of the Indian Health as established under section 601.

''(4) CONTRACT HEALTH SERVICE.—The term 'contract health service' means a health service that is provided at the expense of the Service, Indian Tribe, or tribal organization by a public or private medical provider or hospital, other than a service funded under the Indian Self-Determination and Education Assistance Act or under this Act.

''(5) DEPARTMENT.—The term 'Department', unless specifically provided otherwise, means the Department of Health and Human Services.

''(6) FUND.—The terms 'fund' or 'funding' mean the transfer of monies from the Department to any eligible entity or individual under this Act by any legal means, including funding agreements, contracts, memoranda of understanding, Buy Indian Act contracts, or otherwise.

''(7) FUNDING AGREEMENT.—The term 'funding agreement' means any agreement to transfer funds for the planning, conduct, and administration of programs, functions, services and activities to Tribes and tribal organizations from the Secretary under the authority of the Indian Self-Determination and Education Assistance Act.

''(8) HEALTH PROFESSION.—The term 'health profession' means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, and allied health professions, or any other health profession.

''(9) HEALTH PROMOTION; DISEASE PREVENTION.—The terms 'health promotion' and 'disease prevention' shall have the meanings given such terms in paragraphs (1) and (2) of section 203(c).

''(10) INDIAN.—The term 'Indian' and 'Indians' shall have meanings given such terms for purposes of the Indian Self-Determination and Education Assistance Act.

''(11) INDIAN HEALTH PROGRAM.—The term 'Indian health program' shall have the meaning given such term in section 110(a)(2)(A).

''(12) INDIAN TRIBE.—The term 'Indian tribe' shall have the meaning given such term in section 4(e) of the Indian Self Determination and Education Assistance Act.

''(13) RESERVATION.—The term 'reservation' means any Federally recognized Indian tribe's reservation, Pueblo or colony, including former reservations in Oklahoma, Alaska Native Regions established pursuant to the Alaska Native Claims Settlement Act, and Indian allotments.

''(14) SECRETARY.—The term 'Secretary', unless specifically provided otherwise, means the Secretary of Health and Human Services.

''(15) SERVICE.—The term 'Service' means the Indian Health Service.

''(16) SERVICE AREA.—The term 'service area' means the geographical area served by each area office.

''(17) SERVICE UNIT.—The term 'service unit' means—

''(A) an administrative entity within the Indian Health Service; or

''(B) a tribe or tribal organization operating health care programs or facilities with funds from the Service under the Indian Self-Determination and Education Assistance Act, through which services are provided, directly or by contract, to the eligible Indian population within a defined geographic area.

''(18) TRADITIONAL HEALTH CARE PRACTICES.—The term 'traditional health care practices' means the application by Native healing practitioners of the Native healing sciences (as opposed or in contradistinction to western healing sciences) which embodies the influences or forces of innate tribal discovery, history, description, explanation and knowledge of the states of wellness and illness and which calls upon these influences or forces, including physical, mental, and spiritual forces in the promotion, restoration, preservation and maintenance of health, well-being, and life's harmony.

''(19) TRIBAL ORGANIZATION.—The term 'tribal organization' shall have the meaning given such term in section 4(l) of the Indian Self Determination and Education Assistance Act.

''(20) TRIBALLY CONTROLLED COMMUNITY COLLEGE.—The term 'tribally controlled community college' shall have the meaning given such term in section 126 (g)(2).

''(21) URBAN CENTER.—The term 'urban center' means any community that has a sufficient urban Indian population with unmet health needs to warrant assistance under title V, as determined by the Secretary.

''(22) URBAN INDIAN.—The term 'urban Indian' means any individual who resides in an urban center and who—

''(A) regardless of whether such individual lives on or near a reservation, is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940;

''(B) is an Eskimo or Aleut or other Alaskan Native;

''(C) is considered by the Secretary of the Interior to be an Indian for any purpose; or

''(D) is determined to be an Indian under regulations promulgated by the Secretary.

''(23) URBAN INDIAN ORGANIZATION.—The term 'urban Indian organization' means a nonprofit corporate body situated in an urban center, governed by an urban Indian controlled board of directors, and providing for the participation of all interested Indian groups and individuals, and which is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a).

## ''TITLE I—INDIAN HEALTH, HUMAN RESOURCES AND DEVELOPMENT

**''SEC. 101. PURPOSE.**

''The purpose of this title is to increase, to the maximum extent feasible, the number of Indians entering the health professions and providing health services, and to assure an optimum supply of health professionals to

the Service, Indian tribes, tribal organizations, and urban Indian organizations involved in the provision of health services to Indian people.

**"SEC. 102. GENERAL REQUIREMENTS.**

''(a) SERVICE AREA PRIORITIES.—Unless specifically provided otherwise, amounts appropriated for each fiscal year to carry out each program authorized under this title shall be allocated by the Secretary to the area office of each service area using a formula—

''(1) to be developed in consultation with Indian Tribes, tribal organizations and urban Indian organizations; and

''(2) that takes into account the human resource and development needs in each such service area.

''(b) CONSULTATION.—Each area office receiving funds under this title shall actively and continuously consult with representatives of Indian tribes, tribal organizations, and urban Indian organizations to prioritize the utilization of funds provided under this title within the service area.

''(c) REALLOCATION.—Unless specifically prohibited, an area office may reallocate funds provided to the office under this title among the programs authorized by this title, except that scholarship and loan repayment funds shall not be used for administrative functions or expenses.

''(d) LIMITATION.—This section shall not apply with respect to individual recipients of scholarships, loans or other funds provided under this title (as this title existed 1 day prior to the date of enactment of this Act) until such time as the individual completes the course of study that is supported through the use of such funds.

**"SEC. 103. HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS.**

''(a) IN GENERAL.—The Secretary, acting through the Service, shall make funds available through the area office to public or nonprofit private health entities, or Indian tribes or tribal organizations to assist such entities in meeting the costs of—

''(1) identifying Indians with a potential for education or training in the health professions and encouraging and assisting them—

''(A) to enroll in courses of study in such health professions; or

''(B) if they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;

''(2) publicizing existing sources of financial aid available to Indians enrolled in any course of study referred to in paragraph (1) or who are undertaking training necessary to qualify them to enroll in any such course of study; or

''(3) establishing other programs which the area office determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of, courses of study referred to in paragraph (1).

''(b) ADMINISTRATIVE PROVISIONS.—

''(1) APPLICATION.—To be eligible to receive funds under this section an entity described in subsection (a) shall submit to the Secretary, through the appropriate area office, and have approved, an application in such form, submitted in such manner, and containing such information as the Secretary shall by regulation prescribe.

''(2) PREFERENCE.—In awarding funds under this section, the area office shall give a preference to applications submitted by Indian tribes, tribal organizations, or urban Indian organizations.

''(3) AMOUNT.—The amount of funds to be provided to an eligible entity under this section shall be determined by the area office. Payments under this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions as provided for in regulations promulgated pursuant to this Act.

''(4) TERMS.—A funding commitment under this section shall, to the extent not otherwise prohibited by law, be for a term of 3 years, as provided for in regulations promulgated pursuant to this Act.

''(c) DEFINITION.—For purposes of this section and sections 104 and 105, the terms 'Indian' and 'Indians' shall, in addition to the definition provided for in section 4, mean any individual who—

''(1) irrespective of whether such individual lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those Tribes, bands, or groups terminated since 1940;

''(2) is an Eskimo or Aleut or other Alaska Native;

''(3) is considered by the Secretary of the Interior to be an Indian for any purpose; or

''(4) is determined to be an Indian under regulations promulgated by the Secretary.

**"SEC. 104. HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM FOR INDIANS.**

''(a) IN GENERAL.—The Secretary, acting through the Service, shall provide scholarships through the area offices to Indians who—

''(1) have successfully completed their high school education or high school equivalency; and

''(2) have demonstrated the capability to successfully complete courses of study in the health professions.

''(b) PURPOSE.—Scholarships provided under this section shall be for the following purposes:

''(1) Compensatory preprofessional education of any recipient. Such scholarship shall not exceed 2 years on a full-time basis (or the part-time equivalent thereof, as determined by the area office pursuant to regulations promulgated under this Act).

''(2) Pregraduate education of any recipient leading to a baccalaureate degree in an approved course of study preparatory to a field of study in a health profession, such scholarship not to exceed 4 years (or the part-time equivalent thereof, as determined by the area office pursuant to regulations promulgated under this Act) except that an extension of up to 2 years may be approved by the Secretary.

''(c) USE OF SCHOLARSHIP.—Scholarships made under this section may be used to cover costs of tuition, books, transportation, board, and other necessary related expenses of a recipient while attending school.

''(d) LIMITATIONS.—Scholarship assistance to an eligible applicant under this section shall not be denied solely on the basis of—

''(1) the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution; or

''(2) the applicant's eligibility for assistance or benefits under any other Federal program.

**"SEC. 105. INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.**

''(a) SCHOLARSHIPS.—

''(1) IN GENERAL.—In order to meet the needs of Indians, Indian tribes, tribal organizations, and urban Indian organizations for health professionals, the Secretary, acting through the Service and in accordance with this section, shall provide scholarships through the area offices to Indians who are enrolled full or part time in accredited schools and pursuing courses of study in the health professions. Such scholarships shall be designated Indian Health Scholarships and shall, except as provided in subsection (b), be made in accordance with section 338A of the Public Health Service Act (42 U.S.C. 254l).

''(2) NO DELEGATION.—The Director of the Service shall administer this section and shall not delegate any administrative functions under a funding agreement pursuant to the Indian Self-Determination and Education Assistance Act.

''(b) ELIGIBILITY.—

''(1) ENROLLMENT.—An Indian shall be eligible for a scholarship under subsection (a) in any year in which such individual is enrolled full or part time in a course of study referred to in subsection (a)(1).

''(2) SERVICE OBLIGATION.—

''(A) PUBLIC HEALTH SERVICE ACT.—The active duty service obligation under a written contract with the Secretary under section 338A of the Public Health Service Act (42 U.S.C. 254l) that an Indian has entered into under that section shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice on an equivalent year for year obligation, by service—

''(i) in the Indian Health Service;

''(ii) in a program conducted under a funding agreement entered into under the Indian Self-Determination and Education Assistance Act;

''(iii) in a program assisted under title V; or

''(iv) in the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

''(B) DEFERRING ACTIVE SERVICE.—At the request of any Indian who has entered into a contract referred to in subparagraph (A) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

''(i) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service that is required under this section.

''(ii) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

''(iii) The active duty service obligation will be served in the health profession of that individual, in a manner consistent with clauses (i) through (iv) of subparagraph (A).

''(C) NEW SCHOLARSHIP RECIPIENTS.—A recipient of an Indian Health Scholarship that is awarded after December 31, 2001, shall meet the active duty service obligation under such scholarship by providing service within the service area from which the scholarship was awarded. In placing the recipient for active duty the area office shall give priority to the program that funded the recipient, except that in cases of special circumstances, a recipient may be placed in a different service area pursuant to an agreement between the areas or programs involved.

''(D) PRIORITY IN ASSIGNMENT.—Subject to subparagraph (C), the area office, in making assignments of Indian Health Scholarship recipients required to meet the active duty service obligation described in subparagraph (A), shall give priority to assigning individuals to service in those programs specified in

subparagraph (A) that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

''(3) PART TIME ENROLLMENT.—In the case of an Indian receiving a scholarship under this section who is enrolled part time in an approved course of study—

''(A) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the appropriate area office;

''(B) the period of obligated service described in paragraph (2)(A) shall be equal to the greater of—

''(i) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship (as determined by the area office); or

''(ii) two years; and

''(C) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254l(g)(1)(B)) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled.

''(4) BREACH OF CONTRACT.—

''(A) IN GENERAL.—An Indian who has, on or after the date of the enactment of this paragraph, entered into a written contract with the area office pursuant to a scholarship under this section and who—

''(i) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

''(ii) is dismissed from such educational institution for disciplinary reasons;

''(iii) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

''(iv) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract;

in lieu of any service obligation arising under such contract, shall be liable to the United States for the amount which has been paid to him or her, or on his or her behalf, under the contract.

''(B) FAILURE TO PERFORM SERVICE OBLIGATION.—If for any reason not specified in subparagraph (A) an individual breaches his or her written contract by failing either to begin such individual's service obligation under this section or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''(C) DEATH.—Upon the death of an individual who receives an Indian Health Scholarship, any obligation of that individual for service or payment that relates to that scholarship shall be canceled.

''(D) WAIVER.—The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary, in consultation with the appropriate area office, Indian tribe, tribal organization, and urban Indian organization, determines that—

''(i) it is not possible for the recipient to meet that obligation or make that payment;

''(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

''(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

''(E) HARDSHIP OR GOOD CAUSE.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

''(F) BANKRUPTCY.—Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

''(c) FUNDING FOR TRIBES FOR SCHOLARSHIP PROGRAMS.—

''(1) PROVISION OF FUNDS.—

''(A) IN GENERAL.—The Secretary shall make funds available, through area offices, to Indian Tribes and tribal organizations for the purpose of assisting such Tribes and tribal organizations in educating Indians to serve as health professionals in Indian communities.

''(B) LIMITATION.—The Secretary shall ensure that amounts available for grants under subparagraph (A) for any fiscal year shall not exceed an amount equal to 5 percent of the amount available for each fiscal year for Indian Health Scholarships under this section.

''(C) APPLICATION.—An application for funds under subparagraph (A) shall be in such form and contain such agreements, assurances and information as consistent with this section.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—An Indian Tribe or tribal organization receiving funds under paragraph (1) shall agree to provide scholarships to Indians in accordance with the requirements of this subsection.

''(B) MATCHING REQUIREMENT.—With respect to the costs of providing any scholarship pursuant to subparagraph (A)—

''(i) 80 percent of the costs of the scholarship shall be paid from the funds provided under paragraph (1) to the Indian Tribe or tribal organization; and

''(ii) 20 percent of such costs shall be paid from any other source of funds.

''(3) ELIGIBILITY.—An Indian Tribe or tribal organization shall provide scholarships under this subsection only to Indians who are enrolled or accepted for enrollment in a course of study (approved by the Secretary) in one of the health professions described in this Act.

''(4) CONTRACTS.—In providing scholarships under paragraph (1), the Secretary and the Indian Tribe or tribal organization shall enter into a written contract with each recipient of such scholarship. Such contract shall—

''(A) obligate such recipient to provide service in an Indian health program (as defined in section 110(a)(2)(A)) in the same service area where the Indian Tribe or tribal organization providing the scholarship is located, for—

''(i) a number of years equal to the number of years for which the scholarship is provided (or the part-time equivalent thereof, as determined by the Secretary), or for a period of 2 years, whichever period is greater; or

''(ii) such greater period of time as the recipient and the Indian Tribe or tribal organization may agree;

''(B) provide that the scholarship—

''(i) may only be expended for—

''(I) tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attendance at the educational institution; and

''(II) payment to the recipient of a monthly stipend of not more than the amount authorized by section 338(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B), such amount to be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled, and may not exceed, for any year of attendance which the scholarship is provided, the total amount required for the year for the purposes authorized in this clause; and

''(ii) may not exceed, for any year of attendance which the scholarship is provided, the total amount required for the year for the purposes authorized in clause (i);

''(C) require the recipient of such scholarship to maintain an acceptable level of academic standing as determined by the educational institution in accordance with regulations issued pursuant to this Act; and

''(D) require the recipient of such scholarship to meet the educational and licensure requirements appropriate to the health profession involved.

''(5) BREACH OF CONTRACT.—

''(A) IN GENERAL.—An individual who has entered into a written contract with the Secretary and an Indian Tribe or tribal organization under this subsection and who—

''(i) fails to maintain an acceptable level of academic standing in the education institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

''(ii) is dismissed from such education for disciplinary reasons;

''(iii) voluntarily terminates the training in such an educational institution for which he or she has been provided a scholarship under such contract before the completion of such training; or

''(iv) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract;

shall be liable to the United States for the Federal share of the amount which has been paid to him or her, or on his or her behalf, under the contract.

''(B) FAILURE TO PERFORM SERVICE OBLIGATION.—If for any reason not specified in subparagraph (A), an individual breaches his or her written contract by failing to either begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''(C) INFORMATION.—The Secretary may carry out this subsection on the basis of information received from Indian Tribes or tribal organizations involved, or on the basis of information collected through such other means as the Secretary deems appropriate.

''(6) REQUIRED AGREEMENTS.—The recipient of a scholarship under paragraph (1) shall agree, in providing health care pursuant to the requirements of this subsection—

''(A) not to discriminate against an individual seeking care on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to the program established in title XVIII of the Social Security Act or pursuant to the programs established in title XIX of such Act; and

''(B) to accept assignment under section 1842(b)(3)(B)(ii) of the Social Security Act for all services for which payment may be made under part B of title XVIII of such Act, and to enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under title XIX

of such Act to provide service to individuals entitled to medical assistance under the plan.

''(7) PAYMENTS.—The Secretary, through the area office, shall make payments under this subsection to an Indian Tribe or tribal organization for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary or area office determines that, for the immediately preceding fiscal year, the Indian Tribe or tribal organization has not complied with the requirements of this subsection.

**''SEC. 106. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.**

''(a) IN GENERAL.—Notwithstanding section 102, the Secretary shall provide funds to at least 3 colleges and universities for the purpose of developing and maintaining American Indian psychology career recruitment programs as a means of encouraging Indians to enter the mental health field. These programs shall be located at various colleges and universities throughout the country to maximize their availability to Indian students and new programs shall be established in different locations from time to time.

''(b) QUENTIN N. BURDICK AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.—The Secretary shall provide funds under subsection (a) to develop and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Psychology Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Nursing Program authorized under section 115, the Quentin N. Burdick Indians into Health Program authorized under section 117, and existing university research and communications networks.

''(c) REQUIREMENTS.—

''(1) REGULATIONS.—The Secretary shall promulgate regulations pursuant to this Act for the competitive awarding of funds under this section.

''(2) PROGRAM.—Applicants for funds under this section shall agree to provide a program which, at a minimum—

''(A) provides outreach and recruitment for health professions to Indian communities including elementary, secondary and accredited and accessible community colleges that will be served by the program;

''(B) incorporates a program advisory board comprised of representatives from the Tribes and communities that will be served by the program;

''(C) provides summer enrichment programs to expose Indian students to the various fields of psychology through research, clinical, and experimental activities;

''(D) provides stipends to undergraduate and graduate students to pursue a career in psychology;

''(E) develops affiliation agreements with tribal community colleges, the Service, university affiliated programs, and other appropriate accredited and accessible entities to enhance the education of Indian students;

''(F) utilizes, to the maximum extent feasible, existing university tutoring, counseling and student support services; and

''(G) employs, to the maximum extent feasible, qualified Indians in the program.

''(d) ACTIVE DUTY OBLIGATION.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each graduate who receives a stipend described in subsection (c)(2)(C) that is funded under this section. Such obligation shall be met by service—

''(1) in the Indian Health Service;

''(2) in a program conducted under a funding agreement contract entered into under the Indian Self-Determination and Education Assistance Act;

''(3) in a program assisted under title V; or

''(4) in the private practice of psychology if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

**''SEC. 107. INDIAN HEALTH SERVICE EXTERN PROGRAMS.**

''(a) IN GENERAL.—Any individual who receives a scholarship pursuant to section 105 shall be entitled to employment in the Service, or may be employed by a program of an Indian tribe, tribal organization, or urban Indian organization, or other agency of the Department as may be appropriate and available, during any nonacademic period of the year. Periods of employment pursuant to this subsection shall not be counted in determining the fulfillment of the service obligation incurred as a condition of the scholarship.

''(b) ENROLLEES IN COURSE OF STUDY.—Any individual who is enrolled in a course of study in the health professions may be employed by the Service or by an Indian tribe, tribal organization, or urban Indian organization, during any nonacademic period of the year. Any such employment shall not exceed 120 days during any calendar year.

''(c) HIGH SCHOOL PROGRAMS.—Any individual who is in a high school program authorized under section 103(a) may be employed by the Service, or by a Indian Tribe, tribal organization, or urban Indian organization, during any nonacademic period of the year. Any such employment shall not exceed 120 days during any calendar year.

''(d) ADMINISTRATIVE PROVISIONS.—Any employment pursuant to this section shall be made without regard to any competitive personnel system or agency personnel limitation and to a position which will enable the individual so employed to receive practical experience in the health profession in which he or she is engaged in study. Any individual so employed shall receive payment for his or her services comparable to the salary he or she would receive if he or she were employed in the competitive system. Any individual so employed shall not be counted against any employment ceiling affecting the Service or the Department.

**''SEC. 108. CONTINUING EDUCATION ALLOWANCES.**

''In order to encourage health professionals, including for purposes of this section, community health representatives and emergency medical technicians, to join or continue in the Service or in any program of an Indian tribe, tribal organization, or urban Indian organization and to provide their services in the rural and remote areas where a significant portion of the Indian people reside, the Secretary, acting through the area offices, may provide allowances to health professionals employed in the Service or such a program to enable such professionals to take leave of their duty stations for a period of time each year (as prescribed by regulations of the Secretary) for professional consultation and refresher training courses.

**''SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PROGRAM.**

''(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary shall maintain a Community Health Representative Program under which the Service, Indian tribes and tribal organizations—

''(1) provide for the training of Indians as community health representatives; and

''(2) use such community health representatives in the provision of health care, health promotion, and disease prevention services to Indian communities.

''(b) ACTIVITIES.—The Secretary, acting through the Community Health Representative Program, shall—

''(1) provide a high standard of training for community health representatives to ensure that the community health representatives provide quality health care, health promotion, and disease prevention services to the Indian communities served by such Program;

''(2) in order to provide such training, develop and maintain a curriculum that—

''(A) combines education in the theory of health care with supervised practical experience in the provision of health care; and

''(B) provides instruction and practical experience in health promotion and disease prevention activities, with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty;

''(3) maintain a system which identifies the needs of community health representatives for continuing education in health care, health promotion, and disease prevention and maintain programs that meet the needs for such continuing education;

''(4) maintain a system that provides close supervision of community health representatives;

''(5) maintain a system under which the work of community health representatives is reviewed and evaluated; and

''(6) promote traditional health care practices of the Indian tribes served consistent with the Service standards for the provision of health care, health promotion, and disease prevention.

**''SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.**

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall establish a program to be known as the Indian Health Service Loan Repayment Program (referred to in this Act as the 'Loan Repayment Program') in order to assure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian health programs.

''(2) DEFINITIONS.—In this section:

''(A) INDIAN HEALTH PROGRAM.—The term 'Indian health program' means any health program or facility funded, in whole or part, by the Service for the benefit of Indians and administered—

''(i) directly by the Service;

''(ii) by any Indian tribe or tribal or Indian organization pursuant to a funding agreement under—

''(I) the Indian Self-Determination and Educational Assistance Act; or

''(II) section 23 of the Act of April 30, 1908 (25 U.S.C. 47) (commonly known as the 'Buy-Indian Act'); or

''(iii) by an urban Indian organization pursuant to title V.

''(B) STATE.—The term 'State' has the same meaning given such term in section 331(i)(4) of the Public Health Service Act.

''(b) ELIGIBILITY.—To be eligible to participate in the Loan Repayment Program, an individual must—

''(1)(A) be enrolled—

''(i) in a course of study or program in an accredited institution, as determined by the Secretary, within any State and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

''(ii) in an approved graduate training program in a health profession; or

''(B) have—

''(i) a degree in a health profession; and

''(ii) a license to practice a health profession in a State;

''(2)(A) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Public Health Service;

''(B) be eligible for selection for civilian service in the Regular or Reserve Corps of the Public Health Service;

''(C) meet the professional standards for civil service employment in the Indian Health Service; or

''(D) be employed in an Indian health program without a service obligation; and

''(3) submit to the Secretary an application for a contract described in subsection (f).

''(c) FORMS.—

''(1) IN GENERAL.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under subsection (l) in the case of the individual's breach of the contract. The Secretary shall provide such individuals with sufficient information regarding the advantages and disadvantages of service as a commissioned officer in the Regular or Reserve Corps of the Public Health Service or a civilian employee of the Indian Health Service to enable the individual to make a decision on an informed basis.

''(2) FORMS TO BE UNDERSTANDABLE.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

''(3) AVAILABILITY.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

''(d) PRIORITY.—

''(1) ANNUAL DETERMINATIONS.—The Secretary, acting through the Service and in accordance with subsection (k), shall annually—

''(A) identify the positions in each Indian health program for which there is a need or a vacancy; and

''(B) rank those positions in order of priority.

''(2) PRIORITY IN APPROVAL.—Consistent with the priority determined under paragraph (1), the Secretary, in determining which applications under the Loan Repayment Program to approve (and which contracts to accept), shall give priority to applications made by—

''(A) Indians; and

''(B) individuals recruited through the efforts an Indian tribe, tribal organization, or urban Indian organization.

''(e) CONTRACTS.—

''(1) IN GENERAL.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in subsection (f).

''(2) NOTICE.—Not later than 21 days after considering an individual for participation in the Loan Repayment Program under paragraph (1), the Secretary shall provide written notice to the individual of—

''(A) the Secretary's approving of the individual's participation in the Loan Repayment Program, including extensions resulting in an aggregate period of obligated service in excess of 4 years; or

''(B) the Secretary's disapproving an individual's participation in such Program.

''(f) WRITTEN CONTRACT.—The written contract referred to in this section between the Secretary and an individual shall contain—

''(1) an agreement under which—

''(A) subject to paragraph (3), the Secretary agrees—

''(i) to pay loans on behalf of the individual in accordance with the provisions of this section; and

''(ii) to accept (subject to the availability of appropriated funds for carrying out this section) the individual into the Service or place the individual with a tribe, tribal organization, or urban Indian organization as provided in subparagraph (B)(iii); and

''(B) subject to paragraph (3), the individual agrees—

''(i) to accept loan payments on behalf of the individual;

''(ii) in the case of an individual described in subsection (b)(1)—

''(I) to maintain enrollment in a course of study or training described in subsection (b)(1)(A) until the individual completes the course of study or training; and

''(II) while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training);

''(iii) to serve for a time period (referred to in this section as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to serve in the full-time clinical practice of such individual's profession in an Indian health program to which the individual may be assigned by the Secretary;

''(2) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under paragraph (1)(B)(iii);

''(3) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual which is conditioned thereon is contingent upon funds being appropriated for loan repayments under this section;

''(4) a statement of the damages to which the United States is entitled under subsection (l) for the individual's breach of the contract; and

''(5) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

''(g) LOAN REPAYMENTS.—

''(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

''(A) tuition expenses;

''(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; and

''(C) reasonable living expenses as determined by the Secretary.

''(2) AMOUNT OF PAYMENT.—

''(A) IN GENERAL.—For each year of obligated service that an individual contracts to serve under subsection (f) the Secretary may pay up to $35,000 (or an amount equal to the amount specified in section 338B(g)(2)(A) of the Public Health Service Act) on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

''(i) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

''(ii) provides an incentive to serve in Indian health programs with the greatest shortages of health professionals; and

''(iii) provides an incentive with respect to the health professional involved remaining in an Indian health program with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the Loan Repayment Program.

''(B) TIME FOR PAYMENT.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made not later than the end of the fiscal year in which the individual completes such year of service.

''(3) SCHEDULE FOR PAYMENTS.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments.

''(h) COUNTING OF INDIVIDUALS.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, while undergoing academic training, shall not be counted against any employment ceiling affecting the Department.

''(i) RECRUITING PROGRAMS.—The Secretary shall conduct recruiting programs for the Loan Repayment Program and other health professional programs of the Service at educational institutions training health professionals or specialists identified in subsection (a).

''(j) NONAPPLICATION OF CERTAIN PROVISION.—Section 214 of the Public Health Service Act (42 U.S.C. 215) shall not apply to individuals during their period of obligated service under the Loan Repayment Program.

''(k) ASSIGNMENT OF INDIVIDUALS.—The Secretary, in assigning individuals to serve in Indian health programs pursuant to contracts entered into under this section, shall—

''(1) ensure that the staffing needs of Indian health programs administered by an Indian tribe or tribal or health organization receive consideration on an equal basis with programs that are administered directly by the Service; and

''(2) give priority to assigning individuals to Indian health programs that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

''(l) BREACH OF CONTRACT.—

''(1) IN GENERAL.—An individual who has entered into a written contract with the Secretary under this section and who—

''(A) is enrolled in the final year of a course of study and who—

''(i) fails to maintain an acceptable level of academic standing in the educational institution in which he is enrolled (such level determined by the educational institution under regulations of the Secretary);

''(ii) voluntarily terminates such enrollment; or

''(iii) is dismissed from such educational institution before completion of such course of study; or

''(B) is enrolled in a graduate training program, and who fails to complete such training program, and does not receive a waiver from the Secretary under subsection (b)(1)(B)(ii),

shall be liable, in lieu of any service obligation arising under such contract, to the United States for the amount which has been paid on such individual's behalf under the contract.

''(2) AMOUNT OF RECOVERY.—If, for any reason not specified in paragraph (1), an individual breaches his written contract under this section by failing either to begin, or complete, such individual's period of obligated service in accordance with subsection (f), the United States shall be entitled to recover from such individual an amount to be determined in accordance with the following formula:

$$A=3Z(t-s/t)$$

in which—

''(A) 'A' is the amount the United States is entitled to recover;

''(B) 'Z' is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States;

''(C) 't' is the total number of months in the individual's period of obligated service in accordance with subsection (f); and

''(D) 's' is the number of months of such period served by such individual in accordance with this section.

Amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to section 1892 of the Social Security Act.

''(3) DAMAGES.—

''(A) TIME FOR PAYMENT.—Any amount of damages which the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach of contract or such longer period beginning on such date as shall be specified by the Secretary.

''(B) DELINQUENCIES.—If damages described in subparagraph (A) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

''(i) utilize collection agencies contracted with by the Administrator of the General Services Administration; or

''(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

''(C) CONTRACTS FOR RECOVERY OF DAMAGES.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent not inconsistent with this subsection.

''(m) CANCELLATION, WAIVER OR RELEASE.—

''(1) CANCELLATION.—Any obligation of an individual under the Loan Repayment Program for service or payment of damages shall be canceled upon the death of the individual.

''(2) WAIVER OF SERVICE OBLIGATION.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under the Loan Repayment Program whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

''(3) WAIVER OF RIGHTS OF UNITED STATES.—The Secretary may waive, in whole or in part, the rights of the United States to recover amounts under this section in any case of extreme hardship or other good cause shown, as determined by the Secretary.

''(4) RELEASE.—Any obligation of an individual under the Loan Repayment Program for payment of damages may be released by a discharge in bankruptcy under title 11 of the United States Code only if such discharge is granted after the expiration of the 5-year period beginning on the first date that payment of such damages is required, and only if the bankruptcy court finds that nondischarge of the obligation would be unconscionable.

''(n) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be submitted to the Congress under section 801, a report concerning the previous fiscal year which sets forth—

''(1) the health professional positions maintained by the Service or by tribal or Indian organizations for which recruitment or retention is difficult;

''(2) the number of Loan Repayment Program applications filed with respect to each type of health profession;

''(3) the number of contracts described in subsection (f) that are entered into with respect to each health profession;

''(4) the amount of loan payments made under this section, in total and by health profession;

''(5) the number of scholarship grants that are provided under section 105 with respect to each health profession;

''(6) the amount of scholarship grants provided under section 105, in total and by health profession;

''(7) the number of providers of health care that will be needed by Indian health programs, by location and profession, during the 3 fiscal years beginning after the date the report is filed; and

''(8) the measures the Secretary plans to take to fill the health professional positions maintained by the Service or by tribes, tribal organizations, or urban Indian organizations for which recruitment or retention is difficult.

**"SEC. 111. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND.**

''(a) ESTABLISHMENT.—Notwithstanding section 102, there is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (referred to in this section as the 'LRRF'). The LRRF Fund shall consist of—

''(1) such amounts as may be collected from individuals under subparagraphs (A) and (B) of section 105(b)(4) and section 110(l) for breach of contract;

''(2) such funds as may be appropriated to the LRRF;

''(3) such interest earned on amounts in the LRRF; and

''(4) such additional amounts as may be collected, appropriated, or earned relative to the LRRF.

Amounts appropriated to the LRRF shall remain available until expended.

''(b) USE OF LRRF.—

''(1) IN GENERAL.—Amounts in the LRRF may be expended by the Secretary, subject to section 102, acting through the Service, to make payments to the Service or to an Indian tribe or tribal organization administering a health care program pursuant to a funding agreement entered into under the Indian Self-Determination and Education Assistance Act—

''(A) to which a scholarship recipient under section 105 or a loan repayment program participant under section 110 has been assigned to meet the obligated service requirements pursuant to sections; and

''(B) that has a need for a health professional to provide health care services as a result of such recipient or participant having breached the contract entered into under section 105 or section 110.

''(2) SCHOLARSHIPS AND RECRUITING.—An Indian tribe or tribal organization receiving payments pursuant to paragraph (1) may expend the payments to provide scholarships or to recruit and employ, directly or by contract, health professionals to provide health care services.

''(c) INVESTING OF FUND.—

''(1) IN GENERAL.—The Secretary of the Treasury shall invest such amounts of the LRRF as the Secretary determines are not required to meet current withdrawals from the LRRF. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

''(2) SALE PRICE.—Any obligation acquired by the LRRF may be sold by the Secretary of the Treasury at the market price.

**"SEC. 112. RECRUITMENT ACTIVITIES.**

''(a) REIMBURSEMENT OF EXPENSES.—The Secretary may reimburse health professionals seeking positions in the Service, Indian tribes, tribal organizations, or urban Indian organizations, including unpaid student volunteers and individuals considering entering into a contract under section 110, and their spouses, for actual and reasonable expenses incurred in traveling to and from their places of residence to an area in which they may be assigned for the purpose of evaluating such area with respect to such assignment.

(b) ASSIGNMENT OF PERSONNEL.—The Secretary, acting through the Service, shall assign one individual in each area office to be responsible on a full-time basis for recruitment activities.

**"SEC. 113. TRIBAL RECRUITMENT AND RETENTION PROGRAM.**

''(a) FUNDING OF PROJECTS.—The Secretary, acting through the Service, shall fund innovative projects for a period not to exceed 3 years to enable Indian tribes, tribal organizations, and urban Indian organizations to recruit, place, and retain health professionals to meet the staffing needs of Indian health programs (as defined in section 110(a)(2)(A)).

''(b) ELIGIBILITY.—Any Indian tribe, tribal organization, or urban Indian organization may submit an application for funding of a project pursuant to this section.

**"SEC. 114. ADVANCED TRAINING AND RESEARCH.**

''(a) DEMONSTRATION PROJECT.—The Secretary, acting through the Service, shall establish a demonstration project to enable health professionals who have worked in an Indian health program (as defined in section 110) for a substantial period of time to pursue advanced training or research in areas of study for which the Secretary determines a need exists.

''(b) SERVICE OBLIGATION.—

''(1) IN GENERAL.—An individual who participates in the project under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian health program for a period of obligated service equal to at least the period of time during which the individual participates in such project.

''(2) FAILURE TO COMPLETE SERVICE.—In the event that an individual fails to complete a period of obligated service under paragraph (1), the individual shall be liable to the United States for the period of service remaining. In such event, with respect to individuals entering the project after the date of the enactment of this Act, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''(c) OPPORTUNITY TO PARTICIPATE.—Health professionals from Indian tribes, tribal organizations, and urban Indian organizations under the authority of the Indian Self-Determination and Education Assistance Act shall be given an equal opportunity to participate in the program under subsection (a).

**''SEC. 115. NURSING PROGRAMS; QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.**

''(a) GRANTS.—Notwithstanding section 102, the Secretary, acting through the Service, shall provide funds to—

''(1) public or private schools of nursing;

''(2) tribally controlled community colleges and tribally controlled postsecondary vocational institutions (as defined in section 390(2) of the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397h(2)); and

''(3) nurse midwife programs, and advance practice nurse programs, that are provided by any tribal college accredited nursing program, or in the absence of such, any other public or private institution,

for the purpose of increasing the number of nurses, nurse midwives, and nurse practitioners who deliver health care services to Indians.

''(b) USE OF GRANTS.—Funds provided under subsection (a) may be used to—

''(1) recruit individuals for programs which train individuals to be nurses, nurse midwives, or advanced practice nurses;

''(2) provide scholarships to Indian individuals enrolled in such programs that may be used to pay the tuition charged for such program and for other expenses incurred in connection with such program, including books, fees, room and board, and stipends for living expenses;

''(3) provide a program that encourages nurses, nurse midwives, and advanced practice nurses to provide, or continue to provide, health care services to Indians;

''(4) provide a program that increases the skills of, and provides continuing education to, nurses, nurse midwives, and advanced practice nurses; or

''(5) provide any program that is designed to achieve the purpose described in subsection (a).

''(c) APPLICATIONS.—Each application for funds under subsection (a) shall include such information as the Secretary may require to establish the connection between the program of the applicant and a health care facility that primarily serves Indians.

''(d) PREFERENCES.—In providing funds under subsection (a), the Secretary shall extend a preference to—

''(1) programs that provide a preference to Indians;

''(2) programs that train nurse midwives or advanced practice nurses;

''(3) programs that are interdisciplinary; and

''(4) programs that are conducted in cooperation with a center for gifted and talented Indian students established under section 5324(a) of the Indian Education Act of 1988.

''(e) QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.—The Secretary shall ensure that a portion of the funds authorized under subsection (a) is made available to establish and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Nursing Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 106(b) and the Quentin N. Burdick Indian Health Programs established under section 117(b).

''(f) SERVICE OBLIGATION.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each individual who receives training or assistance described in paragraph (1) or (2) of subsection (b) that is funded under subsection (a). Such obligation shall be met by service—

''(1) in the Indian Health Service;

''(2) in a program conducted under a contract entered into under the Indian Self-Determination and Education assistance Act;

''(3) in a program assisted under title V; or

''(4) in the private practice of nursing if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

**''SEC. 116. TRIBAL CULTURE AND HISTORY.**

''(a) IN GENERAL.—The Secretary, acting through the Service, shall require that appropriate employees of the Service who serve Indian tribes in each service area receive educational instruction in the history and culture of such tribes and their relationship to the Service.

''(b) REQUIREMENTS.—To the extent feasible, the educational instruction to be provided under subsection (a) shall—

''(1) be provided in consultation with the affected tribal governments, tribal organizations, and urban Indian organizations;

''(2) be provided through tribally-controlled community colleges (within the meaning of section 2(4) of the Tribally Controlled Community College Assistance Act of 1978) and tribally controlled postsecondary vocational institutions (as defined in section 390(2) of the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397h(2)); and

''(3) include instruction in Native American studies.

**''SEC. 117. INMED PROGRAM.**

''(a) GRANTS.—The Secretary may provide grants to 3 colleges and universities for the purpose of maintaining and expanding the Native American health careers recruitment program known as the 'Indians into Medicine Program' (referred to in this section as 'INMED') as a means of encouraging Indians to enter the health professions.

''(b) QUENTIN N. BURDICK INDIAN HEALTH PROGRAM.—The Secretary shall provide 1 of the grants under subsection (a) to maintain the INMED program at the University of North Dakota, to be known as the 'Quentin N. Burdick Indian Health Program', unless the Secretary makes a determination, based upon program reviews, that the program is not meeting the purposes of this section. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 106(b) and the Quentin N. Burdick American Indians Into Nursing Program established under section 115.

''(c) REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall develop regulations to govern grants under to this section.

''(2) PROGRAM REQUIREMENTS.—Applicants for grants provided under this section shall agree to provide a program that—

''(A) provides outreach and recruitment for health professions to Indian communities including elementary, secondary and community colleges located on Indian reservations which will be served by the program;

''(B) incorporates a program advisory board comprised of representatives from the tribes and communities which will be served by the program;

''(C) provides summer preparatory programs for Indian students who need enrichment in the subjects of math and science in order to pursue training in the health professions;

''(D) provides tutoring, counseling and support to students who are enrolled in a health career program of study at the respective college or university; and

''(E) to the maximum extent feasible, employs qualified Indians in the program.

**''SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY COLLEGES.**

''(a) ESTABLISHMENT GRANTS.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges for the purpose of assisting such colleges in the establishment of programs which provide education in a health profession leading to a degree or diploma in a health profession for individuals who desire to practice such profession on an Indian reservation, in the Service, or in a tribal health program.

''(2) AMOUNT.—The amount of any grant awarded to a community college under paragraph (1) for the first year in which such a grant is provided to the community college shall not exceed $100,000.

''(b) CONTINUATION GRANTS.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges that have established a program described in subsection (a)(1) for the purpose of maintaining the program and recruiting students for the program.

''(2) ELIGIBILITY.—Grants may only be made under this subsection to a community college that—

''(A) is accredited;

''(B) has a relationship with a hospital facility, Service facility, or hospital that could provide training of nurses or health professionals;

''(C) has entered into an agreement with an accredited college or university medical school, the terms of which—

''(i) provide a program that enhances the transition and recruitment of students into advanced baccalaureate or graduate programs which train health professionals; and

''(ii) stipulate certifications necessary to approve internship and field placement opportunities at health programs of the Service or at tribal health programs;

''(D) has a qualified staff which has the appropriate certifications;

''(E) is capable of obtaining State or regional accreditation of the program described in subsection (a)(1); and

''(F) agrees to provide for Indian preference for applicants for programs under this section.

''(c) SERVICE PERSONNEL AND TECHNICAL ASSISTANCE.—The Secretary shall encourage community colleges described in subsection (b)(2) to establish and maintain programs described in subsection (a)(1) by—

''(1) entering into agreements with such colleges for the provision of qualified personnel of the Service to teach courses of study in such programs, and

''(2) providing technical assistance and support to such colleges.

''(d) SPECIFIED COURSES OF STUDY.—Any program receiving assistance under this section that is conducted with respect to a health profession shall also offer courses of study which provide advanced training for any health professional who—

''(1) has already received a degree or diploma in such health profession; and

''(2) provides clinical services on an Indian reservation, at a Service facility, or at a tribal clinic.

Such courses of study may be offered in conjunction with the college or university with which the community college has entered

into the agreement required under subsection (b)(2)(C).

''(e) PRIORITY.—Priority shall be provided under this section to tribally controlled colleges in service areas that meet the requirements of subsection (b).

''(f) DEFINITIONS.—In this section:

''(1) COMMUNITY COLLEGE.—The term 'community college' means—

''(A) a tribally controlled community college; or

''(B) a junior or community college.

''(2) JUNIOR OR COMMUNITY COLLEGE.—The term 'junior or community college'' has the meaning given such term by section 312(e) of the Higher Education Act of 1965 (20 U.S.C. 1058(e)).

''(3) TRIBALLY CONTROLLED COLLEGE.—The term 'tribally controlled college' has the meaning given the term 'tribally controlled community college' by section 2(4) of the Tribally Controlled Community College Assistance Act of 1978.

**''SEC. 119. RETENTION BONUS.**

''(a) IN GENERAL.—The Secretary may pay a retention bonus to any health professional employed by, or assigned to, and serving in, the Service, an Indian tribe, a tribal organization, or an urban Indian organization either as a civilian employee or as a commissioned officer in the Regular or Reserve Corps of the Public Health Service who—

''(1) is assigned to, and serving in, a position for which recruitment or retention of personnel is difficult;

''(2) the Secretary determines is needed by the Service, tribe, tribal organization, or urban organization;

''(3) has—

''(A) completed 3 years of employment with the Service; tribe, tribal organization, or urban organization; or

''(B) completed any service obligations incurred as a requirement of—

''(i) any Federal scholarship program; or

''(ii) any Federal education loan repayment program; and

''(4) enters into an agreement with the Service, Indian tribe, tribal organization, or urban Indian organization for continued employment for a period of not less than 1 year.

''(b) RATES.—The Secretary may establish rates for the retention bonus which shall provide for a higher annual rate for multiyear agreements than for single year agreements referred to in subsection (a)(4), but in no event shall the annual rate be more than $25,000 per annum.

''(c) FAILURE TO COMPLETE TERM OF SERVICE.—Any health professional failing to complete the agreed upon term of service, except where such failure is through no fault of the individual, shall be obligated to refund to the Government the full amount of the retention bonus for the period covered by the agreement, plus interest as determined by the Secretary in accordance with section 110(l)(2)(B).

''(d) FUNDING AGREEMENT.—The Secretary may pay a retention bonus to any health professional employed by an organization providing health care services to Indians pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act if such health professional is serving in a position which the Secretary determines is—

''(1) a position for which recruitment or retention is difficult; and

''(2) necessary for providing health care services to Indians.

**''SEC. 120. NURSING RESIDENCY PROGRAM.**

''(a) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish a program to enable Indians who are licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian health program (as defined in section 110(a)(2)(A)), and have done so for a period of not less than 1 year, to pursue advanced training.

''(b) REQUIREMENT.—The program established under subsection (a) shall include a combination of education and work study in an Indian health program (as defined in section 110(a)(2)(A)) leading to an associate or bachelor's degree (in the case of a licensed practical nurse or licensed vocational nurse) or a bachelor's degree (in the case of a registered nurse) or an advanced degrees in nursing and public health.

''(c) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are paid by the Service, shall incur an obligation to serve in an Indian health program for a period of obligated service equal to the amount of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

**''SEC. 121. COMMUNITY HEALTH AIDE PROGRAM FOR ALASKA.**

''(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13; commonly known as the Snyder Act), the Secretary shall maintain a Community Health Aide Program in Alaska under which the Service—

''(1) provides for the training of Alaska Natives as health aides or community health practitioners;

''(2) uses such aides or practitioners in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

''(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides or community health practitioners.

''(b) ACTIVITIES.—The Secretary, acting through the Community Health Aide Program under subsection (a), shall—

''(1) using trainers accredited by the Program, provide a high standard of training to community health aides and community health practitioners to ensure that such aides and practitioners provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

''(2) in order to provide such training, develop a curriculum that—

''(A) combines education in the theory of health care with supervised practical experience in the provision of health care;

''(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

''(C) promotes the achievement of the health status objective specified in section 3(b);

''(3) establish and maintain a Community Health Aide Certification Board to certify as community health aides or community health practitioners individuals who have successfully completed the training described in paragraph (1) or who can demonstrate equivalent experience;

''(4) develop and maintain a system which identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;

''(5) develop and maintain a system that provides close supervision of community health aides and community health practitioners; and

''(6) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services.

**''SEC. 122. TRIBAL HEALTH PROGRAM ADMINISTRATION.**

''Subject to Section 102, the Secretary, acting through the Service, shall, through a funding agreement or otherwise, provide training for Indians in the administration and planning of tribal health programs.

**''SEC. 123. HEALTH PROFESSIONAL CHRONIC SHORTAGE DEMONSTRATION PROJECT.**

''(a) PILOT PROGRAMS.—The Secretary may, through area offices, fund pilot programs for tribes and tribal organizations to address chronic shortages of health professionals.

''(b) PURPOSE.—It is the purpose of the health professions demonstration project under this section to—

''(1) provide direct clinical and practical experience in a service area to health professions students and residents from medical schools;

''(2) improve the quality of health care for Indians by assuring access to qualified health care professionals; and

''(3) provide academic and scholarly opportunities for health professionals serving Indian people by identifying and utilizing all academic and scholarly resources of the region.

''(c) ADVISORY BOARD.—A pilot program established under subsection (a) shall incorporate a program advisory board that shall be composed of representatives from the tribes and communities in the service area that will be served by the program.

**''SEC. 124. SCHOLARSHIPS.**

''Scholarships and loan reimbursements provided to individuals pursuant to this title shall be treated as 'qualified scholarships' for purposes of section 117 of the Internal Revenue Code of 1986.

**''SEC. 125. NATIONAL HEALTH SERVICE CORPS.**

''(a) LIMITATIONS.—The Secretary shall not—

''(1) remove a member of the National Health Services Corps from a health program operated by Indian Health Service or by a tribe or tribal organization under a funding agreement with the Service under the Indian Self-Determination and Education Assistance Act, or by urban Indian organizations; or

''(2) withdraw the funding used to support such a member;

unless the Secretary, acting through the Service, tribes or tribal organization, has ensured that the Indians receiving services from such member will experience no reduction in services.

''(b) DESIGNATION OF SERVICE AREAS AS HEALTH PROFESSIONAL SHORTAGE AREAS.—All service areas served by programs operated by the Service or by a tribe or tribal organization sunder the Indian Self-Determination and Education Assistance Act, or by an urban Indian organization, shall be designated under section 332 of the Public Health Service Act (42 U.S.C. 254e) as Health Professional Shortage Areas.

''(c) FULL TIME EQUIVALENT.—National Health Service Corps scholars that qualify for the commissioned corps in the Public Health Service shall be exempt from the full time equivalent limitations of the National

Health Service Corps and the Service when such scholars serve as commissioned corps officers in a health program operated by an Indian tribe or tribal organization under the Indian Self-Determination and Education Assistance Act or by an urban Indian organization.

**"SEC. 126. SUBSTANCE ABUSE COUNSELOR EDUCATION DEMONSTRATION PROJECT.**

''(a) DEMONSTRATION PROJECTS.—The Secretary, acting through the Service, may enter into contracts with, or make grants to, accredited tribally controlled community colleges, tribally controlled postsecondary vocational institutions, and eligible accredited and accessible community colleges to establish demonstration projects to develop educational curricula for substance abuse counseling.

''(b) USE OF FUNDS.—Funds provided under this section shall be used only for developing and providing educational curricula for substance abuse counseling (including paying salaries for instructors). Such curricula may be provided through satellite campus programs.

''(c) TERM OF GRANT.—A contract entered into or a grant provided under this section shall be for a period of 1 year. Such contract or grant may be renewed for an additional 1 year period upon the approval of the Secretary.

''(d) REVIEW OF APPLICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, after consultation with Indian tribes and administrators of accredited tribally controlled community colleges, tribally controlled postsecondary vocational institutions, and eligible accredited and accessible community colleges, shall develop and issue criteria for the review and approval of applications for funding (including applications for renewals of funding) under this section. Such criteria shall ensure that demonstration projects established under this section promote the development of the capacity of such entities to educate substance abuse counselors.

''(e) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.

''(f) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be submitted under section 801 for fiscal year 1999, a report on the findings and conclusions derived from the demonstration projects conducted under this section.

''(g) DEFINITIONS.—In this section:

''(1) EDUCATIONAL CURRICULUM.—The term 'educational curriculum' means 1 or more of the following:

''(A) Classroom education.

''(B) Clinical work experience.

''(C) Continuing education workshops.

''(2) TRIBALLY CONTROLLED COMMUNITY COLLEGE.—The term 'tribally controlled community college' has the meaning given such term in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

''(3) TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTION.—The term 'tribally controlled postsecondary vocational institution' has the meaning given such term in section 390(2) of the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397h(2)).

**"SEC. 127. MENTAL HEALTH TRAINING AND COMMUNITY EDUCATION.**

''(a) STUDY AND LIST.—

''(1) IN GENERAL.—The Secretary and the Secretary of the Interior in consultation with Indian tribes and tribal organizations shall conduct a study and compile a list of the types of staff positions specified in subsection (b) whose qualifications include or should include, training in the identification, prevention, education, referral or treatment of mental illness, dysfunctional or self-destructive behavior.

''(2) POSITIONS.—The positions referred to in paragraph (1) are—

''(A) staff positions within the Bureau of Indian Affairs, including existing positions, in the fields of—

''(i) elementary and secondary education;

''(ii) social services, family and child welfare;

''(iii) law enforcement and judicial services; and

''(iv) alcohol and substance abuse;

''(B) staff positions within the Service; and

''(C) staff positions similar to those specified in subsection (b) and established and maintained by Indian tribes, tribal organizations, and urban Indian organizations, including positions established pursuant to funding agreements under the Indian Self-determination and Education Assistance Act, and this Act.

''(3) TRAINING CRITERIA.—

''(A) IN GENERAL.—The appropriate Secretary shall provide training criteria appropriate to each type of position specified in subsection (b)(1) and ensure that appropriate training has been or will be provided to any individual in any such position.

''(B) TRAINING.—With respect to any such individual in a position specified pursuant to subsection (b)(3), the respective Secretaries shall provide appropriate training or provide funds to an Indian tribe, tribal organization, or urban Indian organization for the training of appropriate individuals. In the case of a funding agreement, the appropriate Secretary shall ensure that such training costs are included in the funding agreement, if necessary.

''(4) CULTURAL RELEVANCY.—Position specific training criteria shall be culturally relevant to Indians and Indian tribes and shall ensure that appropriate information regarding traditional health care practices is provided.

''(5) COMMUNITY EDUCATION.—

''(A) DEVELOPMENT.—The Service shall develop and implement, or on request of an Indian tribe or tribal organization, assist an Indian tribe or tribal organization, in developing and implementing a program of community education on mental illness.

''(B) TECHNICAL ASSISTANCE.—In carrying out this paragraph, the Service shall, upon the request of an Indian tribe or tribal organization, provide technical assistance to the Indian tribe or tribal organization to obtain and develop community educational materials on the identification, prevention, referral and treatment of mental illness, dysfunctional and self-destructive behavior.

''(b) STAFFING.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Act, the Director of the Service shall develop a plan under which the Service will increase the number of health care staff that are providing mental health services by at least 500 positions within 5 years after such date of enactment, with at least 200 of such positions devoted to child, adolescent, and family services. The allocation of such positions shall be subject to the provisions of section 102(a).

''(2) IMPLEMENTATION.—The plan developed under paragraph (1) shall be implemented under the Act of November 2, 1921 (25 U.S.C. 13) (commonly know as the 'Snyder Act').

**"SEC. 128. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

**"TITLE II—HEALTH SERVICES**

**"SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.**

''(a) IN GENERAL.—The Secretary may expend funds, directly or under the authority of the Indian Self-Determination and Education Assistance Act, that are appropriated under the authority of this section, for the purposes of—

''(1) eliminating the deficiencies in the health status and resources of all Indian tribes;

''(2) eliminating backlogs in the provision of health care services to Indians;

''(3) meeting the health needs of Indians in an efficient and equitable manner;

''(4) eliminating inequities in funding for both direct care and contract health service programs; and –

''(5) augmenting the ability of the Service to meet the following health service responsibilities with respect to those Indian tribes with the highest levels of health status and resource deficiencies:

''(A) clinical care, including inpatient care, outpatient care (including audiology, clinical eye and vision care), primary care, secondary and tertiary care, and long term care;

''(B) preventive health, including mammography and other cancer screening in accordance with section 207;

''(C) dental care;

''(D) mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional health care practitioners;

''(E) emergency medical services;

''(F) treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol syndrome) among Indians;

''(G) accident prevention programs;

''(H) home health care;

''(I) community health representatives;

''(J) maintenance and repair; and

''(K) traditional health care practices.

''(b) USE OF FUNDS.—

''(1) LIMITATION.—Any funds appropriated under the authority of this section shall not be used to offset or limit any other appropriations made to the Service under this Act, the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other provision of law.

''(2) ALLOCATION.—

''(A) IN GENERAL.—Funds appropriated under the authority of this section shall be allocated to service units or Indian tribes or tribal organizations. The funds allocated to each tribe, tribal organization, or service unit under this subparagraph shall be used to improve the health status and reduce the resource deficiency of each tribe served by such service unit, tribe or tribal organization.

''(B) APPORTIONMENT.—The apportionment of funds allocated to a service unit, tribe or tribal organization under subparagraph (A) among the health service responsibilities described in subsection (a)(4) shall be determined by the Service in consultation with, and with the active participation of, the affected Indian tribes in accordance with this section and such rules as may be established under title VIII.

''(c) HEALTH STATUS AND RESOURCE DEFICIENCY.—In this section:

''(1) DEFINITION.—The term 'health status and resource deficiency' means the extent to which—

''(A) the health status objective set forth in section 3(2) is not being achieved; and

''(B) the Indian tribe or tribal organization does not have available to it the health resources it needs, taking into account the actual cost of providing health care services given local geographic, climatic, rural, or other circumstances.

''(2) RESOURCES.—The health resources available to an Indian tribe or tribal organization shall include health resources provided by the Service as well as health resources used by the Indian Tribe or tribal organization, including services and financing systems provided by any Federal programs, private insurance, and programs of State or local governments.

''(3) REVIEW OF DETERMINATION.—The Secretary shall establish procedures which allow any Indian tribe or tribal organization to petition the Secretary for a review of any determination of the extent of the health status and resource deficiency of such tribe or tribal organization.

''(d) ELIGIBILITY.—Programs administered by any Indian tribe or tribal organization under the authority of the Indian Self-Determination and Education Assistance Act shall be eligible for funds appropriated under the authority of this section on an equal basis with programs that are administered directly by the Service.

''(e) REPORT.—Not later than the date that is 3 years after the date of enactment of this Act, the Secretary shall submit to the Congress the current health status and resource deficiency report of the Service for each Indian tribe or service unit, including newly recognized or acknowledged tribes. Such report shall set out—

''(1) the methodology then in use by the Service for determining tribal health status and resource deficiencies, as well as the most recent application of that methodology;

''(2) the extent of the health status and resource deficiency of each Indian tribe served by the Service;

''(3) the amount of funds necessary to eliminate the health status and resource deficiencies of all Indian tribes served by the Service; and

''(4) an estimate of—

''(A) the amount of health service funds appropriated under the authority of this Act, or any other Act, including the amount of any funds transferred to the Service, for the preceding fiscal year which is allocated to each service unit, Indian tribe, or comparable entity;

''(B) the number of Indians eligible for health services in each service unit or Indian tribe or tribal organization; and

''(C) the number of Indians using the Service resources made available to each service unit or Indian tribe or tribal organization, and, to the extent available, information on the waiting lists and number of Indians turned away for services due to lack of resources.

''(f) BUDGETARY RULE.—Funds appropriated under the authority of this section for any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

''(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs or to discourage the Service from undertaking additional efforts to achieve equity among Indian tribes and tribal organizations.

''(h) DESIGNATION.—Any funds appropriated under the authority of this section shall be designated as the 'Indian Health Care Improvement Fund'.

**''SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.**

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is hereby established an Indian Catastrophic Health Emergency Fund (referred to in this section as the 'CHEF') consisting of—

''(A) the amounts deposited under subsection (d); and

''(B) any amounts appropriated to the CHEF under this Act.

''(2) ADMINISTRATION.—The CHEF shall be administered by the Secretary solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses who are within the responsibility of the Service.

''(3) EQUITABLE ALLOCATION.—The CHEF shall be equitably allocated, apportioned or delegated on a service unit or area office basis, based upon a formula to be developed by the Secretary in consultation with the Indian tribes and tribal organizations through negotiated rulemaking under title VIII. Such formula shall take into account the added needs of service areas which are contract health service dependent.

''(4) NOT SUBJECT TO CONTRACT OR GRANT.—No part of the CHEF or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act.

''(5) ADMINISTRATION.—Amounts provided from the CHEF shall be administered by the area offices based upon priorities determined by the Indian tribes and tribal organizations within each service area, including a consideration of the needs of Indian tribes and tribal organizations which are contract health service-dependent.

''(b) REQUIREMENTS.—The Secretary shall, through the negotiated rulemaking process under title VIII, promulgate regulations consistent with the provisions of this section—

''(1) establish a definition of disasters and catastrophic illnesses for which the cost of treatment provided under contract would qualify for payment from the CHEF;

''(2) provide that a service unit, Indian tribe, or tribal organization shall not be eligible for reimbursement for the cost of treatment from the CHEF until its cost of treatment for any victim of such a catastrophic illness or disaster has reached a certain threshold cost which the Secretary shall establish at—

''(A) for 1999, not less than $19,000; and

''(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;

''(3) establish a procedure for the reimbursement of the portion of the costs incurred by—

''(A) service units, Indian tribes, or tribal organizations, or facilities of the Service; or

''(B) non-Service facilities or providers whenever otherwise authorized by the Service;

in rendering treatment that exceeds threshold cost described in paragraph (2);

''(4) establish a procedure for payment from the CHEF in cases in which the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

''(5) establish a procedure that will ensure that no payment shall be made from the CHEF to any provider of treatment to the extent that such provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible.

''(c) LIMITATION.—Amounts appropriated to the CHEF under this section shall not be used to offset or limit appropriations made to the Service under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act) or any other law.

''(d) DEPOSITS.—There shall be deposited into the CHEF all reimbursements to which the Service is entitled from any Federal, State, local, or private source (including third party insurance) by reason of treatment rendered to any victim of a disaster or catastrophic illness the cost of which was paid from the CHEF.

**''SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION SERVICES.**

''(a) FINDINGS.—Congress finds that health promotion and disease prevention activities will—

''(1) improve the health and well-being of Indians; and

''(2) reduce the expenses for health care of Indians.

''(b) PROVISION OF SERVICES.—The Secretary, acting through the Service and through Indian tribes and tribal organizations, shall provide health promotion and disease prevention services to Indians so as to achieve the health status objective set forth in section 3(b).

''(c) DISEASE PREVENTION AND HEALTH PROMOTION.—In this section:

''(1) DISEASE PREVENTION.—The term 'disease prevention' means the reduction, limitation, and prevention of disease and its complications, and the reduction in the consequences of such diseases, including—

''(A) controlling—

''(i) diabetes;

''(ii) high blood pressure;

''(iii) infectious agents;

''(iv) injuries;

''(v) occupational hazards and disabilities;

''(vi) sexually transmittable diseases; and

''(vii) toxic agents; and

''(B) providing—

''(i) for the fluoridation of water; and

''(ii) immunizations.

''(2) HEALTH PROMOTION.—The term 'health promotion' means fostering social, economic, environmental, and personal factors conducive to health, including—

''(A) raising people's awareness about health matters and enabling them to cope with health problems by increasing their knowledge and providing them with valid information;

''(B) encouraging adequate and appropriate diet, exercise, and sleep;

''(C) promoting education and work in conformity with physical and mental capacity;

''(E) making available suitable housing, safe water, and sanitary facilities;

''(F) improving the physical economic, cultural, psychological, and social environment;

''(G) promoting adequate opportunity for spiritual, religious, and traditional practices; and

''(H) adequate and appropriate programs including—

''(i) abuse prevention (mental and physical);

''(iii) community health;

''(iv) community safety;

''(v) consumer health education;

''(vi) diet and nutrition;

''(vii) disease prevention (communicable, immunizations, HIV/AIDS);

''(viii) environmental health;

''(ix) exercise and physical fitness;

''(x) fetal alcohol disorders;

''(xi) first aid and CPR education;

''(xii) human growth and development;

''(xiii) injury prevention and personal safety;

''(xiv) mental health (emotional, self-worth);

''(xv) personal health and wellness practices;

''(xvi) personal capacity building;

''(xvii) prenatal, pregnancy, and infant care;

''(xviii) psychological well being;

''(xix) reproductive health (family planning);

''(xx) safe and adequate water;

''(xxi) safe housing;

''(xxii) safe work environments;

''(xxiii) stress control;

''(xxiv) substance abuse;

''(xxv) sanitary facilities;

''(xxvi) tobacco use cessation and reduction;

''(xxvii) violence prevention; and

''(xxviii) such other activities identified by the Service, an Indian tribe or tribal organization, to promote the achievement of the objective described in section 3(b).

''(d) EVALUATION.—The Secretary, after obtaining input from affected Indian tribes and tribal organizations, shall submit to the President for inclusion in each statement which is required to be submitted to Congress under section 801 an evaluation of—

''(1) the health promotion and disease prevention needs of Indians;

''(2) the health promotion and disease prevention activities which would best meet such needs;

''(3) the internal capacity of the Service to meet such needs; and

''(4) the resources which would be required to enable the Service to undertake the health promotion and disease prevention activities necessary to meet such needs.

**''SEC. 204. DIABETES PREVENTION, TREATMENT, AND CONTROL.**

''(a) DETERMINATION.—The Secretary, in consultation with Indian tribes and tribal organizations, shall determine—

''(1) by tribe, tribal organization, and service unit of the Service, the prevalence of, and the types of complications resulting from, diabetes among Indians; and

''(2) based on paragraph (1), the measures (including patient education) each service unit should take to reduce the prevalence of, and prevent, treat, and control the complications resulting from, diabetes among Indian tribes within that service unit.

''(b) SCREENING.—The Secretary shall screen each Indian who receives services from the Service for diabetes and for conditions which indicate a high risk that the individual will become diabetic. Such screening may be done by an Indian tribe or tribal organization operating health care programs or facilities with funds from the Service under the Indian Self-Determination and Education Assistance Act.

''(c) CONTINUED FUNDING.—The Secretary shall continue to fund, through fiscal year 2012, each effective model diabetes project in existence on the date of the enactment of this Act and such other diabetes programs operated by the Secretary or by Indian tribes and tribal organizations and any additional programs added to meet existing diabetes needs. Indian tribes and tribal organizations shall receive recurring funding for the diabetes programs which they operate pursuant to this section. Model diabetes projects shall consult, on a regular basis, with tribes and tribal organizations in their regions regarding diabetes needs and provide technical expertise as needed.

''(d) DIALYSIS PROGRAMS.—The Secretary shall provide funding through the Service, Indian tribes and tribal organizations to establish dialysis programs, including funds to purchase dialysis equipment and provide necessary staffing.

''(e) OTHER ACTIVITIES.—The Secretary shall, to the extent funding is available—

''(1) in each area office of the Service, consult with Indian tribes and tribal organizations regarding programs for the prevention, treatment, and control of diabetes;

''(2) establish in each area office of the Service a registry of patients with diabetes to track the prevalence of diabetes and the complications from diabetes in that area; and

''(3) ensure that data collected in each area office regarding diabetes and related complications among Indians is disseminated to tribes, tribal organizations, and all other area offices.

**''SEC. 205. SHARED SERVICES.**

''(a) IN GENERAL.—The Secretary, acting through the Service and notwithstanding any other provision of law, is authorized to enter into funding agreements or other arrangements with Indian tribes or tribal organizations for the delivery of long-term care and similar services to Indians. Such projects shall provide for the sharing of staff or other services between a Service or tribal facility and a long-term care or other similar facility owned and operated (directly or through a funding agreement) by such Indian tribe or tribal organization.

''(b) REQUIREMENTS.—A funding agreement or other arrangement entered into pursuant to subsection (a)—

''(1) may, at the request of the Indian tribe or tribal organization, delegate to such tribe or tribal organization such powers of supervision and control over Service employees as the Secretary deems necessary to carry out the purposes of this section;

''(2) shall provide that expenses (including salaries) relating to services that are shared between the Service and the tribal facility be allocated proportionately between the Service and the tribe or tribal organization; and

''(3) may authorize such tribe or tribal organization to construct, renovate, or expand a long-term care or other similar facility (including the construction of a facility attached to a Service facility).

''(c) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

''(d) USE OF EXISTING FACILITIES.—The Secretary shall encourage the use for long-term or similar care of existing facilities that are under-utilized or allow the use of swing beds for such purposes.

**''SEC. 206. HEALTH SERVICES RESEARCH.**

''(a) FUNDING.—The Secretary shall make funding available for research to further the performance of the health service responsibilities of the Service, Indian tribes, and tribal organizations and shall coordinate the activities of other Agencies within the Department to address these research needs.

''(b) ALLOCATION.—Funding under subsection (a) shall be allocated equitably among the area offices. Each area office shall award such funds competitively within that area.

''(c) ELIGIBILITY FOR FUNDS.—Indian tribes and tribal organizations receiving funding from the Service under the authority of the Indian Self-Determination and Education Assistance Act shall be given an equal opportunity to compete for, and receive, research funds under this section.

''(d) USE.—Funds received under this section may be used for both clinical and nonclinical research by Indian tribes and tribal organizations and shall be distributed to the area offices. Such area offices may make grants using such funds within each area.

**''SEC. 207. MAMMOGRAPHY AND OTHER CANCER SCREENING.**

''The Secretary, through the Service or through Indian tribes or tribal organizations, shall provide for the following screening:

''(1) Mammography (as defined in section 1861(jj) of the Social Security Act) for Indian women at a frequency appropriate to such women under national standards, and under such terms and conditions as are consistent with standards established by the Secretary to assure the safety and accuracy of screening mammography under part B of title XVIII of the Social Security Act.

''(2) Other cancer screening meeting national standards.

**''SEC. 208. PATIENT TRAVEL COSTS.**

''The Secretary, acting through the Service, Indian tribes and tribal organizations shall provide funds for the following patient travel costs, including appropriate and necessary qualified escorts, associated with receiving health care services provided (either through direct or contract care or through funding agreements entered into pursuant to the Indian Self-Determination and Education Assistance Act) under this Act:

''(1) Emergency air transportation and nonemergency air transportation where ground transportation is infeasible.

''(2) Transportation by private vehicle, specially equipped vehicle and ambulance.

''(3) Transportation by such other means as may be available and required when air or motor vehicle transportation is not available.

**''SEC. 209. EPIDEMIOLOGY CENTERS.**

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—In addition to those centers operating 1 day prior to the date of enactment of this Act, (including those centers for which funding is currently being provided through funding agreements under the Indian Self-Determination and Education Assistance Act), the Secretary shall, not later than 180 days after such date of enactment, establish and fund an epidemiology center in each service area which does not have such a center to carry out the functions described in paragraph (2). Any centers established under the preceding sentence may be operated by Indian tribes or tribal organizations pursuant to funding agreements under the Indian Self-Determination and Education Assistance Act, but funding under such agreements may not be divisible.

''(2) FUNCTIONS.—In consultation with and upon the request of Indian tribes, tribal organizations and urban Indian organizations, each area epidemiology center established under this subsection shall, with respect to such area shall—

''(A) collect data related to the health status objective described in section 3(b), and monitor the progress that the Service, Indian tribes, tribal organizations, and urban Indian organizations have made in meeting such health status objective;

''(B) evaluate existing delivery systems, data systems, and other systems that impact the improvement of Indian health;

''(C) assist Indian tribes, tribal organizations, and urban Indian organizations in identifying their highest priority health status objectives and the services needed to achieve such objectives, based on epidemiological data;

''(D) make recommendations for the targeting of services needed by tribal, urban, and other Indian communities;

''(E) make recommendations to improve health care delivery systems for Indians and urban Indians;

''(F) provide requested technical assistance to Indian Tribes and urban Indian organizations in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community; and

''(G) provide disease surveillance and assist Indian tribes, tribal organizations, and urban Indian organizations to promote public health.

''(3) TECHNICAL ASSISTANCE.—The director of the Centers for Disease Control and Prevention shall provide technical assistance to the centers in carrying out the requirements of this subsection.

''(b) FUNDING.—The Secretary may make funding available to Indian tribes, tribal organizations, and eligible intertribal consortia or urban Indian organizations to conduct epidemiological studies of Indian communities.

**''SEC. 210. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.**

''(a) IN GENERAL.—The Secretary, acting through the Service, shall provide funding to Indian tribes, tribal organizations, and urban Indian organizations to develop comprehensive school health education programs for children from preschool through grade 12 in schools for the benefit of Indian and urban Indian children.

''(b) USE OF FUNDS.—Funds awarded under this section may be used to—

''(1) develop and implement health education curricula both for regular school programs and after school programs;

''(2) train teachers in comprehensive school health education curricula;

''(3) integrate school-based, community-based, and other public and private health promotion efforts;

''(4) encourage healthy, tobacco-free school environments;

''(5) coordinate school-based health programs with existing services and programs available in the community;

''(6) develop school programs on nutrition education, personal health, oral health, and fitness;

''(7) develop mental health wellness programs;

''(8) develop chronic disease prevention programs;

''(9) develop substance abuse prevention programs;

''(10) develop injury prevention and safety education programs;

''(11) develop activities for the prevention and control of communicable diseases;

''(12) develop community and environmental health education programs that include traditional health care practitioners;

''(13) carry out violence prevention activities; and

''(14) carry out activities relating to such other health issues as are appropriate.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall, upon request, provide technical assistance to Indian tribes, tribal organization and urban Indian organizations in the development of comprehensive health education plans, and the dissemination of comprehensive health education materials and information on existing health programs and resources.

''(d) CRITERIA.—The Secretary, in consultation with Indian tribes tribal organizations, and urban Indian organizations shall establish criteria for the review and approval of applications for funding under this section.

''(e) COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM.—

''(1) DEVELOPMENT.—The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary and affected Indian tribes and tribal organizations, shall develop a comprehensive school health education program for children from preschool through grade 12 for use in schools operated by the Bureau of Indian Affairs.

''(2) REQUIREMENTS.—The program developed under paragraph (1) shall include—

''(A) school programs on nutrition education, personal health, oral health, and fitness;

''(B) mental health wellness programs;

''(C) chronic disease prevention programs;

''(D) substance abuse prevention programs;

''(E) injury prevention and safety education programs; and

''(F) activities for the prevention and control of communicable diseases.

''(3) TRAINING AND COORDINATION.—The Secretary of the Interior shall—

''(A) provide training to teachers in comprehensive school health education curricula;

''(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

''(C) encourage healthy, tobacco-free school environments.

**''SEC. 211. INDIAN YOUTH PROGRAM.**

''(a) IN GENERAL.—The Secretary, acting through the Service, is authorized to provide funding to Indian tribes, tribal organizations, and urban Indian organizations for innovative mental and physical disease prevention and health promotion and treatment programs for Indian and urban Indian pre-adolescent and adolescent youths.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—Funds made available under this section may be used to—

''(A) develop prevention and treatment programs for Indian youth which promote mental and physical health and incorporate cultural values, community and family involvement, and traditional health care practitioners; and

''(B) develop and provide community training and education.

''(2) LIMITATION.—Funds made available under this section may not be used to provide services described in section 707(c).

''(c) REQUIREMENTS.—The Secretary shall—

''(1) disseminate to Indian tribes, tribal organizations, and urban Indian organizations information regarding models for the delivery of comprehensive health care services to Indian and urban Indian adolescents;

''(2) encourage the implementation of such models; and

''(3) at the request of an Indian tribe, tribal organization, or urban Indian organization, provide technical assistance in the implementation of such models.

''(d) CRITERIA.—The Secretary, in consultation with Indian tribes, tribal organization, and urban Indian organizations, shall establish criteria for the review and approval of applications under this section.

**''SEC. 212. PREVENTION, CONTROL, AND ELIMINATION OF COMMUNICABLE AND INFECTIOUS DISEASES.**

''(a) IN GENERAL.—The Secretary, acting through the Service after consultation with Indian tribes, tribal organizations, urban Indian organizations, and the Centers for Disease Control and Prevention, may make funding available to Indian tribes and tribal organizations for—

''(1) projects for the prevention, control, and elimination of communicable and infectious diseases, including tuberculosis, hepatitis, HIV, respiratory syncitial virus, hanta virus, sexually transmitted diseases, and H. Pylori;

''(2) public information and education programs for the prevention, control, and elimination of communicable and infectious diseases; and

''(3) education, training, and clinical skills improvement activities in the prevention, control, and elimination of communicable and infectious diseases for health professionals, including allied health professionals.

''(b) REQUIREMENT OF APPLICATION.—The Secretary may provide funds under subsection (a) only if an application or proposal for such funds is submitted.

''(c) TECHNICAL ASSISTANCE AND REPORT.—In carrying out this section, the Secretary—

''(1) may, at the request of an Indian tribe or tribal organization, provide technical assistance; and

''(2) shall prepare and submit, biennially, a report to Congress on the use of funds under this section and on the progress made toward the prevention, control, and elimination of communicable and infectious diseases among Indians and urban Indians.

**''SEC. 213. AUTHORITY FOR PROVISION OF OTHER SERVICES.**

''(a) IN GENERAL.—The Secretary, acting through the Service, Indian tribes, and tribal organizations, may provide funding under this Act to meet the objective set forth in section 3 through health care related services and programs not otherwise described in this Act. Such services and programs shall include services and programs related to—

''(1) hospice care and assisted living;

''(2) long-term health care;

''(3) home- and community-based services;

''(4) public health functions; and

''(5) traditional health care practices.

''(b) AVAILABILITY OF SERVICES FOR CERTAIN INDIVIDUALS.—At the discretion of the Service, Indian tribe, or tribal organization, services hospice care, home health care (under section 201), home- and community-based care, assisted living, and long term care may be provided (on a cost basis) to individuals otherwise ineligible for the health care benefits of the Service. Any funds received under this subsection shall not be used to offset or limit the funding allocated to a tribe or tribal organization.

''(c) DEFINITIONS.—In this section:

''(1) HOME- AND COMMUNITY-BASED SERVICES.—The term 'home- and community-based services' means 1 or more of the following:

''(A) Homemaker/home health aide services.

''(B) Chore services.

''(C) Personal care services.

''(D) Nursing care services provided outside of a nursing facility by, or under the supervision of, a registered nurse.

''(E) Training for family members.

''(F) Adult day care.

''(G) Such other home- and community-based services as the Secretary or a tribe or tribal organization may approve.

''(2) HOSPICE CARE.—The term 'hospice care' means the items and services specified in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and such other services which an Indian tribe or tribal organization determines are necessary and appropriate to provide in furtherance of such care.

''(3) PUBLIC HEALTH FUNCTIONS.—The term 'public health functions' means public health related programs, functions, and services including assessments, assurances, and policy development that Indian tribes and tribal organizations are authorized and encouraged, in those circumstances where it meets their needs, to carry out by forming collaborative relationships with all levels of local, State, and Federal governments.

**''SEC. 214. INDIAN WOMEN'S HEALTH CARE.**

''The Secretary acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations shall provide funding to monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.

**''SEC. 215. ENVIRONMENTAL AND NUCLEAR HEALTH HAZARDS.**

''(a) STUDY AND MONITORING PROGRAMS.—The Secretary and the Service shall, in conjunction with other appropriate Federal agencies and in consultation with concerned

Indian tribes and tribal organizations, conduct a study and carry out ongoing monitoring programs to determine the trends that exist in the health hazards posed to Indian miners and to Indians on or near Indian reservations and in Indian communities as a result of environmental hazards that may result in chronic or life-threatening health problems. Such hazards include nuclear resource development, petroleum contamination, and contamination of the water source or of the food chain. Such study (and any reports with respect to such study) shall include—

''(1) an evaluation of the nature and extent of health problems caused by environmental hazards currently exhibited among Indians and the causes of such health problems;

''(2) an analysis of the potential effect of ongoing and future environmental resource development on or near Indian reservations and communities including the cumulative effect of such development over time on health;

''(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems including uranium mining and milling, uranium mine tailing deposits, nuclear power plant operation and construction, and nuclear waste disposal, oil and gas production or transportation on or near Indian reservations or communities, and other development that could affect the health of Indians and their water supply and food chain;

''(4) a summary of any findings or recommendations provided in Federal and State studies, reports, investigations, and inspections during the 5 years prior to the date of the enactment of this Act that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

''(5) a description of the efforts that have been made by Federal and State agencies and resource and economic development companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such development.

''(b) DEVELOPMENT OF HEALTH CARE PLANS.—Upon the completion of the study under subsection (a), the Secretary and the Service shall take into account the results of such study and, in consultation with Indian tribes and tribal organizations, develop a health care plan to address the health problems that were the subject of such study. The plans shall include—

''(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

''(2) preventive care and testing for Indians who may be exposed to such health hazards, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation, or affected by other activities that have had or could have a serious impact upon the health of such individuals; and

''(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear or other development activities, may experience health problems.

''(c) SUBMISSION TO CONGRESS.—

''(1) GENERAL REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary and the Service shall submit to Congress a report concerning the study conducted under subsection (a).

''(2) HEALTH CARE PLAN REPORT.—Not later than 1 year after the date on which the report under paragraph (1) is submitted to Congress, the Secretary and the Service shall submit to Congress the health care plan prepared under subsection (b). Such plan shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address the health problems involved.

''(d) TASK FORCE.—

''(1) ESTABLISHED.—There is hereby established an Intergovernmental Task Force (referred to in this section as the 'task force') that shall be composed of the following individuals (or their designees):

''(A) The Secretary of Energy.

''(B) The Administrator of the Environmental Protection Agency.

''(C) The Director of the Bureau of Mines.

''(D) The Assistant Secretary for Occupational Safety and Health.

''(E) The Secretary of the Interior.

''(2) DUTIES.—The Task Force shall identify existing and potential operations related to nuclear resource development or other environmental hazards that affect or may affect the health of Indians on or near an Indian reservation or in an Indian community, and enter into activities to correct existing health hazards and ensure that current and future health problems resulting from nuclear resource or other development activities are minimized or reduced.

''(3) ADMINISTRATIVE PROVISIONS.—The Secretary shall serve as the chairperson of the Task Force. The Task Force shall meet at least twice each year. Each member of the Task Force shall furnish necessary assistance to the Task Force.

''(e) PROVISION OF APPROPRIATE MEDICAL CARE.—In the case of any Indian who—

''(1) as a result of employment in or near a uranium mine or mill or near any other environmental hazard, suffers from a work related illness or condition;

''(2) is eligible to receive diagnosis and treatment services from a Service facility; and

''(3) by reason of such Indian's employment, is entitled to medical care at the expense of such mine or mill operator or entity responsible for the environmental hazard;

the Service shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may recover the costs of any medical care so rendered to which such Indian is entitled at the expense of such operator or entity from such operator or entity. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such costs paid to the Service from the employer for such illness or condition.

**"SEC. 216. ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.**

''(a) IN GENERAL.—For fiscal years beginning with the fiscal year ending September 30, 1983, and ending with the fiscal year ending September 30, 2012, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of Arizona.

''(b) LIMITATION.—The Service shall not curtail any health care services provided to Indians residing on Federal reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

**"SEC. 217. CALIFORNIA CONTRACT HEALTH SERVICES DEMONSTRATION PROGRAM.**

''(a) IN GENERAL.—The Secretary may fund a program that utilizes the California Rural Indian Health Board as a contract care intermediary to improve the accessibility of health services to California Indians.

''(b) REIMBURSEMENT OF BOARD.—

''(1) AGREEMENT.—The Secretary shall enter into an agreement with the California Rural Indian Health Board to reimburse the Board for costs (including reasonable administrative costs) incurred pursuant to this section in providing medical treatment under contract to California Indians described in section 809(b) throughout the California contract health services delivery area described in section 218 with respect to high-cost contract care cases.

''(2) ADMINISTRATION.—Not more than 5 percent of the amounts provided to the Board under this section for any fiscal year may be used for reimbursement for administrative expenses incurred by the Board during such fiscal year.

''(3) LIMITATION.—No payment may be made for treatment provided under this section to the extent that payment may be made for such treatment under the Catastrophic Health Emergency Fund described in section 202 or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

''(c) ADVISORY BOARD.—There is hereby established an advisory board that shall advise the California Rural Indian Health Board in carrying out this section. The advisory board shall be composed of representatives, selected by the California Rural Indian Health Board, from not less than 8 tribal health programs serving California Indians covered under this section, at least 50 percent of whom are not affiliated with the California Rural Indian Health Board.

**"SEC. 218. CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.**

''The State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to Indians in such State, except that any of the counties described in this section may be included in the contract health services delivery area if funding is specifically provided by the Service for such services in those counties.

**"SEC. 219. CONTRACT HEALTH SERVICES FOR THE TRENTON SERVICE AREA.**

''(a) IN GENERAL.—The Secretary, acting through the Service, shall provide contract health services to members of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties in the State of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as expanding the eligibility of members of the Turtle Mountain Band of Chippewa Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

**"SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.**

''The Service shall provide funds for health care programs and facilities operated by Indian tribes and tribal organizations under funding agreements with the Service entered into under the Indian Self-Determination and Education Assistance Act on the same basis as such funds are provided to programs and facilities operated directly by the Service.

**"SEC. 221.–LICENSING.**

''Health care professionals employed by Indian Tribes and tribal organizations to carry out agreements under the Indian Self-Determination and Education Assistance Act,

shall, if licensed in any State, be exempt from the licensing requirements of the State in which the agreement is performed.

**"SEC. 222. AUTHORIZATION FOR EMERGENCY CONTRACT HEALTH SERVICES.**

''With respect to an elderly Indian or an Indian with a disability receiving emergency medical care or services from a non-Service provider or in a non-Service facility under the authority of this Act, the time limitation (as a condition of payment) for notifying the Service of such treatment or admission shall be 30 days.

**"SEC. 223. PROMPT ACTION ON PAYMENT OF CLAIMS.**

''(a) REQUIREMENT.—The Service shall respond to a notification of a claim by a provider of a contract care service with either an individual purchase order or a denial of the claim within 5 working days after the receipt of such notification.

''(b) FAILURE TO RESPOND.—If the Service fails to respond to a notification of a claim in accordance with subsection (a), the Service shall accept as valid the claim submitted by the provider of a contract care service.

''(c) PAYMENT.—The Service shall pay a valid contract care service claim within 30 days after the completion of the claim.

**"SEC. 224. LIABILITY FOR PAYMENT.**

''(a) NO LIABILITY.—A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such services.

''(b) NOTIFICATION.—The Secretary shall notify a contract care provider and any patient who receives contract health care services authorized by the Service that such patient is not liable for the payment of any charges or costs associated with the provision of such services.

''(c) LIMITATION.—Following receipt of the notice provided under subsection (b), or, if a claim has been deemed accepted under section 223(b), the provider shall have no further recourse against the patient who received the services involved.

**"SEC. 225. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

## "TITLE III—FACILITIES

**"SEC. 301. CONSULTATION, CONSTRUCTION AND RENOVATION OF FACILITIES; REPORTS.**

''(a) CONSULTATION.—Prior to the expenditure of, or the making of any firm commitment to expend, any funds appropriated for the planning, design, construction, or renovation of facilities pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary, acting through the Service, shall—

''(1) consult with any Indian tribe that would be significantly affected by such expenditure for the purpose of determining and, whenever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made; and

''(2) ensure, whenever practicable, that such facility meets the construction standards of any nationally recognized accrediting body by not later than 1 year after the date on which the construction or renovation of such facility is completed.

''(b) CLOSURE OF FACILITIES.—

''(1) IN GENERAL.—Notwithstanding any provision of law other than this subsection, no Service hospital or outpatient health care facility or any inpatient service or special care facility operated by the Service, may be closed if the Secretary has not submitted to the Congress at least 1 year prior to the date such proposed closure an evaluation of the impact of such proposed closure which specifies, in addition to other considerations—

''(A) the accessibility of alternative health care resources for the population served by such hospital or facility;

''(B) the cost effectiveness of such closure;

''(C) the quality of health care to be provided to the population served by such hospital or facility after such closure;

''(D) the availability of contract health care funds to maintain existing levels of service;

''(E) the views of the Indian tribes served by such hospital or facility concerning such closure;

''(F) the level of utilization of such hospital or facility by all eligible Indians; and

''(G) the distance between such hospital or facility and the nearest operating Service hospital.

''(2) TEMPORARY CLOSURE.—Paragraph (1) shall not apply to any temporary closure of a facility or of any portion of a facility if such closure is necessary for medical, environmental, or safety reasons.

''(c) PRIORITY SYSTEM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a health care facility priority system, that shall—

''(A) be developed with Indian tribes and tribal organizations through negotiated rulemaking under section 802;

''(B) give the needs of Indian tribes' the highest priority; and

''(C) at a minimum, include the lists required in paragraph (2)(B) and the methodology required in paragraph (2)(E);

except that the priority of any project established under the construction priority system in effect on the date of this Act shall not be affected by any change in the construction priority system taking place thereafter if the project was identified as one of the top 10 priority inpatient projects or one of the top 10 outpatient projects in the Indian Health Service budget justification for fiscal year 2000, or if the project had completed both Phase I and Phase II of the construction priority system in effect on the date of this Act.

''(2) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report that includes—

''(A) a description of the health care facility priority system of the Service, as established under paragraph (1);

''(B) health care facility lists, including—

''(i) the total health care facility planning, design, construction and renovation needs for Indians;

''(ii) the 10 top-priority inpatient care facilities;

''(iii) the 10 top-priority outpatient care facilities;

''(iv) the 10 top-priority specialized care facilities (such as long-term care and alcohol and drug abuse treatment); and

''(v) any staff quarters associated with such prioritized facilities;

''(C) the justification for the order of priority among facilities;

''(D) the projected cost of the projects involved; and

''(E) the methodology adopted by the Service in establishing priorities under its health care facility priority system.

''(3) CONSULTATION.—In preparing each report required under paragraph (2) (other than the initial report) the Secretary shall annually—

''(A) consult with, and obtain information on all health care facilities needs from, Indian tribes and tribal organizations including those tribes or tribal organizations operating health programs or facilities under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act; and

''(B) review the total unmet needs of all tribes and tribal organizations for health care facilities (including staff quarters), including needs for renovation and expansion of existing facilities.

''(4) CRITERIA.—For purposes of this subsection, the Secretary shall, in evaluating the needs of facilities operated under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, use the same criteria that the Secretary uses in evaluating the needs of facilities operated directly by the Service.

''(5) EQUITABLE INTEGRATION.—The Secretary shall ensure that the planning, design, construction, and renovation needs of Service and non-Service facilities, operated under funding agreements in accordance with the Indian Self-Determination and Education Assistance Act are fully and equitably integrated into the health care facility priority system.

''(d) REVIEW OF NEED FOR FACILITIES.—

''(1) REPORT.—Beginning in 2001, the Secretary shall annually submit to the President, for inclusion in the report required to be transmitted to Congress under section 801 of this Act, a report which sets forth the needs of the Service and all Indian tribes and tribal organizations, including urban Indian organizations, for inpatient, outpatient and specialized care facilities, including the needs for renovation and expansion of existing facilities .

''(2) CONSULTATION.—In preparing each report required under paragraph (1) (other than the initial report), the Secretary shall consult with Indian tribes and tribal organizations including those tribes or tribal organizations operating health programs or facilities under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, and with urban Indian organizations.

''(3) CRITERIA.—For purposes of this subsection, the Secretary shall, in evaluating the needs of facilities operated under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, use the same criteria that the Secretary uses in evaluating the needs of facilities operated directly by the Service.

''(4) EQUITABLE INTEGRATION.—The Secretary shall ensure that the planning, design, construction, and renovation needs of facilities operated under funding agreements, in accordance with the Indian Self-Determination and Education Assistance Act, are fully and equitably integrated into the development of the health facility priority system.–

''(5) ANNUAL NOMINATIONS.—Each year the Secretary shall provide an opportunity for the nomination of planning, design, and construction projects by the Service and all Indian tribes and tribal organizations for consideration under the health care facility priority system.

''(e) INCLUSION OF CERTAIN PROGRAMS.—All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13), for the planning, design, construction, or renovation of health facilities for the benefit of an Indian tribe or tribes shall be subject to the provisions of section 102 of the Indian Self-Determination and Education Assistance Act.

''(f) INNOVATIVE APPROACHES.—The Secretary shall consult and cooperate with Indian tribes, tribal organizations and urban Indian organizations in developing innovative approaches to address all or part of the total unmet need for construction of health facilities, including those provided for in

other sections of this title and other approaches.

**"SEC. 302. SAFE WATER AND SANITARY WASTE DISPOSAL FACILITIES.**

''(a) FINDINGS.—Congress finds and declares that—

''(1) the provision of safe water supply facilities and sanitary sewage and solid waste disposal facilities is primarily a health consideration and function;

''(2) Indian people suffer an inordinately high incidence of disease, injury, and illness directly attributable to the absence or inadequacy of such facilities;

''(3) the long-term cost to the United States of treating and curing such disease, injury, and illness is substantially greater than the short-term cost of providing such facilities and other preventive health measures;

''(4) many Indian homes and communities still lack safe water supply facilities and sanitary sewage and solid waste disposal facilities; and

''(5) it is in the interest of the United States, and it is the policy of the United States, that all Indian communities and Indian homes, new and existing, be provided with safe and adequate water supply facilities and sanitary sewage waste disposal facilities as soon as possible.

''(b) PROVISION OF FACILITIES AND SERVICES.—

''(1) IN GENERAL.—In furtherance of the findings and declarations made in subsection (a), Congress reaffirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

''(2) ASSISTANCE.—The Secretary, acting through the Service, is authorized to provide under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a)—

''(A) financial and technical assistance to Indian tribes, tribal organizations and Indian communities in the establishment, training, and equipping of utility organizations to operate and maintain Indian sanitation facilities, including the provision of existing plans, standard details, and specifications available in the Department, to be used at the option of the tribe or tribal organization;

''(B) ongoing technical assistance and training in the management of utility organizations which operate and maintain sanitation facilities; and

''(C) priority funding for the operation, and maintenance assistance for, and emergency repairs to, tribal sanitation facilities when necessary to avoid an imminent health threat or to protect the investment in sanitation facilities and the investment in the health benefits gained through the provision of sanitation facilities.

''(3) PROVISIONS RELATING TO FUNDING.—Notwithstanding any other provision of law—

''(A) the Secretary of Housing and Urban Development is authorized to transfer funds appropriated under the Native American Housing Assistance and Self-Determination Act of 1996 to the Secretary of Health and Human Services;

''(B) the Secretary of Health and Human Services is authorized to accept and use such funds for the purpose of providing sanitation facilities and services for Indians under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a);

''(C) unless specifically authorized when funds are appropriated, the Secretary of Health and Human Services shall not use funds appropriated under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a) to provide sanitation facilities to new homes constructed using funds provided by the Department of Housing and Urban Development;

''(D) the Secretary of Health and Human Services is authorized to accept all Federal funds that are available for the purpose of providing sanitation facilities and related services and place those funds into funding agreements, authorized under the Indian Self Determination and Education Assistance Act, between the Secretary and Indian tribes and tribal organizations;

''(E) the Secretary may permit funds appropriated under the authority of section 4 of the Act of August 5, 1954 (42 U.S.C. 2004) to be used to fund up to 100 percent of the amount of a tribe's loan obtained under any Federal program for new projects to construct eligible sanitation facilities to serve Indian homes;

''(F) the Secretary may permit funds appropriated under the authority of section 4 of the Act of August 5, 1954 (42 U.S.C. 2004) to be used to meet matching or cost participation requirements under other Federal and non-Federal programs for new projects to construct eligible sanitation facilities;

''(G) all Federal agencies are authorized to transfer to the Secretary funds identified, granted, loaned or appropriated and thereafter the Department's applicable policies, rules, regulations shall apply in the implementation of such projects;

''(H) the Secretary of Health and Human Services shall enter into inter-agency agreements with the Bureau of Indian Affairs, the Department of Housing and Urban Development, the Department of Agriculture, the Environmental Protection Agency and other appropriate Federal agencies, for the purpose of providing financial assistance for safe water supply and sanitary sewage disposal facilities under this Act; and

''(I) the Secretary of Health and Human Services shall, by regulation developed through rulemaking under section 802, establish standards applicable to the planning, design and construction of water supply and sanitary sewage and solid waste disposal facilities funded under this Act.

''(c) 10-YEAR FUNDING PLAN.—The Secretary, acting through the Service and in consultation with Indian tribes and tribal organizations, shall develop and implement a 10-year funding plan to provide safe water supply and sanitary sewage and solid waste disposal facilities serving existing Indian homes and communities, and to new and renovated Indian homes.

''(d) CAPABILITY OF TRIBE OR COMMUNITY.—The financial and technical capability of an Indian tribe or community to safely operate and maintain a sanitation facility shall not be a prerequisite to the provision or construction of sanitation facilities by the Secretary.

''(e) FINANCIAL ASSISTANCE.—The Secretary may provide financial assistance to Indian tribes, tribal organizations and communities for the operation, management, and maintenance of their sanitation facilities.

''(f) RESPONSIBILITY FOR FEES FOR OPERATION AND MAINTENANCE.—The Indian family, community or tribe involved shall have the primary responsibility to establish, collect, and use reasonable user fees, or otherwise set aside funding, for the purpose of operating and maintaining sanitation facilities. If a community facility is threatened with imminent failure and there is a lack of tribal capacity to maintain the integrity or the health benefit of the facility, the Secretary may assist the Tribe in the resolution of the problem on a short term basis through cooperation with the emergency coordinator or by providing operation and maintenance service.

''(g) ELIGIBILITY OF CERTAIN TRIBES OR ORGANIZATIONS.—Programs administered by Indian tribes or tribal organizations under the authority of the Indian Self-Determination and Education Assistance Act shall be eligible for—

''(1) any funds appropriated pursuant to this section; and

''(2) any funds appropriated for the purpose of providing water supply, sewage disposal, or solid waste facilities;

on an equal basis with programs that are administered directly by the Service.

''(h) REPORT.—

''(1) IN GENERAL.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report which sets forth—

''(A) the current Indian sanitation facility priority system of the Service;

''(B) the methodology for determining sanitation deficiencies;

''(C) the level of initial and final sanitation deficiency for each type sanitation facility for each project of each Indian tribe or community; and

''(D) the amount of funds necessary to reduce the identified sanitation deficiency levels of all Indian tribes and communities to a level I sanitation deficiency as described in paragraph (4)(A).

''(2) CONSULTATION.—In preparing each report required under paragraph (1), the Secretary shall consult with Indian tribes and tribal organizations (including those tribes or tribal organizations operating health care programs or facilities under any funding agreements entered into with the Service under the Indian Self-Determination and Education Assistance Act) to determine the sanitation needs of each tribe and in developing the criteria on which the needs will be evaluated through a process of negotiated rulemaking.

''(3) METHODOLOGY.—The methodology used by the Secretary in determining, preparing cost estimates for and reporting sanitation deficiencies for purposes of paragraph (1) shall be applied uniformly to all Indian tribes and communities.

''(4) SANITATION DEFICIENCY LEVELS.—For purposes of this subsection, the sanitation deficiency levels for an individual or community sanitation facility serving Indian homes are as follows:

''(A) A level I deficiency is a sanitation facility serving and individual or community—

''(i) which complies with all applicable water supply, pollution control and solid waste disposal laws; and

''(ii) in which the deficiencies relate to routine replacement, repair, or maintenance needs.

''(B) A level II deficiency is a sanitation facility serving and individual or community—

''(i) which substantially or recently complied with all applicable water supply, pollution control and solid waste laws, in which the deficiencies relate to small or minor capital improvements needed to bring the facility back into compliance;

''(ii) in which the deficiencies relate to capital improvements that are necessary to enlarge or improve the facilities in order to meet the current needs for domestic sanitation facilities; or

''(iii) in which the deficiencies relate to the lack of equipment or training by an Indian Tribe or community to properly operate and maintain the sanitation facilities.

''(C) A level III deficiency is an individual or community facility with water or sewer service in the home, piped services or a haul system with holding tanks and interior plumbing, or where major significant interruptions to water supply or sewage disposal occur frequently, requiring major capital improvements to correct the deficiencies. There is no access to or no approved or permitted solid waste facility available.

''(D) A level IV deficiency is an individual or community facility where there are no piped water or sewer facilities in the home or the facility has become inoperable due to major component failure or where only a washeteria or central facility exists.

''(E) A level V deficiency is the absence of a sanitation facility, where individual homes do not have access to safe drinking water or adequate wastewater disposal.

''(i) DEFINITIONS.—In this section:

''(1) FACILITY.—The terms 'facility' or 'facilities' shall have the same meaning as the terms 'system' or 'systems' unless the context requires otherwise.

''(2) INDIAN COMMUNITY.—The term 'Indian community' means a geographic area, a significant proportion of whose inhabitants are Indians and which is served by or capable of being served by a facility described in this section.

**''SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.**

''(a) IN GENERAL.—The Secretary, acting through the Service, may utilize the negotiating authority of the Act of June 25, 1910 (25 U.S.C. 47), to give preference to any Indian or any enterprise, partnership, corporation, or other type of business organization owned and controlled by an Indian or Indians including former or currently federally recognized Indian tribes in the State of New York (hereinafter referred to as an 'Indian firm') in the construction and renovation of Service facilities pursuant to section 301 and in the construction of safe water and sanitary waste disposal facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, pursuant to rules and regulations promulgated by the Secretary, that the project or function to be contracted for will not be satisfactory or such project or function cannot be properly completed or maintained under the proposed contract. The Secretary, in arriving at such finding, shall consider whether the Indian or Indian firm will be deficient with respect to—

''(1) ownership and control by Indians;

''(2) equipment;

''(3) bookkeeping and accounting procedures;

''(4) substantive knowledge of the project or function to be contracted for;

''(5) adequately trained personnel; or

''(6) other necessary components of contract performance.

''(b) EXEMPTION FROM DAVIS-BACON.—For the purpose of implementing the provisions of this title, construction or renovation of facilities constructed or renovated in whole or in part by funds made available pursuant to this title are exempt from the Act of March 3, 1931 (40 U.S.C. 276a—276a–5, known as the Davis-Bacon Act). For all health facilities, staff quarters and sanitation facilities, construction and renovation subcontractors shall be paid wages at rates that are not less than the prevailing wage rates for similar construction in the locality involved, as determined by the Indian tribe, Tribes, or tribal organizations served by such facilities.

**''SEC. 304. SOBOBA SANITATION FACILITIES.**

''Nothing in the Act of December 17, 1970 (84 Stat. 1465) shall be construed to preclude the Soboba Band of Mission Indians and the Soboba Indian Reservation from being provided with sanitation facilities and services under the authority of section 7 of the Act of August 5, 1954 (68 Stat 674), as amended by the Act of July 31, 1959 (73 Stat. 267).

**''SEC. 305. EXPENDITURE OF NONSERVICE FUNDS FOR RENOVATION.**

''(a) PERMISSIBILITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to accept any major expansion, renovation or modernization by any Indian tribe of any Service facility, or of any other Indian health facility operated pursuant to a funding agreement entered into under the Indian Self-Determination and Education Assistance Act, including—

''(A) any plans or designs for such expansion, renovation or modernization; and

''(B) any expansion, renovation or modernization for which funds appropriated under any Federal law were lawfully expended;

but only if the requirements of subsection (b) are met.

''(2) PRIORITY LIST.—The Secretary shall maintain a separate priority list to address the need for increased operating expenses, personnel or equipment for such facilities described in paragraph (1). The methodology for establishing priorities shall be developed by negotiated rulemaking under section 802. The list of priority facilities will be revised annually in consultation with Indian tribes and tribal organizations.

''(3) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, the priority list maintained pursuant to paragraph (2).

''(b) REQUIREMENTS.—The requirements of this subsection are met with respect to any expansion, renovation or modernization if—

''(1) the tribe or tribal organization—

''(A) provides notice to the Secretary of its intent to expand, renovate or modernize; and

''(B) applies to the Secretary to be placed on a separate priority list to address the needs of such new facilities for increased operating expenses, personnel or equipment; and

''(2) the expansion renovation or modernization—

''(A) is approved by the appropriate area director of the Service for Federal facilities; and

''(B) is administered by the Indian tribe or tribal organization in accordance with any applicable regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

''(c) RIGHT OF TRIBE IN CASE OF FAILURE OF FACILITY TO BE USED AS A SERVICE FACILITY.—If any Service facility which has been expanded, renovated or modernized by an Indian tribe under this section ceases to be used as a Service facility during the 20-year period beginning on the date such expansion, renovation or modernization is completed, such Indian tribe shall be entitled to recover from the United States an amount which bears the same ratio to the value of such facility at the time of such cessation as the value of such expansion, renovation or modernization (less the total amount of any funds provided specifically for such facility under any Federal program that were expended for such expansion, renovation or modernization) bore to the value of such facility at the time of the completion of such expansion, renovation or modernization.

**''SEC. 306. FUNDING FOR THE CONSTRUCTION, EXPANSION, AND MODERNIZATION OF SMALL AMBULATORY CARE FACILITIES.**

''(a) AVAILABILITY OF FUNDING.—

''(1) IN GENERAL.—The Secretary, acting through the Service and in consultation with Indian tribes and tribal organization, shall make funding available to tribes and tribal organizations for the construction, expansion, or modernization of facilities for the provision of ambulatory care services to eligible Indians (and noneligible persons as provided for in subsections (b)(2) and (c)(1)(C)). Funding under this section may cover up to 100 percent of the costs of such construction, expansion, or modernization. For the purposes of this section, the term 'construction' includes the replacement of an existing facility.

''(2) REQUIREMENT.—Funding under paragraph (1) may only be made available to an Indian tribe or tribal organization operating an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to an Indian tribe or tribal organization) pursuant to a funding agreement entered into under the Indian Self-Determination and Education Assistance Act.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—Funds provided under this section may be used only for the construction, expansion, or modernization (including the planning and design of such construction, expansion, or modernization) of an ambulatory care facility—

''(A) located apart from a hospital;

''(B) not funded under section 301 or section 307; and

''(C) which, upon completion of such construction, expansion, or modernization will—

''(i) have a total capacity appropriate to its projected service population;

''(ii) provide annually not less than 500 patient visits by eligible Indians and other users who are eligible for services in such facility in accordance with section 807(b)(1)(B); and

''(iii) provide ambulatory care in a service area (specified in the funding agreement entered into under the Indian Self-Determination and Education Assistance Act) with a population of not less than 1,500 eligible Indians and other users who are eligible for services in such facility in accordance with section 807(b)(1)(B).

''(2) LIMITATION.—Funding provided under this section may be used only for the cost of that portion of a construction, expansion or modernization project that benefits the service population described in clauses (ii) and (iii) of paragraph (1)(C). The requirements of such clauses (ii) and (iii) shall not apply to a tribe or tribal organization applying for funding under this section whose principal office for health care administration is located on an island or where such office is not located on a road system providing direct access to an inpatient hospital where care is available to the service population.

''(c) APPLICATION AND PRIORITY.—

''(1) APPLICATION.—No funding may be made available under this section unless an application for such funding has been submitted to and approved by the Secretary. An application or proposal for funding under this section shall be submitted in accordance with applicable regulations and shall set forth reasonable assurance by the applicant that, at all times after the construction, expansion, or modernization of a facility carried out pursuant to funding received under this section—

''(A) adequate financial support will be available for the provision of services at such facility;

''(B) such facility will be available to eligible Indians without regard to ability to pay or source of payment; and

''(C) such facility will, as feasible without diminishing the quality or quantity of services provided to eligible Indians, serve noneligible persons on a cost basis.

''(2) PRIORITY.—In awarding funds under this section, the Secretary shall give priority to tribes and tribal organizations that demonstrate—

''A) a need for increased ambulatory care services; and

''(B) insufficient capacity to deliver such services.

''(d) FAILURE TO USE FACILITY AS HEALTH FACILITY.—If any facility (or portion thereof)

with respect to which funds have been paid under this section, ceases, within 5 years after completion of the construction, expansion, or modernization carried out with such funds, to be utilized for the purposes of providing health care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States unless otherwise negotiated by the Service and the Indian tribe or tribal organization.

''(e) NO INCLUSION IN TRIBAL SHARE.—Funding provided to Indian tribes and tribal organizations under this section shall be non-recurring and shall not be available for inclusion in any individual tribe's tribal share for an award under the Indian Self-Determination and Education Assistance Act or for reallocation or redesign thereunder.

**''SEC. 307. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT.**

''(a) HEALTH CARE DELIVERY DEMONSTRATION PROJECTS.—The Secretary, acting through the Service and in consultation with Indian tribes and tribal organizations, may enter into funding agreements with, or make grants or loan guarantees to, Indian tribes or tribal organizations for the purpose of carrying out a health care delivery demonstration project to test alternative means of delivering health care and services through health facilities, including hospice, traditional Indian health and child care facilities, to Indians.

''(b) USE OF FUNDS.—The Secretary, in approving projects pursuant to this section, may authorize funding for the construction and renovation of hospitals, health centers, health stations, and other facilities to deliver health care services and is authorized to—

''(1) waive any leasing prohibition;

''(2) permit carryover of funds appropriated for the provision of health care services;

''(3) permit the use of other available funds;

''(4) permit the use of funds or property donated from any source for project purposes;

''(5) provide for the reversion of donated real or personal property to the donor; and

''(6) permit the use of Service funds to match other funds, including Federal funds.

''(c) CRITERIA.—

''(1) IN GENERAL.—The Secretary shall develop and publish regulations through rulemaking under section 802 for the review and approval of applications submitted under this section. The Secretary may enter into a contract, funding agreement or award a grant under this section for projects which meet the following criteria:

''(A) There is a need for a new facility or program or the reorientation of an existing facility or program.

''(B) A significant number of Indians, including those with low health status, will be served by the project.

''(C) The project has the potential to address the health needs of Indians in an innovative manner.

''(D) The project has the potential to deliver services in an efficient and effective manner.

''(E) The project is economically viable.

''(F) The Indian tribe or tribal organization has the administrative and financial capability to administer the project.

''(G) The project is integrated with providers of related health and social services and is coordinated with, and avoids duplication of, existing services.

''(2) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications and to advise the Secretary regarding such applications using the criteria developed pursuant to paragraph (1).

''(3) PRIORITY.—The Secretary shall give priority to applications for demonstration projects under this section in each of the following service units to the extent that such applications are filed in a timely manner and otherwise meet the criteria specified in paragraph (1):

''(A) Cass Lake, Minnesota.

''(B) Clinton, Oklahoma.

''(C) Harlem, Montana.

''(D) Mescalero, New Mexico.

''(E) Owyhee, Nevada.

''(F) Parker, Arizona.

''(G) Schurz, Nevada.

''(H) Winnebago, Nebraska.

''(I) Ft. Yuma, California

''(d) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

''(e) SERVICE TO INELIGIBLE PERSONS.—The authority to provide services to persons otherwise ineligible for the health care benefits of the Service and the authority to extend hospital privileges in Service facilities to non-Service health care practitioners as provided in section 807 may be included, subject to the terms of such section, in any demonstration project approved pursuant to this section.

''(f) EQUITABLE TREATMENT.—For purposes of subsection (c)(1)(A), the Secretary shall, in evaluating facilities operated under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, use the same criteria that the Secretary uses in evaluating facilities operated directly by the Service.

(g) EQUITABLE INTEGRATION OF FACILITIES.—The Secretary shall ensure that the planning, design, construction, renovation and expansion needs of Service and non-Service facilities which are the subject of a funding agreement for health services entered into with the Service under the Indian Self-Determination and Education Assistance Act, are fully and equitably integrated into the implementation of the health care delivery demonstration projects under this section.

**''SEC. 308. LAND TRANSFER.**

''(a) GENERAL AUTHORITY FOR TRANSFERS.—Notwithstanding any other provision of law, the Bureau of Indian Affairs and all other agencies and departments of the United States are authorized to transfer, at no cost, land and improvements to the Service for the provision of health care services. The Secretary is authorized to accept such land and improvements for such purposes.

''(b) CHEMAWA INDIAN SCHOOL.—The Bureau of Indian Affairs is authorized to transfer, at no cost, up to 5 acres of land at the Chemawa Indian School, Salem, Oregon, to the Service for the provision of health care services. The land authorized to be transferred by this section is that land adjacent to land under the jurisdiction of the Service and occupied by the Chemawa Indian Health Center.

**''SEC. 309. LEASES.**

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized, in carrying out the purposes of this Act, to enter into leases with Indian tribes and tribal organizations for periods not in excess of 20 years. Property leased by the Secretary from an Indian tribe or tribal organization may be reconstructed or renovated by the Secretary pursuant to an agreement with such Indian tribe or tribal organization.

''(b) FACILITIES FOR THE ADMINISTRATION AND DELIVERY OF HEALTH SERVICES.—The Secretary may enter into leases, contracts, and other legal agreements with Indian tribes or tribal organizations which hold—

''(1) title to;

''(2) a leasehold interest in; or

''(3) a beneficial interest in (where title is held by the United States in trust for the benefit of a tribe);

facilities used for the administration and delivery of health services by the Service or by programs operated by Indian tribes or tribal organizations to compensate such Indian tribes or tribal organizations for costs associated with the use of such facilities for such purposes, and such leases shall be considered as operating leases for the purposes of scoring under the Budget Enforcement Act, notwithstanding any other provision of law. Such costs include rent, depreciation based on the useful life of the building, principal and interest paid or accrued, operation and maintenance expenses, and other expenses determined by regulation to be allowable pursuant to regulations under section 105(l) of the Indian Self-Determination and Education Assistance Act.

**''SEC. 310. LOANS, LOAN GUARANTEES AND LOAN REPAYMENT.**

''(a) HEALTH CARE FACILITIES LOAN FUND.—There is established in the Treasury of the United States a fund to be known as the 'Health Care Facilities Loan Fund' (referred to in this Act as the 'HCFLF') to provide to Indian Tribes and tribal organizations direct loans, or guarantees for loans, for the construction of health care facilities (including inpatient facilities, outpatient facilities, associated staff quarters and specialized care facilities such as behavioral health and elder care facilities).

''(b) STANDARDS AND PROCEDURES.—The Secretary may promulgate regulations, developed through rulemaking as provided for in section 802, to establish standards and procedures for governing loans and loan guarantees under this section, subject to the following conditions:

''(1) The principal amount of a loan or loan guarantee may cover up to 100 percent of eligible costs, including costs for the planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, improvements, medical equipment and furnishings, other facility related costs and capital purchase (but excluding staffing).

''(2) The cumulative total of the principal of direct loans and loan guarantees, respectively, outstanding at any one time shall not exceed such limitations as may be specified in appropriation Acts.

''(3) In the discretion of the Secretary, the program under this section may be administered by the Service or the Health Resources and Services Administration (which shall be specified by regulation).

''(4) The Secretary may make or guarantee a loan with a term of the useful estimated life of the facility, or 25 years, whichever is less.

''(5) The Secretary may allocate up to 100 percent of the funds available for loans or loan guarantees in any year for the purpose of planning and applying for a loan or loan guarantee.

''(6) The Secretary may accept an assignment of the revenue of an Indian tribe or tribal organization as security for any direct loan or loan guarantee under this section.

''(7) In the planning and design of health facilities under this section, users eligible under section 807(b) may be included in any projection of patient population.

''(8) The Secretary shall not collect loan application, processing or other similar fees from Indian tribes or tribal organizations applying for direct loans or loan guarantees under this section.

''(9) Service funds authorized under loans or loan guarantees under this section may be used in matching other Federal funds.

''(c) FUNDING.—

''(1) IN GENERAL.—The HCFLF shall consist of—

''(A) such sums as may be initially appropriated to the HCFLF and as may be subsequently appropriated under paragraph (2);

''(B) such amounts as may be collected from borrowers; and

''(C) all interest earned on amounts in the HCFLF.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to initiate the HCFLF. For each fiscal year after the initial year in which funds are appropriated to the HCFLF, there is authorized to be appropriated an amount equal to the sum of the amount collected by the HCFLF during the preceding fiscal year, and all accrued interest on such amounts.

''(3) AVAILABILITY OF FUNDS.—Amounts appropriated, collected or earned relative to the HCFLF shall remain available until expended.

''(d) FUNDING AGREEMENTS.—Amounts in the HCFLF and available pursuant to appropriation Acts may be expended by the Secretary, acting through the Service, to make loans under this section to an Indian tribe or tribal organization pursuant to a funding agreement entered into under the Indian Self-Determination and Education Assistance Act.

''(e) INVESTMENTS.—The Secretary of the Treasury shall invest such amounts of the HCFLF as such Secretary determines are not required to meet current withdrawals from the HCFLF. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price. Any obligation acquired by the fund may be sold by the Secretary of the Treasury at the market price.

''(f) GRANTS.—The Secretary is authorized to establish a program to provide grants to Indian tribes and tribal organizations for the purpose of repaying all or part of any loan obtained by an Indian tribe or tribal organization for construction and renovation of health care facilities (including inpatient facilities, outpatient facilities, associated staff quarters and specialized care facilities). Loans eligible for such repayment grants shall include loans that have been obtained under this section or otherwise.

**''SEC. 311. TRIBAL LEASING.**

''Indian Tribes and tribal organizations providing health care services pursuant to a funding agreement contract entered into under the Indian Self- Determination and Education Assistance Act may lease permanent structures for the purpose of providing such health care services without obtaining advance approval in appropriation Acts.

**''SEC. 312. INDIAN HEALTH SERVICE/TRIBAL FACILITIES JOINT VENTURE PROGRAM.**

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall make arrangements with Indian tribes and tribal organizations to establish joint venture demonstration projects under which an Indian tribe or tribal organization shall expend tribal, private, or other available funds, for the acquisition or construction of a health facility for a minimum of 10 years, under a no-cost lease, in exchange for agreement by the Service to provide the equipment, supplies, and staffing for the operation and maintenance of such a health facility.

''(2) USE OF RESOURCES.—A tribe or tribal organization may utilize tribal funds, private sector, or other available resources, including loan guarantees, to fulfill its commitment under this subsection.

''(3) ELIGIBILITY OF CERTAIN ENTITIES.—A tribe that has begun and substantially completed the process of acquisition or construction of a health facility shall be eligible to establish a joint venture project with the Service using such health facility.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall enter into an arrangement under subsection (a)(1) with an Indian tribe or tribal organization only if—

''(A) the Secretary first determines that the Indian tribe or tribal organization has the administrative and financial capabilities necessary to complete the timely acquisition or construction of the health facility described in subsection (a)(1); and

''(B) the Indian tribe or tribal organization meets the needs criteria that shall be developed through the negotiated rulemaking process provided for under section 802.

''(2) CONTINUED OPERATION OF FACILITY.—The Secretary shall negotiate an agreement with the Indian tribe or tribal organization regarding the continued operation of a facility under this section at the end of the initial 10 year no-cost lease period.

''(3) BREACH OR TERMINATION OF AGREEMENT.—An Indian tribe or tribal organization that has entered into a written agreement with the Secretary under this section, and that breaches or terminates without cause such agreement, shall be liable to the United States for the amount that has been paid to the tribe or tribal organization, or paid to a third party on the tribe's or tribal organization's behalf, under the agreement. The Secretary has the right to recover tangible property (including supplies), and equipment, less depreciation, and any funds expended for operations and maintenance under this section. The preceding sentence shall not apply to any funds expended for the delivery of health care services, or for personnel or staffing.

''(d) RECOVERY FOR NON-USE.—An Indian tribe or tribal organization that has entered into a written agreement with the Secretary under this section shall be entitled to recover from the United States an amount that is proportional to the value of such facility should at any time within 10 years the Service ceases to use the facility or otherwise breaches the agreement.

''(e) DEFINITION.—In this section, the terms 'health facility' or 'health facilities' include staff quarters needed to provide housing for the staff of the tribal health program.

**''SEC. 313. LOCATION OF FACILITIES.**

''(a) PRIORITY.—The Bureau of Indian Affairs and the Service shall, in all matters involving the reorganization or development of Service facilities, or in the establishment of related employment projects to address unemployment conditions in economically depressed areas, give priority to locating such facilities and projects on Indian lands if requested by the Indian owner and the Indian tribe with jurisdiction over such lands or other lands owned or leased by the Indian tribe or tribal organization so long as priority is given to Indian land owned by an Indian tribe or tribes.

''(b) DEFINITION.—In this section, the term 'Indian lands' means—

''(1) all lands within the exterior boundaries of any Indian reservation;

''(2) any lands title to which is held in trust by the United States for the benefit of any Indian tribe or individual Indian, or held by any Indian tribe or individual Indian subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power; and

''(3) all lands in Alaska owned by any Alaska Native village, or any village or regional corporation under the Alaska Native Claims Settlement Act, or any land allotted to any Alaska Native.

**''SEC. 314. MAINTENANCE AND IMPROVEMENT OF HEALTH CARE FACILITIES.**

''(a) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report that identifies the backlog of maintenance and repair work required at both Service and tribal facilities, including new facilities expected to be in operation in the fiscal year after the year for which the report is being prepared. The report shall identify the need for renovation and expansion of existing facilities to support the growth of health care programs.

''(b) MAINTENANCE OF NEWLY CONSTRUCTED SPACE.—

''(1) IN GENERAL.—The Secretary may expend maintenance and improvement funds to support the maintenance of newly constructed space only if such space falls within the approved supportable space allocation for the Indian tribe or tribal organization.

''(2) DEFINITION.—For purposes of paragraph (1), the term 'supportable space allocation' shall be defined through the negotiated rulemaking process provided for under section 802.

''(c) CONSTRUCTION OF REPLACEMENT FACILITIES.—

''(1) IN GENERAL.—In addition to using maintenance and improvement funds for the maintenance of facilities under subsection (b)(1), an Indian tribe or tribal organization may use such funds for the construction of a replacement facility if the costs of the renovation of such facility would exceed a maximum renovation cost threshold.

''(2) DEFINITION.—For purposes of paragraph (1), the term 'maximum renovation cost threshold' shall be defined through the negotiated rulemaking process provided for under section 802.

**''SEC. 315. TRIBAL MANAGEMENT OF FEDERALLY-OWNED QUARTERS.**

''(a) ESTABLISHMENT OF RENTAL RATES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, an Indian tribe or tribal organization which operates a hospital or other health facility and the Federally-owned quarters associated therewith, pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act, may establish the rental rates charged to the occupants of such quarters by providing notice to the Secretary of its election to exercise such authority.

''(2) OBJECTIVES.—In establishing rental rates under paragraph (1), an Indian tribe or tribal organization shall attempt to achieve the following objectives:

''(A) The rental rates should be based on the reasonable value of the quarters to the occupants thereof.

''(B) The rental rates should generate sufficient funds to prudently provide for the operation and maintenance of the quarters, and, subject to the discretion of the Indian tribe or tribal organization, to supply reserve funds for capital repairs and replacement of the quarters.

''(3) ELIGIBILITY FOR QUARTERS IMPROVEMENT AND REPAIR.—Any quarters whose rental rates are established by an Indian tribe or tribal organization under this subsection shall continue to be eligible for quarters improvement and repair funds to the same extent as other Federally-owned quarters that are used to house personnel in Service-supported programs.

''(4) NOTICE OF CHANGE IN RATES.—An Indian tribe or tribal organization that exercises the authority provided under this subsection shall provide occupants with not less than 60 days notice of any change in rental rates.

''(b) COLLECTION OF RENTS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, and subject to paragraph (2), an Indian tribe or a tribal organization that operates Federally-owned quarters pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act shall have the authority to collect rents directly from Federal employees who occupy such quarters in accordance with the following:

''(A) The Indian tribe or tribal organization shall notify the Secretary and the Federal employees involved of its election to exercise its authority to collect rents directly from such Federal employees.

''(B) Upon the receipt of a notice described in subparagraph (A), the Federal employees involved shall pay rents for the occupancy of such quarters directly to the Indian tribe or tribal organization and the Secretary shall have no further authority to collect rents from such employees through payroll deduction or otherwise.

''(C) Such rent payments shall be retained by the Indian tribe or tribal organization and shall not be made payable to or otherwise be deposited with the United States.

''(D) Such rent payments shall be deposited into a separate account which shall be used by the Indian tribe or tribal organization for the maintenance (including capital repairs and replacement expenses) and operation of the quarters and facilities as the Indian tribe or tribal organization shall determine appropriate.

''(2) RETROCESSION.—If an Indian tribe or tribal organization which has made an election under paragraph (1) requests retrocession of its authority to directly collect rents from Federal employees occupying Federally-owned quarters, such retrocession shall become effective on the earlier of—

''(A) the first day of the month that begins not less than 180 days after the Indian tribe or tribal organization notifies the Secretary of its desire to retrocede; or

''(B) such other date as may be mutually agreed upon by the Secretary and the Indian tribe or tribal organization.

''(c) RATES.—To the extent that an Indian tribe or tribal organization, pursuant to authority granted in subsection (a), establishes rental rates for Federally-owned quarters provided to a Federal employee in Alaska, such rents may be based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.–

**"SEC. 316. APPLICABILITY OF BUY AMERICAN REQUIREMENT.**

''(a) IN GENERAL.—The Secretary shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to the authorization contained in section 318, except that Indian tribes and tribal organizations shall be exempt from such requirements.

''(b) FALSE OR MISLEADING LABELING.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to the authorization contained in section 318, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(c) DEFINITION.—In this section, the term 'Buy American Act' means title III of the Act entitled 'An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes', approved March 3, 1933 (41 U.S.C. 10a et seq.).

**"SEC. 317. OTHER FUNDING FOR FACILITIES.**

''Notwithstanding any other provision of law—

''(1) the Secretary may accept from any source, including Federal and State agencies, funds that are available for the construction of health care facilities and use such funds to plan, design and construct health care facilities for Indians and to place such funds into funding agreements authorized under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f et seq.) between the Secretary and an Indian tribe or tribal organization, except that the receipt of such funds shall not have an effect on the priorities established pursuant to section 301;

''(2) the Secretary may enter into interagency agreements with other Federal or State agencies and other entities and to accept funds from such Federal or State agencies or other entities to provide for the planning, design and construction of health care facilities to be administered by the Service or by Indian tribes or tribal organizations under the Indian Self-Determination and Education Assistance Act in order to carry out the purposes of this Act, together with the purposes for which such funds are appropriated to such other Federal or State agency or for which the funds were otherwise provided;

''(3) any Federal agency to which funds for the construction of health care facilities are appropriated is authorized to transfer such funds to the Secretary for the construction of health care facilities to carry out the purposes of this Act as well as the purposes for which such funds are appropriated to such other Federal agency; and

''(4) the Secretary, acting through the Service, shall establish standards under regulations developed through rulemaking under section 802, for the planning, design and construction of health care facilities serving Indians under this Act.

**"SEC. 318. AUTHORIZATION OF APPROPRIATIONS.**

''There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

## "TITLE IV—ACCESS TO HEALTH SERVICES

**"SEC. 401. TREATMENT OF PAYMENTS UNDER MEDICARE PROGRAM.**

''(a) IN GENERAL.—Any payments received by the Service, by an Indian tribe or tribal organization pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act, or by an urban Indian organization pursuant to title V of this Act for services provided to Indians eligible for benefits under title XVIII of the Social Security Act shall not be considered in determining appropriations for health care and services to Indians.

''(b) EQUAL TREATMENT.—Nothing in this Act authorizes the Secretary to provide services to an Indian beneficiary with coverage under title XVIII of the Social Security Act in preference to an Indian beneficiary without such coverage.

''(c) SPECIAL FUND.—

''(1) USE OF FUNDS.—Notwithstanding any other provision of this title or of title XVIII of the Social Security Act, payments to which any facility of the Service is entitled by reason of this section shall be placed in a special fund to be held by the Secretary and first used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the programs of the Service which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of this title and of title XVIII of the Social Security Act. Any funds to be reimbursed which are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to the consultation with tribes being served by the service unit, be used for reducing the health resource deficiencies of the Indian tribes.

''(2) NONAPPLICATION IN CASE OF ELECTION FOR DIRECT BILLING.—Paragraph (1) shall not apply upon the election of an Indian tribe or tribal organization under section 405 to receive direct payments for services provided to Indians eligible for benefits under title XVIII of the Social Security Act.

**"SEC. 402. TREATMENT OF PAYMENTS UNDER MEDICAID PROGRAM.**

''(a) SPECIAL FUND.—

''(1) USE OF FUNDS.—Notwithstanding any other provision of law, payments to which any facility of the Service (including a hospital, nursing facility, intermediate care facility for the mentally retarded, or any other type of facility which provides services for which payment is available under title XIX of the Social Security Act) is entitled under a State plan by reason of section 1911 of such Act shall be placed in a special fund to be held by the Secretary and first used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the facilities of such Service which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of such title. Any payments which are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to the consultation with tribes being served by the service unit, be used for reducing the health resource deficiencies of the Indian tribes. In making payments from such fund, the Secretary shall ensure that each service unit of the Service receives 100 percent of the amounts to which the facilities of the Service, for which such service unit makes collections, are entitled by reason of section 1911 of the Social Security Act.

''(2) NONAPPLICATION IN CASE OF ELECTION FOR DIRECT BILLING.—Paragraph (1) shall not apply upon the election of an Indian tribe or tribal organization under section 405 to receive direct payments for services provided to Indians eligible for medical assistance under title XIX of the Social Security Act.

''(b) PAYMENTS DISREGARDED FOR APPROPRIATIONS.—Any payments received under section 1911 of the Social Security Act for services provided to Indians eligible for benefits under title XIX of the Social Security Act shall not be considered in determining appropriations for the provision of health care and services to Indians.

''(c) DIRECT BILLING.—For provisions relating to the authority of certain Indian tribes and tribal organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or tribal organizations and for which payment may be made under this title, see section 405.

**"SEC. 403. REPORT.**

''(a) INCLUSION IN ANNUAL REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to the Congress under section 801, an accounting on the amount and use of funds made available to the Service pursuant to this title as a result of reimbursements under titles XVIII and XIX of the Social Security Act.

''(b) IDENTIFICATION OF SOURCE OF PAYMENTS.—If an Indian tribe or tribal organization receives funding from the Service under the Indian Self-Determination and Education Assistance Act or an urban Indian organization receives funding from the Service under Title V of this Act and receives reimbursements or payments under title XVIII,

XIX, or XXI of the Social Security Act, such Indian tribe or tribal organization, or urban Indian organization, shall provide to the Service a list of each provider enrollment number (or other identifier) under which it receives such reimbursements or payments.

**"SEC. 404. GRANTS TO AND FUNDING AGREEMENTS WITH THE SERVICE, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS.**

''(a) IN GENERAL.—The Secretary shall make grants to or enter into funding agreements with Indian tribes and tribal organizations to assist such organizations in establishing and administering programs on or near Federal Indian reservations and trust areas and in or near Alaska Native villages to assist individual Indians to—

''(1) enroll under sections 1818, 1836, and 1837 of the Social Security Act;

''(2) pay premiums for health insurance coverage; and

''(3) apply for medical assistance provided pursuant to titles XIX and XXI of the Social Security Act.

''(b) CONDITIONS.—The Secretary shall place conditions as deemed necessary to effect the purpose of this section in any funding agreement or grant which the Secretary makes with any Indian tribe or tribal organization pursuant to this section. Such conditions shall include, but are not limited to, requirements that the organization successfully undertake to—

''(1) determine the population of Indians to be served that are or could be recipients of benefits or assistance under titles XVIII, XIX, and XXI of the Social Security Act;

''(2) assist individual Indians in becoming familiar with and utilizing such benefits and assistance;

''(3) provide transportation to such individual Indians to the appropriate offices for enrollment or applications for such benefits and assistance;

''(4) develop and implement—

''(A) a schedule of income levels to determine the extent of payments of premiums by such organizations for health insurance coverage of needy individuals; and

''(B) methods of improving the participation of Indians in receiving the benefits and assistance provided under titles XVIII, XIX, and XXI of the Social Security Act.

''(c) AGREEMENTS FOR RECEIPT AND PROCESSING OF APPLICATIONS.—The Secretary may enter into an agreement with an Indian tribe or tribal organization, or an urban Indian organization, which provides for the receipt and processing of applications for medical assistance under title XIX of the Social Security Act, child health assistance under title XXI of such Act and benefits under title XVIII of such Act by a Service facility or a health care program administered by such Indian tribe or tribal organization, or urban Indian organization, pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act or a grant or contract entered into with an urban Indian organization under title V of this Act. Notwithstanding any other provision of law, such agreements shall provide for reimbursement of the cost of outreach, education regarding eligibility and benefits, and translation when such services are provided. The reimbursement may be included in an encounter rate or be made on a fee-for-service basis as appropriate for the provider. When necessary to carry out the terms of this section, the Secretary, acting through the Health Care Financing Administration or the Service, may enter into agreements with a State (or political subdivision thereof) to facilitate cooperation between the State and the Service, an Indian tribe or tribal organization, and an urban Indian organization.

''(d) GRANTS.—

''(1) IN GENERAL.—The Secretary shall make grants or enter into contracts with urban Indian organizations to assist such organizations in establishing and administering programs to assist individual urban Indians to—

''(A) enroll under sections 1818, 1836, and 1837 of the Social Security Act;

''(B) pay premiums on behalf of such individuals for coverage under title XVIII of such Act; and

''(C) apply for medical assistance provided under title XIX of such Act and for child health assistance under title XXI of such Act.

''(2) REQUIREMENTS.—The Secretary shall include in the grants or contracts made or entered into under paragraph (1) requirements that are—

''(A) consistent with the conditions imposed by the Secretary under subsection (b);

''(B) appropriate to urban Indian organizations and urban Indians; and

''(C) necessary to carry out the purposes of this section.

**"SEC. 405. DIRECT BILLING AND REIMBURSEMENT OF MEDICARE, MEDICAID, AND OTHER THIRD PARTY PAYORS.**

''(a) DIRECT BILLING.—

''(1) IN GENERAL.—An Indian tribe or tribal organization may directly bill for, and receive payment for, health care services provided by such tribe or organization for which payment is made under title XVIII of the Social Security Act, under a State plan for medical assistance approved under title XIX of such Act, under a State child health plan approved under title XXI of such Act, or from any other third party payor.

''(2) APPLICATION OF 100 PERCENT FMAP.—The third sentence of section 1905(b) of the Social Security Act and section 2101(c) of such Act shall apply for purposes of reimbursement under the medicaid or State children's health insurance program for health care services directly billed under the program established under this section.

''(b) DIRECT REIMBURSEMENT.—

''(1) USE OF FUNDS.—Each Indian tribe or tribal organization exercising the option described in subsection (a) of this section shall be reimbursed directly under the medicare, medicaid, and State children's health insurance programs for services furnished, without regard to the provisions of sections 1880(c) of the Social Security Act and section 402(a) of this Act, but all funds so reimbursed shall first be used by the health program for the purpose of making any improvements in the facility or health programs that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to such health services under the medicare, medicaid, or State children's health insurance program. Any funds so reimbursed which are in excess of the amount necessary to achieve or maintain such conditions or requirements shall be used to provide additional health services, improvements in its health care facilities, or otherwise to achieve the health objectives provided for under section 3 of this Act.

''(2) AUDITS.—The amounts paid to the health programs exercising the option described in subsection (a) shall be subject to all auditing requirements applicable to programs administered directly by the Service and to facilities participating in the medicare, medicaid, and State children's health insurance programs.

''(3) NO PAYMENTS FROM SPECIAL FUNDS.—Notwithstanding section 401(c) or section 402(a), no payment may be made out of the special fund described in section 401(c) or 402(a), for the benefit of any health program exercising the option described in subsection (a) of this section during the period of such participation.

''(c) EXAMINATION AND IMPLEMENTATION OF CHANGES.—The Secretary, acting through the Service, and with the assistance of the Administrator of the Health Care Financing Administration, shall examine on an ongoing basis and implement any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this section, including any agreements with States that may be necessary to provide for direct billing under the medicaid or State children's health insurance program.

''(d) WITHDRAWAL FROM PROGRAM.—A participant in the program established under this section may withdraw from participation in the same manner and under the same conditions that an Indian tribe or tribal organization may retrocede a contracted program to the Secretary under authority of the Indian Self-Determination and Education Assistance Act. All cost accounting and billing authority under the program established under this section shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.

''(e) LIMITATION.—Notwithstanding this section, absent specific written authorization by the governing body of an Indian tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), neither the United States through the Service, nor an Indian tribe or tribal organization under a funding agreement pursuant to the Indian Self-Determination and Education Assistance Act, nor an urban Indian organization funded under title V, shall have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian tribe or tribal organization, or urban Indian organization. Where such tribal authorization is provided, the Service may receive and expend such funds for the provision of additional health services.

**"SEC. 406. REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.**

''(a) RIGHT OF RECOVERY.—Except as provided in subsection (g), the United States, an Indian tribe or tribal organization shall have the right to recover the reasonable charges billed or expenses incurred by the Secretary or an Indian tribe or tribal organization in providing health services, through the Service or an Indian tribe or tribal organization to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive reimbursement or indemnification for such charges or expenses if—

''(1) such services had been provided by a nongovernmental provider; and

''(2) such individual had been required to pay such charges or expenses and did pay such expenses.

''(b) URBAN INDIAN ORGANIZATIONS.—Except as provided in subsection (g), an urban Indian organization shall have the right to recover the reasonable charges billed or expenses incurred by the organization in providing health services to any individual to the same extent that such individual, or any other nongovernmental provider of such services, would be eligible to receive reimbursement or indemnification for such charges or expenses if such individual had been required to pay such charges or expenses and did pay such charges or expenses.

''(c) LIMITATIONS ON RECOVERIES FROM STATES.—Subsections (a) and (b) shall provide a right of recovery against any State,

only if the injury, illness, or disability for which health services were provided is covered under—

''(1) workers' compensation laws; or

''(2) a no-fault automobile accident insurance plan or program.

''(d) NONAPPLICATION OF OTHER LAWS.—No law of any State, or of any political subdivision of a State and no provision of any contract entered into or renewed after the date of enactment of the Indian Health Care Amendments of 1988, shall prevent or hinder the right of recovery of the United States or an Indian tribe or tribal organization under subsection (a), or an urban Indian organization under subsection (b).

''(e) NO EFFECT ON PRIVATE RIGHTS OF ACTION.—No action taken by the United States or an Indian tribe or tribal organization to enforce the right of recovery provided under subsection (a), or by an urban Indian organization to enforce the right of recovery provided under subsection (b), shall affect the right of any person to any damages (other than damages for the cost of health services provided by the Secretary through the Service).

''(f) METHODS OF ENFORCEMENT.—

''(1) IN GENERAL.—The United States or an Indian tribe or tribal organization may enforce the right of recovery provided under subsection (a), and an urban Indian organization may enforce the right of recovery provided under subsection (b), by—

''(A) intervening or joining in any civil action or proceeding brought—

''(i) by the individual for whom health services were provided by the Secretary, an Indian tribe or tribal organization, or urban Indian organization; or

''(ii) by any representative or heirs of such individual; or

''(B) instituting a civil action.

''(2) NOTICE.—All reasonable efforts shall be made to provide notice of an action instituted in accordance with paragraph (1)(B) to the individual to whom health services were provided, either before or during the pendency of such action.

''(g) LIMITATION.—Notwithstanding this section, absent specific written authorization by the governing body of an Indian tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), neither the United States through the Service, nor an Indian tribe or tribal organization under a funding agreement pursuant to the Indian Self-Determination and Education Assistance Act, nor an urban Indian organization funded under title V, shall have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian tribe or tribal organization, or urban Indian organization. Where such tribal authorization is provided, the Service may receive and expend such funds for the provision of additional health services.

''(h) COSTS AND ATTORNEYS' FEES.—In any action brought to enforce the provisions of this section, a prevailing plaintiff shall be awarded reasonable attorneys' fees and costs of litigation.

''(i) RIGHT OF ACTION AGAINST INSURERS AND EMPLOYEE BENEFIT PLANS.—

''(1) IN GENERAL.—Where an insurance company or employee benefit plan fails or refuses to pay the amount due under subsection (a) for services provided to an individual who is a beneficiary, participant, or insured of such company or plan, the United States or an Indian tribe or tribal organization shall have a right to assert and pursue all the claims and remedies against such company or plan, and against the fiduciaries of such company or plan, that the individual could assert or pursue under applicable Federal, State or tribal law.

''(2) URBAN INDIAN ORGANIZATIONS.—Where an insurance company or employee benefit plan fails or refuses to pay the amounts due under subsection (b) for health services provided to an individual who is a beneficiary, participant, or insured of such company or plan, the urban Indian organization shall have a right to assert and pursue all the claims and remedies against such company or plan, and against the fiduciaries of such company or plan, that the individual could assert or pursue under applicable Federal or State law.

''(j) NONAPPLICATION OF CLAIMS FILING REQUIREMENTS.—Notwithstanding any other provision in law, the Service, an Indian tribe or tribal organization, or an urban Indian organization shall have a right of recovery for any otherwise reimbursable claim filed on a current HCFA-1500 or UB-92 form, or the current NSF electronic format, or their successors. No health plan shall deny payment because a claim has not been submitted in a unique format that differs from such forms.

**''SEC. 407. CREDITING OF REIMBURSEMENTS.**

''(a) RETENTION OF FUNDS.—Except as provided in section 202(d), this title, and section 807, all reimbursements received or recovered under the authority of this Act, Public Law 87-693, or any other provision of law, by reason of the provision of health services by the Service or by an Indian tribe or tribal organization under a funding agreement pursuant to the Indian Self-Determination and Education Assistance Act, or by an urban Indian organization funded under title V, shall be retained by the Service or that tribe or tribal organization and shall be available for the facilities, and to carry out the programs, of the Service or that tribe or tribal organization to provide health care services to Indians.

''(b) NO OFFSET OF FUNDS.—The Service may not offset or limit the amount of funds obligated to any service unit or entity receiving funding from the Service because of the receipt of reimbursements under subsection (a).

**''SEC. 408. PURCHASING HEALTH CARE COVERAGE.**

''An Indian tribe or tribal organization, and an urban Indian organization may utilize funding from the Secretary under this Act to purchase managed care coverage for Service beneficiaries (including insurance to limit the financial risks of managed care entities) from—

''(1) a tribally owned and operated managed care plan;

''(2) a State or locally-authorized or licensed managed care plan; or

''(3) a health insurance provider.

**''SEC. 409. INDIAN HEALTH SERVICE, DEPARTMENT OF VETERAN'S AFFAIRS, AND OTHER FEDERAL AGENCY HEALTH FACILITIES AND SERVICES SHARING.**

''(a) EXAMINATION OF FEASIBILITY OF ARRANGEMENTS.—

''(1) IN GENERAL.—The Secretary shall examine the feasibility of entering into arrangements or expanding existing arrangements for the sharing of medical facilities and services between the Service and the Veterans' Administration, and other appropriate Federal agencies, including those within the Department, and shall, in accordance with subsection (b), prepare a report on the feasibility of such arrangements.

''(2) SUBMISSION OF REPORT.—Not later than September 30, 2000, the Secretary shall submit the report required under paragraph (1) to Congress.

''(3) CONSULTATION REQUIRED.—The Secretary may not finalize any arrangement described in paragraph (1) without first consulting with the affected Indian tribes.

''(b) LIMITATIONS.—The Secretary shall not take any action under this section or under subchapter IV of chapter 81 of title 38, United States Code, which would impair—

''(1) the priority access of any Indian to health care services provided through the Service;

''(2) the quality of health care services provided to any Indian through the Service;

''(3) the priority access of any veteran to health care services provided by the Veterans' Administration;

''(4) the quality of health care services provided to any veteran by the Veteran's Administration;

''(5) the eligibility of any Indian to receive health services through the Service; or

''(6) the eligibility of any Indian who is a veteran to receive health services through the Veterans' Administration provided, however, the Service or the Indian tribe or tribal organization shall be reimbursed by the Veterans' Administration where services are provided through the Service or Indian tribes or tribal organizations to beneficiaries eligible for services from the Veterans' Administration, notwithstanding any other provision of law.

''(c) AGREEMENTS FOR PARITY IN SERVICES.—The Service may enter into agreements with other Federal agencies to assist in achieving parity in services for Indians. Nothing in this section may be construed as creating any right of a veteran to obtain health services from the Service.

**''SEC. 410. PAYOR OF LAST RESORT.**

''The Service, and programs operated by Indian tribes or tribal organizations, or urban Indian organizations shall be the payor of last resort for services provided to individuals eligible for services from the Service and such programs, notwithstanding any Federal, State or local law to the contrary, unless such law explicitly provides otherwise.

**''SEC. 411. RIGHT TO RECOVER FROM FEDERAL HEALTH CARE PROGRAMS .**

''Notwithstanding any other provision of law, the Service, Indian tribes or tribal organizations, and urban Indian organizations (notwithstanding limitations on who is eligible to receive services from such entities) shall be entitled to receive payment or reimbursement for services provided by such entities from any Federally funded health care program, unless there is an explicit prohibition on such payments in the applicable authorizing statute.

**''SEC. 412. TUBA CITY DEMONSTRATION PROJECT.**

''(a) IN GENERAL.—Notwithstanding any other provision of law, including the Anti-Deficiency Act, provided the Indian tribes to be served approve, the Service in the Tuba City Service Unit may—

''(1) enter into a demonstration project with the State of Arizona under which the Service would provide certain specified medicaid services to individuals dually eligible for services from the Service and for medical assistance under title XIX of the Social Security Act in return for payment on a capitated basis from the State of Arizona; and

''(2) purchase insurance to limit the financial risks under the project.

''(b) EXTENSION OF PROJECT.—The demonstration project authorized under subsection (a) may be extended to other service units in Arizona, subject to the approval of the Indian tribes to be served in such service units, the Service, and the State of Arizona.

**''SEC. 413. ACCESS TO FEDERAL INSURANCE.**

''Notwithstanding the provisions of title 5, United States Code, Executive Order, or administrative regulation, an Indian tribe or

tribal organization carrying out programs under the Indian Self-Determination and Education Assistance Act or an urban Indian organization carrying out programs under title V of this Act shall be entitled to purchase coverage, rights and benefits for the employees of such Indian tribe or tribal organization, or urban Indian organization, under chapter 89 of title 5, United States Code, and chapter 87 of such title if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with such Indian tribe or tribal organization, or urban Indian organization, are currently deposited in the applicable Employee's Fund under such title.

**"SEC. 414. CONSULTATION AND RULEMAKING.**

''(a) CONSULTATION.—Prior to the adoption of any policy or regulation by the Health Care Financing Administration, the Secretary shall require the Administrator of that Administration to—

''(1) identify the impact such policy or regulation may have on the Service, Indian tribes or tribal organizations, and urban Indian organizations;

''(2) provide to the Service, Indian tribes or tribal organizations, and urban Indian organizations the information described in paragraph (1);

''(3) engage in consultation, consistent with the requirements of Executive Order 13084 of May 14, 1998, with the Service, Indian tribes or tribal organizations, and urban Indian organizations prior to enacting any such policy or regulation.

''(b) RULEMAKING.—The Administrator of the Health Care Financing Administration shall participate in the negotiated rulemaking provided for under title VIII with regard to any regulations necessary to implement the provisions of this title that relate to the Social Security Act.

**"SEC. 415. LIMITATIONS ON CHARGES.**

''No provider of health services that is eligible to receive payments or reimbursements under titles XVIII, XIX, or XXI of the Social Security Act or from any Federally funded (whether in whole or part) health care program may seek to recover payment for services—

''(1) that are covered under and furnished to an individual eligible for the contract health services program operated by the Service, by an Indian tribe or tribal organization, or furnished to an urban Indian eligible for health services purchased by an urban Indian organization, in an amount in excess of the lowest amount paid by any other payor for comparable services; or

''(2) for examinations or other diagnostic procedures that are not medically necessary if such procedures have already been performed by the referring Indian health program and reported to the provider.

**"SEC. 416. LIMITATION ON SECRETARY'S WAIVER AUTHORITY.**

''Notwithstanding any other provision of law, the Secretary may not waive the application of section 1902(a)(13)(D) of the Social Security Act to any State plan under title XIX of the Social Security Act.

**"SEC. 417. WAIVER OF MEDICARE AND MEDICAID SANCTIONS.**

''Notwithstanding any other provision of law, the Service or an Indian tribe or tribal organization or an urban Indian organization operating a health program under the Indian Self-Determination and Education Assistance Act shall be entitled to seek a waiver of sanctions imposed under title XVIII, XIX, or XXI of the Social Security Act as if such entity were directly responsible for administering the State health care program.

**"SEC. 418. MEANING OF 'REMUNERATION' FOR PURPOSES OF SAFE HARBOR PROVISIONS; ANTITRUST IMMUNITY.**

''(a) MEANING OF REMUNERATION.—Notwithstanding any other provision of law, the term 'remuneration' as used in sections 1128A and 1128B of the Social Security Act shall not include any exchange of anything of value between or among—

''(1) any Indian tribe or tribal organization or an urban Indian organization that administers health programs under the authority of the Indian Self-Determination and Education Assistance Act;

''(2) any such Indian tribe or tribal organization or urban Indian organization and the Service;

''(3) any such Indian tribe or tribal organization or urban Indian organization and any patient served or eligible for service under such programs, including patients served or eligible for service pursuant to section 813 of this Act (as in effect on the day before the date of enactment of the Indian Health Care Improvement Act Reauthorization of 2000); or

''(4) any such Indian tribe or tribal organization or urban Indian organization and any third party required by contract, section 206 or 207 of this Act (as so in effect), or other applicable law, to pay or reimburse the reasonable health care costs incurred by the United States or any such Indian tribe or tribal organization or urban Indian organization;

provided the exchange arises from or relates to such health programs.

''(b) ANTITRUST IMMUNITY.—An Indian tribe or tribal organization or an urban Indian organization that administers health programs under the authority of the Indian Self-Determination and Education Assistance Act or title V shall be deemed to be an agency of the United States and immune from liability under the Acts commonly known as the Sherman Act, the Clayton Act, the Robinson-Patman Anti-Discrimination Act, the Federal Trade Commission Act, and any other Federal, State, or local antitrust laws, with regard to any transaction, agreement, or conduct that relates to such programs.

**"SEC. 419. CO-INSURANCE, CO-PAYMENTS, DEDUCTIBLES AND PREMIUMS.**

''(a) EXEMPTION FROM COST-SHARING REQUIREMENTS.—Notwithstanding any other provision of Federal or State law, no Indian who is eligible for services under title XVIII, XIX, or XXI of the Social Security Act, or under any other Federally funded health care programs, may be charged a deductible, co-payment, or co-insurance for any service provided by or through the Service, an Indian tribe or tribal organization or urban Indian organization, nor may the payment or reimbursement due to the Service or an Indian tribe or tribal organization or urban Indian organization be reduced by the amount of the deductible, co-payment, or co-insurance that would be due from the Indian but for the operation of this section. For the purposes of this section, the term 'through' shall include services provided directly, by referral, or under contracts or other arrangements between the Service, an Indian tribe or tribal organization or an urban Indian organization and another health provider.

''(b) EXEMPTION FROM PREMIUMS.—

''(1) MEDICAID AND STATE CHILDREN'S HEALTH INSURANCE PROGRAM.—Notwithstanding any other provision of Federal or State law, no Indian who is otherwise eligible for medical assistance under title XIX of the Social Security Act or child health assistance under title XXI of such Act may be charged a premium as a condition of receiving such assistance under title XIX of XXI of such Act.

''(2) MEDICARE ENROLLMENT PREMIUM PENALTIES.—Notwithstanding section 1839(b) of the Social Security Act or any other provision of Federal or State law, no Indian who is eligible for benefits under part B of title XVIII of the Social Security Act, but for the payment of premiums, shall be charged a penalty for enrolling in such part at a time later than the Indian might otherwise have been first eligible to do so. The preceding sentence applies whether an Indian pays for premiums under such part directly or such premiums are paid by another person or entity, including a State, the Service, an Indian Tribe or tribal organization, or an urban Indian organization.

**"SEC. 420. INCLUSION OF INCOME AND RESOURCES FOR PURPOSES OF MEDICALLY NEEDY MEDICAID ELIGIBILITY.**

''For the purpose of determining the eligibility under section 1902(a)(10)(A)(ii)(IV) of the Social Security Act of an Indian for medical assistance under a State plan under title XIX of such Act, the cost of providing services to an Indian in a health program of the Service, an Indian Tribe or tribal organization, or an urban Indian organization shall be deemed to have been an expenditure for health care by the Indian.

**"SEC. 421. ESTATE RECOVERY PROVISIONS.**

''Notwithstanding any other provision of Federal or State law, the following property may not be included when determining eligibility for services or implementing estate recovery rights under title XVIII, XIX, or XXI of the Social Security Act, or any other health care programs funded in whole or part with Federal funds:

''(1) Income derived from rents, leases, or royalties of property held in trust for individuals by the Federal Government.

''(2) Income derived from rents, leases, royalties, or natural resources (including timber and fishing activities) resulting from the exercise of Federally protected rights, whether collected by an individual or a tribal group and distributed to individuals.

''(3) Property, including interests in real property currently or formerly held in trust by the Federal Government which is protected under applicable Federal, State or tribal law or custom from recourse, including public domain allotments.

''(4) Property that has unique religious or cultural significance or that supports subsistence or traditional life style according to applicable tribal law or custom.

**"SEC. 422. MEDICAL CHILD SUPPORT.**

''Notwithstanding any other provision of law, a parent shall not be responsible for reimbursing the Federal Government or a State for the cost of medical services provided to a child by or through the Service, an Indian tribe or tribal organization or an urban Indian organization. For the purposes of this subsection, the term 'through' includes services provided directly, by referral, or under contracts or other arrangements between the Service, an Indian Tribe or tribal organization or an urban Indian organization and another health provider.

**"SEC. 423. PROVISIONS RELATING TO MANAGED CARE.**

''(a) RECOVERY FROM MANAGED CARE PLANS.—Notwithstanding any other provision in law, the Service, an Indian Tribe or tribal organization or an urban Indian organization shall have a right of recovery under section 408 from all private and public health plans or programs, including the medicare, medicaid, and State children's health insurance programs under titles XVIII, XIX, and XXI of the Social Security Act, for the reasonable costs of delivering health services to Indians entitled to receive services from the Service, an Indian Tribe or tribal organization or an urban Indian organization.

''(b) LIMITATION.—No provision of law or regulation, or of any contract, may be relied

upon or interpreted to deny or reduce payments otherwise due under subsection (a), except to the extent the Service, an Indian tribe or tribal organization, or an urban Indian organization has entered into an agreement with a managed care entity regarding services to be provided to Indians or rates to be paid for such services, provided that such an agreement may not be made a prerequisite for such payments to be made.

''(c) PARITY.—Payments due under subsection (a) from a managed care entity may not be paid at a rate that is less than the rate paid to a 'preferred provider' by the entity or, in the event there is no such rate, the usual and customary fee for equivalent services.

''(d) NO CLAIM REQUIREMENT.—A managed care entity may not deny payment under subsection (a) because an enrollee with the entity has not submitted a claim.

''(e) DIRECT BILLING.—Notwithstanding the preceding subsections of this section, the Service, an Indian tribe or tribal organization, or an urban Indian organization that provides a health service to an Indian entitled to medical assistance under the State plan under title XIX of the Social Security Act or enrolled in a child health plan under title XXI of such Act shall have the right to be paid directly by the State agency administering such plans notwithstanding any agreements the State may have entered into with managed care organizations or providers.

''(f) REQUIREMENT FOR MEDICAID MANAGED CARE ENTITIES.—A managed care entity (as defined in section 1932(a)(1)(B) of the Social Security Act shall, as a condition of participation in the State plan under title XIX of such Act, offer a contract to health programs administered by the Service, an Indian tribe or tribal organization or an urban Indian organization that provides health services in the geographic area served by the managed care entity and such contract (or other provider participation agreement) shall contain terms and conditions of participation and payment no more restrictive or onerous than those provided for in this section.

''(g) PROHIBITION.—Notwithstanding any other provision of law or any waiver granted by the Secretary no Indian may be assigned automatically or by default under any managed care entity participating in a State plan under title XIX or XXI of the Social Security Act unless the Indian had the option of enrolling in a managed care plan or health program administered by the Service, an Indian tribe or tribal organization, or an urban Indian organization.

''(h) INDIAN MANAGED CARE PLANS.—Notwithstanding any other provision of law, any State entering into agreements with one or more managed care organizations to provide services under title XIX or XXI of the Social Security Act shall enter into such an agreement with the Service, an Indian tribe or tribal organization or an urban Indian organization under which such an entity may provide services to Indians who may be eligible or required to enroll with a managed care organization through enrollment in an Indian managed care organization that provides services similar to those offered by other managed care organizations in the State. The Secretary and the State are hereby authorized to waive requirements regarding discrimination, capitalization, and other matters that might otherwise prevent an Indian managed care organization or health program from meeting Federal or State standards applicable to such organizations, provided such Indian managed care organization or health program offers Indian enrollees services of an equivalent quality to that required of other managed care organizations.

''(i) ADVERTISING.—A managed care organization entering into a contract to provide services to Indians on or near an Indian reservation shall provide a certificate of coverage or similar type of document that is written in the Indian language of the majority of the Indian population residing on such reservation.

**''SEC. 424. NAVAJO NATION MEDICAID AGENCY.**

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may treat the Navajo Nation as a State under title XIX of the Social Security Act for purposes of providing medical assistance to Indians living within the boundaries of the Navajo Nation.

''(b) ASSIGNMENT AND PAYMENT.—Notwithstanding any other provision of law, the Secretary may assign and pay all expenditures related to the provision of services to Indians living within the boundaries of the Navajo Nation under title XIX of the Social Security Act (including administrative expenditures) that are currently paid to or would otherwise be paid to the States of Arizona, New Mexico, and Utah, to an entity established by the Navajo Nation and approved by the Secretary, which shall be denominated the Navajo Nation Medicaid Agency.

''(c) AUTHORITY.—The Navajo Nation Medicaid Agency shall serve Indians living within the boundaries of the Navajo Nation and shall have the same authority and perform the same functions as other State agency responsible for the administration of the State plan under title XIX of the Social Security Act.

''(d) TECHNICAL ASSISTANCE.—The Secretary may directly assist the Navajo Nation in the development and implementation of a Navajo Nation Medicaid Agency for the administration, eligibility, payment, and delivery of medical assistance under title XIX of the Social Security Act (which shall, for purposes of reimbursement to such Nation, include Western and traditional Navajo healing services) within the Navajo Nation. Such assistance may include providing funds for demonstration projects conducted with such Nation.

''(e) FMAP.—Notwithstanding section 1905(b) of the Social Security Act, the Federal medical assistance percentage shall be 100 per cent with respect to amounts the Navajo Nation Medicaid agency expends for medical assistance and related administrative costs.

''(f) WAIVER AUTHORITY.—The Secretary shall have the authority to waive applicable provisions of Title XIX of the Social Security Act to establish, develop and implement the Navajo Nation Medicaid Agency.

''(g) SCHIP.—At the option of the Navajo Nation, the Secretary may treat the Navajo Nation as a State for purposes of title XXI of the Social Security Act under terms equivalent to those described in the preceding subsections of this section.

**''SEC. 425. INDIAN ADVISORY COMMITTEES.**

''(a) NATIONAL INDIAN TECHNICAL ADVISORY GROUP.—The Administrator of the Health Care Financing Administration shall establish and fund the expenses of a National Indian Technical Advisory Group which shall have no fewer than 14 members, including at least 1 member designated by the Indian tribes and tribal organizations in each service area, 1 urban Indian organization representative, and 1 member representing the Service. The scope of the activities of such group shall be established under section 802 provided that such scope shall include providing comment on and advice regarding the programs funded under titles XVIII, XIX, and XXI of the Social Security Act or regarding any other health care program funded (in whole or part) by the Health Care Financing Administration.

''(b) INDIAN MEDICAID ADVISORY COMMITTEES.—The Administrator of the Health Care Financing Administration shall establish and provide funding for a Indian Medicaid Advisory Committee made up of designees of the Service, Indian tribes and tribal organizations and urban Indian organizations in each State in which the Service directly operates a health program or in which there is one or more Indian tribe or tribal organization or urban Indian organization.

**''SEC. 426. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 through 2012 to carry out this title.''.

## ''TITLE V—HEALTH SERVICES FOR URBAN INDIANS

**''SEC. 501. PURPOSE.**

''The purpose of this title is to establish programs in urban centers to make health services more accessible and available to urban Indians.

**''SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS.**

''Under the authority of the Act of November 2, 1921 (25 U.S.C. 13)(commonly known as the Snyder Act), the Secretary, through the Service, shall enter into contracts with, or make grants to, urban Indian organizations to assist such organizations in the establishment and administration, within urban centers, of programs which meet the requirements set forth in this title. The Secretary, through the Service, subject to section 506, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract which the Secretary enters into with, or in any grant the Secretary makes to, any urban Indian organization pursuant to this title.

**''SEC. 503. CONTRACTS AND GRANTS FOR THE PROVISION OF HEALTH CARE AND REFERRAL SERVICES.**

''(a) AUTHORITY.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary, acting through the Service, shall enter into contracts with, and make grants to, urban Indian organizations for the provision of health care and referral services for urban Indians. Any such contract or grant shall include requirements that the urban Indian organization successfully undertake to—

''(1) estimate the population of urban Indians residing in the urban center or centers that the organization proposes to serve who are or could be recipients of health care or referral services;

''(2) estimate the current health status of urban Indians residing in such urban center or centers;

''(3) estimate the current health care needs of urban Indians residing in such urban center or centers;

''(4) provide basic health education, including health promotion and disease prevention education, to urban Indians;

''(5) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of urban Indians; and

''(6) where necessary, provide, or enter into contracts for the provision of, health care services for urban Indians.

''(b) CRITERIA.—The Secretary, acting through the Service, shall by regulation adopted pursuant to section 520 prescribe the criteria for selecting urban Indian organizations to enter into contracts or receive grants under this section. Such criteria shall, among other factors, include—

''(1) the extent of unmet health care needs of urban Indians in the urban center or centers involved;

''(2) the size of the urban Indian population in the urban center or centers involved;

''(3) the extent, if any, to which the activities set forth in subsection (a) would duplicate any project funded under this title;

''(4) the capability of an urban Indian organization to perform the activities set forth in subsection (a) and to enter into a contract with the Secretary or to meet the requirements for receiving a grant under this section;

''(5) the satisfactory performance and successful completion by an urban Indian organization of other contracts with the Secretary under this title;

''(6) the appropriateness and likely effectiveness of conducting the activities set forth in subsection (a) in an urban center or centers; and

''(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

''(c) HEALTH PROMOTION AND DISEASE PREVENTION.—The Secretary, acting through the Service, shall facilitate access to, or provide, health promotion and disease prevention services for urban Indians through grants made to urban Indian organizations administering contracts entered into pursuant to this section or receiving grants under subsection (a).

''(d) IMMUNIZATION SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall facilitate access to, or provide, immunization services for urban Indians through grants made to urban Indian organizations administering contracts entered into, or receiving grants, under this section.

''(3) DEFINITION.—In this section, the term 'immunization services' means services to provide without charge immunizations against vaccine-preventable diseases.

''(e) MENTAL HEALTH SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall facilitate access to, or provide, mental health services for urban Indians through grants made to urban Indian organizations administering contracts entered into, or receiving grants, under this section.

''(2) ASSESSMENT.—A grant may not be made under this subsection to an urban Indian organization until that organization has prepared, and the Service has approved, an assessment of the mental health needs of the urban Indian population concerned, the mental health services and other related resources available to that population, the barriers to obtaining those services and resources, and the needs that are unmet by such services and resources.

''(3) USE OF FUNDS.—Grants may be made under this subsection—

''(A) to prepare assessments required under paragraph (2);

''(B) to provide outreach, educational, and referral services to urban Indians regarding the availability of direct behavioral health services, to educate urban Indians about behavioral health issues and services, and effect coordination with existing behavioral health providers in order to improve services to urban Indians;

''(C) to provide outpatient behavioral health services to urban Indians, including the identification and assessment of illness, therapeutic treatments, case management, support groups, family treatment, and other treatment; and

''(D) to develop innovative behavioral health service delivery models which incorporate Indian cultural support systems and resources.

''(f) CHILD ABUSE.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall facilitate access to, or provide, services for urban Indians through grants to urban Indian organizations administering contracts entered into pursuant to this section or receiving grants under subsection (a) to prevent and treat child abuse (including sexual abuse) among urban Indians.

''(2) ASSESSMENT.—A grant may not be made under this subsection to an urban Indian organization until that organization has prepared, and the Service has approved, an assessment that documents the prevalence of child abuse in the urban Indian population concerned and specifies the services and programs (which may not duplicate existing services and programs) for which the grant is requested.

''(3) USE OF FUNDS.—Grants may be made under this subsection—

''(A) to prepare assessments required under paragraph (2);

''(B) for the development of prevention, training, and education programs for urban Indian populations, including child education, parent education, provider training on identification and intervention, education on reporting requirements, prevention campaigns, and establishing service networks of all those involved in Indian child protection; and

''(C) to provide direct outpatient treatment services (including individual treatment, family treatment, group therapy, and support groups) to urban Indians who are child victims of abuse (including sexual abuse) or adult survivors of child sexual abuse, to the families of such child victims, and to urban Indian perpetrators of child abuse (including sexual abuse).

''(4) CONSIDERATIONS.—In making grants to carry out this subsection, the Secretary shall take into consideration—

''(A) the support for the urban Indian organization demonstrated by the child protection authorities in the area, including committees or other services funded under the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), if any;

''(B) the capability and expertise demonstrated by the urban Indian organization to address the complex problem of child sexual abuse in the community; and

''(C) the assessment required under paragraph (2).

''(g) MULTIPLE URBAN CENTERS.—The Secretary, acting through the Service, may enter into a contract with, or make grants to, an urban Indian organization that provides or arranges for the provision of health care services (through satellite facilities, provider networks, or otherwise) to urban Indians in more than one urban center.

**''SEC. 504. CONTRACTS AND GRANTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS.**

''(a) AUTHORITY.—

''(1) IN GENERAL.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary, acting through the Service, may enter into contracts with, or make grants to, urban Indian organizations situated in urban centers for which contracts have not been entered into, or grants have not been made, under section 503.

''(2) PURPOSE.—The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (b)(1) in order to assist the Secretary in assessing the health status and health care needs of urban Indians in the urban center involved and determining whether the Secretary should enter into a contract or make a grant under section 503 with respect to the urban Indian organization which the Secretary has entered into a contract with, or made a grant to, under this section.

''(b) REQUIREMENTS.—Any contract entered into, or grant made, by the Secretary under this section shall include requirements that—

''(1) the urban Indian organization successfully undertake to—

''(A) document the health care status and unmet health care needs of urban Indians in the urban center involved; and

''(B) with respect to urban Indians in the urban center involved, determine the matters described in paragraphs (2), (3), (4), and (7) of section 503(b); and

''(2) the urban Indian organization complete performance of the contract, or carry out the requirements of the grant, within 1 year after the date on which the Secretary and such organization enter into such contract, or within 1 year after such organization receives such grant, whichever is applicable.

''(c) LIMITATION ON RENEWAL.—The Secretary may not renew any contract entered into, or grant made, under this section.

**''SEC. 505. EVALUATIONS; RENEWALS.**

''(a) PROCEDURES.—The Secretary, acting through the Service, shall develop procedures to evaluate compliance with grant requirements under this title and compliance with, and performance of contracts entered into by urban Indian organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

''(b) COMPLIANCE WITH TERMS.—The Secretary, acting through the Service, shall evaluate the compliance of each urban Indian organization which has entered into a contract or received a grant under section 503 with the terms of such contract of grant. For purposes of an evaluation under this subsection, the Secretary, in determining the capacity of an urban Indian organization to deliver quality patient care shall, at the option of the organization—

''(1) conduct, through the Service, an annual onsite evaluation of the organization; or

''(2) accept, in lieu of an onsite evaluation, evidence of the organization's provisional or full accreditation by a private independent entity recognized by the Secretary for purposes of conducting quality reviews of providers participating in the medicare program under Title XVIII of the Social Security Act.

''(c) NONCOMPLIANCE.—

''(1) IN GENERAL.—If, as a result of the evaluations conducted under this section, the Secretary determines that an urban Indian organization has not complied with the requirements of a grant or complied with or satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract or grant, attempt to resolve with such organization the areas of noncompliance or unsatisfactory performance and modify such contract or grant to prevent future occurrences of such noncompliance or unsatisfactory performance.

''(2) NONRENEWAL.—If the Secretary determines, under an evaluation under this section, that noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew such contract or grant with such organization and is authorized to enter into a contract or make a grant under section 503 with another urban Indian organization which is situated in the same urban center as the urban Indian organization whose contract or grant is not renewed under this section.

''(d) DETERMINATION OF RENEWAL.—In determining whether to renew a contract or grant with an urban Indian organization

under section 503 which has completed performance of a contract or grant under section 504, the Secretary shall review the records of the urban Indian organization, the reports submitted under section 507, and, in the case of a renewal of a contract or grant under section 503, shall consider the results of the onsite evaluations or accreditation under subsection (b).

**"SEC. 506. OTHER CONTRACT AND GRANT REQUIREMENTS.**

''(a) APPLICATION OF FEDERAL LAW.—Contracts with urban Indian organizations entered into pursuant to this title shall be in accordance with all Federal contracting laws and regulations relating to procurement except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of the Act of August 24, 1935 (40 U.S.C. 270a, et seq.).

''(b) PAYMENTS.—Payments under any contracts or grants pursuant to this title shall, notwithstanding any term or condition of such contract or grant—

''(1) be made in their entirety by the Secretary to the urban Indian organization by not later than the end of the first 30 days of the funding period with respect to which the payments apply, unless the Secretary determines through an evaluation under section 505 that the organization is not capable of administering such payments in their entirety; and

''(2) if unexpended by the urban Indian organization during the funding period with respect to which the payments initially apply, be carried forward for expenditure with respect to allowable or reimbursable costs incurred by the organization during 1 or more subsequent funding periods without additional justification or documentation by the organization as a condition of carrying forward the expenditure of such funds.

''(c) REVISING OR AMENDING CONTRACT.—Notwithstanding any provision of law to the contrary, the Secretary may, at the request or consent of an urban Indian organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title.

''(d) FAIR AND UNIFORM PROVISION OF SERVICES.—Contracts with, or grants to, urban Indian organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to urban Indians of services and assistance under such contracts or grants by such organizations.

''(e) ELIGIBILITY OF URBAN INDIANS.—Urban Indians, as defined in section 4(f), shall be eligible for health care or referral services provided pursuant to this title.

**"SEC. 507. REPORTS AND RECORDS.**

''(a) REPORT.—For each fiscal year during which an urban Indian organization receives or expends funds pursuant to a contract entered into, or a grant received, pursuant to this title, such organization shall submit to the Secretary, on a basis no more frequent than every 6 months, a report including—

''(1) in the case of a contract or grant under section 503, information gathered pursuant to paragraph (5) of subsection (a) of such section;

''(2) information on activities conducted by the organization pursuant to the contract or grant;

''(3) an accounting of the amounts and purposes for which Federal funds were expended; and

''(4) a minimum set of data, using uniformly defined elements, that is specified by the Secretary, after consultations consistent with section 514, with urban Indian organizations.

''(b) AUDITS.—The reports and records of the urban Indian organization with respect to a contract or grant under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

''(c) COST OF AUDIT.—The Secretary shall allow as a cost of any contract or grant entered into or awarded under section 502 or 503 the cost of an annual independent financial audit conducted by—

''(1) a certified public accountant; or

''(2) a certified public accounting firm qualified to conduct Federal compliance audits.

**"SEC. 508. LIMITATION ON CONTRACT AUTHORITY.**

''The authority of the Secretary to enter into contracts or to award grants under this title shall be to the extent, and in an amount, provided for in appropriation Acts.

**"SEC. 509. FACILITIES.**

''(a) GRANTS.—The Secretary may make grants to contractors or grant recipients under this title for the lease, purchase, renovation, construction, or expansion of facilities, including leased facilities, in order to assist such contractors or grant recipients in complying with applicable licensure or certification requirements.

''(b) LOANS OR LOAN GUARANTEES.—The Secretary, acting through the Service or through the Health Resources and Services Administration, may provide loans to contractors or grant recipients under this title from the Urban Indian Health Care Facilities Revolving Loan Fund (referred to in this section as the 'URLF') described in subsection (c), or guarantees for loans, for the construction, renovation, expansion, or purchase of health care facilities, subject to the following requirements:

''(1) The principal amount of a loan or loan guarantee may cover 100 percent of the costs (other than staffing) relating to the facility, including planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, medical equipment, furnishings, and capital purchase.

''(2) The total amount of the principal of loans and loan guarantees, respectively, outstanding at any one time shall not exceed such limitations as may be specified in appropriations Acts.

''(3) The loan or loan guarantee may have a term of the shorter of the estimated useful life of the facility, or 25 years.

''(4) An urban Indian organization may assign, and the Secretary may accept assignment of, the revenue of the organization as security for a loan or loan guarantee under this subsection.

''(5) The Secretary shall not collect application, processing, or similar fees from urban Indian organizations applying for loans or loan guarantees under this subsection.

''(c) URBAN INDIAN HEALTH CARE FACILITIES REVOLVING LOAN FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Urban Indian Health Care Facilities Revolving Loan Fund. The URLF shall consist of—

''(A) such amounts as may be appropriated to the URLF;

''(B) amounts received from urban Indian organizations in repayment of loans made to such organizations under paragraph (2); and

''(C) interest earned on amounts in the URLF under paragraph (3).

''(2) USE OF URLF.—Amounts in the URLF may be expended by the Secretary, acting through the Service or the Health Resources and Services Administration, to make loans available to urban Indian organizations receiving grants or contracts under this title for the purposes, and subject to the requirements, described in subsection (b). Amounts appropriated to the URLF, amounts received from urban Indian organizations in repayment of loans, and interest on amounts in the URLF shall remain available until expended.

''(3) INVESTMENTS.—The Secretary of the Treasury shall invest such amounts of the URLF as such Secretary determines are not required to meet current withdrawals from the URLF. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price. Any obligation acquired by the URLF may be sold by the Secretary of the Treasury at the market price.

**"SEC. 510. OFFICE OF URBAN INDIAN HEALTH.**

''There is hereby established within the Service an Office of Urban Indian Health which shall be responsible for—

''(1) carrying out the provisions of this title;

''(2) providing central oversight of the programs and services authorized under this title; and

''(3) providing technical assistance to urban Indian organizations.

**"SEC. 511. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE RELATED SERVICES.**

''(a) GRANTS.—The Secretary may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school and community-based education in, alcohol and substance abuse in urban centers to those urban Indian organizations with whom the Secretary has entered into a contract under this title or under section 201.

''(b) GOALS OF GRANT.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

''(c) CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the—

''(1) size of the urban Indian population;

''(2) capability of the organization to adequately perform the activities required under the grant;

''(3) satisfactory performance standards for the organization in meeting the goals set forth in such grant, which standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis; and

''(4) identification of need for services.

The Secretary shall develop a methodology for allocating grants made pursuant to this section based on such criteria.

''(d) TREATMENT OF FUNDS RECEIVED BY URBAN INDIAN ORGANIZATIONS.—Any funds received by an urban Indian organization under this Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

**"SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.**

''(a) OKLAHOMA CITY CLINIC.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Oklahoma City Clinic demonstration project shall be treated as a service unit in the allocation of resources and coordination of care and shall not be subject to the provisions of the Indian Self-Determination and Education Assistance Act for the term of such projects. The Secretary shall provide assistance to such projects in the development of resources and equipment and facility needs.

''(2) REPORT.—The Secretary shall submit to the President, for inclusion in the report

required to be submitted to the Congress under section 801 for fiscal year 1999, a report on the findings and conclusions derived from the demonstration project specified in paragraph (1).

''(b) TULSA CLINIC.—Notwithstanding any other provision of law, the Tulsa Clinic demonstration project shall become a permanent program within the Service's direct care program and continue to be treated as a service unit in the allocation of resources and coordination of care, and shall continue to meet the requirements and definitions of an urban Indian organization in this title, and as such will not be subject to the provisions of the Indian Self-Determination and Education Assistance Act.

**''SEC. 513. URBAN NIAAA TRANSFERRED PROGRAMS.**

''(a) GRANTS AND CONTRACTS.—The Secretary, acting through the Office of Urban Indian Health of the Service, shall make grants or enter into contracts, effective not later than September 30, 2001, with urban Indian organizations for the administration of urban Indian alcohol programs that were originally established under the National Institute on Alcoholism and Alcohol Abuse (referred to in this section to as 'NIAAA') and transferred to the Service.

''(b) USE OF FUNDS.—Grants provided or contracts entered into under this section shall be used to provide support for the continuation of alcohol prevention and treatment services for urban Indian populations and such other objectives as are agreed upon between the Service and a recipient of a grant or contract under this section.

''(c) ELIGIBILITY.—Urban Indian organizations that operate Indian alcohol programs originally funded under NIAAA and subsequently transferred to the Service are eligible for grants or contracts under this section.

''(d) EVALUATION AND REPORT.—The Secretary shall evaluate and report to the Congress on the activities of programs funded under this section at least every 5 years.

**''SEC. 514. CONSULTATION WITH URBAN INDIAN ORGANIZATIONS.**

''(a) IN GENERAL.—The Secretary shall ensure that the Service, the Health Care Financing Administration, and other operating divisions and staff divisions of the Department consult, to the maximum extent practicable, with urban Indian organizations (as defined in section 4) prior to taking any action, or approving Federal financial assistance for any action of a State, that may affect urban Indians or urban Indian organizations.

''(b) REQUIREMENT.—In subsection (a), the term 'consultation' means the open and free exchange of information and opinion among urban Indian organizations and the operating and staff divisions of the Department which leads to mutual understanding and comprehension and which emphasizes trust, respect, and shared responsibility.

**''SEC. 515. FEDERAL TORT CLAIMS ACT COVERAGE.**

''For purposes of section 224 of the Public Health Service Act (42 U.S.C. 233), with respect to claims by any person, initially filed on or after October 1, 1999, whether or not such person is an Indian or Alaska Native or is served on a fee basis or under other circumstances as permitted by Federal law or regulations, for personal injury (including death) resulting from the performance prior to, including, or after October 1, 1999, of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, or for purposes of section 2679 of title 28, United States Code, with respect to claims by any such person, on or after October 1, 1999, for personal injury (including death) resulting from the operation of an emergency motor vehicle, an urban Indian organization that has entered into a contract or received a grant pursuant to this title is deemed to be part of the Public Health Service while carrying out any such contract or grant and its employees (including those acting on behalf of the organization as provided for in section 2671 of title 28, United States Code, and including an individual who provides health care services pursuant to a personal services contract with an urban Indian organization for the provision of services in any facility owned, operated, or constructed under the jurisdiction of the Indian Health Service) are deemed employees of the Service while acting within the scope of their employment in carrying out the contract or grant, except that such employees shall be deemed to be acting within the scope of their employment in carrying out the contract or grant when they are required, by reason of their employment, to perform medical, surgical, dental or related functions at a facility other than a facility operated by the urban Indian organization pursuant to such contract or grant, but only if such employees are not compensated for the performance of such functions by a person or entity other than the urban Indian organization.

**''SEC. 516. URBAN YOUTH TREATMENT CENTER DEMONSTRATION.**

''(a) CONSTRUCTION AND OPERATION.—The Secretary, acting through the Service, shall, through grants or contracts, make payment for the construction and operation of at least 2 residential treatment centers in each State described in subsection (b) to demonstrate the provision of alcohol and substance abuse treatment services to urban Indian youth in a culturally competent residential setting.

''(b) STATES.—A State described in this subsection is a State in which—

''(1) there reside urban Indian youth with a need for alcohol and substance abuse treatment services in a residential setting; and

''(2) there is a significant shortage of culturally competent residential treatment services for urban Indian youth.

**''SEC. 517. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY.**

''(a) IN GENERAL.—The Secretary shall permit an urban Indian organization that has entered into a contract or received a grant pursuant to this title, in carrying out such contract or grant, to use existing facilities and all equipment therein or pertaining thereto and other personal property owned by the Federal Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon for their use and maintenance.

''(b) DONATION OF PROPERTY.—Subject to subsection (d), the Secretary may donate to an urban Indian organization that has entered into a contract or received a grant pursuant to this title any personal or real property determined to be excess to the needs of the Service or the General Services Administration for purposes of carrying out the contract or grant.

''(c) ACQUISITION OF PROPERTY.—The Secretary may acquire excess or surplus government personal or real property for donation, subject to subsection (d), to an urban Indian organization that has entered into a contract or received a grant pursuant to this title if the Secretary determines that the property is appropriate for use by the urban Indian organization for a purpose for which a contract or grant is authorized under this title.

''(d) PRIORITY.—In the event that the Secretary receives a request for a specific item of personal or real property described in subsections (b) or (c) from an urban Indian organization and from an Indian tribe or tribal organization, the Secretary shall give priority to the request for donation to the Indian tribe or tribal organization if the Secretary receives the request from the Indian tribe or tribal organization before the date on which the Secretary transfers title to the property or, if earlier, the date on which the Secretary transfers the property physically, to the urban Indian organization.

''(e) RELATION TO FEDERAL SOURCES OF SUPPLY.—For purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)) (relating to Federal sources of supply, including lodging providers, airlines, and other transportation providers), an urban Indian organization that has entered into a contract or received a grant pursuant to this title shall be deemed an executive agency when carrying out such contract or grant, and the employees of the urban Indian organization shall be eligible to have access to such sources of supply on the same basis as employees of an executive agency have such access.

**''SEC. 518. GRANTS FOR DIABETES PREVENTION, TREATMENT AND CONTROL.**

''(a) AUTHORITY.—The Secretary may make grants to those urban Indian organizations that have entered into a contract or have received a grant under this title for the provision of services for the prevention, treatment, and control of the complications resulting from, diabetes among urban Indians.

''(b) GOALS.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished under the grant. The goals shall be specific to each grant as agreed upon between the Secretary and the grantee.

''(c) CRITERIA.—The Secretary shall establish criteria for the awarding of grants made under subsection (a) relating to—

''(1) the size and location of the urban Indian population to be served;

''(2) the need for the prevention of, treatment of, and control of the complications resulting from diabetes among the urban Indian population to be served;

''(3) performance standards for the urban Indian organization in meeting the goals set forth in such grant that are negotiated and agreed to by the Secretary and the grantee;

''(4) the capability of the urban Indian organization to adequately perform the activities required under the grant; and

''(5) the willingness of the urban Indian organization to collaborate with the registry, if any, established by the Secretary under section 204(e) in the area office of the Service in which the organization is located.

''(d) APPLICATION OF CRITERIA.—Any funds received by an urban Indian organization under this Act for the prevention, treatment, and control of diabetes among urban Indians shall be subject to the criteria developed by the Secretary under subsection (c).

**''SEC. 519. COMMUNITY HEALTH REPRESENTATIVES.**

''The Secretary, acting through the Service, may enter into contracts with, and make grants to, urban Indian organizations for the use of Indians trained as health service providers through the Community Health Representatives Program under section 107(b) in the provision of health care, health promotion, and disease prevention services to urban Indians.

**''SEC. 520. REGULATIONS.**

''(a) EFFECT OF TITLE.—This title shall be effective on the date of enactment of this Act regardless of whether the Secretary has promulgated regulations implementing this title.

''(b) PROMULGATION.—

''(1) IN GENERAL.—The Secretary may promulgate regulations to implement the provisions of this title.

''(2) PUBLICATION.—Proposed regulations to implement this title shall be published by the Secretary in the Federal Register not later than 270 days after the date of enactment of this Act and shall have a comment period of not less than 120 days.

''(3) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under this title shall expire on the date that is 18 months after the date of enactment of this Act.

''(c) NEGOTIATED RULEMAKING COMMITTEE.—A negotiated rulemaking committee shall be established pursuant to section 565 of Title 5, United States Code, to carry out this section and shall, in addition to Federal representatives, have as the majority of its members representatives of urban Indian organizations from each service area.

''(d) ADAPTION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of this Act.

**''SEC. 521. AUTHORIZATION OF APPROPRIATIONS.**

''There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

## ''TITLE VI—ORGANIZATIONAL IMPROVEMENTS

**''SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.**

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian tribes, as are or may be hereafter provided by Federal statute or treaties, there is established within the Public Health Service of the Department the Indian Health Service.

''(2) ASSISTANT SECRETARY OF INDIAN HEALTH.—The Service shall be administered by an Assistance Secretary of Indian Health, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall report to the Secretary. Effective with respect to an individual appointed by the President, by and with the advice and consent of the Senate, after January 1, 1993, the term of service of the Assistant Secretary shall be 4 years. An Assistant Secretary may serve more than 1 term.

''(b) AGENCY.—The Service shall be an agency within the Public Health Service of the Department, and shall not be an office, component, or unit of any other agency of the Department.

''(c) FUNCTIONS AND DUTIES.—The Secretary shall carry out through the Assistant Secretary of the Service—

''(1) all functions which were, on the day before the date of enactment of the Indian Health Care Amendments of 1988, carried out by or under the direction of the individual serving as Director of the Service on such day;

''(2) all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and provision and utilization of, health services for Indians;

''(3) all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including programs under—

''(A) this Act;

''(B) the Act of November 2, 1921 (25 U.S.C. 13);

''(C) the Act of August 5, 1954 (42 U.S.C. 2001, et seq.);

''(D) the Act of August 16, 1957 (42 U.S.C. 2005 et seq.); and

''(E) the Indian Self-Determination Act (25 U.S.C. 450f, et seq.); and

''(4) all scholarship and loan functions carried out under title I.

''(d) AUTHORITY.—

''(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary, shall have the authority—

''(A) except to the extent provided for in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

''(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

''(C) to manage, expend, and obligate all funds appropriated for the Service.

''(2) PERSONNEL ACTIONS.—Notwithstanding any other provision of law, the provisions of section 12 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 472), shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment under subsection (a).

**''SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYSTEM.**

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, in consultation with tribes, tribal organizations, and urban Indian organizations, shall establish an automated management information system for the Service.

''(2) REQUIREMENTS OF SYSTEM.—The information system established under paragraph (1) shall include—

''(A) a financial management system;

''(B) a patient care information system;

''(C) a privacy component that protects the privacy of patient information;

''(D) a services-based cost accounting component that provides estimates of the costs associated with the provision of specific medical treatments or services in each area office of the Service;

''(E) an interface mechanism for patient billing and accounts receivable system; and

''(F) a training component.

''(b) PROVISION OF SYSTEMS TO TRIBES AND ORGANIZATIONS.—The Secretary shall provide each Indian tribe and tribal organization that provides health services under a contract entered into with the Service under the Indian Self-Determination Act automated management information systems which—

''(1) meet the management information needs of such Indian tribe or tribal organization with respect to the treatment by the Indian tribe or tribal organization of patients of the Service; and

''(2) meet the management information needs of the Service.

''(c) ACCESS TO RECORDS.—Notwithstanding any other provision of law, each patient shall have reasonable access to the medical or health records of such patient which are held by, or on behalf of, the Service.

''(d) AUTHORITY TO ENHANCE INFORMATION TECHNOLOGY.—The Secretary, acting through the Assistant Secretary, shall have the authority to enter into contracts, agreements or joint ventures with other Federal agencies, States, private and nonprofit organizations, for the purpose of enhancing information technology in Indian health programs and facilities.

**''SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

''There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

## ''TITLE VII—BEHAVIORAL HEALTH PROGRAMS

**''SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREATMENT SERVICES.**

''(a) PURPOSES.—It is the purpose of this section to—

''(1) authorize and direct the Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations to develop a comprehensive behavioral health prevention and treatment program which emphasizes collaboration among alcohol and substance abuse, social services, and mental health programs;

''(2) provide information, direction and guidance relating to mental illness and dysfunction and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State and local agencies responsible for programs in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement and judicial services;

''(3) assist Indian tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior;

''(4) provide authority and opportunities for Indian tribes to develop and implement, and coordinate with, community-based programs which include identification, prevention, education, referral, and treatment services, including through multi-disciplinary resource teams;

''(5) ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access; and

''(6) modify or supplement existing programs and authorities in the areas identified in paragraph (2).

''(b) BEHAVIORAL HEALTH PLANNING.—

''(1) AREA-WIDE PLANS.—The Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall encourage Indian tribes and tribal organizations to develop tribal plans, encourage urban Indian organizations to develop local plans, and encourage all such groups to participate in developing area-wide plans for Indian Behavioral Health Services. The plans shall, to the extent feasible, include—

''(A) an assessment of the scope of the problem of alcohol or other substance abuse, mental illness, dysfunctional and self-destructive behavior, including suicide, child abuse and family violence, among Indians, including—

''(i) the number of Indians served who are directly or indirectly affected by such illness or behavior; and

''(ii) an estimate of the financial and human cost attributable to such illness or behavior;

''(B) an assessment of the existing and additional resources necessary for the prevention and treatment of such illness and behavior, including an assessment of the progress toward achieving the availability of the full continuum of care described in subsection (c); and

''(C) an estimate of the additional funding needed by the Service, Indian tribes, tribal organizations and urban Indian organizations to meet their responsibilities under the plans.

''(2) NATIONAL CLEARINGHOUSE.—The Secretary shall establish a national clearinghouse of plans and reports on the outcomes of such plans developed under this section by Indian tribes, tribal organizations and by areas relating to behavioral health. The Secretary shall ensure access to such plans and outcomes by any Indian tribe, tribal organization, urban Indian organization or the Service.

''(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Indian tribes, tribal organizations, and urban Indian organizations in preparation of plans under this section and in developing standards of care that may be utilized and adopted locally.

''(c) CONTINUUM OF CARE.—The Secretary, acting through the Service, Indian tribes and tribal organizations, shall provide, to the extent feasible and to the extent that funding is available, for the implementation of programs including—

''(1) a comprehensive continuum of behavioral health care that provides for—

''(A) community based prevention, intervention, outpatient and behavioral health aftercare;

''(B) detoxification (social and medical);

''(C) acute hospitalization;

''(D) intensive outpatient or day treatment;

''(E) residential treatment;

''(F) transitional living for those needing a temporary stable living environment that is supportive of treatment or recovery goals;

''(G) emergency shelter;

''(H) intensive case management; and

''(I) traditional health care practices; and

''(2) behavioral health services for particular populations, including—

''(A) for persons from birth through age 17, child behavioral health services, that include—

''(i) pre-school and school age fetal alcohol disorder services, including assessment and behavioral intervention);

''(ii) mental health or substance abuse services (emotional, organic, alcohol, drug, inhalant and tobacco);

''(iii) services for co-occurring disorders (multiple diagnosis);

''(iv) prevention services that are focused on individuals ages 5 years through 10 years (alcohol, drug, inhalant and tobacco);

''(v) early intervention, treatment and aftercare services that are focused on individuals ages 11 years through 17 years;

''(vi) healthy choices or life style services (related to STD's, domestic violence, sexual abuse, suicide, teen pregnancy, obesity, and other risk or safety issues);

''(vii) co-morbidity services;

''(B) for persons ages 18 years through 55 years, adult behavioral health services that include—

''(i) early intervention, treatment and aftercare services;

''(ii) mental health and substance abuse services (emotional, alcohol, drug, inhalant and tobacco);

''(iii) services for co-occurring disorders (dual diagnosis) and co-morbidity;

''(iv) healthy choices and life style services (related to parenting, partners, domestic violence, sexual abuse, suicide, obesity, and other risk related behavior);

''(v) female specific treatment services for—

''(I) women at risk of giving birth to a child with a fetal alcohol disorder;

''(II) substance abuse requiring gender specific services;

''(III) sexual assault and domestic violence; and

''(IV) healthy choices and life style (parenting, partners, obesity, suicide and other related behavioral risk); and

''(vi) male specific treatment services for—

''(I) substance abuse requiring gender specific services;

''(II) sexual assault and domestic violence; and

''(III) healthy choices and life style (parenting, partners, obesity, suicide and other risk related behavior);

''(C) family behavioral health services, including—

''(i) early intervention, treatment and aftercare for affected families;

''(ii) treatment for sexual assault and domestic violence; and

''(iii) healthy choices and life style (related to parenting, partners, domestic violence and other abuse issues);

''(D) for persons age 56 years and older, elder behavioral health services including—

''(i) early intervention, treatment and aftercare services that include—

''(I) mental health and substance abuse services (emotional, alcohol, drug, inhalant and tobacco);

''(II) services for co-occurring disorders (dual diagnosis) and co-morbidity; and

''(III) healthy choices and life style services (managing conditions related to aging);

''(ii) elder women specific services that include—

''(I) treatment for substance abuse requiring gender specific services and

''(II) treatment for sexual assault, domestic violence and neglect;

''(iii) elder men specific services that include—

''(I) treatment for substance abuse requiring gender specific services; and

''(II) treatment for sexual assault, domestic violence and neglect; and

''(iv) services for dementia regardless of cause.

''(d) COMMUNITY BEHAVIORAL HEALTH PLAN.—

''(1) IN GENERAL.—The governing body of any Indian tribe or tribal organization or urban Indian organization may, at its discretion, adopt a resolution for the establishment of a community behavioral health plan providing for the identification and coordination of available resources and programs to identify, prevent, or treat alcohol and other substance abuse, mental illness or dysfunctional and self-destructive behavior, including child abuse and family violence, among its members or its service population. Such plan should include behavioral health services, social services, intensive outpatient services, and continuing after care.

''(2) TECHNICAL ASSISTANCE.—In furtherance of a plan established pursuant to paragraph (1) and at the request of a tribe, the appropriate agency, service unit, or other officials of the Bureau of Indian Affairs and the Service shall cooperate with, and provide technical assistance to, the Indian tribe or tribal organization in the development of a plan under paragraph (1). Upon the establishment of such a plan and at the request of the Indian tribe or tribal organization, such officials shall cooperate with the Indian tribe or tribal organization in the implementation of such plan.

''(3) FUNDING.—The Secretary, acting through the Service, may make funding available to Indian tribes and tribal organizations adopting a resolution pursuant to paragraph (1) to obtain technical assistance for the development of a community behavioral health plan and to provide administrative support in the implementation of such plan.

''(e) COORDINATED PLANNING.—The Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations shall coordinate behavioral health planning, to the extent feasible, with other Federal and State agencies, to ensure that comprehensive behavioral health services are available to Indians without regard to their place of residence.

''(f) FACILITIES ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Service, shall make an assessment of the need for inpatient mental health care among Indians and the availability and cost of inpatient mental health facilities which can meet such need. In making such assessment, the Secretary shall consider the possible conversion of existing, under-utilized service hospital beds into psychiatric units to meet such need.

**''SEC. 702. MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF THE INTERIOR.**

''(a) IN GENERAL.—Not later than 1 year days after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall develop and enter into a memorandum of agreement, or review and update any existing memoranda of agreement as required under section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411), and under which the Secretaries address—

''(1) the scope and nature of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, among Indians;

''(2) the existing Federal, tribal, State, local, and private services, resources, and programs available to provide mental health services for Indians;

''(3) the unmet need for additional services, resources, and programs necessary to meet the needs identified pursuant to paragraph (1);

''(4)(A) the right of Indians, as citizens of the United States and of the States in which they reside, to have access to mental health services to which all citizens have access;

''(B) the right of Indians to participate in, and receive the benefit of, such services; and

''(C) the actions necessary to protect the exercise of such right;

''(5) the responsibilities of the Bureau of Indian Affairs and the Service, including mental health identification, prevention, education, referral, and treatment services (including services through multidisciplinary resource teams), at the central, area, and agency and service unit levels to address the problems identified in paragraph (1);

''(6) a strategy for the comprehensive coordination of the mental health services provided by the Bureau of Indian Affairs and the Service to meet the needs identified pursuant to paragraph (1), including—

''(A) the coordination of alcohol and substance abuse programs of the Service, the Bureau of Indian Affairs, and the various Indian tribes (developed under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986) with the mental health initiatives pursuant to this Act, particularly with respect to the referral and treatment of dually-diagnosed individuals requiring mental health and substance abuse treatment; and

''(B) ensuring that Bureau of Indian Affairs and Service programs and services (including multidisciplinary resource teams) addressing child abuse and family violence are coordinated with such non-Federal programs and services;

''(7) direct appropriate officials of the Bureau of Indian Affairs and the Service, particularly at the agency and service unit levels, to cooperate fully with tribal requests made pursuant to community behavioral health plans adopted under section 701(c) and section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412); and

''(8) provide for an annual review of such agreement by the 2 Secretaries and a report which shall be submitted to Congress and made available to the Indian tribes.

''(b) SPECIFIC PROVISIONS.—The memorandum of agreement updated or entered into pursuant to subsection (a) shall include specific provisions pursuant to which the Service shall assume responsibility for—

''(1) the determination of the scope of the problem of alcohol and substance abuse among Indian people, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

''(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

''(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

''(c) CONSULTATION.—The Secretary and the Secretary of the Interior shall, in developing the memorandum of agreement under subsection (a), consult with and solicit the comments of—

''(1) Indian tribes and tribal organizations;

''(2) Indian individuals;

''(3) urban Indian organizations and other Indian organizations;

''(4) behavioral health service providers.

''(d) PUBLICATION.—The memorandum of agreement under subsection (a) shall be published in the Federal Register. At the same time as the publication of such agreement in the Federal Register, the Secretary shall provide a copy of such memorandum to each Indian tribe, tribal organization, and urban Indian organization.

**''SEC. 703. COMPREHENSIVE BEHAVIORAL HEALTH PREVENTION AND TREATMENT PROGRAM.**

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Service, Indian tribes and tribal organizations consistent with section 701, shall provide a program of comprehensive behavioral health prevention and treatment and aftercare, including traditional health care practices, which shall include—

''(A) prevention, through educational intervention, in Indian communities;

''(B) acute detoxification or psychiatric hospitalization and treatment (residential and intensive outpatient);

''(C) community-based rehabilitation and aftercare;

''(D) community education and involvement, including extensive training of health care, educational, and community-based personnel; and

''(E) specialized residential treatment programs for high risk populations including pregnant and post partum women and their children.

''(2) TARGET POPULATIONS.—The target population of the program under paragraph (1) shall be members of Indian tribes. Efforts to train and educate key members of the Indian community shall target employees of health, education, judicial, law enforcement, legal, and social service programs.

''(b) CONTRACT HEALTH SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Service (with the consent of the Indian tribe to be served), Indian tribes and tribal organizations, may enter into contracts with public or private providers of behavioral health treatment services for the purpose of carrying out the program required under subsection (a).

''(2) PROVISION OF ASSISTANCE.—In carrying out this subsection, the Secretary shall provide assistance to Indian tribes and tribal organizations to develop criteria for the certification of behavioral health service providers and accreditation of service facilities which meet minimum standards for such services and facilities.

**''SEC. 704. MENTAL HEALTH TECHNICIAN PROGRAM.**

''(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary shall establish and maintain a Mental Health Technician program within the Service which—

''(1) provides for the training of Indians as mental health technicians; and

''(2) employs such technicians in the provision of community-based mental health care that includes identification, prevention, education, referral, and treatment services.

''(b) TRAINING.—In carrying out subsection (a)(1), the Secretary shall provide high standard paraprofessional training in mental health care necessary to provide quality care to the Indian communities to be served. Such training shall be based upon a curriculum developed or approved by the Secretary which combines education in the theory of mental health care with supervised practical experience in the provision of such care.

''(c) SUPERVISION AND EVALUATION.—The Secretary shall supervise and evaluate the mental health technicians in the training program under this section.

''(d) TRADITIONAL CARE.—The Secretary shall ensure that the program established pursuant to this section involves the utilization and promotion of the traditional Indian health care and treatment practices of the Indian tribes to be served.–

**''SEC. 705. LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.**

''Subject to section 220, any person employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under the authority of this Act or through a funding agreement pursuant to the Indian Self-Determination and Education Assistance Act shall—

''(1) in the case of a person employed as a psychologist to provide health care services, be licensed as a clinical or counseling psychologist, or working under the direct supervision of a clinical or counseling psychologist;

''(2) in the case of a person employed as a social worker, be licensed as a social worker or working under the direct supervision of a licensed social worker; or

''(3) in the case of a person employed as a marriage and family therapist, be licensed as a marriage and family therapist or working under the direct supervision of a licensed marriage and family therapist.

**''SEC. 706. INDIAN WOMEN TREATMENT PROGRAMS.**

''(a) FUNDING.—The Secretary, consistent with section 701, shall make funding available to Indian tribes, tribal organizations and urban Indian organization to develop and implement a comprehensive behavioral health program of prevention, intervention, treatment, and relapse prevention services that specifically addresses the spiritual, cultural, historical, social, and child care needs of Indian women, regardless of age.

''(b) USE OF FUNDS.—Funding provided pursuant to this section may be used to—

''(1) develop and provide community training, education, and prevention programs for Indian women relating to behavioral health issues, including fetal alcohol disorders;

''(2) identify and provide psychological services, counseling, advocacy, support, and relapse prevention to Indian women and their families; and

''(3) develop prevention and intervention models for Indian women which incorporate traditional health care practices, cultural values, and community and family involvement.

''(c) CRITERIA.—The Secretary, in consultation with Indian tribes and tribal organizations, shall establish criteria for the review and approval of applications and proposals for funding under this section.

''(d) EARMARK OF CERTAIN FUNDS.—Twenty percent of the amounts appropriated to carry out this section shall be used to make grants to urban Indian organizations funded under title V.

**''SEC. 707. INDIAN YOUTH PROGRAM.**

''(a) DETOXIFICATION AND REHABILITATION.—The Secretary shall, consistent with section 701, develop and implement a program for acute detoxification and treatment for Indian youth that includes behavioral health services. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis and programs developed and implemented by Indian tribes or tribal organizations at the local level under the Indian Self-Determination and Education Assistance Act. Regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

''(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTERS OR FACILITIES.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary, acting through the Service, Indian tribes, or tribal organizations, shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, at least 1 youth regional treatment center or treatment network in each area under the jurisdiction of an area office.

''(B) AREA OFFICE IN CALIFORNIA.—For purposes of this subsection, the area office in California shall be considered to be 2 area offices, 1 office whose jurisdiction shall be considered to encompass the northern area of the State of California, and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California for the purpose of implementing California treatment networks.

''(2) FUNDING.—For the purpose of staffing and operating centers or facilities under this subsection, funding shall be made available pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act).

''(3) LOCATION.—A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) that is agreed upon (by appropriate tribal resolution) by a majority of the tribes to be served by such center.

''(4) SPECIFIC PROVISION OF FUNDS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

''(i) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating and maintaining a residential youth treatment facility in Fairbanks, Alaska;

''(ii) the Southeast Alaska Regional Health Corporation to staff and operate a residential youth treatment facility without regard to the proviso set forth in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l));

''(iii) the Southern Indian Health Council, for the purpose of staffing, operating, and maintaining a residential youth treatment facility in San Diego County, California; and

''(iv) the Navajo Nation, for the staffing, operation, and maintenance of the Four Corners Regional Adolescent Treatment Center, a residential youth treatment facility in New Mexico.

''(B) PROVISION OF SERVICES TO ELIGIBLE YOUTH.—Until additional residential youth treatment facilities are established in Alaska pursuant to this section, the facilities specified in subparagraph (A) shall make every effort to provide services to all eligible Indian youth residing in such State.

''(c) INTERMEDIATE ADOLESCENT BEHAVIORAL HEALTH SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes and tribal

organizations, may provide intermediate behavioral health services, which may incorporate traditional health care practices, to Indian children and adolescents, including—

''(A) pre-treatment assistance;

''(B) inpatient, outpatient, and after-care services;

''(C) emergency care;

''(D) suicide prevention and crisis intervention; and

''(E) prevention and treatment of mental illness, and dysfunctional and –self-destructive behavior, including child abuse and family violence.

''(2) USE OF FUNDS.—Funds provided under this subsection may be used—

''(A) to construct or renovate an existing health facility to provide intermediate behavioral health services;

''(B) to hire behavioral health professionals;

''(C) to staff, operate, and maintain an intermediate mental health facility, group home, sober housing, transitional housing or similar facilities, or youth shelter where intermediate behavioral health services are being provided; and

''(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units; and

''(E) intensive home and community based services.

''(3) CRITERIA.—The Secretary shall, in consultation with Indian tribes and tribal organizations, establish criteria for the review and approval of applications or proposals for funding made available pursuant to this subsection.

''(d) FEDERALLY OWNED STRUCTURES.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall, in consultation with Indian tribes and tribal organizations—

''(A) identify and use, where appropriate, federally owned structures suitable for local residential or regional behavioral health treatment for Indian youth; and

''(B) establish guidelines, in consultation with Indian tribes and tribal organizations, for determining the suitability of any such Federally owned structure to be used for local residential or regional behavioral health treatment for Indian youth.

''(2) TERMS AND CONDITIONS FOR USE OF STRUCTURE.—Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure and any Indian tribe or tribal organization operating the program.

''(e) REHABILITATION AND AFTERCARE SERVICES.—

''(1) IN GENERAL.—The Secretary, an Indian tribe or tribal organization, in cooperation with the Secretary of the Interior, shall develop and implement within each service unit, community-based rehabilitation and follow-up services for Indian youth who have significant behavioral health problems, and require long-term treatment, community reintegration, and monitoring to support the Indian youth after their return to their home community.

''(2) ADMINISTRATION.—Services under paragraph (1) shall be administered within each service unit or tribal program by trained staff within the community who can assist the Indian youth in continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff may include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

''(f) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youth authorized by this section, the Secretary, an Indian tribe or tribal organization shall provide for the inclusion of family members of such youth in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (e) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

''(g) MULTIDRUG ABUSE PROGRAM.—The Secretary, acting through the Service, Indian tribes, tribal organizations and urban Indian organizations, shall provide, consistent with section 701, programs and services to prevent and treat the abuse of multiple forms of substances, including alcohol, drugs, inhalants, and tobacco, among Indian youth residing in Indian communities, on Indian reservations, and in urban areas and provide appropriate mental health services to address the incidence of mental illness among such youth.

**"SEC. 708. INPATIENT AND COMMUNITY-BASED MENTAL HEALTH FACILITIES DESIGN, CONSTRUCTION AND STAFFING ASSESSMENT. —**

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Service, Indian tribes and tribal organizations, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, or the equivalent, for Indians with behavioral health problems.

''(b) TREATMENT OF CALIFORNIA.—For purposes of this section, California shall be considered to be 2 areas of the Service, 1 area whose location shall be considered to encompass the northern area of the State of California and 1 area whose jurisdiction shall be considered to encompass the remainder of the State of California.

''(c) CONVERSION OF CERTAIN HOSPITAL BEDS.—The Secretary shall consider the possible conversion of existing, under-utilized Service hospital beds into psychiatric units to meet needs under this section.–

**"SEC. 709. TRAINING AND COMMUNITY EDUCATION.**

''(a) COMMUNITY EDUCATION.—

''(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement, or provide funding to enable Indian tribes and tribal organization to develop and implement, within each service unit or tribal program a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community.

''(2) EDUCATION.—A program under paragraph (1) shall include education concerning behavioral health for political leaders, tribal judges, law enforcement personnel, members of tribal health and education boards, and other critical members of each tribal community.

''(3) TRAINING.—Community-based training (oriented toward local capacity development) under a program under paragraph (1) shall include tribal community provider training (designed for adult learners from the communities receiving services for prevention, intervention, treatment and aftercare).

''(b) TRAINING.—The Secretary shall, either directly or through Indian tribes or tribal organization, provide instruction in the area of behavioral health issues, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, child sexual abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol disorders, to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

''(c) COMMUNITY-BASED TRAINING MODELS.—In carrying out the education and training programs required by this section, the Secretary, acting through the Service and in consultation with Indian tribes, tribal organizations, Indian behavioral health experts, and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

''(1) the elevated risk of alcohol and behavioral health problems faced by children of alcoholics;

''(2) the cultural, spiritual, and multigenerational aspects of behavioral health problem prevention and recovery; and

''(3) community-based and multidisciplinary strategies for preventing and treating behavioral health problems.

**"SEC. 710. BEHAVIORAL HEALTH PROGRAM.**

''(a) PROGRAMS FOR INNOVATIVE SERVICES.—The Secretary, acting through the Service, Indian Tribes or tribal organizations, consistent with Section 701, may develop, implement, and carry out programs to deliver innovative community-based behavioral health services to Indians.

''(b) CRITERIA.—The Secretary may award funding for a project under subsection (a) to an Indian tribe or tribal organization and may consider the following criteria:

''(1) Whether the project will address significant unmet behavioral health needs among Indians.

''(2) Whether the project will serve a significant number of Indians.

''(3) Whether the project has the potential to deliver services in an efficient and effective manner.

''(4) Whether the tribe or tribal organization has the administrative and financial capability to administer the project.

''(5) Whether the project will deliver services in a manner consistent with traditional health care.

''(6) Whether the project is coordinated with, and avoids duplication of, existing services.

''(c) FUNDING AGREEMENTS.—For purposes of this subsection, the Secretary shall, in evaluating applications or proposals for funding for projects to be operated under any funding agreement entered into with the Service under the Indian Self-Determination Act and Education Assistance Act, use the same criteria that the Secretary uses in evaluating any other application or proposal for such funding.

**"SEC. 711. FETAL ALCOHOL DISORDER FUNDING.**

''(a) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—The Secretary, consistent with Section 701, acting through Indian tribes, tribal organizations, and urban Indian organizations, shall establish and operate fetal alcohol disorders programs as provided for in this section for the purposes of meeting the health status objective specified in section 3(b).

''(2) USE OF FUNDS.—Funding provided pursuant to this section shall be used to—

''(A) develop and provide community and in-school training, education, and prevention programs relating to fetal alcohol disorders;

''(B) identify and provide behavioral health treatment to high-risk women;

''(C) identify and provide appropriate educational and vocational support, counseling, advocacy, and information to fetal alcohol disorder affected persons and their families or caretakers;

''(D) develop and implement counseling and support programs in schools for fetal alcohol disorder affected children;

''(E) develop prevention and intervention models which incorporate traditional practitioners, cultural and spiritual values and community involvement;

''(F) develop, print, and disseminate education and prevention materials on fetal alcohol disorders;

''(G) develop and implement, through the tribal consultation process, culturally sensitive assessment and diagnostic tools including dysmorphology clinics and multidisciplinary fetal alcohol disorder clinics for use in tribal and urban Indian communities;

''(H) develop early childhood intervention projects from birth on to mitigate the effects of fetal alcohol disorders; and

''(I) develop and fund community-based adult fetal alcohol disorder housing and support services.

''(3) CRITERIA.—The Secretary shall establish criteria for the review and approval of applications for funding under this section.

''(b) PROVISION OF SERVICES.—The Secretary, acting through the Service, Indian tribes, tribal organizations and urban Indian organizations, shall—

''(1) develop and provide services for the prevention, intervention, treatment, and aftercare for those affected by fetal alcohol disorders in Indian communities; and

''(2) provide supportive services, directly or through an Indian tribe, tribal organization or urban Indian organization, including services to meet the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians with fetal alcohol disorders.

''(c) TASK FORCE.—

''(1) IN GENERAL.—The Secretary shall establish a task force to be known as the Fetal Alcohol Disorders Task Force to advise the Secretary in carrying out subsection (b).

''(2) COMPOSITION.—The task force under paragraph (1) shall be composed of representatives from the National Institute on Drug Abuse, the National Institute on Alcohol and Alcoholism, the Office of Substance Abuse Prevention, the National Institute of Mental Health, the Service, the Office of Minority Health of the Department of Health and Human Services, the Administration for Native Americans, the National Institute of Child Health & Human Development, the Centers for Disease Control and Prevention, the Bureau of Indian Affairs, Indian tribes, tribal organizations, urban Indian communities, and Indian fetal alcohol disorders experts.

''(d) APPLIED RESEARCH.—The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make funding available to Indian Tribes, tribal organizations and urban Indian organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide rehabilitation and behavioral health aftercare for Indians and urban Indians affected by fetal alcohol disorders.

''(e) URBAN INDIAN ORGANIZATIONS.—The Secretary shall ensure that 10 percent of the amounts appropriated to carry out this section shall be used to make grants to urban Indian organizations funded under title V.

**''SEC. 712. CHILD SEXUAL ABUSE AND PREVENTION TREATMENT PROGRAMS.**

''(a) ESTABLISHMENT.—The Secretary and the Secretary of the Interior, acting through the Service, Indian tribes and tribal organizations, shall establish, consistent with section 701, in each service area, programs involving treatment for—

''(1) victims of child sexual abuse; and

''(2) perpetrators of child sexual abuse.

''(b) USE OF FUNDS.—Funds provided under this section shall be used to—

''(1) develop and provide community education and prevention programs related to child sexual abuse;

''(2) identify and provide behavioral health treatment to children who are victims of sexual abuse and to their families who are affected by sexual abuse;

''(3) develop prevention and intervention models which incorporate traditional health care practitioners, cultural and spiritual values, and community involvement;

''(4) develop and implement, though the tribal consultation process, culturally sensitive assessment and diagnostic tools for use in tribal and urban Indian communities.

''(5) identify and provide behavioral health treatment to perpetrators of child sexual abuse with efforts being made to begin offender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the perpetrator is not incarcerated, and to provide treatment after release to the community until it is determined that the perpetrator is not a threat to children.

**''SEC. 713. BEHAVIORAL MENTAL HEALTH RESEARCH.**

''(a) IN GENERAL.—The Secretary, acting through the Service and in consultation with appropriate Federal agencies, shall provide funding to Indian Tribes, tribal organizations and urban Indian organizations or, enter into contracts with, or make grants to appropriate institutions, for the conduct of research on the incidence and prevalence of behavioral health problems among Indians served by the Service, Indian Tribes or tribal organizations and among Indians in urban areas. Research priorities under this section shall include—

''(1) the inter-relationship and interdependance of behavioral health problems with alcoholism and other substance abuse, suicide, homicides, other injuries, and the incidence of family violence; and

''(2) the development of models of prevention techniques.

''(b) SPECIAL EMPHASIS.—The effect of the inter-relationships and interdependencies referred to in subsection (a)(1) on children, and the development of prevention techniques under subsection (a)(2) applicable to children, shall be emphasized.

**''SEC. 714. DEFINITIONS.**

''In this title:

''(1) ASSESSMENT.—The term 'assessment' means the systematic collection, analysis and dissemination of information on health status, health needs and health problems.

''(2) ALCOHOL RELATED NEURODEVELOPMENTAL DISORDERS.—The term 'alcohol related neurodevelopmental disorders' or 'ARND' with respect to an individual means the individual has a history of maternal alcohol consumption during pregnancy, central nervous system involvement such as developmental delay, intellectual deficit, or neurologic abnormalities, that behaviorally, there may be problems with irritability, and failure to thrive as infants, and that as children become older there will likely be hyperactivity, attention deficit, language dysfunction and perceptual and judgment problems.

''(3) BEHAVIORAL HEALTH.—The term 'behavioral health' means the blending of substances (alcohol, drugs, inhalants and tobacco) abuse and mental health prevention and treatment, for the purpose of providing comprehensive services. Such term includes the joint development of substance abuse and mental health treatment planning and coordinated case management using a multidisciplinary approach.

''(4) BEHAVIORAL HEALTH AFTERCARE.—

''(A) IN GENERAL.—The term 'behavioral health aftercare' includes those activities and resources used to support recovery following inpatient, residential, intensive substance abuse or mental health outpatient or outpatient treatment, to help prevent or treat relapse, including the development of an aftercare plan.

''(B) AFTERCARE PLAN.—Prior to the time at which an individual is discharged from a level of care, such as outpatient treatment, an aftercare plan shall have been developed for the individual. Such plan may use such resources as community base therapeutic group care, transitional living, a 12-step sponsor, a local 12-step or other related support group, or other community based providers (such as mental health professionals, traditional health care practitioners, community health aides, community health representatives, mental health technicians, or ministers).

''(5) DUAL DIAGNOSIS.—The term 'dual diagnosis' means coexisting substance abuse and mental illness conditions or diagnosis. In individual with a dual diagnosis may be referred to as a mentally ill chemical abuser.–

''(6) FETAL ALCOHOL DISORDERS.—The term 'fetal alcohol disorders' means fetal alcohol syndrome, partial fetal alcohol syndrome, or alcohol related neural developmental disorder.

''(7) FETAL ALCOHOL SYNDROME.—The term 'fetal alcohol syndrome' or 'FAS' with respect to an individual means a syndrome in which the individual has a history of maternal alcohol consumption during pregnancy, and with respect to which the following criteria should be met:

''(A) Central nervous system involvement such as developmental delay, intellectual deficit, microencephaly, or neurologic abnormalities.

''(B) Craniofacial abnormalities with at least 2 of the following: microphthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

''(C) Prenatal or postnatal growth delay.

''(8) PARTIAL FAS.—The term 'partial FAS' with respect to an individual means a history of maternal alcohol consumption during pregnancy having most of the criteria of FAS, though not meeting a minimum of at least 2 of the following: micro-ophthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, short upturned nose.

''(9) REHABILITATION.—The term 'rehabilitation' means to restore the ability or capacity to engage in usual and customary life activities through education and therapy.–

''(10) SUBSTANCE ABUSE.—The term 'substance abuse' includes inhalant abuse. —

**''SEC. 715. AUTHORIZATION OF APPROPRIATIONS.**

''There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

## ''TITLE VIII—MISCELLANEOUS

**''SEC. 801. REPORTS.**

''The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to the Congress a report containing—

''(1) a report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and an assessment and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians, and ensure a health status for Indians, which are at a parity with the health services available to and the health status of, the general population, including specific comparisons of appropriations provided and those required for such parity;

''(2) a report on whether, and to what extent, new national health care programs, benefits, initiatives, or financing systems have had an impact on the purposes of this Act and any steps that the Secretary may have taken to consult with Indian tribes to address such impact, including a report on proposed changes in the allocation of funding pursuant to section 808;

''(3) a report on the use of health services by Indians—

''(A) on a national and area or other relevant geographical basis;

''(B) by gender and age;

''(C) by source of payment and type of service;

''(D) comparing such rates of use with rates of use among comparable non-Indian populations; and

''(E) on the services provided under funding agreements pursuant to the Indian Self-Determination and Education Assistance Act;

''(4) a report of contractors concerning health care educational loan repayments under section 110;

''(5) a general audit report on the health care educational loan repayment program as required under section 110(n);

''(6) a separate statement that specifies the amount of funds requested to carry out the provisions of section 201;

''(7) a report on infectious diseases as required under section 212;

''(8) a report on environmental and nuclear health hazards as required under section 214;

''(9) a report on the status of all health care facilities needs as required under sections 301(c)(2) and 301(d);

''(10) a report on safe water and sanitary waste disposal facilities as required under section 302(h)(1);

''(11) a report on the expenditure of non-service funds for renovation as required under sections 305(a)(2) and 305(a)(3);

''(12) a report identifying the backlog of maintenance and repair required at Service and tribal facilities as required under section 314(a);

''(13) a report providing an accounting of reimbursement funds made available to the Secretary under titles XVIII and XIX of the Social Security Act as required under section 403(a);

''(14) a report on services sharing of the Service, the Department of Veteran's Affairs, and other Federal agency health programs as required under section 412(c)(2);

''(15) a report on the evaluation and renewal of urban Indian programs as required under section 505;

''(16) a report on the findings and conclusions derived from the demonstration project as required under section 512(a)(2);

''(17) a report on the evaluation of programs as required under section 513; and

''(18) a report on alcohol and substance abuse as required under section 701(f).

**''SEC. 802. REGULATIONS.**

''(a) INITIATION OF RULEMAKING PROCEDURES.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations or amendments thereto that are necessary to carry out this Act.

''(2) PUBLICATION.—Proposed regulations to implement this Act shall be published in the Federal Register by the Secretary not later than 270 days after the date of enactment of this Act and shall have not less than a 120 day comment period.

''(3) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under this Act shall expire 18 months from the date of enactment of this Act.

''(b) RULEMAKING COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of Title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and representatives of Indian tribes, and tribal organizations, a majority of whom shall be nominated by and be representatives of Indian tribes, tribal organizations, and urban Indian organizations from each service area.

''(c) ADAPTION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

''(d) FAILURE TO PROMULGATE REGULATIONS.—The lack of promulgated regulations shall not limit the effect of this Act.

''(e) SUPREMACY OF PROVISIONS.—The provisions of this Act shall supersede any conflicting provisions of law (including any conflicting regulations) in effect on the day before the date of enactment of the Indian Self-Determination Contract Reform Act of 1994, and the Secretary is authorized to repeal any regulation that is inconsistent with the provisions of this Act.

**''SEC. 803. PLAN OF IMPLEMENTATION.**

''Not later than 240 days after the date of enactment of this Act, the Secretary, in consultation with Indian tribes, tribal organizations, and urban Indian organizations, shall prepare and submit to Congress a plan that shall explain the manner and schedule (including a schedule of appropriate requests), by title and section, by which the Secretary will implement the provisions of this Act.

**''SEC. 804. AVAILABILITY OF FUNDS.**

''Amounts appropriated under this Act shall remain available until expended.

**''SEC. 805. LIMITATION ON USE OF FUNDS APPROPRIATED TO THE INDIAN HEALTH SERVICE.**

''Any limitation on the use of funds contained in an Act providing appropriations for the Department for a period with respect to the performance of abortions shall apply for that period with respect to the performance of abortions using funds contained in an Act providing appropriations for the Service.

**''SEC. 806. ELIGIBILITY OF CALIFORNIA INDIANS.**

''(a) ELIGIBILITY.—

''(1) IN GENERAL.—Until such time as any subsequent law may otherwise provide, the following California Indians shall be eligible for health services provided by the Service:

''(1) Any member of a Federally recognized Indian tribe.

''(2) Any descendant of an Indian who was residing in California on June 1, 1852, but only if such descendant—

''(A) is a member of the Indian community served by a local program of the Service; and

''(B) is regarded as an Indian by the community in which such descendant lives.

''(3) Any Indian who holds trust interests in public domain, national forest, or Indian reservation allotments in California.

''(4) Any Indian in California who is listed on the plans for distribution of the assets of California rancherias and reservations under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

''(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed as expanding the eligibility of California Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

**''SEC. 807. HEALTH SERVICES FOR INELIGIBLE PERSONS.**

''(a) INELIGIBLE PERSONS.—

''(1) IN GENERAL.—Any individual who—

''(A) has not attained 19 years of age;

''(B) is the natural or adopted child, stepchild, foster-child, legal ward, or orphan of an eligible Indian; and

''(C) is not otherwise eligible for the health services provided by the Service,

shall be eligible for all health services provided by the Service on the same basis and subject to the same rules that apply to eligible Indians until such individual attains 19 years of age. The existing and potential health needs of all such individuals shall be taken into consideration by the Service in determining the need for, or the allocation of, the health resources of the Service. If such an individual has been determined to be legally incompetent prior to attaining 19 years of age, such individual shall remain eligible for such services until one year after the date such disability has been removed.

''(2) SPOUSES.—Any spouse of an eligible Indian who is not an Indian, or who is of Indian descent but not otherwise eligible for the health services provided by the Service, shall be eligible for such health services if all of such spouses or spouses who are married to members of the Indian tribe being served are made eligible, as a class, by an appropriate resolution of the governing body of the Indian tribe or tribal organization providing such services. The health needs of persons made eligible under this paragraph shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

''(b) PROGRAMS AND SERVICES.—

''(1) PROGRAMS.—

''(A) IN GENERAL.—The Secretary may provide health services under this subsection through health programs operated directly by the Service to individuals who reside within the service area of a service unit and who are not eligible for such health services under any other subsection of this section or under any other provision of law if—

''(i) the Indian tribe (or, in the case of a multi-tribal service area, all the Indian tribes) served by such service unit requests such provision of health services to such individuals; and

''(ii) the Secretary and the Indian tribe or tribes have jointly determined that—

''(I) the provision of such health services will not result in a denial or diminution of health services to eligible Indians; and

''(II) there is no reasonable alternative health program or services, within or without the service area of such service unit, available to meet the health needs of such individuals.

''(B) FUNDING AGREEMENTS.—In the case of health programs operated under a funding agreement entered into under the Indian Self-Determination and Educational Assistance Act, the governing body of the Indian tribe or tribal organization providing health services under such funding agreement is authorized to determine whether health services should be provided under such funding agreement to individuals who are not eligible for such health services under any other subsection of this section or under any other provision of law. In making such determinations, the governing body of the Indian tribe or tribal organization shall take into account the considerations described in subparagraph (A)(ii).

''(2) LIABILITY FOR PAYMENT.—

''(A) IN GENERAL.—Persons receiving health services provided by the Service by reason of this subsection shall be liable for payment of such health services under a schedule of charges prescribed by the Secretary which, in the judgment of the Secretary, results in reimbursement in an amount not less than the actual cost of providing the health services. Notwithstanding section 1880(c) of the Social Security Act, section 402(a) of this Act, or any other provision of law, amounts collected under this subsection, including medicare or medicaid reimbursements under titles XVIII and XIX of the Social Security

Act, shall be credited to the account of the program providing the service and shall be used solely for the provision of health services within that program. Amounts collected under this subsection shall be available for expenditure within such program for not to exceed 1 fiscal year after the fiscal year in which collected.

''(B) SERVICES FOR INDIGENT PERSONS.—Health services may be provided by the Secretary through the Service under this subsection to an indigent person who would not be eligible for such health services but for the provisions of paragraph (1) only if an agreement has been entered into with a State or local government under which the State or local government agrees to reimburse the Service for the expenses incurred by the Service in providing such health services to such indigent person.

''(3) SERVICE AREAS.—

''(A) SERVICE TO ONLY ONE TRIBE.—In the case of a service area which serves only one Indian tribe, the authority of the Secretary to provide health services under paragraph (1)(A) shall terminate at the end of the fiscal year succeeding the fiscal year in which the governing body of the Indian tribe revokes its concurrence to the provision of such health services.

''(B) MULTI-TRIBAL AREAS.—In the case of a multi-tribal service area, the authority of the Secretary to provide health services under paragraph (1)(A) shall terminate at the end of the fiscal year succeeding the fiscal year in which at least 51 percent of the number of Indian tribes in the service area revoke their concurrence to the provision of such health services.

''(c) PURPOSE FOR PROVIDING SERVICES.—The Service may provide health services under this subsection to individuals who are not eligible for health services provided by the Service under any other subsection of this section or under any other provision of law in order to—

''(1) achieve stability in a medical emergency;

''(2) prevent the spread of a communicable disease or otherwise deal with a public health hazard;

''(3) provide care to non-Indian women pregnant with an eligible Indian's child for the duration of the pregnancy through post partum; or

''(4) provide care to immediate family members of an eligible person if such care is directly related to the treatment of the eligible person.

''(d) HOSPITAL PRIVILEGES.—Hospital privileges in health facilities operated and maintained by the Service or operated under a contract entered into under the Indian Self-Determination Education Assistance Act may be extended to non-Service health care practitioners who provide services to persons described in subsection (a) or (b). Such non-Service health care practitioners may be regarded as employees of the Federal Government for purposes of section 1346(b) and chapter 171 of title 28, United States Code (relating to Federal tort claims) only with respect to acts or omissions which occur in the course of providing services to eligible persons as a part of the conditions under which such hospital privileges are extended.

''(e) DEFINITION.—In this section, the term 'eligible Indian' means any Indian who is eligible for health services provided by the Service without regard to the provisions of this section.

**"SEC. 808. REALLOCATION OF BASE RESOURCES.**

''(a) REQUIREMENT OF REPORT.—Notwithstanding any other provision of law, any allocation of Service funds for a fiscal year that reduces by 5 percent or more from the previous fiscal year the funding for any recurring program, project, or activity of a service unit may be implemented only after the Secretary has submitted to the President, for inclusion in the report required to be transmitted to the Congress under section 801, a report on the proposed change in allocation of funding, including the reasons for the change and its likely effects.

''(b) NONAPPLICATION OF SECTION.—Subsection (a) shall not apply if the total amount appropriated to the Service for a fiscal year is less than the amount appropriated to the Service for previous fiscal year.

**"SEC. 809. RESULTS OF DEMONSTRATION PROJECTS.**

''The Secretary shall provide for the dissemination to Indian tribes of the findings and results of demonstration projects conducted under this Act.

**"SEC. 810. PROVISION OF SERVICES IN MONTANA.**

''(a) IN GENERAL.—The Secretary, acting through the Service, shall provide services and benefits for Indians in Montana in a manner consistent with the decision of the United States Court of Appeals for the Ninth Circuit in McNabb for McNabb v. Bowen, 829 F.2d 787 (9th Cr. 1987).

''(b) RULE OF CONSTRUCTION.—The provisions of subsection (a) shall not be construed to be an expression of the sense of the Congress on the application of the decision described in subsection (a) with respect to the provision of services or benefits for Indians living in any State other than Montana.

**"SEC. 811. MORATORIUM.**

''During the period of the moratorium imposed by Public Law 100-446 on implementation of the final rule published in the Federal Register on September 16, 1987, by the Health Resources and Services Administration, relating to eligibility for the health care services of the Service, the Service shall provide services pursuant to the criteria for eligibility for such services that were in effect on September 15, 1987, subject to the provisions of sections 806 and 807 until such time as new criteria governing eligibility for services are developed in accordance with section 802.

**"SEC. 812. TRIBAL EMPLOYMENT.**

''For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, Chapter 372), an Indian tribe or tribal organization carrying out a funding agreement under the Self-Determination and Education Assistance Act shall not be considered an employer.

**"SEC. 813. PRIME VENDOR.**

''For purposes of section 4 of Public Law 102-585 (38 U.S.C. 812) Indian tribes and tribal organizations carrying out a grant, cooperative agreement, or funding agreement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et. seq.) shall be deemed to be an executive agency and part of the Service in the and, as such, may act as an ordering agent of the Service and the employees of the tribe or tribal organization may order supplies on behalf thereof on the same basis as employees of the Service.

**"SEC. 814. NATIONAL BI-PARTISAN COMMISSION ON INDIAN HEALTH CARE ENTITLEMENT.**

''(a) ESTABLISHMENT.—There is hereby established the National Bi-Partisan Indian Health Care Entitlement Commission (referred to in this Act as the 'Commission').

''(b) MEMBERSHIP.—The Commission shall be composed of 25 members, to be appointed as follows:

''(1) Ten members of Congress, of which—

''(A) three members shall be from the House of Representatives and shall be appointed by the majority leader;

''(B) three members shall be from the House of Representatives and shall be appointed by the minority leader;

''(C) two members shall be from the Senate and shall be appointed by the majority leader; and

''(D) two members shall be from the Senate and shall be appointed by the minority leader;

who shall each be members of the committees of Congress that consider legislation affecting the provision of health care to Indians and who shall elect the chairperson and vice-chairperson of the Commission.

''(2) Twelve individuals to be appointed by the members of the Commission appointed under paragraph (1), of which at least 1 shall be from each service area as currently designated by the Director of the Service, to be chosen from among 3 nominees from each such area as selected by the Indian tribes within the area, with due regard being given to the experience and expertise of the nominees in the provision of health care to Indians and with due regard being given to a reasonable representation on the Commission of members who are familiar with various health care delivery modes and who represent tribes of various size populations.

''(3) Three individuals shall be appointed by the Director of the Service from among individual who are knowledgeable about the provision of health care to Indians, at least 1 of whom shall be appointed from among 3 nominees from each program that is funded in whole or in part by the Service primarily or exclusively for the benefit of urban Indians.

All those persons appointed under paragraphs (2) and (3) shall be members of Federally recognized Indian Tribes.

''(c) TERMS.—

''(1) IN GENERAL.—Members of the Commission shall serve for the life of the Commission.

''(2) APPOINTMENT OF MEMBERS.—Members of the Commission shall be appointed under subsection (b)(1) not later than 90 days after the date of enactment of this Act, and the remaining members of the Commission shall be appointed not later than 60 days after the date on which the members are appointed under such subsection.

''(3) VACANCY.—A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

''(d) DUTIES OF THE COMMISSION.—The Commission shall carry out the following duties and functions:

''(1) Review and analyze the recommendations of the report of the study committee established under paragraph (3) to the Commission.

''(2) Make recommendations to Congress for providing health services for Indian persons as an entitlement, giving due regard to the effects of such a programs on existing health care delivery systems for Indian persons and the effect of such programs on the sovereign status of Indian Tribes;

''(3) Establish a study committee to be composed of those members of the Commission appointed by the Director of the Service and at least 4 additional members of Congress from among the members of the Commission which shall—

''(A) to the extent necessary to carry out its duties, collect and compile data necessary to understand the extent of Indian needs with regard to the provision of health services, regardless of the location of Indians, including holding hearings and soliciting the views of Indians, Indian tribes, tribal organizations and urban Indian organizations, and which may include authorizing and funding feasibility studies of various models for providing and funding health services for all Indian beneficiaries including those who live outside of a reservation, temporarily or permanently;

''(B) make recommendations to the Commission for legislation that will provide for the delivery of health services for Indians as an entitlement, which shall, at a minimum, address issues of eligibility, benefits to be provided, including recommendations regarding from whom such health services are to be provide,d and the cost, including mechanisms for funding of the health services to be provided;

''(C) determine the effect of the enactment of such recommendations on the existing system of the delivery of health services for Indians;

''(D) determine the effect of a health services entitlement program for Indian persons on the sovereign status of Indian tribes;

''(E) not later than 12 months after the appointment of all members of the Commission, make a written report of its findings and recommendations to the Commission, which report shall include a statement of the minority and majority position of the committee and which shall be disseminated, at a minimum, to each Federally recognized Indian tribe, tribal organization and urban Indian organization for comment to the Commission; and

''(F) report regularly to the full Commission regarding the findings and recommendations developed by the committee in the course of carrying out its duties under this section.

''(4) Not later than 18 months after the date of appointment of all members of the Commission, submit a written report to Congress containing a recommendation of policies and legislation to implement a policy that would establish a health care system for Indians based on the delivery of health services as an entitlement, together with a determination of the implications of such an entitlement system on existing health care delivery systems for Indians and on the sovereign status of Indian tribes.

''(e) ADMINISTRATIVE PROVISIONS.—

''(1) COMPENSATION AND EXPENSES.—

''(A) CONGRESSIONAL MEMBERS.—Each member of the Commission appointed under subsection (b)(1) shall receive no additional pay, allowances, or benefits by reason of their service on the Commission and shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

''(B) OTHER MEMBERS.—The members of the Commission appointed under paragraphs (2) and (3) of subsection (b), while serving on the business of the Commission (including travel time) shall be entitled to receive compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, be allowed travel expenses, as authorized by the chairperson of the Commission. For purposes of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the United States Senate.

''(2) MEETINGS AND QUORUM.—

''(A) MEETINGS.—The Commission shall meet at the call of the chairperson.

''(B) QUORUM.—A quorum of the Commission shall consist of not less than 15 members, of which not less than 6 of such members shall be appointees under subsection (b)(1) and not less than 9 of such members shall be Indians.

''(3) DIRECTOR AND STAFF.—

''(A) EXECUTIVE DIRECTOR.—The members of the Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic pay equal to that for level V of the Executive Schedule.

''(B) STAFF.—With the approval of the Commission, the executive director may appoint such personnel as the executive director deems appropriate.

''(C) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

''(D) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(E) FACILITIES.—The Administrator of the General Services Administration shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

''(f) POWERS.—

''(1) HEARINGS AND OTHER ACTIVITIES.—For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, except that at least 6 regional hearings shall be held in different areas of the United States in which large numbers of Indians are present. Such hearings shall be held to solicit the views of Indians regarding the delivery of health care services to them. To constitute a hearing under this paragraph, at least 5 members of the Commission, including at least 1 member of Congress, must be present. Hearings held by the study committee established under this section may be counted towards the number of regional hearings required by this paragraph.

''(2) STUDIES BY GAO.—Upon request of the Commission, the Comptroller General shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

''(3) COST ESTIMATES.—

''(A) IN GENERAL.—The Director of the Congressional Budget Office or the Chief Actuary of the Health Care Financing Administration, or both, shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.

''(B) REIMBURSEMENTS.—The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of the Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).

''(4) DETAIL OF FEDERAL EMPLOYEES.—Upon the request of the Commission, the head of any federal Agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the federal employee.

''(5) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal Agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

''(6) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal Agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

''(7) OBTAINING INFORMATION.—The Commission may secure directly from the any Federal Agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 4, United States Code. Upon request of the chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

''(8) SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

''(9) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 to carry out this section. The amount appropriated under this subsection shall not be deducted from or affect any other appropriation for health care for Indian persons.

**''SEC. 815. APPROPRIATIONS; AVAILABILITY.**

''Any new spending authority (described in subsection (c)(2)(A) or (B) of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

**''SEC. 816. AUTHORIZATION OF APPROPRIATIONS.**

''There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.''.

## TITLE II—CONFORMING AMENDMENTS TO THE SOCIAL SECURITY ACT

### Subtitle A—Medicare

**SEC. 201. LIMITATIONS ON CHARGES.**

Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(1) in subparagraph (R), by adding a semicolon at the end;

(2) in subparagraph (S), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(T) in the case of hospitals and critical access hospitals which provide inpatient hospital services for which payment may be made under this title, to accept as payment in full for services that are covered under and furnished to an individual eligible for the contract health services program operated by the Indian Health Service, by an Indian tribe or tribal organization, or furnished to an urban Indian eligible for health services purchased by an urban Indian organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), in accordance with such admission practices and such payment methodology and amounts as are prescribed under regulations issued by the Secretary.''.

**SEC. 202. INDIAN HEALTH PROGRAMS.**

Section 1880 of the Social Security Act (42 U.S.C. 1395qq) is amended to read as follows:

''INDIAN HEALTH PROGRAMS

''SEC. 1880. (a) ELIGIBILITY FOR PAYMENTS.—The Indian Health Service (referred to in this section as the 'Service') and an Indian tribe or tribal organization, or an urban Indian organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), shall be eligible for payments under this title, notwithstanding sections 1814(c) and 1835(d), if and for so long as the Service, Indian tribe or tribal organization, or urban Indian organization meets the

conditions and requirements for such payments which are applicable generally to the service or provider type for which the Service, Indian tribe or tribal organization, or urban Indian organization seeks payment under this title and for services and provider types provided by a qualified Indian health program under section 1880A.

''(b) PERIOD FOR BILLING.—Notwithstanding subsection (a), if the Service, an Indian tribe or tribal organization, or urban Indian organization, does not meet all of the conditions and requirements of this title which are applicable generally to the service or provider type for which payment is sought, but submits to the Secretary within 6 months after the date on which such reimbursement is first sought an acceptable plan for achieving compliance with such conditions and requirements, the Service, an Indian tribe or tribal organization, or urban Indian organization shall be deemed to meet such conditions and requirements (and to be eligible for reimbursement under this title), without regard to the extent of actual compliance with such conditions and requirements during the first 12 months after the month in which such plan is submitted.

''(c) DIRECT BILLING.—For provisions relating to the authority of certain Indian tribes and tribal organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or tribal organizations and for which payment may be made under this title, see section 405 of the Indian Health Care Improvement Act.

''(d) COMMUNITY HEALTH AIDES.—The Service or an Indian Tribe or tribal organization providing a service otherwise eligible for payment under this section through the use of a community health aide or practitioner certified under the provisions of section 121 of the Indian Health Care Improvement Act shall be paid for such services on the same basis that such services are reimbursed under State plans approved under title XIX.

''(e) TREATMENT OF CERTAIN PROGRAMS.—Notwithstanding any other provision of law, a health program operated by the Service or an Indian tribe or tribal organization, which collaborates with a hospital operated by the Service or an Indian tribe or tribal organization, shall, at the option of the Indian tribe or tribal organization, be paid for services for which it would otherwise be eligible for under this as if the health program were an outpatient department of the hospital. In situations where the health program is on a separate campus from the hospital, billing as an outpatient department of the hospital shall not subject such a health program to the requirements of section 1867.

''(f) PAYMENT FOR CERTAIN NURSING SERVICES.—The Service or an Indian tribe or tribal organization providing visiting nurse services in a home health agency shortage area shall be paid for such services on the same basis that such services are reimbursed under this title for other primary care providers.

''(g) ALTERNATIVE METHODS OF REIMBURSEMENT.—Notwithstanding any other provision of law, the Secretary may identify and implement alternative methods of reimbursing Indian health programs for services reimbursable under this title that are provided to Indians, so long as such methods—

''(1) allow an Indian tribe or tribal organization or urban Indian organization to opt to receive reimbursement under reimbursement methodologies applicable to other providers of similar services; and

''(2) provide that the amount of reimbursement resulting under any such methodology shall not be less than 100 percent of the reasonable cost of the service to which the methodology applies under section 1861(v).''.

**SEC. 203. QUALIFIED INDIAN HEALTH PROGRAM.**

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1880 the following:

''QUALIFIED INDIAN HEALTH PROGRAM

''SEC. 1880A. (a) DEFINITION OF QUALIFIED INDIAN HEALTH PROGRAM.—In this section:

''(1) IN GENERAL.—The term 'qualified Indian health program' means a health program operated by-

''(A) the Indian Health Service;

''(B) an Indian tribe or tribal organization or an urban Indian organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act) and which is funded in whole or part by the Indian Health Service under the Indian Self Determination and Education Assistance Act; and

''(C) an urban Indian organization (as so defined) and which is funded in whole or in part under title V of the Indian Health Care Improvement Act.

''(2) INCLUDED PROGRAMS AND ENTITIES.—Such term may include 1 or more hospital, nursing home, home health program, clinic, ambulance service or other health program that provides a service for which payments may be made under this title and which is covered in the cost report submitted under this title or title XIX for the qualified Indian health program.

''(b) ELIGIBILITY FOR PAYMENTS.—A qualified Indian health program shall be eligible for payments under this title, notwithstanding sections 1814(c) and 1835(d), if and for so long as the program meets all the conditions and requirements set forth in this section.

''(c) DETERMINATION OF PAYMENTS.—

''(1) IN GENERAL.—Notwithstanding any other provision in the law, a qualified Indian health program shall be entitled to receive payment based on an all-inclusive rate which shall be calculated to provide full cost recovery for the cost of furnishing services provided under this section.

''(2) DEFINITION OF FULL COST RECOVERY.—

''(A) IN GENERAL.—Subject to subparagraph (B), in this section, the term 'full cost recovery' means the sum of—

''(i) the direct costs, which are reasonable, adequate and related to the cost of furnishing such services, taking into account the unique nature, location, and service population of the qualified Indian health program, and which shall include direct program, administrative, and overhead costs, without regard to the customary or other charge or any fee schedule that would otherwise be applicable; and

''(ii) indirect costs which, in the case of a qualified Indian health program—

''(I) for which an indirect cost rate (as that term is defined in section 4(g) of the Indian Self-Determination and Education Assistance Act) has been established, shall be not less than an amount determined on the basis of the indirect cost rate; or

''(II) for which no such rate has been established, shall be not less than the administrative costs specifically associated with the delivery of the services being provided.

''(B) LIMITATION.—Notwithstanding any other provision of law, the amount determined to be payable as full cost recovery may not be reduced for co-insurance, co-payments, or deductibles when the service was provided to an Indian entitled under Federal law to receive the service from the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization or because of any limitations on payment provided for in any managed care plan.

''(3) OUTSTATIONING COSTS.—In addition to full cost recovery, a qualified Indian health program shall be entitled to reasonable outstationing costs, which shall include all administrative costs associated with outreach and acceptance of eligibility applications for any Federal or State health program including the programs established under this title, title XIX, and XXI.

''(4) DETERMINATION OF ALL-INCLUSIVE ENCOUNTER OR PER DIEM AMOUNT.—

''(A) IN GENERAL.—Costs identified for services addressed in a cost report submitted by a qualified Indian health program shall be used to determine an all-inclusive encounter or per diem payment amount for such services.

''(B) NO SINGLE REPORT REQUIREMENT.—Not all health programs provided or administered by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization need be combined into a single cost report.

''(C) PAYMENT FOR ITEMS NOT COVERED BY A COST REPORT.—A full cost recovery payment for services not covered by a cost report shall be made on a fee-for-service, encounter, or per diem basis.

''(5) OPTIONAL DETERMINATION.—The full cost recovery rate provided for in paragraphs (1) through (3) may be determined, at the election of the qualified Indian health program, by the Health Care Financing Administration or by the State agency responsible for administering the State plan under title XIX and shall be valid for reimbursements made under this title, title XIX, and title XXI. The costs described in paragraph (2)(A) shall be calculated under whatever methodology yields the greatest aggregate payment for the cost reporting period, provided that such methodology shall be adjusted to include adjustments to such payment to take into account for those qualified Indian health programs that include hospitals—

''(A) a significant decreases in discharges;

''(B) costs for graduate medical education programs;

''(C) additional payment as a disproportionate share hospital with a payment adjustment factor of 10; and

''(D) payment for outlier cases.

''(6) ELECTION OF PAYMENT.—A qualified Indian health program may elect to receive payment for services provided under this section—

''(A) on the full cost recovery basis provided in paragraphs (1) through (5);

''(B) on the basis of the inpatient or outpatient encounter rates established for Indian Health Service facilities and published annually in the Federal Register;

''(C) on the same basis as other providers are reimbursed under this title, provided that the amounts determined under paragraph (c)(2)(B) shall be added to any such amount;

''(D) on the basis of any other rate or methodology applicable to the Indian Health Service or an Indian Tribe or tribal organization; or

''(E) on the basis of any rate or methodology negotiated with the agency responsible for making payment.

''(d) ELECTION OF REIMBURSEMENT FOR OTHER SERVICES.—

''(1) IN GENERAL.—A qualified Indian health program may elect to be reimbursed for any service the Indian Health Service, an Indian tribe or tribal organization or an urban Indian organization may be reimbursed for under section 1880 and section 1911.

''(2) OPTION TO INCLUDE ADDITIONAL SERVICES.—An election under paragraph (1) may include, at the election of the qualified Indian health program—

''(A) any service when furnished by an employee of the qualified Indian health program who is licensed or certified to perform such a service to the same extent that such service would be reimbursable if performed by a physician and any service or supplies

furnished as incident to a physician's service as would otherwise be covered if furnished by a physician or as an incident to a physician's service;

''(B) screening, diagnostic, and therapeutic outpatient services including part-time or intermittent screening, diagnostic, and therapeutic skilled nursing care and related medical supplies (other than drugs and biologicals), furnished by an employee of the qualified Indian health program who is licensed or certified to perform such a service for an individual in the individual's home or in a community health setting under a written plan of treatment established and periodically reviewed by a physician, when furnished to an individual as an outpatient of a qualified Indian health program;

''(C) preventive primary health services as described under sections 329, 330, and 340 of the Public Health Service Act, when provided by an employee of the qualified Indian health program who is licensed or certified to perform such a service, regardless of the location in which the service is provided;

''(D) with respect to services for children, all services specified as part of the State plan under title XIX, the State child health plan under title XXI, and early and periodic screening, diagnostic, and treatment services as described in section 1905(r);

''(E) influenza and pneumococcal immunizations;

''(F) other immunizations for prevention of communicable diseases when targeted; and

''(G) the cost of transportation for providers or patients necessary to facilitate access for patients.''.

## Subtitle B—Medicaid

**SEC. 211. PAYMENTS TO FEDERALLY-QUALIFIED HEALTH CENTERS.**

Section 1902(a)(13) of the Social Security Act (42 U.S.C. 1396a(a)(13)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(D)(i) for payment for services described in section 1905(a)(2)(C) under the plan furnished by an Indian tribe or tribal organization or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act) of 100 percent of costs which are reasonable and related to the cost of furnishing such services or based on other tests of reasonableness as the Secretary prescribes in regulations under section 1833(a)(3), or, in the case of services to which those regulations do not apply, the same methodology used under section 1833(a)(3), and

''(ii) in the case of such services furnished pursuant to a contract between the a Federally-qualified health center and a medicaid managed care organization under section 1903(m), for payment to the Federally-qualified health center at least quarterly by the State of a supplemental payment equal to the amount (if any) by which the amount determined under clause (i) exceeds the amount of the payments provided under such contract.''.

**SEC. 212. STATE CONSULTATION WITH INDIAN HEALTH PROGRAMS.**

Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (65), by striking the period; and

(2) by inserting after (65), the following:

''(66) if the Indian Health Service operates or funds health programs in the State or if there are Indian tribes or tribal organizations or urban Indian organizations (as those terms are defined in Section 4 of the Indian Health Care Improvement Act) present in the State, provide for meaningful consultation with such entities prior to the submission of, and as a precondition of approval of, any proposed amendment, waiver, demonstration project, or other request that would have the effect of changing any aspect of the State's administration of the State plan under this title, so long as—

''(A) the term 'meaningful consultation' is defined through the negotiated rulemaking process provided for under section 802 of the Indian Health Care Improvement Act; and

''(B) such consultation is carried out in collaboration with the Indian Medicaid Advisory Committee established under section 415(a)(3) of that Act.''.

**SEC. 213. FMAP FOR SERVICES PROVIDED BY INDIAN HEALTH PROGRAMS.**

The third sentence of Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended to read as follows:

''Notwithstanding the first sentence of this section, the Federal medical assistance percentage shall be 100 per cent with respect to amounts expended as medical assistance for services which are received through the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act) under section 1911, whether directly, by referral, or under contracts or other arrangements between the Indian Health Service, Indian tribe or tribal organization, or urban Indian organization and another health provider.''.

**SEC. 214. INDIAN HEALTH SERVICE PROGRAMS.**

Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended to read as follows:

''INDIAN HEALTH SERVICE PROGRAMS

''SEC. 1911. (a) IN GENERAL.—The Indian Health Service and an Indian tribe or tribal organization or an urban Indian organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), shall be eligible for reimbursement for medical assistance provided under a State plan if and for so long as such Service, Indian tribe or tribal organization, or urban Indian organization provides services or provider types of a type otherwise covered under the State plan and meets the conditions and requirements which are applicable generally to the service for which it seeks reimbursement under this title and for services provided by a qualified Indian health program under section 1880A.

''(b) PERIOD FOR BILLING.—Notwithstanding subsection (a), if the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization which provides services of a type otherwise covered under the State plan does not meet all of the conditions and requirements of this title which are applicable generally to such services submits to the Secretary within 6 months after the date on which such reimbursement is first sought an acceptable plan for achieving compliance with such conditions and requirements, the Service, an Indian tribe or tribal organization, or urban Indian organization shall be deemed to meet such conditions and requirements (and to be eligible for reimbursement under this title), without regard to the extent of actual compliance with such conditions and requirements during the first 12 months after the month in which such plan is submitted.

''(c) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into agreements with the State agency for the purpose of reimbursing such agency for health care and services provided by the Indian Health Service, Indian tribes or tribal organizations and urban Indian organizations, directly, through referral, or under contracts or other arrangements between the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization and another health care provider to Indians who are eligible for medical assistance under the State plan.

## Subtitle C—State Children's Health Insurance Program

**SEC. 221. ENHANCED FMAP FOR STATE CHILDREN'S HEALTH INSURANCE PROGRAM.**

(a) IN GENERAL.—Section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) is amended—

(1) by striking ''For purposes'' and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), for purposes''; and

(2) by adding at the end the following:

''(2) SERVICES PROVIDED BY INDIAN PROGRAMS.—Without regard to which option a State chooses under section 2101(a), the 'enhanced FMAP' for a State for a fiscal year shall be 100 per cent with respect to expenditures for child health assistance for services provided through a health program operated by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as such terms are defined in section 4 of the Indian Health Care Improvement Act).''.

(b) CONFORMING AMENDMENT.—Section 2105(c)(6)(B) of such Act (42 U.S.C. 1397ee(c)(6)(B)) is amended by inserting ''an Indian tribe or tribal organization, or an urban Indian organization (as such terms are defined in section 4 of the Indian Health Care Improvement Act)'' after ''Service''.

**SEC. 222. DIRECT FUNDING OF STATE CHILDREN'S HEALTH INSURANCE PROGRAM.**

Title XXI of Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

**''SEC. 2111. DIRECT FUNDING OF INDIAN HEALTH PROGRAMS.**

''(a) IN GENERAL.—The Secretary may enter into agreements directly with the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as such terms are defined in section 4 of the Indian Health Care Improvement Act) for such entities to provide child health assistance to Indians who reside in a service area on or near an Indian reservation. Such agreements may provide for funding under a block grant or such other mechanism as is agreed upon by the Secretary and the Indian Health Service, Indian tribe or tribal organization, or urban Indian organization. Such agreements may not be made contingent on the approval of the State in which the Indians to be served reside.

''(b) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, a State may transfer funds to which it is, or would otherwise be, entitled to under this title to the Indian Health Service, an Indian tribe or tribal organization or an urban Indian organization—

''(1) to be administered by such entity to achieve the purposes and objectives of this title under an agreement between the State and the entity; or

''(2) under an agreement entered into under subsection (a) between the entity and the Secretary.''.

## Subtitle D—Authorization of Appropriations

**SEC. 231. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 through 2012 to carry out this title and the amendments by this title.

# TITLE III—MISCELLANEOUS PROVISIONS

**SEC. 301. REPEALS.**

The following are repealed:

(1) Section 506 of Public Law 101-630 (25 U.S.C. 1653 note) is repealed.

(2) Section 712 of the Indian Health Care Amendments of 1988 is repealed.

**SEC. 302. SEVERABILITY PROVISIONS.**

If any provision of this Act, any amendment made by the Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act, the remaining amendments made by this Act, and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Mr. INOUYE. Mr. President, I rise today to join my Chairman, Senator BEN NIGHTHORSE CAMPBELL, in the introduction of a bill to reauthorize the Indian Health Care Improvement Act of 1976, Public Law 94–437.

Mr. President, for the past two years, the leaders of Indian country have been engaged in a consultation process with the Indian Health Service in an effort to address changes to the Act which would hold the potential of improving and enhancing the ability of tribal health programs, urban Indian health care programs, and the Indian Health Service to provide comprehensive primary health care and public health services to all eligible American Indian and Alaska Native patients citizens.

The goal of the consultation process was to build a consensus on the best means of addressing the health care challenges that confront Native America, so that the reauthorization bill could reflect a unified vision of the Indian Health Service, tribal governments and urban Indian health care programs. The tribal participants in this process appropriately named this comprehensive consultation process ''Speaking with One Voice''.

Mr. President, this tribally-developed reauthorization bill is the most comprehensive to date. The first step in the consultation process was the convening of a roundtable discussion with tribal leaders, urban Indian health care providers, Indian Health Service health care professionals, national Indian health organizations, researchers, and other policy makers. Specific recommendations regarding the manner in which tribal consultation meetings would be carried out were developed at this Roundtable. From these recommendations, the Roundtable participants developed a consultation approach that included the pursuit of consensus on what amendments to the Act were necessary and the identification of opportunities for change, the identification of area and regional differences, the promotion of a partnership environment for tribes, urban Indians, and the Indian Health Service, and the establishment of a core group to review materials.

Beginning in the fall of 1998, tribal representatives participated in twelve Area meetings to begin discussing concerns and recommendations related to the Act. Each of the twelve geographic Areas facilitated a consultation process with health care providers in their respective Areas, and this process was completed in January 1999.

Four regional consultation meetings were held across the country from January to April, 1999. Regional meetings were intended to provide a forum for tribes to provide input, to share the recommendations from each Area, and to build consensus among participants for a unified position from each regional meeting. From these four meetings, a matrix of 135 recommendations for each of the sections in the Indian Health Care Improvement Act was developed, as well as proposals for new provisions. Over 900 health care providers participated in the four regional meetings.

Upon the completion of the four regional meetings, the Indian Health Service convened a National Steering committee composed of elected tribal representatives and urban Indian health care program directors. Many of the members of the steering committee had participated in the Area and regional consultation meetings. The National Steering Committee developed a draft consensus bill based on the Area and regional consultation meetings. The draft bill was mailed to every tribal government and urban Indian health care program in the nation with a 30-day period for additional comments. The draft bill was then presented at a national meeting in Washington, D.C. in late July of last year. Participants in this national meeting included tribal government leaders, urban Indian health care providers, members of Congress and their staff, as well as several Administration and departmental officials.

The National Steering Committee has completed a monumental task with the broad support of Indian Tribes and communities across the United States.

With this in mind, I urge my colleagues to support this legislation.

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By Mr. GRASSLEY:

S. 2527. A bill to amend the Public Health Service Act to provide grant programs to reduce substance abuse, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

DRUG TREATMENT AND RESEARCH ENHANCEMENT ACT

Mr. GRASSLEY. Mr. President, I am sending a bill to the desk to help reinforce our national drug control effort. I held a hearing earlier today on the domestic consequences of a new wave of heroin use. This is a flesh and blood problem that touches all of us. What we see in our homes and schools across the nation is the emergence of a new threat to our young people. A purer form of heroin is making its presence felt. In rich neighborhoods and poor. In our cities and rural areas. In the lives of our young people and their families.

No heroin consumed in this country is made here. Every gram of it is grown in some foreign field, processed in a distant, illegal lab, and smuggled into this country. Yet, this heroin makes its way here by every means possible. It walks, floats, flies, and sneaks across our borders.

While the heroin used here comes from overseas, the consequences of its coming are felt in our homes, in our schools, in our neighborhoods. It is our young people who die. It is American families who bear the burden and pay the price. Heroin is an equal opportunity destroyer. It blights inner city streets, suburban neighborhoods, and rural communities alike. I fear that the problem is getting worse. And I am concerned that our current policies are simply not up to the challenge.

Somewhere along the way, we lost the clear, consistent message that the only proper response to drugs is to say an emphatic ''NO''. We're supposed to be more sophisticated. More tolerant. More willing to listen to notions of making dangerous drugs more available. What all of this ''more'' has meant is that we have more young people using more drugs at younger ages. Today's heroin is cheaper and purer and more widely available. It is more aggressively marketed and it is presented as being safer, as ''user friendly''.

In the late 1980s and early 1990s, heroin had a bad rap. All drugs did. That is less true today. In the last several years, heroin use among young people has doubled and attitudes about the dangers of the drug have shifted. While it is true that most of our 12 to 20 year olds still believe it bad, the new heroin that we see on our streets and in our schools is marketed to avoid this stigma. The chief reason that the old heroin was seen as bad was because you needed a needle to use it. With the new heroin you can get high from smoking or inhaling, at least at first. And we now have well-moneyed think tank talking heads who preach that the only consequence of heroin addiction is a mild case of constipation. That it is our drug laws that are dangerous not the drugs. In such an environment, we should not be too surprised that an increasing number of young people should be persuaded that heroin is okay.

Communities in Plano, Texas and Orlando, Florida learned this to their dismay when dozens of high school kids died from heroin overdoses. I can think of no pain greater than that of a parent who must bid farewell forever to a child. It is somehow contrary to the natural order for a parent to precede a child in death. But the pain of addiction is a spreading circle of hurt. The hearing I held today on this problem brought this point home in the voices of those most affected: addicts and their families.

The legislation that I offer today will help us address this new problem before it gets any worse. I am proposing that we look at the means to improve our prevention message to stop drug use before it starts. I hope to revitalize community and parent involvement.

I am also proposing increased resources for addiction research and ways to get the best information and best practices into the hands of the professionals who must deal with addiction problems.

In addition, I am calling for a new initiative to support juvenile residential treatment programs that work. Current research shows that we need more focused, long-term critical intervention for young addicts to break the cycle of addiction today before it becomes a worse problem tomorrow. Investment now means better chances for young people and for all of us later.

It's not just a new heroin that plagues us. Designer drugs like methamphetamine and now Ecstasy are flooding this country. Along with heroin, these are marketed to our young people as safe and friendly. Left unanswered, we will see another generation of young lives blighted. We will see families torn up by a widening circle of hurt from drug use. We saw what a similar wave of drug use did to us and to a generaton of young people in the 1960s and 1970s. We cannot afford to go through this again. I hope we can begin today to renew our commitment to a drug free future for our young people. I ask my colleagues to join me in supporting the Drug Treatment and Research Enhancement Act.

## ADDITIONAL COSPONSORS

S. 512

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coodination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 662

At the request of Mr. L. CHAFEE, the name of the Senator from Idaho (Mr. CRAPO), was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 882

At the request of Mr. MURKOWSKI, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. GRAMS) were added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1464

At the request of Mr. HAGEL, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1668

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1668, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1874

At the request of Mr. GRAHAM, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1989

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1989, a bill to ensure that employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938 and under other provisions of law.

S. 2062

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2062, a bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps.

S. 2069

At the request of Mr. ENZI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2069, a bill to permit the conveyance of certain land in Powell, Wyoming.

S. 2107

At the request of Mr. GRAMM, the names of the Senator from Utah (Mr. BENNETT), the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2107, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BURNS), was added as a cosponsor of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2225

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2225, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2311

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2311, supra.

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV diseases, and for other purposes.

S. 2333

At the request of Mr. REED, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2333, a bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Food and Drug Administration the authority to regulate the manufacture, sale, and distribution of tobacco and other products containing nicotine, tar, additives, and other potentially harmful constituents, and for other purposes.

S. 2357

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2386

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2393

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2393, a bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United

States Customs Service personnel, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2416

At the request of Mr. ASHCROFT, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2416, a bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, which serves as headquarters for the Department of State, as the ''Harry S. Truman Federal Building.''

S. 2419

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2419, a bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 2420

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2420, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2477

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2477, a bill to amend the Social Security Act to provide additional safeguards for beneficiaries with representative payees under the Old-Age, Survivors, and Disability Insurance program or the Supplemental Security Income program.

S. 2492

At the request of Mr. DOMENICI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2492, a bill to expand and enhance United States efforts in the Russian nuclear complex to expedite the containment of nuclear expertise that presents a proliferation threat, and for other purposes.

S. CON. RES. 107

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 107, a concurrent resolution expressing the sense of the Congress concerning support for the Sixth Nonproliferation Treaty Review Conference.

AMENDMENT NO. 3126

At the request of Ms. LANDRIEU, her name was added as a cosponsor of Amendment No. 3126 proposed to S. 2, a bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

## SENATE CONCURRENT RESOLUTION 111—EXPRESSING THE SENSE OF THE CONGRESS REGARDING ENSURING A COMPETITIVE NORTH AMERICAN MARKET FOR SOFTWOOD LUMBER

Mr. NICKLES (for himself, Mr. KYL, Mr. LIEBERMAN, Mr. GRAHAM, Mr. GRASSLEY, and Mr. LUGAR) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 111

Whereas the United States and Canada have, since 1989, worked to reduce tariff and nontariff barriers to trade;

Whereas free trade has greatly benefited the United States and Canadian economies;

Whereas the United States and Canada have been engaged in an ongoing dispute over trade in soft-wood lumber for 18 years;

Whereas on May, 29, 1996, the United States and Canada entered into an agreement to temporarily resolve the dispute;

Whereas the United States-Canada Softwood Lumber Agreement of 1996 does not promote open trade;

Whereas the scope of the United States-Canada Softwood Lumber Agreement of 1996 has been expanded, leading to uncertainty for importers, distributors, retailers, and purchasers of softwood lumber products;

Whereas the availability of affordable housing is important to the American homebuyer;

Whereas lumber price volatility jeopardizes housing affordability; and

Whereas the United States-Canada Softwood Lumber Agreement of 1996 will expire on April 1, 2001: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that—

(1) the United States-Canada Softwood Lumber Agreement of 1996 should terminate on April 1, 2001, with no extension or further quota agreement;

(2) the President should continue discussions with the Government of Canada to promote open and Competitive trade between the United States and Canada of softwood lumber; and

(3) the President should consult with all stakeholders, including consumers of softwood lumber products, in future discussions regarding the open trade of softwood lumber between the United States and Canada.

## SENATE RESOLUTION 304—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DEVELOPMENT OF EDUCATIONAL PROGRAMS ON VETERANS' CONTRIBUTIONS TO THE COUNTRY AND THE DESIGNATION OF THE WEEK THAT INCLUDES VETERANS DAY, AS ''NATIONAL VETERANS WEEK'' FOR THE PRESENTATION OF SUCH EDUCATIONAL PROGRAMS

Mr. BIDEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 304

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations; and

Whereas our system of civilian control of the Armed Forces makes it essential that the country's future leaders understand the history of military action and the contributions and sacrifices of those who conduct such actions: Now, therefore, be it

*Resolved,* That it is the sense of the Senate that—

(1) the Secretary of Education should work with the Secretary of Veterans Affairs, the Veterans Day National Committee, and the veterans service organizations to encourage, prepare, and disseminate educational materials and activities for elementary and secondary school students aimed at increasing awareness of the contributions of veterans to the prosperity and freedoms enjoyed by United States citizens;

(2) the week that includes Veterans Day be designated as ''National Veterans Awareness Week'' for the purpose of presenting such materials and activities; and

(3) the President should issue a proclamation calling on the people of the United States to observe such week with appropriate educational activities.

Mr. BIDEN. Mr. President, today I have the honor of submitting a resolution expressing the sense of the Senate that the Department of Education develop and disseminate educational materials and programs designed to make students in elementary and secondary schools aware of the contributions of veterans and their importance in preserving American peace and prosperity. The resolution also designates the week that includes Veterans Day as ''National Veterans Awareness Week'' to serve as a focus for these educational activities.

Why do we need such an educational effort? In a sense, this action has become necessary because we are victims

of our own success with regard to the superior performance of our Armed Forces. The plain fact is that there are just fewer people around now who have had any connection with military service. For example, as a result of tremendous advances in military technology and the resultant productivity increases, our current Armed Forces now operate effectively with a personnel roster that is one-third less in size than just 10 years ago. In addition, the success of the all-volunteer career-oriented force has led to much lower turnover of personnel in today's military than in previous eras when conscription was a place. Finally, the number of veterans who served during previous conflicts, such as World War II, when our military was many times larger than today, is inevitably declining.

The net result of these changes is that the percentage of the entire population that has served in the Armed Forces is dropping rapidly, a change that can be seen in all segments of society. Whereas during World War II it was extremely uncommon to find a family in America that did not have one of its members on active duty, now there are numerous families that include no military veterans at all. As a consequence of this lack of opportunity for contacts with veterans, many of our young people have little or no connection with or knowledge about the important historical and ongoing role of men and women who have served in the military. This omission seems to have persisted despite ongoing educational efforts by the Department of Veterans Affairs and the veterans service organizations.

This lack of understanding about military veterans' important role in our society can have potentially serious repercussions. In our country, civilian control of the Armed Forces is the key tenet of military governance. A citizenry that is oblivious to the capabilities and limitations of the Armed Forces, and to its critical role throughout our history, can make decisions that have unexpected and unwanted consequences. Even more important, general recognition of the importance of those individual character traits that are essential for military success, such as patriotism, selflessness, sacrifice, and heroism, is vital to maintaining these key aspects of citizenship in the Armed Forces and even throughout the population at large.

Among today's young people, a generation that has grown up largely during times of peace and extraordinary prosperity and has embraced a ''me first'' attitude, it is perhaps even more important to make sure that there is solid understanding of what it has taken to attain this level of comfort and freedom. The failure of our children to understand why a military is important, why our society continues to depend on it for ultimate survival, and why a successful military requires integrity and sacrifice, will have predictable consequences as these youngsters become of voting age. Even though military service is a responsibility that is no longer shared by a large segment of the population, as it has been in the past, knowledge of the contribution of those who have served in the Armed Forces is as important as it has ever been. To the extent that many of us will not have the opportunity to serve our country in uniform, we must still remain cognizant of our responsibility as citizens to fulfill the obligations we owe, both tangible and intangible, to those who do serve and who do sacrifice on our behalf.

The importance of this issue was recently brought home to me by Samuel I. Cashdollar, a 13-year-old seventh grader at Lewes Middle School in Lewes, Delaware, who recently won the Delaware VFW's Youth Essay Contest with a powerful presentation titled ''How Should We Honor America's Veterans?'' Samuel's essay points out that we have Nurses' Week, Secretaries' Week, and Teachers' Week, to rightly emphasize the importance of these occupations, but the contributions of those in uniform tend to be overlooked and many businesses remain open on Veterans Day. In a time when, for some, Veterans Day has simply become an excuse for another department store sale, we need to make sure that we don't become a nation where more high school seniors recognize the name Britney Spears than the name Dwight Eisenhower.

Now, it is appropriate to ask, ''We already have Veterans Day, why do we need National Veterans Awareness Week?'' Historically Veterans Day was established to honor those who served in uniform during wartime. Although we now customarily honor all veterans on Veterans Day, I see it as a holiday that is focused on honoring individuals, the courageous and selfless men and women without whose actions our country would not exist as it does. National Veterans Awareness Week would complement Veterans Day by focusing on education as well as commemoration, on the contributions of the many in addition to the heroism and service of the individual. National Veterans Awareness Week would also present an opportunity to remind ourselves of the contributions and sacrifices of those who have served in peacetime as well as in conflict; both groups work unending hours and spend long periods away from their families under conditions of great discomfort so that we all can live in a land of freedom and plenty.

Mr. President, I ask my colleagues to support this resolution; our children and our childrens' children will need to be well informed about what veterans have accomplished in order to make appropriate decisions as they confront the numerous worldwide challenges that they are sure to face in the future. I ask unanimous consent that the text of Samuel Cashdollar's essay be printed in the RECORD.

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

HOW SHOULD WE HONOR AMERICA'S VETERANS?

(By Samuel I. Cashdollar)

The 11th of November each year is designated as Veterans Day and is a Federal holiday. Employees of the U.S. Government get the day off and post offices and most banks are closed. The President visits Arlington National Cemetery and lays a wreath at the Tomb of the Unknown Soldier. Parades are held in some places. This isn't adequate recognition of the contribution veterans have made to America.

Each State is free to decide which Federal Holidays it wants to recognize. In many States, government offices, schools, and businesses remain open on Veterans Day. Even where it's officially observed, Veterans Day comes and goes with most people not even thinking about the tremendous sacrifices made by the men and women who served in Armed Forces and fought for America's freedom.

Today, people celebrate numerous weeks, such as Nurses Week, Secretaries Week, Teachers Week, etc. These are important events, but are they any more important than honoring brave men and women who gave so much for their country? America is free because of these courageous individuals who should be honored with their own week.

The U.S. Congress should pass a law establishing a ''Veterans Week''. All schools should be required to spend a portion of each day reminding students that it was ordinary people who fought, were wounded, and even killed in defense of America. This could be done in each grade level so that every student would learn something about the wars that our nation has fought. It could be part of a history class as well as a lesson about the responsibility of each person to protect our country. Teachers could easily find stories to share with students who have no idea what war is like. If teachers needed help, I'm sure organizations like the VFW would be glad to participate and even speak to the students.

Veterans Week should be given special attention on television, too, just like Black History Month. I've learned a lot about the history of Black Americans from the stories they feature on television. Movies about heroic battles should be broadcast all week long. Veterans could talk about their experiences in those wars.

In conclusion, it's very sad that many Americans know little or nothing about the great wars our country has fought in. I believe Veterans Week would do a lot to change that.

## AMENDMENTS SUBMITTED

### EDUCATIONAL OPPORTUNITIES ACT

### LIEBERMAN (AND OTHERS) AMENDMENT NO. 3127

Mr. LIEBERMAN (for himself, Mr. BAYH, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, Mr. GRAHAM, Mr. ROBB, Mr. BREAUX, Mr. BRYAN, and Mrs. FEINSTEIN) proposed an amendment to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

Beginning on page 1, line 3, strike ''1.'' and all that follows through line 18 on page 922, and insert the following:

**1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Public Education Reinvestment, Reinvention, and Responsibility Act (Three R's)''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Declaration of priorities.

TITLE I—STUDENT PERFORMANCE

Sec. 101. Heading.
Sec. 102. Findings, policy, and purpose.
Sec. 103. Authorization of appropriations.
Sec. 104. Reservation for school improvement.

PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

Sec. 105. State plans.
Sec. 106. Local educational agency plans.
Sec. 107. Schoolwide programs.
Sec. 108. School choice.
Sec. 109. Assessment and local educational agency and school improvement.
Sec. 110. State assistance for school support and improvement.
Sec. 111. Parental involvement changes.
Sec. 112. Qualifications for teachers and paraprofessionals.
Sec. 113. Professional development.
Sec. 114. Fiscal requirements.
Sec. 115. Coordination requirements.
Sec. 116. Grants for the outlying areas and the Secretary of the Interior.
Sec. 117. Amounts for grants.
Sec. 118. Basic grants to local educational agencies.
Sec. 119. Concentration grants.
Sec. 120. Targeted grants.
Sec. 121. Special allocation procedures.

PART B—EVEN START FAMILY LITERACY PROGRAMS

Sec. 131. Program authorized.
Sec. 132. Applications.
Sec. 133. Research.

PART C—EDUCATION OF MIGRATORY CHILDREN

Sec. 141. Comprehensive needs assessment and service-delivery plan; authorized activities.

PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT

Sec. 151. State plan and State agency applications.
Sec. 152. Use of funds.

PART E—FEDERAL EVALUATIONS, DEMONSTRATIONS, AND TRANSITION PROJECTS

Sec. 161. Evaluations.
Sec. 162. Demonstrations of innovative practices.

PART F—RURAL EDUCATION DEVELOPMENT INITIATIVE

Sec. 171. Rural education development initiative.

PART G—GENERAL PROVISIONS

Sec. 181. Federal regulations.
Sec. 182. State administration.

TITLE II—TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE

Sec. 201. Teacher and principal quality, professional development, and class size.

TITLE III—LANGUAGE MINORITY STUDENTS AND INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Sec. 301. Language minority students.
Sec. 302. Emergency immigrant education program.
Sec. 303. Indian, Native Hawaiian, and Alaska Native education.

TITLE IV—PUBLIC SCHOOL CHOICE

Sec. 401. Public school choice.
Sec. 402. Development of public school choice programs; report cards.

TITLE V—IMPACT AID

Sec. 501. Impact aid.

TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

Sec. 601. High performance and quality education initiatives.

TITLE VII—ACCOUNTABILITY

Sec. 701. Accountability.

TITLE VIII—GENERAL PROVISIONS AND REPEALS

Sec. 801. Repeals, transfers, and redesignations regarding titles VIII and XIV.
Sec. 802. Other repeals.

**SEC. 2. REFERENCES.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

**SEC. 3. DECLARATION OF PRIORITIES.**

Congress declares that our national educational priorities are to—

(1) introduce real accountability by making public elementary school and secondary school education funding performance-based rather than a guaranteed source of revenue for States and local educational agencies;

(2) require State educational agencies and local educational agencies to establish high student performance objectives, and to provide the State educational agencies and local educational agencies with flexibility in using Federal resources to ensure that the performance objectives are met;

(3) concentrate Federal funding around a small number of central education goals, including compensatory education for disadvantaged children and youth, teacher quality and professional development, programs for limited English proficient students, public school choice programs, innovative educational programs, student safety, and the incorporation of educational technology;

(4) concentrate Federal education funding on impoverished areas where elementary schools and secondary schools are most likely to be in distress;

(5) sanction State educational agencies and local educational agencies that consistently fail to meet established benchmarks; and

(6) reward State educational agencies, local educational agencies, and elementary schools and secondary schools that demonstrate high performance.

## TITLE I—STUDENT PERFORMANCE

**SEC. 101. HEADING.**

The heading for title I (20 U.S.C. 6301 et seq.) is amended to read as follows:

**''TITLE I—STUDENT PERFORMANCE''.**

**SEC. 102. FINDINGS, POLICY, AND PURPOSE.**

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

**''SEC. 1001. FINDINGS, POLICY AND PURPOSE.**

''(a) FINDINGS.—Congress makes the following findings:

''(1) Despite more than 3 decades of Federal assistance, a sizable achievement gap remains between low-income and middle-class students.

''(2) The 1994 reauthorization of the Elementary and Secondary Education Act of 1965 was an important step in focusing our Nation's priorities on closing the achievement gap between poor and affluent students in the United States. The Federal Government must continue to build on these improvements made in 1994 by holding States and local educational agencies accountable for student achievement.

''(3) States can help close this achievement gap by developing challenging curriculum content and student performance standards so that all elementary school and secondary school students perform at an advanced level. States should implement vigorous and comprehensive student performance assessments, such as the National Assessment of Educational Progress (NAEP) so as to measure fully the progress of our Nation's students.

''(4) In order to ensure that no child is left behind in the new economy, the Federal Government must better target Federal resources on those children who are most at-risk for falling behind academically.

''(5)(A) Title I funds have been targeted on high-poverty areas, but not to the degree they should be as demonstrated by the following:

''(B) Although 95 percent of schools with poverty levels of 75 percent to 100 percent receive title I funding, 20 percent of schools with poverty levels of 50 to 74 percent do not receive any title I funding.

''(C) Only 64 percent of schools with poverty levels in the 35 percent to 49 percent range receive title I funding.

''(6) Title I funding should be significantly increased and more effectively targeted to ensure that all low-income students have an opportunity to excel academically.

''(7) The Federal Government should provide greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance. Federal, State, and local efforts should be focused on raising the academic achievement of all students. Our Nation's children deserve nothing less than holding accountable those responsible for shaping our childrens' future and our country's future.

''(b) POLICY.—Congress declares that it is the policy of the United States to ensure that all students receive a high-quality education by holding States, local educational agencies, and elementary schools and secondary schools accountable for increased student academic performance results, and by facilitating improved classroom instruction.

''(c) PURPOSES.—The purposes of this title are as follows:

''(1) To eliminate the existing 2-tiered educational system, which set lower academic expectations for impoverished students than for affluent students.

''(2) To require all States to have challenging content and student performance standards and assessment measures in place.

''(3) To require all States to ensure adequate yearly progress for all students by establishing annual, numerical performance objectives.

''(4) To ensure that all title I students receive educational instruction from a fully qualified teacher.

''(5) To support State and local educational agencies in identifying, assisting, and correcting low-performing schools.

''(6) To increase Federal funding for part A programs for disadvantaged students in return for increased academic performance of all students.

''(7) To target Federal funding to local educational agencies serving the highest percentages of low-income students.''.

**SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

Section 1002 (20 U.S.C. 6302) is amended to read as follows:

**"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

''(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A, other than section 1120(e), there are authorized to be appropriated $12,000,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) EVEN START.—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the 4 succeeding fiscal years.

''(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the 4 succeeding fiscal years.

''(d) PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT.—For the purpose of carrying out part D, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the 4 succeeding fiscal years.

''(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated $12,000,000 for fiscal year 2001 and $5,000,000 for fiscal year 2002.

''(f) FEDERAL ACTIVITIES.—For the purpose of carrying out sections 1501 and 1502, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the 4 succeeding fiscal years.''.

**SEC. 104. RESERVATION FOR SCHOOL IMPROVEMENT.**

Section 1003 (20 U.S.C. 6303) is amended to read as follows:

**"SEC. 1003. RESERVATION FOR SCHOOL IMPROVEMENT.**

''(a) STATE RESERVATIONS.—

''(1) IN GENERAL.—Each State educational agency shall reserve 2.5 percent of the amount the State educational agency receives under part A for fiscal years 2001 and 2002, and 3.5 percent of that amount for fiscal years 2003 through 2005, to carry out paragraph (2) and to carry out the State educational agency's responsibilities under sections 1116 and 1117, including the State educational agency's statewide system of technical assistance and support for local educational agencies.

''(2) USES.—Of the amount reserved under paragraph (1) for any fiscal year, the State educational agency shall make available at least 80 percent of such amount directly to local educational agencies.

## PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

**SEC. 105. STATE PLANS.**

Section 1111 (20 U.S.C. 6311) is amended to read as follows:

**"SEC. 1111. STATE PLANS.**

''(a) PLANS REQUIRED.—

''(1) IN GENERAL.—Any State educational agency desiring a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, pupil services personnel, administrators (including administrators of programs described in other parts of this title), local school boards, other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and the Head Start Act.

''(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 8302.

''(b) STANDARDS, ASSESSMENTS, AND ACCOUNTABILITY.—

''(1) CHALLENGING STANDARDS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State has adopted challenging content standards and challenging student performance standards that will be used by the State, and the local educational agencies, and elementary schools and secondary schools, within the State to carry out this part.

''(B) UNIFORMITY.—The standards required by subparagraph (A) shall be the same standards that the State applies to all elementary schools and secondary schools within the State and all children attending such schools.

''(C) SUBJECTS.—The State shall have such standards for elementary school and secondary school children served under this part in subjects determined by the State, but including at least mathematics, science, and English language arts, and which shall include the same knowledge, skills, and levels of performance expected of all children.

''(D) STANDARDS.—Standards under this paragraph shall include—

''(i) challenging content standards in academic subjects that—

''(I) specify what children are expected to know and be able to do;

''(II) contain coherent and rigorous content; and

''(III) encourage the teaching of advanced skills; and

''(ii) challenging student performance standards that—

''(I) are aligned with the State's content standards;

''(II) describe 2 levels of high performance, proficient and advanced levels of performance, that determine how well children are mastering the material in the State content standards; and

''(III) describe a third level of performance, a basic level of performance, to provide complete information about the progress of the lower performing children toward achieving to the proficient and advanced levels of performance.

''(E) ADDITIONAL SUBJECTS.—For the subjects in which students will be served under this part, but for which a State is not required under subparagraphs (A), (B), and (C) to develop, and has not otherwise developed, challenging content and student performance standards, the State plan shall describe a strategy for ensuring that such students are taught the same knowledge and skills and held to the same expectations as are all children.

''(F) SPECIAL RULE.—In the case of a State that allows local educational agencies to adopt more rigorous standards than those set by the State, local educational agencies shall be allowed to implement such standards.

''(2) ADEQUATE YEARLY PROGRESS.—

''(A) IN GENERAL.—Each State plan shall demonstrate, based on assessments described under paragraph (4), what constitutes adequate yearly progress of—

''(i) any school served under this part toward enabling all children to meet the State's challenging student performance standards;

''(ii) any local educational agency that receives funds under this part toward enabling all children in schools served by the local educational agency and receiving assistance under this part to meet the State's challenging student performance standards; and

''(iii) the State in enabling all children in schools receiving assistance under this part to meet the State's challenging student performance standards.

''(B) DEFINITION.—Adequate yearly progress shall be defined by the State in a manner that—

''(i) applies the same high standards of academic performance to all students in the State;

''(ii) takes into account the progress of all students in the State and in each local educational agency and school served under section 1114 or 1115;

''(iii) uses the State challenging content and challenging student performance standards and assessments described in paragraphs (1) and (4);

''(iv) compares separately, within each State, local educational agency, and school, the performance and progress of students, by each major ethnic and racial group, by gender, by English proficiency status, and by economically disadvantaged students as compared to students who are not economically disadvantaged (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student);

''(v) compares the proportions of students at the basic, proficient, and advanced levels of performance with the proportions of students at each of the 3 performance levels in the same grade in the previous school year;

''(vi) endeavors to include other academic measures such as promotion, attendance, drop-out rates, completion of college preparatory courses, college admission tests taken, and secondary school completion, except that failure to meet another academic measure, other than student performance on State assessments aligned with State standards, shall not provide the sole basis for designating a district or school as in need of improvement;

''(vii) includes annual numerical objectives for improving the performance of all groups described in clause (iv) and narrowing gaps in performance between these groups in, at least, the areas of mathematics and English language arts; and

''(viii) includes a timeline for ensuring that each group of students described in clause (iv) meets or exceeds the State's proficient level of performance on each State assessment used for the purposes of this section and section 1116 not later than 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

''(C) ACCOUNTABILITY.—Each State plan shall demonstrate that the State has developed and is implementing a statewide accountability system that has been or will be effective in ensuring that all local educational agencies, elementary schools, and secondary schools are making adequate yearly progress as defined in section 1111(b)(2)(B). Each State accountability system shall—

''(i) be based on the standards and assessments adopted under paragraphs (1) and (4) and take into account the performance of all students required by law to be included in such assessments;

''(ii) be the same accountability system the State uses for all schools or all local educational agencies, if the State has an accountability system for all schools or all local educational agencies;

''(iii) provide for the identification of schools or local educational agencies receiving funds under this part that for 2 consecutive years have exceeded such schools' or agencies' adequate yearly progress goals so that information about the practices and strategies of such schools or agencies can be disseminated to other schools in the local educational agency and in the State and

such schools can be considered for rewards provided under title VII of this Act;

''(iv) provide for the identification of schools and local educational agencies in need of improvement, as required by section 1116, and for the provision of technical assistance, professional development, and other capacity-building as needed, including those measures specified in sections 1116(d)(9) and 1117, to ensure that schools and local educational agencies so identified have the resources, skills, and knowledge needed to carry out their obligations under sections 1114 and 1115 and to meet the requirements for annual improvement described in paragraph (2); and

''(v) provide for the identification of schools and local educational agencies for corrective action or actions as required by section 1116, and for the implementation of corrective actions against school and school districts when such actions are required under such section.

''(D) ANNUAL IMPROVEMENT FOR STATES.—For a State to make adequate yearly progress under subparagraph (A)(iii), not less than 90 percent of the local educational agencies within the State shall meet the State's criteria for adequate yearly progress.

''(E) ANNUAL IMPROVEMENT FOR LOCAL EDUCATIONAL AGENCIES.—For a local educational agency to make adequate yearly progress under subparagraph (A)(ii), not less than 90 percent of the schools served by the local educational agency shall meet the State's criteria for adequate yearly progress.

''(F) ANNUAL IMPROVEMENT FOR SCHOOLS.—For an elementary school or a secondary school to make adequate yearly progress under subparagraph (A)(i), not less than 90 percent of each group of students described in subparagraph (B)(iv) who are enrolled in such school shall take the assessments described in paragraph (4)(D) and in section 612(a)(17)(A) of the Individuals with Disabilities Education Act.

''(G) PUBLIC NOTICE AND COMMENT.—

''(i) IN GENERAL.—Each State shall submit information in the State plan demonstrating that in developing such plan—

''(I) the State diligently sought public comment from a range of institutions and individuals in the State with an interest in improved student achievement; and

''(II) the State made and will continue to make a substantial effort to ensure that information regarding content standards, performance standards, assessments, and the State accountability system is widely known and understood by the public, parents, teachers, and school administrators throughout the State.

''(ii) EFFORTS.—The efforts described in clause (i), at a minimum, shall include annual publication of such information and explanatory text to the public through such means as the Internet, the media, and public agencies. Non-English language shall be used to communicate with parents where appropriate.

''(H) REVIEW.—The Secretary shall review information from each State on the adequate yearly progress of schools and local educational agencies within the State required under subparagraphs (A) and (B) for the purpose of determining State and local compliance with section 1116.

''(3) STATE AUTHORITY.—If a State educational agency provides evidence that is satisfactory to the Secretary that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority under State law to adopt curriculum content and student performance standards, and assessments aligned with such standards, that will be applicable to all students enrolled in the State's public schools, then the State educational agency may meet the requirements of this subsection by—

''(A) adopting curriculum content and student performance standards and assessments that meet the requirements of this subsection, on a statewide basis, and limiting the applicability of such standards and assessments to students served under this part; or

''(B) adopting and implementing policies that ensure that each local educational agency within a State receiving a grant under this part will adopt curriculum content and student performance standards and assessments—

''(i) that are aligned with the standards described in subparagraph (A); and

''(ii) that meet the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish and that are applicable to all students served by each such local educational agency.

''(4) ASSESSMENTS.—Each State plan shall demonstrate that the State has implemented a set of high quality, yearly student assessments that include, at a minimum, assessments in mathematics, science, and English language arts, that will be used, starting not later than the 2000–2001 school year as the primary means of determining the yearly performance of each local educational agency and school served by the State under this title in enabling all children to meet the State's challenging content and student performance standards. Such assessments shall—

''(A) be the same assessments used to measure the performance of all children, if the State measures the performance of all children;

''(B) be aligned with the State's challenging content and student performance standards, and provide coherent information about the local educational agency's contribution to the student attainment of such standards;

''(C) be used only for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments;

''(D) measure the performance of students against the challenging State content and student performance standards, and be administered not less than once during—

''(i) grades 3 through 5;

''(ii) grades 6 through 9; and

''(iii) grades 10 through 12;

''(E) include multiple, up-to-date measures of student performance and the local educational agency's contribution to student performance, including measures that assess higher order thinking skills and understanding;

''(F) provide for—

''(i) the participation in such assessments of all students;

''(ii) the reasonable adaptations and accommodations for students with disabilities as defined in 602(3) of the Individuals with Disabilities Education Act necessary to measure the achievement of such students relative to State content and student performance standards;

''(iii) in the case of a student with limited English proficiency, the assessment of such student in the student's native language if such a native language assessment is more likely than an English language assessment to yield accurate and reliable information on what that student knows and is able to do; and

''(iv) notwithstanding clause (iii), the assessment (using tests written in English) of English language arts of any student who has attended school in the United States (not including the Commonwealth of Puerto Rico) for 3 or more consecutive school years, except if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional consecutive year beyond the third consecutive year; and

''(G) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year, except that the performance of students who have attended more than 1 school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency;

''(H) provide individual student reports to be submitted to parents, including assessment scores or other information on the attainment of student performance standards; and

''(I) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, and by economically disadvantaged students as compared to students who are not economically disadvantaged.

''(5) RIGOROUS CRITERIA.—States are encouraged to use rigorous criteria assessment measures.

''(6) FIRST GRADE LITERACY ASSESSMENT.—In addition to those assessments described in paragraph (4), each State receiving funds under this part shall describe in its State plan what reasonable steps it is taking to assist and encourage local educational agencies—

''(A) to measure literacy skills of first graders in schools receiving funds under this part by providing assessments of first graders that are—

''(i) developmentally appropriate;

''(ii) aligned with State content and student performance standards; and

''(iii) scientifically research-based; and

''(B) to assist and encourage local educational agencies receiving funds under this part in identifying and taking developmentally appropriate and effective interventions in any school served under this part in which a substantial number of first graders have not demonstrated grade-level literacy proficiency by the end of the school year.

''(7) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English and Spanish that are present in the participating student populations in the State, and indicate the languages for which yearly student assessments are not available and are needed. The State may request assistance from the Secretary if linguistically accessible assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate assessment measures in the needed languages, but shall not mandate a specific assessment or mode of instruction.

''(8) ASSESSMENT DEVELOPMENT.—A State shall develop and implement the State assessments, including, at a minimum, mathematics and English language arts, by the 2000–2001 school year.

''(9) REQUIREMENT.—Each State plan shall describe—

''(A) how the State educational agency will assist each local educational agency and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1114(b), 1115(c), and 1116 that are applicable to such agency or school;

''(B) how the State educational agency will—

''(i) hold each local educational agency affected by the State plan accountable for improved student performance, including a procedure for—

''(I) identifying local educational agencies and schools in need of improvement; and

''(II) assisting local educational agencies and schools identified under subclause (I) to address achievement problems, including thorough descriptions of the amounts and types of professional development to be provided instructional staff, the amount of any financial assistance to be provided by the State under section 1003, and the amount of any funds to be provided by other sources and the activities to be provided by those sources; and

''(ii) implementing corrective action if assistance is not effective;

''(C) how the State educational agency is providing low-performing students additional academic instruction, such as before- and after-school programs and summer academic programs;

''(D) such other factors the State considers appropriate to provide students an opportunity to achieve the knowledge and skills described in the State's challenging content standards;

''(E) the specific steps the State educational agency will take or the specific strategies the State educational agency will use to ensure that—

''(i) all teachers in both schoolwide programs and targeted assistance programs are fully qualified not later than December 31, 2005; and

''(ii) low-income students and minority students are not taught at higher rates than other students by unexperienced, uncertified, or out-of-field teachers; and

''(F) the measures the State educational agency will use to evaluate and publicly report the State's progress in improving the quality of instruction in the schools served by the State educational agency and local educational agencies receiving funding under this Act.

''(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

''(1) the State educational agency will work with other agencies, including educational service agencies or other local consortia and institutions to provide technical assistance to local educational agencies and elementary schools and secondary schools to carry out the State educational agency's responsibilities under this part, including technical assistance in providing professional development under section 1119(A) and technical assistance under section 1117; and

''(2)(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

''(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements, such as through a consortium of local educational agencies;

''(3) the State educational agency will use the disaggregated results of the student assessments required under subsection (b)(4), and other measures or indicators available to the State, to review annually the progress of each local educational agency and school served under this part to determine whether each such agency and school is making the annual progress necessary to ensure that all students will meet the proficient level of performance on the assessments described in subsection (b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

''(4) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual elementary schools and secondary schools participating in a program assisted under this part;

''(5) the State educational agency will regularly inform the Secretary and the public in the State of how Federal laws, if any, hinder the ability of States to hold local educational agencies and schools accountable for student academic performance;

''(6) the State educational agency will encourage elementary schools and secondary schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

''(7) the State educational agency will modify or eliminate State fiscal and accounting barriers so that elementary schools and secondary schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;

''(8) the State educational agency has involved the committee of practitioners established under section 1703(b) (as redesignated by section 161(2)) in developing and monitoring the implementation of the State plan; and

''(9) the State educational agency will inform local educational agencies of the local educational agency's authority to obtain waivers under title VIII and, if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999.

''(d) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary shall—

''(1) establish a peer review process to assist in the review of State plans;

''(2) only approve a State plan meeting each of the requirements of this section;

''(3) if the Secretary determines that the State plan does not meet each of the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for such determination;

''(4) not disapprove a State plan before—

''(A) notifying the State educational agency in writing of the specific deficiencies of the State plan;

''(B) offering the State an opportunity to revise the State plan;

''(C) providing technical assistance in order to assist the State to meet the requirements under subsections (a), (b), and (c); and

''(D) providing a hearing;

''(5) have the authority to disapprove a State plan for not meeting the requirements of this section, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan 1 or more specific elements of the challenging State content standards or to use specific assessment instruments or items; and

''(6) require a State to submit a revised State plan that meets the requirements of this section to the Secretary for approval not later than 1 year after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

''(e) DURATION OF THE PLAN.—

''(1) IN GENERAL.—Each State plan shall—

''(A) remain in effect for the duration of the State's participation under this part; and

''(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

''(2) ADDITIONAL INFORMATION.—If the State makes significant changes in its State plan, such as the adoption of new challenging State content standards and State student performance standards, new assessments, or a new definition of adequate yearly progress, the State shall submit such information to the Secretary.

''(f) LIMITATION ON CONDITIONS.—Nothing in this part shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State's, local educational agency's, or elementary school's or secondary school's specific challenging content or student performance standards, assessments, curricula, or program of instruction, as a condition of eligibility to receive funds under this part.

''(g) PENALTIES.—

''(1) IN GENERAL.—If a State fails to meet the statutory deadlines for demonstrating that the State has in place challenging content standards and student performance standards, assessments, a system for measuring and monitoring adequate yearly progress, and a statewide system for holding schools and local educational agencies accountable for making adequate yearly progress with each group of students specified in subsection (b)(2)(B)(iv), the State shall be ineligible to receive any administrative funds under section 1703(c) that exceed the amount received by the State for such purposes in the previous year.

''(2) ADDITIONAL FUNDS.—Based on the extent to which challenging content standards and student performance standards, assessments, systems for measuring and monitoring adequate yearly progress, and a statewide system for holding schools and local educational agencies accountable for making adequate yearly progress with each group of students specified in subsection (b)(2)(B)(iv), are not in place, the Secretary shall withhold additional administrative funds in such amount as the Secretary determines appropriate, except that for each additional year that the State fails to comply with such requirements, the Secretary shall withhold not less than ⅕ of the amount the State receives for administrative expenses under section 1703(c).

''(3) WAIVER.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), notwithstanding part D of title VIII, the Education Flexibility Partnership Act of 1999, or any other provision of law, a waiver of this section shall not be granted, except that a State may request a 1-time, 1-year waiver to meet the requirements of this section.

''(B) EXCEPTION.—A waiver granted pursuant to subparagraph (A) shall not apply to the requirements described under subsection (h).

''(h) SPECIAL RULE ON SCIENCE STANDARDS AND ASSESSMENTS.—Notwithstanding subsection (b) and part D of title IV, no State shall be required to meet the requirements under this title relating to science standards or assessments until the beginning of the 2005–2006 school year.''.

**SEC. 106. LOCAL EDUCATIONAL AGENCY PLANS.**

(a) SUBGRANTS.—Section 1112(a)(1) (20 U.S.C. 6312(a)(1)) is amended by striking ''' and all that follows and inserting ''the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and other Acts, as appropriate.''.

(b) PLAN PROVISIONS.—Section 1112(b) (20 U.S.C. 6312(b)) is amended—

(1) by striking ''Each'' and inserting ''In order to help low-achieving children achieve high standards, each'';

(2) in paragraph (1)—

(A) by striking ''part'' each place it appears and inserting ''title''; and

(B) in subparagraph (B), by inserting ''low-achieving'' before ''children'';

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking ''program,'' and inserting ''programs and''; and

(ii) by striking ''; and school-to-work transition programs''; and

(B) in subparagraph (B), by striking ''under part C'' and all that follows through ''dropping out'' and inserting ''under part C, neglected or delinquent youth,'';

(4) in paragraph (7), by striking ''eligible'';

(5) in paragraph (9), by striking the period and inserting a semicolon; and

(6) by adding at the end the following new paragraphs:

''(10) a description of the actions the local educational agency will take to assist the low-performing schools served by the local educational agency, including schools identified under section 1116 as in need of improvement; and

''(11) a description of how the local educational agency will promote the use of alternative instructional methods, and extended learning time, such as an extended school year, before- and after-school programs, and summer programs.''.

(c) ASSURANCES.—Section 1112(c) (20 U.S.C. 6312(c)) is amended to read as follows:

''(c) ASSURANCES.—

''(1) IN GENERAL.—Each local educational agency plan shall provide assurances that the local educational agency will—

''(A) specify the steps the local educational agency will take to ensure that all teachers in both schoolwide programs and targeted assistance are fully qualified not later than December 31, 2005 and the strategies the local educational agency will use to ensure that low-income students and minority students are not taught at higher rates than other children by inexperienced, uncertified, or out-of-field teachers, and the measures the agency will use to evaluate and publicly report progress in improving the quality of instruction in schools served by the local educational agency and receiving funding under this Act;

''(B) reserve not less than 10 percent of the funds the agency receives under this part for high quality professional development, as defined in section 1119, for professional instruction staff;

''(C) provide eligible schools and parents with information regarding schoolwide project authority and the ability of such schools to consolidate funds from Federal, State, and local sources;

''(D) provide technical assistance and support to schoolwide programs;

''(E) work in consultation with schools as the schools develop a school plan pursuant to section 1114(b)(2), and assist schools in implementing such plans or undertaking activities pursuant to section 1115(c), so that each school can make adequate yearly progress toward meeting the challenging State student performance standards;

''(F) use the disaggregated results of the student assessments required under section 1111(b)(4), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this title to determine whether or not all schools are making the annual progress necessary to ensure that all students will meet the proficient level of performance on the assessments described in section 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

''(G) set and hold schools served by the local educational agency accountable for meeting annual numerical goals for improving the performance of all groups of students based on the performance standards set by the State under section 1111(b)(1)(D)(ii);

''(H) fulfill the local educational agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(c)(9);

''(I) provide the State educational agency with—

''(i) an annual, up-to-date, and accurate list of all schools served by the local educational agency that are eligible for school improvement and corrective action;

''(ii) the reasons why each school described in clause (i) was identified for school improvement or corrective action; and

''(iii) the specific plans for improving student performance in each of the schools described in clause (i), including the specific numerical achievement goals for the succeeding 2 school years, for each group of students specified in section 1111(b)(2)(B)(iv) enrolled in each such school;

''(J) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1120, and provide timely and meaningful consultation with private school officials regarding such services;

''(K) take into account the experience of model programs for the educationally disadvantaged and the findings of relevant scientifically based research when developing technical assistance plans for, and delivering technical assistance to, schools served by the local educational agency that are receiving funds under this part and are in school improvement or corrective action;

''(L) in the case of a local educational agency that chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act;

''(M) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals;

''(N) inform eligible schools served by the local educational agency of the agency's authority to obtain waivers on such school's behalf under title VIII, and if the State is an Ed-Flex Partnership State, under the Education Flexibility Partnership Act of 1999; and

''(O) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and their families.

''(2) MODEL PROGRAMS; SCIENTIFICALLY BASED RESEARCH.—In carrying out paragraph (1)(K)—

''(A) the Secretary shall consult with the Secretary of Health and Human Services on the implementation of such subparagraph, and shall establish procedures (taking into consideration existing State and local laws and local teacher contracts) to assist local educational agencies to comply with such subparagraph;

''(B) the Secretary shall disseminate to local educational agencies the Head Start performance standards under section 641A(a) of the Head Start Act upon such standard's publication; and

''(C) local educational agencies affected by such subparagraph shall plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including pursuing the availability of other Federal, State, and local funding sources to assist in compliance with such subparagraph.

''(3) INAPPLICABILITY.—The provisions of this subsection shall not apply to preschool programs using the Even Start model or to Even Start programs.''.

(d) PLAN DEVELOPMENT AND DURATION.—Section 1112(d) (20 U.S.C. 6312(d)) is amended to read as follows:

''(d) PLAN DEVELOPMENT AND DURATION.—

''(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, principals, local school boards, administrators (including administrators of programs described in other parts of this title), other appropriate school personnel, and parents of children in elementary schools and secondary schools served under this part.

''(2) DURATION.—Each plan described in paragraph (1) shall remain in effect for the duration of the local educational agency's participation under this part.

''(3) REVIEW.—Each local educational agency shall periodically review, and as necessary, revise its plan.''.

(e) STATE APPROVAL.—Section 1112(e) (20 U.S.C. 6312(e)) is amended to read as follows:

''(e) PEER REVIEW AND STATE APPROVAL.—

''(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

''(2) APPROVAL.—The State educational agency shall establish a peer review process to assist in the review of local educational agency plans. The State educational agency shall approve a local educational agency plan only if the State educational agency determines that the local educational agency plan—

''(A) will enable elementary schools and secondary schools served by the local educational agency and under this part to help all groups of students specified in section 1111(b)(1) meet or exceed the proficient level of performance on the assessments required under section 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act; and

''(B) meets each of the requirements of this section.

''(3) STATE REVIEW.—Each State educational agency shall at least annually review each local agency plan approved under this subsection against the results of the disaggregated assessments required under section 1111(b)(4) for each local educational agency to ensure that the progress of all students in schools served by each local educational agency under this part is adequate to ensure that all students in the State will meet or exceed the proficient standard level of performance on assessments within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

''(4) PUBLIC REVIEW.—Each State educational agency will make publicly available each local educational agency plan.''.

(f) PARENTAL NOTIFICATION FOR ENGLISH LANGUAGE INSTRUCTION.—Section 1112 (20 U.S.C. 6312) is amended by adding at the end the following:

''(g) PARENTAL NOTIFICATION FOR ENGLISH LANGUAGE INSTRUCTION.—

''(1) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient students, the local educational agency shall inform a parent or the parents of a child participating in an English language assistance educational program assisted under this part of—

''(A) the reasons for the identification of the child as being in need of English language instruction;

''(B) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

''(C) how the English language assistance educational program will specifically help the child learn English and meet age-appropriate standards for grade promotion and graduation;

''(D) the specific exit requirements of the English language assistance educational program;

''(E) the expected rate of graduation from the English language assistance educational program into mainstream classes; and

''(F) the expected rate of graduation from secondary school if funds under this part are used for children in secondary schools.

''(2) PARENTAL RIGHTS.—

''(A) IN GENERAL.—A parent or the parents of a child participating in an English language assistance educational program under this part shall—

''(i) have the option of selecting among methods of instruction, if more than one method is offered in the program; and

''(ii) have the right to have their child immediately removed from the program upon their request.

''(B) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language assistance educational program under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

''(i) timely information about English language assistance educational programs for limited English proficient children assisted under this part; and

''(ii) if a parent of a participating child so desires, notice of opportunities for regular meetings of parents of limited English proficient children participating in English language assistance educational programs under this part for the purpose of formulating and responding to recommendations from such parents.

''(3) BASIS FOR ADMISSION OR EXCLUSION.—No student shall be admitted to or excluded from any federally assisted education program solely on the basis of a surname or language minority status.''.

**SEC. 107. SCHOOLWIDE PROGRAMS.**

(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—Section 1114(a) (20 U.S.C. 6314(a)) is amended—

(1) in paragraph (1), by striking ''school described in subparagraph (A)'' and all that follows through ''such families.'' the second place it appears and inserting ''school that serves an eligible school attendance area in which—

''(A) not less than 40 percent of the children are from low-income families; or

''(B) not less than 40 percent of the children enrolled in the school are from such families.''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''subsections (c)(1) and (e) of''; and

(B) in subparagraph (B), by striking ''subsections (c)(1) and (e) of''.

(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—Section 1114(b) (20 U.S.C. 6314(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''section 1111(b)(1)'' and inserting ''section 1111(b)'';

(B) in subparagraph (B)—

(i) in clause (i), by striking ''section 1111(b)(1)(D)'' and inserting ''1111(b)'';

(ii) in clause (iii)(II), by inserting ''and'' after the semicolon;

(iii) in clause (iv)(II), by striking ''; and'' and inserting a period; and

(iv) by striking clause (vii); and

(C) in subparagraph (G), by striking ''section 1112(b)(1)'' and inserting ''section 1112''; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''Improving America's Schools Act of 1994'' and inserting ''Public Education Reinvestment, Reinvention, and Responsibility Act'';

(ii) by striking ''subsections (c)(1) and (e) of''; and

(iii) in clause (iv), by striking ''section 1111(b)(3)'' and inserting ''section 1111(b)(4)'';

(B) in subparagraph (B), by striking ''paragraphs (1) and (3) of section 1111(b)'' and inserting ''paragraphs (1) and (4) of section 1111(b)''; and

(C) in subparagraph (C)(i)—

(i) in subclause (I), by striking ''subsections (c) and (e) of''; and

(ii) in subclause (II), by striking ''Improving America's Schools Act of 1994'' and inserting ''Public Education Reinvestment, Reinvention, and Responsibility Act''.

**SEC. 108. SCHOOL CHOICE.**

Section 1115A (20 U.S.C. 6316) is amended to read as follows:

**''SEC. 1115A. SCHOOL CHOICE.**

''(a) CHOICE PROGRAMS.—A local educational agency may use funds under this part, in combination with State, local, and private funds, to develop and implement public school choice programs, for children eligible for assistance under this part, that permit parents to select the public school that their child will attend and are consistent with State and local law, policy, and practice related to public school choice and local pupil transfer.

''(b) CHOICE PLAN.—A local educational agency that chooses to implement a public school choice program under this section shall first develop a plan that—

''(1) contains an assurance that all eligible students across grade levels served under this part will have equal access to the program;

''(2) contains an assurance that the program does not include elementary schools or secondary schools that follow a racially discriminatory policy;

''(3) describes how elementary schools or secondary schools will use resources under this part, and from other sources, to implement the plan;

''(4) contains an assurance that the plan will be developed with the involvement of parents and others in the community to be served, and individuals who will carry out the plan, including administrators, teachers, principals, and other staff;

''(5) contains an assurance that parents of eligible students served by the local educational agency will be given prompt notice of the existence of the public school choice program, the program's availability to such parents, and a clear explanation of how the program will operate;

''(6) contains an assurance that the public school choice program—

''(A) shall include charter schools and any other public elementary school and secondary school; and

''(B) shall not include as a 'receiving school' an elementary school or a secondary school that—

''(i) is or has been identified as a school in, or eligible for, school improvement or corrective action;

''(ii) has been in school improvement or corrective action within the last 2 consecutive academic years; or

''(iii) is at risk of being eligible for school improvement within the next school year;

''(7) contains an assurance that transportation services or the costs of transportation to and from the public school choice program—

''(A) may be provided by the local educational agency with funds under this part and from other sources; and

''(B) shall not be provided from funds made available under this part to the local educational agency that exceed 10 percent of such funds; and

''(8) contains an assurance that such local educational agency will comply with the other requirements of this part.''.

**SEC. 109. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.**

(a) LOCAL REVIEW.—Section 1116(a) (20 U.S.C. 6317(a)) is amended—

(1) in paragraph (2), by striking ''1111(b)(2)(A)(i)'' and inserting ''1111(b)(2)(B)'';

(2) in paragraph (3)—

(A) by striking ''individual school performance profiles'' and inserting ''school report cards'';

(B) by striking ''1111(b)(3)(I)'' and inserting ''1111(b)(4)(I)''; and

(C) by striking ''and'' after the semicolon;

(3) in paragraph (4), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(5) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement assisted under this Act.''.

(b) SCHOOL IMPROVEMENT.—Section 1116(c) (20 U.S.C. 6317(c)) is amended to read as follows:

''(c) SCHOOL IMPROVEMENT.—

''(1) IN GENERAL.—A local educational agency shall identify for school improvement any elementary school or secondary school served under this part that—

''(A) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

''(B) was in, or was eligible for, school improvement status under this section on the day preceding the date of the enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

''(2) TRANSITION.—The 2-year period described in paragraph (1)(A) shall include any continuous period of time immediately preceding the date of the enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act during which an elementary school or a secondary school did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention and Responsibility Act.

''(3) TARGETED ASSISTANCE SCHOOLS.—To determine if an elementary school or a secondary school that is conducting a targeted assistance program under section 1115 should be identified as in need of improvement under this subsection, a local educational agency may choose to review the progress of only those students in such school who are served, or are eligible for services, under this part.

''(4) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—(A) Before identifying an elementary school or a secondary school for school improvement under paragraph (1), the local educational agency shall provide the school with an opportunity to review the school level data, including assessment data, on which the proposed identification is based.

''(B) If the principal of a school proposed for identification as in need of school improvement believes that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which the agency shall consider before making a final determination.

''(5) TIME LIMITS.—Not later than 30 days after a local educational agency makes its initial determination that a school served by the agency and receiving assistance under this part is eligible for school improvement, the local educational agency shall make public a final determination on the status of the school.

''(6) NOTIFICATION TO PARENTS.—A local educational agency shall, in an easily understandable format, and in the 3 languages, other than English, spoken by the greatest

number of individuals in the area served by the local educational agency, provide in writing to parents of each student in an elementary school or a secondary school identified for school improvement—

''(A) an explanation of what the school improvement identification means, and how the school identified for improvement compares in terms of academic performance to other elementary schools or secondary schools served by the local educational agency and the State educational agency;

''(B) the reasons for such identification;

''(C) the data on which such identification was based;

''(D) an explanation of what the school identified for improvement is doing to address the problem of low achievement;

''(E) an explanation of what the local educational agency or State educational agency is doing to help the school address its achievement problems, including the amounts and types of professional development being provided to the instructional staff in such school, the amount of any financial assistance being provided by the State educational agency under section 1003, and the activities that are being provided with such financial assistance;

''(F) an explanation of how parents described in this paragraph can become involved in addressing the academic issues that caused the school to be identified as in need of improvement; and

''(G) an explanation of the right of parents, pursuant to paragraph (7), to transfer their child to a higher performing public school, including a public charter school or magnet school, that is not in school improvement, and how such transfer shall operate.

''(7) PUBLIC SCHOOL CHOICE OPTION.—

''(A) SCHOOLS IN CORRECTIVE ACTION.—

''(i) SCHOOLS IN CORRECTIVE ACTION ON OR BEFORE DATE OF ENACTMENT.—In the case of a school identified for corrective action on or before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, a local educational agency shall not later than 18 months after such date of enactment provide all students enrolled in the school an option to transfer (consistent with State and local law, policy, and practices related to public school choice and local pupil transfer) to any other higher performing public school, including a public charter or magnet school, that—

''(I) has not been identified for school improvement or corrective action;

''(II) is not at risk of being identified for school improvement or corrective action within the succeeding academic year; and

''(III) has not been in corrective action at any time during the 2 preceding academic years.

''(ii) SCHOOLS IDENTIFIED AFTER DATE OF ENACTMENT.—In the case of a school identified for corrective action after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, a local educational agency shall not later than 12 months after the date on which a local educational agency identifies the school for corrective action provide all students enrolled in the school with the transfer option described in clause (i).

''(B) COOPERATIVE AGREEMENT.—If all public schools served by the local educational agency to which a child may transfer under clause (i) are identified for corrective action, or, if public schools in the agency's jurisdiction that are not in corrective action cannot accommodate all of the students who are eligible to transfer because of capacity, or State or local law, policy, and practices related to public school choice and local pupil transfer, the local educational agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies that serve geographic areas in proximity to the geographic area served by the local educational agency, to enable a child to transfer (consistent with State and local law, policy, and practices related to public school choice and local pupil transfer) to a school served by such other local educational agencies that meets the requirements described in subparagraph (A)(i).

''(C) TRANSPORTATION.—A local educational agency that serves a school that has been identified for corrective action shall provide transportation services or the costs of such services for children of parents who choose to transfer their children pursuant to this paragraph to a different school. Not more than 10 percent of the funds allocated to a local educational agency under this part may be used to provide such transportation services or costs of such services.

''(D) CONTINUATION OPTION.—Once a school is no longer identified for or in corrective action, the local educational agency shall continue to provide public school choice as an option to students in such schools for a period of not less than 2 years.

''(8) SCHOOL PLAN.—(A) Each school identified under paragraph (1) for school improvement shall, after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local educational agency serving the school, the local school board, and other outside experts, for approval by such local educational agency. The school plan shall—

''(i) incorporate scientifically based research strategies that strengthen the core academic programs in the school and address the specific academic issues that caused the school to be identified for school improvement;

''(ii) adopt policies and practices in the school's core academic program that have the greatest likelihood of ensuring that all groups of students specified in section 1111(b)(2)(B)(iv) enrolled in the school will meet or exceed the State's proficient level of performance on the assessment required in section 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

''(iii) assure that the school will reserve not less than 10 percent of the funds made available to it under this part for each fiscal year that the school is in school improvement for the purpose of providing the school's teachers and principal high quality professional development that—

''(I) directly addresses the academic achievement problem that caused the school to be identified for school improvement; and

''(II) meets the requirements for professional development activities under section 1119;

''(iv) specify how the funds described in clause (iii) will be used to remove the school from school improvement status;

''(v) establish specific annual, numerical progress goals for each group of students specified in section 1111(b)(2)(B)(iv) enrolled in the school that will ensure that all such groups of students meet or exceed the State's proficient standard level of performance within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

''(vi) identify how the school will provide written notification to parents of each child enrolled in such school, in a format and, to the extent practicable, in a language such parents can understand; and

''(vii) specify the responsibilities of the school, the local educational agency, and the State educational agency serving such school under the plan.

''(B) The local educational agency described in subparagraph (A)(vi) may condition approval of a school plan on inclusion of 1 or more of the corrective actions specified in paragraph (10)(C).

''(C) A school shall implement the school plan or revised plan expeditiously, but not later than the beginning of the school year following the school year in which the school was identified for improvement.

''(D) The local educational agency described in subparagraph (A)(vi) shall establish a peer review process to assist with review of a school improvement plan prepared by the school served by the local educational agency, promptly review the school plan, work with the school as necessary, and approve the school plan if the school plan meets the requirements of this paragraph.

''(9) TECHNICAL ASSISTANCE.—(A) For each school identified for school improvement under paragraph (1), the local educational agency serving the school shall provide technical assistance as the school develops and implements its school plan.

''(B) Such technical assistance—

''(i) shall include assistance in analyzing data from the assessments required under section 1111(b)(4), and other samples of student work, to identify and address instructional problems and solutions;

''(ii) shall include assistance in identifying and implementing scientifically based instructional strategies and methods that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement;

''(iii) shall include assistance in analyzing and revising the school's budget such that the school resources are more effectively focused on those activities most likely to increase student achievement and to remove the school from school improvement status;

''(iv) may be provided directly by the local educational agency, through mechanisms authorized under section 1117, or with the local educational agency's approval, by the State educational agency, an institution of higher education in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965, a private not-for-profit organization or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement as described under section 7005, or other entity with experience in helping schools improve achievement.

''(C) Technical assistance provided under this section by a local educational agency or an entity authorized by such agency shall be based upon scientifically based research.

''(10) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each local educational agency shall implement a system of corrective action in accordance with the following:

''(A) After providing technical assistance under paragraph (9) and subject to subparagraph (F), the local educational agency—

''(i) may take corrective action at any time with respect to a school served by the local educational agency that has been identified under paragraph (1);

''(ii) shall take corrective action with respect to any school served by the local educational agency that fails to make adequate yearly progress, as defined by the State under section 1111(b)(2)(B), after the end of the second year following the school year in which the school was identified under paragraph (1); and

''(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

''(B) As used in this paragraph, the term 'corrective action' means action, consistent with State and local law, that—

''(i) substantially and directly responds to—

''(I) the consistent academic failure of a school that caused the local educational agency to take such action; and

''(II) any underlying staffing, curricula, or other problem in the school; and

''(ii) is designed to increase substantially the likelihood that students enrolled in the school subject to corrective action will perform at the proficient and advanced performance levels.

''(C) In the case of a school described in subparagraph (A)(ii), the local educational agency shall take not less than 1 of the following corrective actions:

''(i) Withhold funds from the school.

''(ii) Make alternative governance arrangements, including reopening the school as a public charter school.

''(iii) Reconstitute the relevant school staff.

''(iv)(I) Authorize students to transfer to other higher performing public schools served by the local educational agency, including public charter and magnet schools.

''(II) Provide such students transportation services, or the costs of transportation, to such schools (except that such funds used to provide transportation services or costs of transportation shall not exceed 10 percent of the amount authorized under section 1122(a)(2)).

''(III) Take not less than 1 additional action described under this subparagraph.

''(v) Institute and fully implement a new curriculum, including appropriate professional development for all relevant staff, that is based upon scientifically based research and offers substantial promise of improving educational achievement for low-performing students.

''(D) A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action only if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

''(E) The local educational agency shall publish and disseminate to the public and to the parents of each student enrolled in a school subject to corrective action, in a format and, to the extent practicable, in a language that the parents can understand, information regarding any corrective action the local educational agency takes under this paragraph through such means as the Internet, the media, and public agencies.

''(F)(i) Before taking corrective action with respect to any school under this paragraph, a local educational agency shall provide the school an opportunity to review the school level data, including assessment data, on which the proposed determination is made.

''(ii) If the school believes that the proposed determination is in error for statistical or other substantive reasons, the school principal may provide supporting evidence to the local educational agency, which shall consider such evidence before making a final determination.

''(G) TIME LIMITS.—Not later than 30 days after the local educational agency makes its initial determination that a school served by the local educational agency and receiving assistance under this part is eligible for corrective action, the local educational agency shall make a final and public determination on the status of the school.

''(11) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—If a State educational agency determines that a local educational agency failed to carry out its responsibilities under this section, or determines that, after 1 year of implementation of the corrective action, such action has not resulted in sufficient progress in increased student performance, the State educational agency shall take such action as the agency finds necessary, including designating a course of corrective action described in paragraph (10)(C), consistent with this section, to improve the affected schools and to ensure that the local educational agency carries out the local educational agency's responsibilities under this section.

''(12) SPECIAL RULES.—Schools that, for at least 2 of the 3 years following identification under paragraph (1), make adequate yearly progress toward meeting the State's proficient and advanced levels of performance shall no longer be identified for school improvement.''.

(c) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—Section 1116(d) (20 U.S.C. 6317(d)) is amended to read as follows:

''(d) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

''(1) IN GENERAL.—A State educational agency shall annually review the progress of each local educational agency within the State receiving funds under this part to determine whether schools served by such agencies and receiving assistance under this part are making adequate yearly progress, as defined in section 1111(b)(2), toward meeting the State's student performance standards and to determine whether each local educational agency is carrying out its responsibilities under sections 1116 and 1117.

''(2) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.—A State educational agency shall identify for improvement any local educational agency that—

''(A) for 2 consecutive years fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

''(B) had been identified for, or was eligible for, improvement under this section as this section was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

''(3) TRANSITION.—The 2-year period described in paragraph (2)(A) shall include any continuous period of time immediately preceding the date of the enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act during which a local educational agency did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of the enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

''(4) TARGETED ASSISTANCE SCHOOLS.—For purposes of targeted assistance schools within a local educational agency, a State educational agency may choose to review the progress of only the students in such schools who are served under this part.

''(5) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—(A) Before identifying a local educational agency for improvement under paragraph (2), a State educational agency shall provide the local educational agency with an opportunity to review the local educational agency data, including assessment data, on which the proposed identification is based.

''(B) If the local educational agency believes that the proposed identification is in error for statistical or other substantive reasons, the local educational agency may provide supporting evidence to the State educational agency, which the State educational agency shall consider before making a final determination.

''(6) TIME LIMITS.—Not later than 45 days after the State educational agency makes its initial determination that a local educational agency within the State and receiving assistance under this part is eligible for improvement, the State educational agency shall make public a final determination on the status of the local educational agency.

''(7) NOTIFICATION TO PARENTS.—The State educational agency shall promptly notify parents of each student enrolled in a school served by a local educational agency identified for improvement, in a format, and to the extent practicable, in a language the parents can understand, of the reasons for such agency's identification and how parents can participate in upgrading the quality of the local educational agency.

''(8) LOCAL EDUCATIONAL AGENCY REVISIONS.—

''(A) IN GENERAL.—Each local educational agency identified under paragraph (2) shall, after being so identified, develop or revise a local educational agency plan, in consultation with the local school board, parents, teachers, school staff, and others, for approval by the State educational agency. Such plan shall—

''(i) incorporate scientifically based research strategies that strengthen the core academic program in the local educational agency;

''(ii) identify specific annual numerical academic achievement objectives in at least the areas of mathematics and English language arts that the local educational agency will meet, with such objectives being calculated in a manner such that their achievement will ensure that each group of students enrolled in each school served by the local educational agency will meet or exceed the proficient standard level of performance in assessments required under section 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act; and

''(iii) assure that the local educational agency will—

''(I) reserve not less than 10 percent of the funds made available to the local educational agency under this part for each fiscal year that the agency is in improvement for the purpose of providing high quality professional development to teachers and principals at schools served by the agency and receiving funds under this part that directly address the academic achievement problem that caused the local educational agency to be identified for improvement and shall be in keeping with the definition of professional development provided in section 1119; and

''(II) the improvement plan shall specify how these funds will be used to remove the local educational agency from improvement status;

''(iv) identify how the local educational agency will provide written notification to parents described in paragraph (7) in a format, and to the extent practicable in a language, that the parents can understand, pursuant to paragraph (7);

''(v) specify the responsibilities of the State educational agency and the local educational agency under the plan; and

''(vi) include a review of the local educational agency budget to ensure that resources are focused on those activities that are most likely to improve student achievement and to remove the agency from improvement status.

''(B) PEER REVIEW.—The State educational agency shall establish a peer review process to assist with the review of the local educational agency improvement plan, promptly review the plan, work with the local educational agency as necessary, and approve the plan if the plan meets the requirements of this paragraph.

''(C) DEADLINE FOR IMPLEMENTATION.—The local educational agency shall implement the local educational agency plan or revised plan expeditiously, but not later than the beginning of the school year following the

school year in which the agency was identified for improvement.

''(D) RESOURCES REALLOCATION.—If the local educational agency budget fails to allocate resources, consistent with, subparagraph (A)(iv), the State educational agency may direct the local educational agency to reallocate resources to more effective activities.

''(9) STATE EDUCATIONAL AGENCY RESPONSIBILITY.—For each local educational agency identified under paragraph (2), the State educational agency shall provide technical or other assistance, if requested, as authorized under section 1117, to better enable the local educational agency—

''(A) to develop and implement the local educational agency plan or revised plan as approved by the State educational agency consistent with the requirements of this section; and

''(B) to work with schools served by the local educational agency that are identified for improvement.

''(10) TECHNICAL ASSISTANCE.—Technical assistance provided by the State educational agency—

''(A) shall include assistance in analyzing data from the assessments required under section 1111(b)(4) to identify and address instructional problems and solutions;

''(B) shall include assistance in identifying and implementing scientifically based instructional strategies and methods that have proven effective in addressing the specific instructional issues that caused the local educational agency to be identified for improvement;

''(C) shall include assistance in analyzing and revising the local educational agency's budget such that the agency's resources are more effectively focused on those activities most likely to increase student achievement and to remove the agency from improvement status; and

''(D) may be provided by—

''(i) the State educational agency; or

''(ii) with the local educational agency's approval, by an institution of higher education (in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965), a private not-for-profit or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement as described under section 7005, or any other entity with experience in helping schools improve achievement.

''(11) RESOURCES REALLOCATION.—The State educational agency may, as a condition of providing the local educational agency with technical assistance and financial support in developing and carrying out an improvement plan, require that the local educational agency reallocate resources away from ineffective or inefficient activities to activities that, through scientific research, have proven to have the greatest impact on increasing student achievement and closing the achievement gap between groups of students.

''(12) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each State educational agency shall implement a system of corrective action in accordance with the following:

''(A) After providing technical assistance under paragraph (10), and subject to subparagraph (D), the State educational agency—

''(i) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, after the end of the second year following its identification under paragraph (2); and

''(ii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

''(B) As used in this paragraph, the term 'corrective action' means action, consistent with State law, that—

''(i) substantially and directly responds to—

''(I) the consistent academic failure of schools served by a local educational agency that caused the State educational agency to take such action with respect to the local educational agency; and

''(II) any underlying staffing, curricular, or other problem in the schools served by the local educational agency; and

''(ii) is designed to meet the goal of having all students served under this part perform at the proficient and advanced performance levels.

''(C) In the case of a local educational agency described in subparagraph (A)(ii), the State educational agency shall take not less than 1 of the following corrective actions:

''(i) Withhold funds from the local educational agency.

''(ii) Reconstitute the relevant local educational agency personnel.

''(iii) Remove particular schools from the area served by the local educational agency, and establish alternative arrangements for public governance and supervision of such schools.

''(iv) Appoint, through the State educational agency, a receiver or trustee to administer the affairs of the local educational agency in place of the local educational agency's superintendent and school board.

''(v) Abolish or restructure the local educational agency.

''(vi)(I) Authorize students to transfer from a school operated by the local educational agency to a higher performing public school, including a public charter or magnet school, operated by another local educational agency.

''(II) Provide students described in subclause (I) transportation services, or the costs of transportation, not to exceed 10 percent of the funds allocated to a local educational agency under this part, to such higher performing schools or public charter schools.

''(III) Take not less than 1 additional action described under this subparagraph.

''(D) Prior to implementing any corrective action, the State educational agency shall provide notice and a opportunity for a hearing to the affected local educational agency, if State law provides for such notice and opportunity.

''(E) Not later than 45 days after the State educational agency makes its initial determination that a local educational agency in the State and receiving assistance under this part is eligible for improvement, the State educational agency shall make public a final determination on the status of the local educational agency.

''(F) The State educational agency shall publish and disseminate to parents described in paragraph (7) and the public information regarding any corrective action the State educational agency takes under this paragraph through such means as the Internet, the media, and public agencies.

''(G) The State educational agency may delay, for a period not to exceed 1 year, implementation of corrective action if the local educational agency's failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or schools served by the local educational agency.''.

**SEC. 110. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.**

Section 1117 (20 U.S.C. 6318) is amended to read as follows:

**''SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.**

''(a) SYSTEM FOR SUPPORT.—Using funds allocated under section 1003(a)(1), each State educational agency shall establish a statewide system of intensive and sustained support and improvement for local educational agencies, elementary schools, and secondary schools receiving funds under this part, in order to ensure that all groups of students specified in section 1111 and attending such schools meet or exceed the proficient standard level performance on the assessments required by section 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

''(b) PRIORITIES.—In carrying out this section, a State educational agency shall—

''(1) first, provide support and assistance to local educational agencies and schools identified as in need of improvement under section 1116;

''(2) second, provide support and assistance to local educational agencies subject to corrective action under section 1116, and assist elementary schools and secondary schools, in accordance with section 1116(c)(11), for which a local educational agency has failed to carry out its responsibilities under section 1116(c) (9) and (10); and

''(3) third, provide support and assistance to local educational agencies and schools that are at risk of being identified as being in need of improvement within the next academic year, participating under this part.

''(c) APPROACHES.—In order to achieve the purpose described in subsection (a), each statewide system shall provide technical assistance and support through approaches such as—

''(1) school support teams, composed of individuals who are knowledgeable about scientifically based research, teaching and learning practices, and particularly about strategies for improving educational results for low-achieving children; and

''(2) designating and using Distinguished Educators, who are chosen from schools served under this part that have been especially successful in improving academic achievement.

''(d) FUNDS.—Each State educational agency—

''(1) shall use funds reserved under section 1003(a)(1), but not used under section 1003(a)(2), to carry out this section; and

''(2) may use State administrative funds authorized under section 1703(c) to carry out this section.

''(e) ALTERNATIVES.—The State educational agency may—

''(1) devise additional approaches to providing the technical assistance and support described in subsection (c), such as providing assistance through institutions of higher education, educational service agencies, or other local consortia; and

''(2) seek approval from the Secretary to use funds under section 1003(a)(2) for such approaches as part of the State plan.''.

**SEC. 111. PARENTAL INVOLVEMENT CHANGES.**

(a) LOCAL EDUCATIONAL AGENCY POLICY.—Section 1118(a) (20 U.S.C. 6319(a)) is amended—

(1) in paragraph (1), by striking ''programs, activities, and procedures'' and inserting ''activities and procedures'';

(2) in paragraph (2), by striking subparagraphs (E) and (F) and inserting the following:

''(E) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under this part;

''(F) involve parents in the activities of the schools served under this part; and

''(G) promote consumer friendly environments within the local educational agency and schools served under this part.'';

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

''(C) Not less than 90 percent of the funds reserved under subparagraph (A) shall be distributed to schools served under this part.''.

(b) NOTICE.—Section 1118(b)(1) (20 U.S.C. 6319(b)(1)) is amended by inserting after the first sentence ''Parents shall be notified of the policy in a format, and to the extent practicable in a language, that the parents can understand.''.

(c) PARENTAL INVOLVEMENT.—Section 1118(c)(4) (20 U.S.C. 6319(c)(4)) is amended—

(1) in subparagraph (B), by striking ''school performance profiles required under section 1116(a)(3)'' and inserting ''school reports described under section 4401'';

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (C) the following:

''(D) notice of the school's designation as a school in need of improvement under section 1116(b), if applicable, and a clear explanation of what such designation means;

''(E) notice of corrective action taken against the school under section 1116(c)(9) and 1116(d)(12), if applicable, and a clear explanation of what such action means;''; and

(4) in subparagraph (G) (as redesignated by paragraph (2)), by striking ''subparagraph (D)'' and inserting ''subparagraph (F)''.

(d) BUILDING CAPACITY FOR INVOLVEMENT.—Section 1118(e) (20 U.S.C 6319(e)) is amended—

(1) in paragraph (1), by striking ''National Educational Goals,'';

(2) by redesignating paragraphs (14) and (15) as paragraphs (16) and (17), respectively;

(3) by inserting after paragraph (13) the following:

''(14) may establish a district wide parent advisory council to advise on all matters related to parental involvement in programs supported under this part;''; and

(4) by redesignating paragraph (5) as paragraph (15) and transferring such paragraph to follow paragraph 14 (as redesignated by paragraph (3));

(5) by inserting after paragraph (4) the following:

''(5) shall expand the use of electronic communications among teachers, students, and parents, such as through the use of websites and e-mail communications;'';

(6) in paragraph (8), by inserting '', to the extent practicable, in a language and format the parent can understand'' before the semicolon; and

(7) in paragraph (15) (as redesignated by paragraph (4)), by striking ''shall'' and inserting ''may''.

(e) ACCESSIBILITY.—Section 1118(f) (20 U.S.C. 6319(f)) is amended by striking '', including'' and all that follows through the period and inserting ''and of parents of migratory children, including providing information and school reports required under section 1111 and described in section 4401 in a language and form such parents understand.''.

**SEC. 112. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.**

Title I of the Act (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating section 1119 (20 U.S.C. 6320) as section 1119A; and

(2) by inserting after section 1118 the following:

**''SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.**

''(a) IN GENERAL.—

''(1) PLAN.—Each State educational agency receiving assistance under this part shall develop and submit to the Secretary a plan to ensure that all teachers teaching within the State are fully qualified, as defined in section 2001(1), not later than December 31, 2005. Such plan shall include an assurance that the State educational agency will require each local educational agency and school receiving funds under this part publicly to report the annual progress with respect to the local educational agency's and school's performance in increasing the percentage of classes in core academic areas taught by fully qualified teachers.

''(2) SPECIAL RULE.—Notwithstanding any other provision of law, the provisions of this section governing teacher qualifications shall not supersede State laws governing public charter schools.

''(b) NEW PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that each paraprofessional hired after December 31, 2002, and working in a program assisted under this part—

''(1) has completed at least the number of courses at an institution of higher education in the area of elementary education, or in the related subject area in which the paraprofessional is working, for a minor degree at such institution;

''(2) has obtained an associate's (or higher) degree; or

''(3) has met a rigorous standard of quality that demonstrates, through formal State certification (as established in subsection (h)),—

''(A) knowledge of, and the ability to provide tutorial assistance in, reading, writing, and mathematics; or

''(B) knowledge of, and the ability to provide tutorial assistance in, reading readiness, writing readiness, and mathematics readiness, as appropriate.

''(c) EXISTING PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that each paraprofessional working in a program assisted under this part shall, not later than 4 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, satisfy the requirements of subsection (b).

''(d) EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c) shall not apply to a paraprofessional—

''(1) who is proficient in English and a language other than English, and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or

''(2) whose duties consist solely of conducting parental involvement activities consistent with section 1118 or other school readiness activities that are noninstructional.

''(e) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that each paraprofessional working in a program assisted under this part, regardless of the paraprofessional's hiring date, possesses a secondary school diploma or its recognized equivalent.

''(f) DUTIES OF PARAPROFESSIONALS.—

''(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program assisted under this part is not assigned a duty inconsistent with this subsection.

''(2) AUTHORIZED RESPONSIBILITIES.—A paraprofessional described in paragraph (1) may be assigned—

''(A) to provide 1-on-1 tutoring for eligible students under this part, if the tutoring is scheduled at a time when the student would not otherwise receive instruction from a teacher;

''(B) to assist with classroom management, such as organizing instructional and other materials;

''(C) to provide assistance in a computer laboratory;

''(D) to conduct parental involvement activities or school readiness activities that are noninstructional;

''(E) to provide support in a library or media center;

''(F) to act as a translator; or

''(G) to provide assistance with extra curricular activities which are noninstructional.

''(3) LIMITATIONS.—A paraprofessional described in paragraph (1)—

''(A) shall not perform the duties of a certified teacher or a substitute; and

''(B) shall not perform any duty assigned under paragraph (2) unless under the direct supervision of a fully qualified teacher or other appropriate professional.

''(g) USES OF FUNDS.—

''(1) PROFESSIONAL DEVELOPMENT.—Notwithstanding subsection (h)(2), a local educational agency receiving funds under this part may use such funds to support ongoing training and professional development to assist teachers and paraprofessionals in satisfying the requirements of this section.

''(2) LIMITATION ON USE OF FUNDS FOR PARAPROFESSIONALS.—

''(A) IN GENERAL.—Beginning on the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, a local educational agency may not use funds received under this part to fund any paraprofessional hired after such date unless—

''(i) the hiring is to fill a vacancy created by the departure of another paraprofessional funded under this part; or

''(ii) the local educational agency can demonstrate that a significant influx of population has substantially increased student enrollment, or demonstrate an increased need for translators or assistance with parent involvement activities.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to a local educational agency that can demonstrate to the State that all core classes taught in the schools served by the local educational agency are taught by fully qualified teachers.

''(h) STATE CERTIFICATION.—Each State educational agency receiving assistance under this part shall—

''(1) ensure that the State educational agency has in place State criteria for the certification of paraprofessionals by December 31, 2002; and

''(2) ensure that paraprofessionals hired before December 31, 2002, are in high-quality professional development activities that ensure that the paraprofessional has the ability to provide tutorial assistance in—

''(A) reading, writing, and mathematics: or

''(B) reading readiness, writing readiness, and mathematics readiness, as appropriate.

''(i) VERIFICATION OF COMPLIANCE.—

''(1) IN GENERAL.—In verifying compliance with this section, each local educational agency, at a minimum, shall require that the principal of each elementary school and secondary school operating a program under section 1114 or 1115 annually attest in writing as to whether each such school is in compliance with the requirements of this section.

''(2) AVAILABILITY OF INFORMATION.—Copies of the annual certification described in paragraph (1)—

''(A) shall be maintained at each elementary school and secondary school operating a program under section 1114 or 1115 and at the main office of the local educational agency; and

''(B) shall be available to any member of the general public upon request.''.

**SEC. 113. PROFESSIONAL DEVELOPMENT.**

Section 1119A (as redesignated by section 112(a)) is amended—

(1) by amending subsection (a) to read as follows:

''(a) PURPOSE.—The purpose of this section is to assist each local educational agency receiving assistance under this part in increasing the academic achievement of eligible children (as identified under section 1115(b)(1)(B)) (in this section referred to as eligible children) through improved teacher quality.'';

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) REQUIRED ACTIVITIES.—Each local educational agency receiving assistance under this part shall provide professional development activities under this section that shall—

''(A) give teachers, principals, and administrators the knowledge and skills to provide eligible children with the opportunity to meet challenging State or local content standards and student performance standards;

''(B) support the recruiting, hiring, and training of fully qualified teachers, including teachers fully qualified through State and local alternative routes;

''(C) advance teacher understanding of effective instructional strategies, based on scientifically based research, for improving eligible children achievement, at a minimum, in mathematics, science, and English language arts;

''(D) be directly related to the curricula and content areas in which the teacher provides instruction;

''(E) be designed to enhance the ability of a teacher to understand and use the State's standards for the subject area in which the teacher provides instruction;

''(F) be tied to scientifically based research that demonstrates the effectiveness of such professional development activities or programs in increasing eligible children achievement or substantially increasing the knowledge and teaching skills of teachers;

''(G) be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom, except that this subparagraph shall not apply to an activity if such activity is one component of a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of their needs, their eligible children's needs, and the needs of the local educational agency;

''(H) be developed with extensive participation of teachers, principals, parents, administrators of schools, and local school boards of schools to be served under this part;

''(I) to the extent appropriate, provide training for teachers in the use of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in the curricula and academic content areas in which the teachers provide instruction;

''(J) as a whole, be regularly evaluated for such activities' impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development; and

''(K) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''and data to inform and instruct classroom practice'' before the semicolon;

(ii) by striking subparagraphs (D) and (G);

(iii) by redesignating subparagraphs (E), (F), (H), and (I), as subparagraphs (D), (E), (F) and (G), respectively; and

(iv) by inserting after subparagraph (G) (as redesignated by clause (iii)) the following new subparagraph:

''(H) instruction in the ways that teachers, principals, and guidance counselors can work with parents and students from groups, such as females and minorities, that are underrepresented in careers in mathematics, science, engineering, and technology, to encourage and maintain the interest of such students in those careers.'';

(3) by striking subsections (f) through (i); and

(4) by adding after subsection (e) the following:

''(f) CONSOLIDATION OF FUNDS.—Funds provided under this part that are used for professional development purposes may be consolidated with funds provided under title II of this Act and other sources.

''(g) DEFINITION.—The term 'fully qualified' has the same meaning given such term in section 2001(1).

''(h) SPECIAL RULE.—

''(1) IN GENERAL.—No State educational agency shall require a local educational agency or elementary school or secondary school to expend a specific amount of funds for professional development activities under this part.

''(2) EXCEPTION.—Paragraph (1) shall not apply with respect to requirements under section 1116(d)(9).''.

**SEC. 114. FISCAL REQUIREMENTS.**

Section 1120A(a) (20 U.S.C. 6322(a)) is amended by striking ''section 14501'' and inserting ''section 8501''.

**SEC. 115. COORDINATION REQUIREMENTS.**

Section 1120B (20 U.S.C. 6323) is amended—

(1) in subsection (a), by striking ''to the extent feasible'' and all that follows through the period and inserting ''in coordination with local Head Start agencies, and if feasible, other early childhood development programs.'';

(2) in subsection (b)—

(A) in paragraph (3) by striking ''and'' after the semicolon;

(B) in paragraph (4) by striking the period and inserting ''; and''; and

(C) by adding at the end, the following:

''(5) linking the educational services provided in such local educational agency with the services provided in local Head Start agencies.''.

**SEC. 115A. LIMITATIONS ON FUNDS.**

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1120B (20 U.S.C. 6321) the following:

**''SEC. 1120C. LIMITATIONS ON FUNDS.**

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, a local educational agency shall use funds received under this subpart only to provide instruction to students, and for services directly related to instruction, in preschool through grade 12 to assist eligible children to improve their academic achievement and to meet achievement standards established by the State.

''(b) PERMISSIBLE AND PROHIBITED ACTIVITIES.—In this subpart, the term 'academic instruction'—

''(1) includes—

''(A) the employment of teachers and other instructional personnel, including providing teachers and instructional personnel with employee benefits;

''(B) the extension of academic instruction beyond the normal school day and year, including summer school;

''(C) the provision of instructional services to pre-kindergarten children to prepare such children for the transition to kindergarten;

''(D) the purchase of instructional resources, such as books, materials, computers, and other instructional equipment and wiring to support instructional equipment;

''(E) the development and administration of curriculum, educational materials, and assessments;

''(F) the implementation of—

''(i) instructional interventions in schools in need of improvement; and

''(ii) corrective actions to improve student achievement; and

''(G) the transportation of students to assist them in improving academic achievement, except that not more than 10 percent of the funds made available under this subpart to a local educational agency shall be used to carry out this subparagraph;

''(2) but does not include—

''(A) the purchase or provision of janitorial services and utility costs;

''(B) the construction or operation of facilities;

''(C) the acquisition of real property;

''(D) costs for food and refreshments; or

''(E) the purchase or lease of vehicles.''.

**SEC. 116. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.**

Section 1121 (20 U.S.C. 6331) is amended to read as follows:

**''SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.**

''(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

''(1) the outlying areas in the amount determined in accordance with subsection (b); and

''(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (d).

''(b) ASSISTANCE TO OUTLYING AREAS.—

''(1) GRANTS AUTHORIZED.—From the amount made available for a fiscal year under subsection (a), the Secretary shall award grants to the outlying areas and freely associated States to carry out the purposes of this part.

''(2) COMPETITIVE GRANTS.—For each of fiscal years 2000 and 2001, the Secretary shall ensure that grants are awarded under this subsection on a competitive basis in accordance with paragraph (3).

''(3) REQUIREMENTS AND LIMITATION FOR COMPETITIVE GRANTS.—

''(A) RECOMMENDATIONS.—The Secretary shall award grants under this subsection on the basis of the recommendations of the Pacific Region Educational Laboratory in Honolulu, Hawaii.

''(B) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the freely associated States shall not be eligible to receive funds under this part after September 30, 2001.

''(C) ADMINISTRATIVE COSTS.—The Secretary may provide that not more than 5 percent of the amount reserved for grants under this subsection will be used to pay the administrative costs of the Pacific Region Educational Laboratory for services provided under subparagraph (A).

''(4) SPECIAL RULE.—The provisions of Public Law 95–134 (91 Stat. 1159) that permit the consolidation of grants by the outlying areas shall not apply to funds provided to the freely associated States under this subsection.

''(5) FUNDING.—The amount reserved by the Secretary to award grants under this subsection shall not exceed the amount reserved under this section (as this section existed on the day prior to the date of enactment of the

Public Education Reinvestment, Reinvention, and Responsibility Act) for the freely associated States for fiscal year 1999.

''(6) DEFINITIONS.—In this subsection and subsection (a):

''(A) FREELY ASSOCIATED STATES.—The term 'freely associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(B) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

''(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

''(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

''(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

''(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

''(A) 40 percent of the average per pupil expenditure in the State in which the agency is located; or

''(B) 48 percent of such expenditure in the United States.''.

**SEC. 117. AMOUNTS FOR GRANTS.**

Section 1122 (20 U.S.C. 6332) is amended to read as follows:

**''SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.**

''(a) ALLOCATION FORMULA.—

''(1) ALLOCATION TO STATES.—Of the amount appropriated to carry out this part for each of fiscal years 2001 through 2005 (each such year, as appropriate, shall be referred to in this subsection as the 'current fiscal year'), the amount to be allocated to States for a fiscal year based on population data for local educational agencies in such States, shall be equal to the sum of—

''(A) an amount equal to the sum of—

''(i) the amount made available to carry out section 1124 (as such section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 1999; and

''(ii) 21.25 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section (as such section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 1999, to be allocated in accordance with section 1124;

''(B) an amount equal to the sum of—

''(i) the amount made available to carry out section 1124A (as such section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 1999; and

''(ii) 3.75 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section (as such section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 1999, to be allocated in accordance with section 1124A; and

''(C) an amount equal to 75 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section (as such section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 1999, to be allocated in accordance with section 1125.

''(2) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—Of the total amounts allocated to a State under this part for each of fiscal years 2001 and 2002, 96.5 percent shall be allocated by the State educational agency to local educational agencies, and for each of fiscal years 2003 through 2005, 95.5 percent shall be allocated to local educational agencies, of which—

''(A) 75 percent shall be allocated in accordance with section 1125;

''(B) 21.25 percent shall be allocated in accordance with section 1124; and

''(C) 3.75 percent shall be allocated in accordance with section 1124A.

''(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

''(1) IN GENERAL.—If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all States and local educational agencies are eligible to receive under sections 1124, 1124A, and 1125 for such fiscal year, the Secretary shall ratably reduce the allocations to such States and local educational agencies, subject to subsections (c) and (d).

''(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

''(c) HOLD-HARMLESS AMOUNTS.—

''(1) GRANTS TO STATES.—The total amount allocated to each State under this part in each fiscal year shall not be less than the amount allocated to each State in the preceding fiscal year.

''(2) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—The total amount allocated to each local educational agency under this part in each fiscal year shall not be less than an amount equal to 85 percent of the amount allocated to each local educational agency in the preceding fiscal year.

''(d) RATABLE REDUCTIONS.—

''(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

''(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts were reduced.

''(e) DEFINITION.—For the purpose of this section and sections 1124, 1124A, and 1125, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

**SEC. 118. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

Section 1124 (20 U.S.C. 6333) is amended to read as follows:

**''SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

''(a) AMOUNT OF GRANTS.—

''(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—Except as provided in paragraph (3) and in section 1126, the amount of a grant that a local educational agency is eligible to receive under this section for a fiscal year shall be determined by multiplying—

''(A) the number of children counted under subsection (c); and

''(B) 40 percent of the average per-pupil expenditure in the State involved, except that the amount determined under this subparagraph shall not be less than 32 percent or more than 48 percent, of the average per-pupil expenditure in the United States.

''(2) CALCULATION OF GRANTS.—

''(A) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—The Secretary shall calculate the amount of grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies. For purposes of this subparagraph, the Secretary and the Secretary of Commerce shall publicly disclose the reasoning for their determinations under subsection (c) in detail.

''(B) ALLOCATIONS TO LARGE AND SMALL LOCAL EDUCATIONAL AGENCIES.—

''(i) APPLICATION OF PROVISION.—The Secretary shall determine the amount of grant awards under this section for each large or small local educational agency.

''(ii) LARGE AGENCIES.—The amount of a grant awarded under this section for each large local educational agency shall be the amount determined by the Secretary under clause (i).

''(iii) SMALL AGENCIES.—With respect to the amount of a grant awarded under this section to a small local educational agency, the State educational agency may—

''(I) provide such grant in an amount determined by the Secretary under clause (i); or

''(II) use an alternative method approved by the Secretary to distribute the portion of the State's total grants under this section that is based on the number of small local educational agencies.

''(iv) ALTERNATIVE METHOD.—An alternative method approved under clause (iii)(II) shall be based on population data that the State educational agency determines best reflects the current distribution of children in poor families among the State's small local educational agencies that meet the eligibility criteria of subsection (b).

''(v) APPEALS.—A small local educational agency that is dissatisfied with the determination of its grant amount by the State educational agency under clause (iii)(II), may appeal that determination to the Secretary, who shall respond not later than 45 days after receipt of such appeal.

''(vi) DEFINITION.—In this subparagraph:

''(I) LARGE LOCAL EDUCATIONAL AGENCY.—The term 'large local educational agency' means a local educational agency serving an area with a total population of 20,000 or more.

''(II) SMALL LOCAL EDUCATIONAL AGENCY.—The term 'small local educational agency' means a local educational agency serving an area with a total population of less than 20,000.

''(3) PUERTO RICO.—

''(A) IN GENERAL.—For each fiscal year, the amount of the grant that the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be determined by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

''(i) the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States; and

''(ii) 32 percent of the average per pupil expenditure in the United States.

''(B) MINIMUM PERCENTAGE.—The percentage in subparagraph (A)(i) shall not be less than—

''(i) for fiscal year 2000, 75.0 percent;

''(ii) for fiscal year 2001, 77.5 percent;

''(iii) for fiscal year 2002, 80.0 percent;

''(iv) for fiscal year 2003, 82.5 percent; and

''(v) for fiscal year 2004, and succeeding fiscal years, 85.0 percent.

''(C) LIMITATION.—If the application of subparagraph (B) would result in any of the 50 States or the District of Columbia receiving less under this part than the State or District received under this part for the preceding fiscal year, the percentage shall be the greater of the percentage described in subparagraph (A)(i) or the percentage used for the preceding fiscal year.

''(4) DEFINITION.—In this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

''(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency shall be eligible for a basic grant under this section for any fiscal year only if—

''(1) there are 10 or more children counted under subsection (c) with respect to that agency; and

''(2) such children make up more than 2 percent of the total school-age population in the agency's jurisdiction.

''(c) CHILDREN TO BE COUNTED.—

''(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

''(A) the number of children ages 5 to 17, inclusive, in the school district of the local educational agency involved from families below the poverty level as determined under paragraph (2); and

''(B) the number of children (determined under paragraph (4) for either the preceding year as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) ages 5 to 17, inclusive, in the school district of the local educational agency involved in institutions for neglected and delinquent children (other than such institutions operated by the United States), but not counted pursuant to subpart 1 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

''(2) DETERMINATION OF NUMBER OF CHILDREN.—

''(A) NUMBER OF CHILDREN BELOW THE POVERTY LEVEL.—For purposes of this subsection, the Secretary shall determine the number of children ages 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), that is available from the Department of Commerce.

''(B) SPECIAL RULES.—

''(i) DISTRICT OF COLUMBIA AND PUERTO RICO.—The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies for purposes of this paragraph.

''(ii) MULTIPLE COUNTIES.—If a local educational agency contains 2 or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such local educational agency and the local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant in an amount that is not less than the county's share of the population counts used to calculate the local educational agency's grant.

''(3) POPULATION UPDATES.—

''(A) IN GENERAL.—In fiscal year 2001, and every 2 years thereafter, the Secretary shall use updated data on the number of children, ages 5 to 17, inclusive, from families below the poverty level for local educational agencies or counties, as published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that the use of the updated population data would be inappropriate or unreliable.

''(B) CRITERIA OF POVERTY.—In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

''(C) INAPPROPRIATE OR UNRELIABLE DATA.—If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in subparagraph (A) are inappropriate or unreliable, the Secretaries shall publicly disclose the reasons for such determination.

''(4) OTHER CHILDREN TO BE COUNTED.—

''(A) IN GENERAL.—For the purposes of this section, the Secretary shall—

''(i) determine the number of children ages 5 to 17, inclusive, from families above the poverty line on the basis of the number of such children from families receiving an annual income in excess of the annual income current criteria of poverty for payments under a State program funded under part A of title IV of the Social Security Act; and

''(ii) in making a determination under clause (i), utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

''(B) CASELOAD DATA.—The Secretary shall determine the number of children described in subparagraph (A) and the number of children ages 5 to 17, inclusive, living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the year preceding the fiscal year for which the determination is being made (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. For the purpose of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

''(C) COLLECTION AND TRANSMISSION OF DATA.—The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year.

''(5) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level in each school district, and the Secretary may pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information.

''(d) STATE MINIMUM.—Notwithstanding section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

''(1) 0.25 percent of total amount of grants awarded under this section; or

''(2) the average of—

''(A) one-quarter of 1 percent of the total amount available for such fiscal year under this section; and

''(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.''.

**SEC. 119. CONCENTRATION GRANTS.**

Section 1124A (20 U.S.C. 6334.) is amended to read as follows:

**''SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

''(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

''(1) ELIGIBILITY.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, each local educational agency in a State other than Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, that is eligible for a grant under section 1124 for any fiscal year shall be eligible for an additional grant under this section for that fiscal year if the number of children counted under section 1124(c) with respect to the agency exceeds—

''(i) 6,500; or

''(ii) 15 percent of the total number of children ages 5 through 17, inclusive, in the agency.

''(B) MINIMUM AMOUNT.—Notwithstanding section 1122, no State described in subparagraph (A) shall receive an amount under this section that is less than the lesser of—

''(i) 0.25 percent of the total amount of grants awarded under this section; or

''(ii) the average of—

''(I) one-quarter of 1 percent of the amounts made available to carry out this section for such fiscal year; and

''(II) the greater of—

''(aa) $340,000; or

''(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.

''(2) SPECIAL RULE.—For each local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

''(A) the number of children counted under section 1124(c) for that fiscal year; and

''(B) the quotient resulting from the division of the amount determined for those agencies under section 1124(a)(1) for the fiscal year for which the determination is being made divided by the total number of children counted under section 1124(c) for that agency for that fiscal year.

''(3) AMOUNT.—The amount of an additional grant for which an eligible local educational agency is eligible under this section for any fiscal year shall be an amount that bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such product for all local educational agencies in the United States for that fiscal year.

''(4) LOCAL ALLOCATIONS.—Grant amounts under this section shall be determined in accordance with section 1124(a)(2) and (3).

''(b) STATES RECEIVING MINIMUM GRANTS.—With respect to a State that receives a grant

for the minimum amount under subsection (a)(1)(B), the State educational agency shall allocate such amount among the local educational agencies in each State either—

''(1) in accordance with paragraphs (2) and (4) of subsection (a); or

''(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.''.

**SEC. 120. TARGETED GRANTS.**

Section 1125 (20 U.S.C 6335) is amended to read as follows:

**''SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

''(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State shall be eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency counted under subsection 1124(c), before the application of the weighting factor described in subsection (c), is at least 10, and if the number of children counted for grants under section 1124 is at least 5 percent of the total population age 5 to 17 years, inclusive, in the local educational agency.

''(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—

''(1) IN GENERAL.—The amount of a grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be equal to the product of—

''(A) the weighted child count determined under subsection (c); and

''(B) the amount determined under section 1124(a)(1)(B).

''(2) PUERTO RICO.—For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible to receive under this section shall be equal to the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined under section 1124(a)(4).

''(c) WEIGHTED CHILD COUNT.—

''(1) IN GENERAL.—For each fiscal year, the weighted child count used to determine a local educational agency's grant under this section shall be equal to the sum of—

''(A) the number of children determined under section 1124(c) for that local educational agency constituting up to 14.265 percent, inclusive, of the agency's total population ages 5 to 17, inclusive, multiplied by 1.0;

''(B) the number of such children constituting more than 14.265 percent, but not more than 21.553 percent, of such population, multiplied by 1.75;

''(C) the number of such children constituting more than 21.553 percent, but not more than 29.223 percent, of such population, multiplied by 2.5;

''(D) the number of such children constituting more than 29.223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and

''(E) the number of such children constituting more than 36.538 percent of such population, multiplied by 4.0.

''(2) PUERTO RICO.—Notwithstanding subparagraph (A), the weighted child count for Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

''(d) CALCULATION OF GRANT AMOUNTS.—Grants under this section shall be calculated in accordance with section 1124(a)(2) and (3).

''(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount made available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

''(1) 0.25 percent of the total amount of grants awarded under this section; or

''(2) the average of—

''(A) one-quarter of 1 percent of the total amount available for such fiscal year to carry out this section; and

''(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.''.

**SEC. 121. SPECIAL ALLOCATION PROCEDURES.**

Section 1126 (20 U.S.C. 6337) is amended to read as follows:

**''SEC. 1126. SPECIAL ALLOCATION PROCEDURES.**

''(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

''(1) IN GENERAL.—If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected children as described in subparagraph (B) of section 1124(c)(1), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

''(2) SPECIAL RULE.—If the State educational agency does not assume the responsibility described in paragraph (1), any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

''(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

''(1) if 2 or more local educational agencies serve, in whole or in part, the same geographical area;

''(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

''(3) to reflect the merger, creation, or change of boundaries of 1 or more local educational agencies.

''(c) REALLOCATION.—If a State educational agency determines that the amount of a grant that a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.''.

## PART B—EVEN START FAMILY LITERACY PROGRAMS

**SEC. 131. PROGRAM AUTHORIZED.**

Section 1202(c) (20 U.S.C. 6362(c)) is amended—

(1) in paragraph (1), by striking ''section 2260(b)(3)'' and inserting ''section 7004(c)'';

(2) by striking paragraph (2)(C); and

(3) in paragraph (3)—

(A) by striking ''is defined'' and inserting ''was defined''; and

(B) by inserting ''as such section was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act'' after ''2252''.

**SEC. 132. APPLICATIONS.**

Section 1207(c)(1)(F) (20 U.S.C. 6367(c)(1)(F)) is amended by striking ''the Goals 2000'' and all that follows through the period and inserting ''or other Acts, as appropriate, consistent with section 8305.''.

**SEC. 133. RESEARCH.**

Section 1211(b) (20 U.S.C. 6396b(b)) is amended to read as follows:

''(b) DISSEMINATION.—The Secretary shall disseminate, or designate another entity to disseminate, the results of the research described in subsection (a) to States and recipients of subgrants under this part.''.

## PART C—EDUCATION OF MIGRATORY CHILDREN

**SEC. 141. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.**

Section 1306(a)(1) (20 U.S.C. 6369(a)(1)) is amended—

(1) in subparagraph (A), by striking ''the Goals 2000'' and all that follows through the period and inserting ''or other Acts, as appropriate, consistent with section 8305;'';

(2) in subparagraph (B), by striking ''section 14302'' and inserting ''section 8302''; and

(3) in subparagraph (F), by striking ''bilingual education'' and all that follows and inserting ''language instruction programs under title III; and''.

## PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT

**SEC. 151. STATE PLAN AND STATE AGENCY APPLICATIONS.**

Section 1414 (20 U.S.C. 6434) is amended—

(1) in subsection (a)(1), by striking ''the Goals 2000'' and all that follows through the period and inserting ''or other Acts, as appropriate, consistent with section 8305.''; and

(2) in subsection (c)—

(A) in paragraph (6), by striking ''section 14701'' and inserting ''section 8701''; and

(B) in paragraph (7), by striking ''section 14501'' and inserting ''section 8501''.

**SEC. 152. USE OF FUNDS.**

Section 1415(a)(2)(D) (20 U.S.C. 6435(a)(2)(D)) is amended by striking ''section 14701'' and inserting ''section 8701''.

## PART E—FEDERAL EVALUATIONS, DEMONSTRATIONS, AND TRANSITION PROJECTS

**SEC. 161. EVALUATIONS.**

Section 1501 (20 U.S.C. 6491) is amended—

(1) in subsection (a)(4)—

(A) by striking ''January 1, 1996'' and inserting ''January 1, 2002''; and

(B) by striking ''January 1, 1999'' and inserting ''January 1, 2005'';

(2) in subsection (b)(1), by striking ''December 31, 1997'' and inserting ''December 31, 2003''; and

(3) in subsection (e)(2), by striking ''December 31, 1996'' and inserting ''December 31, 2002''.

**SEC. 162. DEMONSTRATIONS OF INNOVATIVE PRACTICES.**

Section 1502 (20 U.S.C. 6492) is amended to read as follows:

**''SEC. 1502. COMPREHENSIVE SCHOOL REFORM.**

''(a) FINDINGS AND PURPOSE.—

''(1) FINDINGS.—Congress finds the following:

''(A) A number of schools across the country have shown impressive gains in student performance through the use of comprehensive models for schoolwide change that incorporate virtually all aspects of school operations.

''(B) No single comprehensive school reform model may be suitable for every school, however, schools should be encouraged to examine successful, externally developed comprehensive school reform approaches as they undertake comprehensive school reform.

''(C) Comprehensive school reform is an important means by which children are assisted in meeting challenging State student performance standards.

''(2) PURPOSE.—The purpose of this section is to provide financial incentives for schools to develop comprehensive school reforms, based upon scientifically based research and effective practices that include an emphasis on basic academics and parental involvement so that all children can meet challenging State content and performance standards.

''(b) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to provide grants to State educational agencies to provide subgrants to local educational agencies to carry out the purpose described in subsection (a)(2).

''(2) ALLOCATION.—

''(A) RESERVATION.—Of the amount appropriated under this section, the Secretary may reserve—

''(i) not more than 1 percent for schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

''(ii) not more than 1 percent to conduct national evaluation activities described under subsection (e).

''(B) IN GENERAL.—Of the amount of funds remaining after the reservation under subparagraph (A), the Secretary shall allocate to each State for a fiscal year, an amount that bears the same ratio to the amount appropriated for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount allocated under section 1124 to all States for that year.

''(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allocated to such States under subparagraph (B).

''(c) STATE AWARDS.—

''(1) STATE APPLICATION.—

''(A) IN GENERAL.—Each State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such other information as the Secretary may reasonably require.

''(B) CONTENTS.—Each State application shall also describe—

''(i) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this section;

''(ii) how the agency will ensure that only comprehensive school reforms that are based on scientifically based research receive funds under this section;

''(iii) how the agency will disseminate materials regarding information on comprehensive school reforms that are based on scientifically based research;

''(iv) how the agency will evaluate the implementation of such reforms and measure the extent to which the reforms resulted in increased student academic performance; and

''(v) how the agency will provide, upon request, technical assistance to the local educational agency in evaluating, developing, and implementing comprehensive school reform.

''(2) USES OF FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (E), a State educational agency that receives an award under this section shall use such funds to provide competitive grants to local educational agencies receiving funds under part A.

''(B) GRANT REQUIREMENTS.—A grant to a local educational agency shall be—

''(i) of sufficient size and scope to support the initial costs for the particular comprehensive school reform plan selected or designed by each school identified in the application of the local educational agency;

''(ii) in an amount not less than $50,000 to each participating school; and

''(iii) renewable for two additional 1-year periods after the initial 1-year grant is made if schools are making substantial progress in the implementation of their reforms.

''(C) PRIORITY.—The State, in awarding grants under this paragraph, shall give priority to local educational agencies that—

''(i) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and

''(ii) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

''(D) GRANT CONSIDERATION.—In making subgrant awards under this part, the State educational agency shall take into account the equitable distribution of awards to different geographic regions within the State, including urban and rural areas, and to schools serving elementary and secondary students.

''(E) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant award under this section may reserve not more than 5 percent of such award for administrative, evaluation, and technical assistance expenses.

''(F) SUPPLEMENT.—Funds made available under this section shall be used to supplement, not supplant, any other Federal, State, or local funds that would otherwise be available to carry out this section.

''(3) REPORTING.—Each State educational agency that receives an award under this section shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools selected to receive subgrant awards under this section, the amount of such award, and a description of the comprehensive school reform model selected and in use.

''(d) LOCAL AWARDS.—

''(1) IN GENERAL.—Each local educational agency that applies for a subgrant under this section shall—

''(A) identify which schools eligible for funds under part A plan to implement a comprehensive school reform program, including the projected costs of such a program;

''(B) describe the scientifically based comprehensive school reforms that such schools will implement;

''(C) describe how the agency will provide technical assistance and support for the effective implementation of the scientifically based school reforms selected by such schools; and

''(D) describe how the agency will evaluate the implementation of such reforms and measure the results achieved in improving student academic performance.

''(2) COMPONENTS OF THE PROGRAM.—A local educational agency that receives a subgrant award under this section shall provide such funds to schools that implement a comprehensive school reform program that—

''(A) employs innovative strategies and proven methods for student learning, teaching, and school management that are based on scientifically based research and effective practices and have been replicated successfully in schools with diverse characteristics;

''(B) integrates a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and challenging student performance standards and addresses needs identified through a school needs assessment;

''(C) provides high-quality and continuous teacher and staff professional development;

''(D) includes measurable goals for student performance and benchmarks for meeting such goals;

''(E) is supported by teachers, principals, administrators, and other professional staff;

''(F) provides for the meaningful involvement of parents and the local community in planning and implementing school improvement activities;

''(G) uses high quality external technical support and assistance from an entity, which may be an institution of higher education, with experience and expertise in schoolwide reform and improvement;

''(H) includes a plan for the evaluation of the implementation of school reforms and the student results achieved; and

''(I) identifies how other resources, including Federal, State, local, and private resources, available to the school will be used to coordinate services to support and sustain the school reform effort.

''(3) SPECIAL RULE.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using the approaches identified or developed by the Department of Education, but may develop its own comprehensive school reform programs for schoolwide change that comply with paragraph (2).

''(e) EVALUATION AND REPORT.—

''(1) IN GENERAL.—The Secretary shall develop a plan for a national evaluation of the programs developed pursuant to this section.

''(2) EVALUATION.—This national evaluation shall evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms, and assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

''(3) REPORTS.—Prior to the completion of a national evaluation, the Secretary shall submit an interim report outlining first year implementation activities to the Committees on Education and the Workforce and Appropriations of the House of Representatives and the Committees on Health, Education, Labor, and Pensions and Appropriations of the Senate.

''(f) DEFINITION.—The term 'scientifically based research'—

''(1) means the application of rigorous, systematic, and objective procedures in the development of comprehensive school reform models; and

''(2) shall include research that—

''(A) employs systematic, empirical methods that draw on observation or experiment;

''(B) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

''(C) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

''(D) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

''(g) AUTHORIZATION OF APPROPRIATIONS.—Funds appropriated for any fiscal year under section 1002(f) shall be used for carrying out the activities under this section.''.

## PART F—RURAL EDUCATION DEVELOPMENT INITIATIVE

**SEC. 171. RURAL EDUCATION DEVELOPMENT INITIATIVE.**

Title I (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating part F (20 U.S.C. 6511 et seq.) as part G;

(2) by redesignating sections 1601 through 1604 (20 U.S.C. 6511, 6514) as sections 1701 through 1704, respectively, and by redesignating accordingly the references to such sections in part G (as so redesignated); and

(3) by inserting after part E (20 U.S.C. 6491 et seq.) the following:

## "PART F—RURAL EDUCATION DEVELOPMENT INITIATIVE

**"SEC. 1601. FINDINGS.**

''Congress makes the following findings:

''(1) The National Center for Educational Statistics reports that 46 percent of our Nation's public elementary schools and secondary schools serve rural areas.

''(2) While there are rural education initiatives identified at the State and local level, no Federal education policy focuses on the specific and unique needs of rural school districts and schools, especially those that serve poor students.

''(3) A critical problem for rural school districts involves the hiring and retention of qualified administrators and certified teachers, especially in science and mathematics. Consequently, teachers in rural schools are almost twice as likely to provide instruction in 3 or more subject areas than teachers in urban schools. Rural schools also face other tough challenges, such as shrinking local tax bases, high transportation costs, aging buildings, limited course offerings, and limited resources.

''(4) Data from the National Assessment of Educational Progress (NAEP) consistently shows large gaps between the achievement of students in high poverty schools and those in other schools. High-poverty schools will face special challenges in preparing their students to reach high standards of performance on State and national assessments.

**"SEC. 1602. DEFINITIONS.**

''In this part:

''(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term 'eligible local educational agency' means a local educational agency that serves—

''(A) a school-age population, not less than 15 percent of which consists of students from families with incomes below the poverty line; and

''(B)(i) a rural locality; or

''(ii) a school-age population of not more than 800 students.

''(2) METROPOLITAN AREA.—The term 'metropolitan area' means an area defined as such by the Secretary of Commerce.

''(3) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(4) RURAL LOCALITY.—The term 'rural locality' means a locality that is not within a metropolitan area.

''(5) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(6) SCHOOL AGE POPULATION.—The term 'school age population' means the number of students aged 5 through 17.

**"SEC. 1603. PROGRAM AUTHORIZED.**

''(a) GRANTS AUTHORIZED.—The Secretary shall award grants, from allotments under subsection (b)(2), to each State having an application approved under section 1604 to enable the State educational agency to award grants to eligible local educational agencies to carry out local authorized activities described in section 1605(b).

''(b) RESERVATION AND ALLOTMENTS.—

''(1) RESERVATION.—From amounts appropriated under section 1608 for each fiscal year, the Secretary shall reserve ½ of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary, consistent with this subpart, in elementary schools and secondary schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs for assistance under this part.

''(2) ALLOTMENTS.—

''(A) IN GENERAL.—From the amounts appropriated under section 1608 for each fiscal year that remain after making the reservation under paragraph (1), the Secretary shall allot to each State having an application approved under section 1604 an amount that bears the same relationship to the remainder as the school age population served by eligible local educational agencies in the State bears to the school age population served by eligible local educational agencies in all States.

''(B) DATA.—In determining the school age population under subparagraph (A), the Secretary shall use the most recent data available from the Bureau of the Census.

''(c) DIRECT AWARDS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

''(1) NONPARTICIPATING STATE.—If a State educational agency for a fiscal year elects not to participate in a program under this section, or does not have an application approved under section 1604, an eligible local educational agency in such State desiring a grant under this part for the fiscal year shall apply directly to the Secretary to receive a grant under this subsection.

''(2) DIRECT AWARDS.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under subsection (b)(2) directly to eligible local educational agencies in the State desiring a grant under paragraph (1).

''(3) ADMINISTRATIVE FUNDS.—An eligible local educational agency that receives a direct grant under this subsection may use not more than 1 percent of the grant funds for the administrative costs of carrying out this part in the first year the agency receives a grant under this subsection and 0.5 percent for such costs in the second and each succeeding such year.

''(d) MATCHING REQUIREMENT.—Each eligible local educational agency receiving a grant under subsection (c) or section 1605(a) shall contribute resources with respect to the local authorized activities to be assisted under this part in cash or in-kind, from non-Federal sources, in an amount equal to the Federal funds awarded under the grant.

''(e) RELATION TO OTHER FEDERAL FUNDING.—Funds received under this part by a State educational agency or an eligible local educational agency shall not be taken into consideration in determining the eligibility for, or amount of, any other Federal funding awarded to such agencies.

**"SEC. 1604. APPLICATIONS.**

''(a) IN GENERAL.—Each State educational agency desiring a grant under section 1603 and eligible local educational agency desiring a grant under section 1603(c) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(b) CONTENTS.—Each application submitted under subsection (a) shall—

''(1) specify annual, measurable performance goals and objectives, at a minimum, with respect to—

''(A) increased student academic achievement;

''(B) decreased gaps in achievement between minority and non-minority students, and between economically disadvantaged and non-economically disadvantaged students; and

''(C) other factors that the State educational agency or eligible local educational agency may choose to measure;

''(2) describe how the State educational agency or eligible local educational agency will hold local educational agencies and elementary schools or secondary schools receiving funds under this part accountable for meeting the annual, measurable goals and objectives;

''(3) describe how the State educational agency or eligible local educational agency will provide technical assistance for a local educational agency, an elementary school, or a secondary school that does not meet the annual, measurable goals and objectives; and

''(4) describe how the State educational agency or eligible local educational agency will take action against a local educational agency, an elementary school, or a secondary school, if the local educational agency or school fails, over 2 consecutive years, to meet the annual, measurable goals and objectives.

**"SEC. 1605. WITHIN-STATE ALLOCATIONS.**

''(a) ALLOCATIONS.—A State educational agency shall award grants under this part to eligible local educational agencies within the State according to a formula developed by the State educational agency and approved by the Secretary.

''(b) USES OF FUNDS.—Grant funds awarded to eligible local educational agencies or made available to elementary schools and secondary schools under this section shall be used for—

''(1) educational technology, including software and hardware;

''(2) professional development;

''(3) technical assistance;

''(4) recruitment and retention of fully qualified teachers, as defined in title II, and highly qualified principals;

''(5) parental involvement activities; or

''(6) academic enrichment or other education programs.

''(c) RESERVATION OF ADMINISTRATIVE FUNDS.—

''(1) FIRST YEAR.—For the first year that a State educational agency receives a grant under this part, the agency—

''(A) shall use not less than 99 percent of the grant funds to award grants to eligible local educational agencies in the State; and

''(B) may use not more than 1 percent for State activities and the administrative costs of carrying out this part.

''(2) SUCCEEDING YEARS.—For the second and each succeeding year that a State educational agency receives a grant under this part, the agency—

''(A) shall use not less than 99.5 percent of the grant funds to award grants to eligible local educational agencies in the State; and

''(B) may use not more than 0.5 percent of the grant funds for State activities and the administrative costs of carrying out this part.

**"SEC. 1606. ACCOUNTABILITY.**

The Secretary, at the end of the third year that a State educational agency or an eligible local educational agency receiving a direct award under section 1603(c) participates in the program under this part, shall permit only those State educational agencies and eligible local educational agencies that meet their annual, measurable goals and objectives for 2 consecutive years to receive grant funds for the fourth or fifth fiscal years of the program under this part.

**"SEC. 1607. REPORTS.**

''(a) STATE REPORTS.—Each State educational agency that receives a grant under this part shall provide an annual report to the Secretary. The report shall describe—

''(1) the method the State educational agency used to award grants to eligible local educational agencies and to provide assistance to elementary schools and secondary schools under this part;

''(2) how eligible local educational agencies and elementary schools and secondary schools within the State used the grant funds provided under this part; and

''(3) the degree to which progress has been made toward meeting the annual, measurable goals and objectives described in the State application.

''(b) REPORTS FROM ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each eligible local educational agency receiving a grant under section 1603(c) shall provide an annual report to the Secretary. Such report shall describe—

''(1) how such agency used the grant funds provided under this part;

''(2) the degree to which progress has been made toward meeting the annual, measurable goals and objectives described in the eligible local educational agency's application; and

''(3) how the local educational agency coordinated funds received under this part with other Federal, State, and local funds.

''(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit to Congress an annual report setting forth the information provided to the Secretary pursuant to subsections (a) and (b).

''(d) STUDY.—The Comptroller General of the United States shall conduct a study regarding the impact of assistance provided under this part on student achievement, and shall submit such study to Congress.

**"SEC. 1608. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part $200,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

## PART G—GENERAL PROVISIONS

**SEC. 181. FEDERAL REGULATIONS.**

Section 1701(b)(4) (20 U.S.C. 6511(b)(4)) (as redesignated by section 161(2)) is amended by striking ''July 1, 1995'' and inserting ''May 1, 2000''.

**SEC. 182. STATE ADMINISTRATION.**

Section 1703 (20 U.S.C. 6513) (as redesignated by section 161(2)) is amended by striking subsection (c).

## TITLE II—TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE

**SEC. 201. TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE.**

Title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

## "TITLE II—TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE

**"SEC. 2001. PURPOSE.**

''The purpose of this title is to provide grants to State educational agencies and local educational agencies in order to assist their efforts to increase student academic achievement through such strategies as improving teacher and principal quality, increasing professional development, and decreasing class size.

**"SEC. 2002. DEFINITIONS.**

''In this title:

''(1) FULLY QUALIFIED.—The term 'fully qualified' means—

''(A) in the case of an elementary school teacher (other than a teacher teaching in a public charter school), a teacher who, at a minimum—

''(i) has obtained State certification (which may include certification obtained through alternative means), or a State license, to teach in the State in which the teacher teaches;

''(ii) holds a bachelor's degree from an institution of higher education; and

''(iii) demonstrates subject matter knowledge, teaching knowledge, and the teaching skills required to teach effectively reading, writing, mathematics, science, social studies, and other elements of a liberal arts education; and

''(B) in the case of a middle school or secondary school teacher (other than a teacher teaching in a public charter school), a teacher who, at a minimum—

''(i) has obtained State certification (which may include certification obtained through alternative means), or a State license, to teach in the State in which the teacher teaches;

''(ii) holds a bachelor's degree from an institution of higher education; and

''(iii) demonstrates a high level of competence in all subject areas in which the teacher teaches through—

''(I) completion of an academic major (or courses totaling an equivalent number of credit hours) in each of the subject areas in which the teacher provides instruction;

''(II) in the case of other mid-career professionals entering the teaching profession, achievement of—

''(aa) a high level of performance in other professional employment experience in subject areas relevant to the subject areas in which instruction will be provided; and

''(bb) a requirement described in subclause (III); or

''(III) achievement of a high level of performance on rigorous academic subject area tests administered by the State in which the teacher teaches.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that—

''(A) has not been identified as low performing under section 208 of the Higher Education Act of 1965; and

''(B) is in full compliance with the public reporting requirements described in section 207 of the Higher Education Act of 1965.

''(3) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(4) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved, for the most recent year.

''(5) SCHOOL-AGE POPULATION.—The term 'school-age population' means the population aged 5 through 17, as determined on the basis of the most recent satisfactory data.

''(6) STATE.—The term 'State' means each of the several States in the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

## "PART A—TEACHER AND PRINCIPAL QUALITY AND PROFESSIONAL DEVELOPMENT

**"SEC. 2011. PROGRAM AUTHORIZED.**

''(a) GRANTS AUTHORIZED.—The Secretary shall award a grant, from allotments made under subsection (b), to each State having a State plan approved under section 2013, to enable the State to raise the quality of, and provide professional development opportunities for, public elementary school and secondary school teachers, principals, and administrators.

''(b) RESERVATIONS AND ALLOTMENTS.—

''(1) RESERVATIONS.—From the amount appropriated under section 2023 to carry out this part for each fiscal year, the Secretary shall reserve—

''(A) ½ of 1 percent of such amount for payments to the Bureau of Indian Affairs for activities, approved by the Secretary, consistent with this part;

''(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs as determined by the Secretary, for activities, approved by the Secretary, consistent with this part; and

''(C) such sums as may be necessary to continue to support any multiyear partnership program award made under parts A, C, and D (as such parts were in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) until the termination of the multiyear award.

''(2) STATE ALLOTMENTS.—From the amount appropriated under section 2023 for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 2013 the sum of—

''(A) an amount that bears the same relationship to 50 percent of the remainder as the school-age population from families with incomes below the poverty line in the State bears to the school-age population from families with incomes below the poverty line in all States; and

''(B) an amount that bears the same relationship to 50 percent of the remainder as the school-age population in the State bears to the school-age population in all States.

''(c) STATE MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than ½ of 1 percent of the total amount allotted to all States under subsection (b)(2).

''(d) HOLD-HARMLESS AMOUNTS.—For fiscal year 2001, notwithstanding subsection (b)(2), the amount allotted to each State under this section shall be not less than 100 percent of the total amount the State was allotted under part B (as such part was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for the preceding fiscal year.

''(e) RATABLE REDUCTIONS.—If the sums made available under subsection (b)(2) for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (d) for such year, the Secretary shall ratably reduce such amounts for such year.

**"SEC. 2012. WITHIN STATE ALLOCATION.**

''(a) IN GENERAL.—Each State educational agency for a State receiving a grant under section 2011(a) shall—

''(1) set aside 10 percent of the grant funds to award educator partnership grants under section 2021;

''(2) set aside not more than 5 percent of the grant funds to carry out activities described the State plan submitted under section 2013; and

''(3) using the remaining 85 percent of the grant funds, make subgrants by allocating to each local educational agency in the State the sum of—

''(A) an amount that bears the same relationship to 60 percent of the remainder as the school-age population from families with incomes below the poverty line in the area served by the local educational agency bears to the school-age population from families

with incomes below the poverty line in the area served by all local educational agencies in the State; and

''(B) an amount that bears the same relationship to 40 percent of the remainder as the school-age population in the area served by the local educational agency bears to the school-age population in the area served by all local educational agencies in the State.

''(b) HOLD-HARMLESS AMOUNTS.—

''(1) FISCAL YEAR 2001.—For fiscal year 2001, notwithstanding subsection (a), the amount allocated to each local educational agency under this section shall be not less than 100 percent of the total amount the local educational agency was allocated under this title (as in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 2000.

''(2) FISCAL YEAR 2002.—For fiscal year 2002, notwithstanding subsection (a), the amount allocated to each local educational agency under this section shall be not less than 85 percent of the amount allocated to the local educational agency under this section for fiscal year 2001.

''(3) FISCAL YEARS 2003–2005.—For each of fiscal years 2003 through 2005, notwithstanding subsection (a), the amount allocated to each local educational agency under this section shall be not less than 70 percent of the amount allocated to the local educational agency under this section for the previous fiscal year.

''(c) RATABLE REDUCTIONS.—If the sums made available under subsection (a)(3) for any fiscal year are insufficient to pay the full amounts that all local educational agencies are eligible to receive under subsection (b) for such year, the State educational agency shall ratably reduce such amounts for such year.

**''SEC. 2013. STATE PLANS.**

''(a) PLAN REQUIRED.—

''(1) COMPREHENSIVE STATE PLAN.—The entity or agency responsible for teacher certification or licensing under the laws of the State desiring a grant under this part shall submit a State plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. If the State educational agency is not the entity or agency designated under the laws of the State as responsible for teacher certification or licensing in the State, then the plan shall be developed in consultation with the State educational agency. The entity or agency shall provide annual evidence of such consultation to the Secretary.

''(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 8302.

''(b) CONTENTS.—Each plan submitted under subsection (a) shall—

''(1) describe how the State is taking reasonable steps to—

''(A) reform teacher certification, recertification, or licensure requirements to ensure that—

''(i) teachers have the necessary teaching skills and academic content knowledge in the academic subjects in which the teachers are assigned to teach;

''(ii) such requirements are aligned with the challenging State content standards;

''(iii) teachers have the knowledge and skills necessary to help students meet the challenging State student performance standards;

''(iv) such requirements take into account the need, as determined by the State, for greater access to, and participation in, the teaching profession by individuals from historically underrepresented groups; and

''(v) teachers have the necessary technological skills to integrate more effectively technology in the teaching of content required by State and local standards in all academic subjects in which the teachers provide instruction;

''(B) develop and implement rigorous testing procedures for teachers, as required in section 2002(1)(A), to ensure that the teachers have teaching skills and academic content knowledge necessary to teach effectively the content called for by State and local standards in all academic subjects in which the teachers provide instruction;

''(C) establish, expand, or improve alternative routes to State certification of teachers, especially in the areas of mathematics and science, for highly qualified individuals with a baccalaureate degree, including mid-career professionals form other occupations, paraprofessionals, former military personnel, and recent college or university graduates who have records of academic distinction and who demonstrate the potential to become highly effective teachers;

''(D) reduce emergency teacher certification;

''(E) develop and implement effective programs, and provide financial assistance, to assist local educational agencies, elementary schools, and secondary schools in effectively recruiting and retaining fully qualified teachers and principals, particularly in schools that have the lowest proportion of fully qualified teachers or the highest proportion of low-performing students;

''(F) provide professional development programs that meet the requirements described in section 2019;

''(G) provide programs that are designed to assist new teachers during their first 3 years of teaching, such as mentoring programs that—

''(i) provide mentoring to new teachers from veteran teachers with expertise in the same subject matter as the new teachers are teaching;

''(ii) provide mentors time for activities such as coaching, observing, and assisting teachers who are being mentored; and

''(iii) use standards or assessments that are consistent with the State's student performance standards and the requirements for professional development activities described in section 2019 in order to guide the new teachers;

''(H) provide technical assistance to local educational agencies in developing and implementing activities described in section 2018; and

''(I) ensure that programs in core academic subjects, particularly in mathematics and science, will take into account the need for greater access to, and participation in, such core academic subjects by students from historically underrepresented groups, including females, minorities, individuals with limited English proficiency, the economically disadvantaged, and individuals with disabilities, by incorporating pedagogical strategies and techniques that meet such students' educational needs;

''(2) describe the activities for which assistance is sought under the grant, and how such activities will improve students' academic achievement and close academic achievement gaps of low-income, minority, and limited English proficient students;

''(3) describe how the State will establish annual numerical performance objectives under section 2014 for improving the qualifications of teachers and the professional development of teachers, principals, administrators, and mental health professionals;

''(4) contain an assurance that the State consulted with local educational agencies, education-related community groups, nonprofit organizations, parents, teachers, school administrators, local school boards, institutions of higher education in the State, and content specialists in establishing the performance objectives described in section 2014;

''(5) describe how the State will hold local educational agencies, elementary schools, and secondary schools accountable for meeting the performance objectives described in section 2014 and for reporting annually on the local educational agencies' and schools' progress in meeting the performance objectives;

''(6) describe how the State will ensure that a local educational agency receiving a subgrant under section 2012 will comply with the requirements of this part;

''(7) provide an assurance that the State will require each local educational agency, elementary school, or secondary school receiving funds under this part to report publicly the local educational agency's or school's annual progress with respect to the performance objectives described in section 2014; and

''(8) describe how the State will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs, including programs authorized under titles I and III and, where appropriate, the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act of 1998.

''(c) SECRETARY APPROVAL.—The Secretary shall, using a peer review process, approve a State plan if the plan meets the requirements of this section.

''(d) DURATION OF THE PLAN.—

''(1) IN GENERAL.—Each State plan shall—

''(A) remain in effect for the duration of the State's participation under this part; and

''(B) be periodically reviewed and revised by the State, as necessary, to reflect changes to the State's strategies and programs carried out under this part.

''(2) ADDITIONAL INFORMATION.—If a State receiving a grant under this part makes significant changes to the State plan, such as the adoption of new performance objectives, the State shall submit information regarding the significant changes to the Secretary.

**''SEC. 2014. PERFORMANCE OBJECTIVES.**

''(a) IN GENERAL.—Each State receiving a grant under this part shall establish annual numerical performance objectives with respect to progress in improving the qualifications of teachers and the professional development of teachers, principals, administrators and mental health professionals. For each annual numerical performance objective established, the State shall specify an incremental percentage increase for the objective to be attained for each of the fiscal years for which the State receives a grant under this part, relative to the preceding fiscal year.

''(b) REQUIRED OBJECTIVES.—At a minimum, the annual numerical performance objectives described in subsection (a) shall include an incremental increase in the percentage of—

''(1) classes in core academic subjects that are being taught by fully qualified teachers;

''(2) new teachers and principals receiving professional development support, including mentoring for teachers, during the teachers' first 3 years of teaching;

''(3) teachers, principals, and administrators participating in high quality professional development programs that are consistent with section 2019; and

''(4) fully qualified teachers teaching in the State, to ensure that all teachers teaching in such State are fully qualified by December 31, 2005.

''(c) REQUIREMENT FOR FULLY QUALIFIED TEACHERS.—Each State receiving a grant

under this part shall ensure that all public elementary school and secondary school teachers in the State are fully qualified not later than December 31, 2005.

''(d) ACCOUNTABILITY.—

''(1) IN GENERAL.—Each State receiving a grant under this part shall be held accountable for—

''(A) meeting the State's annual numerical performance objectives; and

''(B) meeting the reporting requirements described in section 4401.

''(2) SANCTIONS.—Any State that fails to meet the requirement described in paragraph (1)(A) shall be subject to sanctions under section 7001.

''(e) SPECIAL RULE.—Notwithstanding any other provision of law, the provisions of subsection (c) shall not supersede State laws governing public charter schools.

''(f) COORDINATION.—Each State that receives a grant under this part and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities the State carries out under such section 202 with the activities the State carries out under this section.

**''SEC. 2015. OPTIONAL ACTIVITIES.**

''Each State receiving a grant under section 2011(a) may use the grant funds—

''(1) to develop and implement a system to measure the effectiveness of specific professional development programs and strategies;

''(2) to increase the portability of teacher pensions and reciprocity of teaching certification or licensure among States, except that no reciprocity agreement developed under this section may lead to the weakening of any State teacher certification or licensing requirement;

''(3) to develop or assist local educational agencies in the development and utilization of proven, innovative strategies to deliver intensive professional development programs that are cost effective and easily accessible, such as programs offered through the use of technology and distance learning;

''(4) to provide assistance to local educational agencies for the development and implementation of innovative professional development programs that train teachers to use technology to improve teaching and learning and that are consistent with the requirements of section 2019;

''(5) to provide professional development to enable teachers to ensure that female students, minority students, limited English proficient students, students with disabilities, and economically disadvantaged students have the full opportunity to achieve challenging State content and performance standards in the core academic subjects;

''(6) to increase the number of women, minorities, and individuals with disabilities who teach in the State and who are fully qualified and provide instruction in core academic subjects in which such individuals are underrepresented; and

''(7) to increase the number of highly qualified women, minorities, and individuals from other underrepresented groups who are involved in the administration of elementary schools and secondary schools within the State.

**''SEC. 2016. STATE ADMINISTRATIVE EXPENSES.**

''Each State receiving a grant under section 2011(a) may use not more than 5 percent of the amount set aside in section 2012(a)(2) for the cost of—

''(1) planning and administering the activities described in section 2013(b); and

''(2) making subgrants to local educational agencies under section 2012.

**''SEC. 2017. LOCAL PLANS.**

''(a) IN GENERAL.—Each local educational agency desiring a grant from the State under section 2012(a)(3) shall submit a local plan to the State educational agency—

''(1) at such time, in such manner, and accompanied by such information as the State educational agency may require; and

''(2) that describes how the local educational agency will coordinate the activities for which assistance is sought under this part with other programs carried out under this Act, or other Acts, as appropriate.

''(b) LOCAL PLAN CONTENTS.—The local plan described in subsection (a) shall, at a minimum—

''(1) describe how the local educational agency will use the grant funds to meet the State performance objectives for teacher qualifications and professional development described in section 2014;

''(2) describe how the local educational agency will hold elementary schools and secondary schools accountable for meeting the requirements described in this part;

''(3) contain an assurance that the local educational agency will target funds to elementary schools and secondary schools served by the local educational agency that—

''(A) have the lowest proportion of fully qualified teachers; and

''(B) are identified for school improvement under section 1116;

''(4) describe how the local educational agency will coordinate professional development activities authorized under section 2018(a) with professional development activities provided through other Federal, State, and local programs, including those authorized under titles I and III and, where applicable, the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act of 1998; and

''(5) describe how the local educational agency has collaborated with teachers, principals, parents, and administrators in the preparation of the local plan.

**''SEC. 2018. LOCAL ACTIVITIES.**

''(a) IN GENERAL.—Each local educational agency receiving a grant under section 2012(a)(3) shall use the grant funds to—

''(1) support professional development activities, consistent with section 2019, for—

''(A) teachers, in at least the areas of reading, mathematics, and science; and

''(B) teachers, principals, administrators and mental health professionals in order to provide such individuals with the knowledge and skills to provide all students, including female students, minority students, limited English proficient students, students with disabilities, and economically disadvantaged students, with the opportunity to meet challenging State content and student performance standards;

''(2) provide professional development to teachers, principals, and administrators to enhance the use of technology within elementary schools and secondary schools in order to deliver more effective curricula instruction;

''(3) recruit and retain fully qualified teachers and highly qualified principals, particularly for elementary schools and secondary schools located in areas with high percentages of low-performing students and students from families below the poverty line;

''(4) recruit and retain fully qualified teachers and high quality principals to serve in the elementary schools and secondary schools with the highest proportion of low-performing students, such as through—

''(A) mentoring programs for newly hired teachers, including programs provided by master teachers, and for newly hired principals; and

''(B) programs that provide other incentives, including financial incentives, to retain—

''(i) teachers who have a record of success in helping low-performing students improve those students' academic success; and

''(ii) principals who have a record of improving the performance of all students, or significantly narrowing the gaps between minority students and nonminority students, and economically disadvantaged students and noneconomically disadvantaged students, within the elementary schools or secondary schools served by the principals;

''(5) provide professional development that incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse groups of students, including female students, minority students, students with disabilities, limited English proficient students, and economically disadvantaged students; and

''(6) provide professional development for mental health professionals, including school psychologists, school counselors, and school social workers, that is focused on enhancing the skills and knowledge of such individuals so that they may help students exhibiting distress (such as substance abuse, disruptive behavior, and suicidal behavior) meet the challenging State student performance standards.

''(b) OPTIONAL ACTIVITIES.—Each local educational agency receiving a grant under section 2012(a)(3) may use the subgrant funds—

''(1) to provide a signing bonus or other financial incentive, such as differential pay for—

''(A) a teacher to teach in an academic subject for which there exists a shortage of fully qualified teachers within the elementary school or secondary school in which the teacher teaches or within the elementary schools and secondary schools served by the local educational agency; or

''(B) a highly qualified principal in a school in which there is a large percentage of children—

''(i) from low-income families; or

''(ii) with high percentages of low-performance scores on State assessments;

''(2) to establish programs that—

''(A) recruit professionals into teaching from other fields and provide such professionals with alternative routes to teacher certification, especially in the areas of mathematics, science, and English language arts; and

''(B) provide increased teaching and administration opportunities for fully qualified females, minorities, individuals with disabilities, and other individuals underrepresented in the teaching or school administration professions;

''(3) to establish programs and activities that are designed to improve the quality of the teacher and principal force, such as innovative professional development programs (which may be provided through partnerships, including partnerships with institutions of higher education), and including programs that—

''(A) train teachers and principals to utilize technology to improve teaching and learning; and

''(B) are consistent with the requirements of section 2019;

''(4) to provide collaboratively designed performance pay systems for teachers and principals that encourage teachers and principals to work together to raise student performance;

''(5) to establish professional development programs that provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented);

''(6) to establish professional development programs that provide instruction in how best to discipline children in the classroom,

and to identify early and appropriate interventions to help children described in paragraph (5) learn;

''(7) to provide professional development programs that provide instruction in how to teach character education in a manner that—

''(A) reflects the values of parents, teachers, and local communities; and

''(B) incorporates elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness;

''(8) to provide scholarships or other incentives to assist teachers in attaining national board certification;

''(9) to support activities designed to provide effective professional development for teachers of limited English proficient students;

''(10) to establish other activities designed—

''(A) to improve professional development for teachers, principals, and administrators that are consistent with section 2019; and

''(B) to recruit and retain fully qualified teachers and highly qualified principals; and

''(11) to establish master teacher programs to increase teacher salaries and employee benefits for teachers who enter into contracts with the local educational agency to serve as master teachers, in accordance with the requirements of subsection (c).

''(c) REQUIREMENTS FOR MASTER TEACHER PROGRAMS.—

''(1) DEFINITIONS.—In this subsection:

''(A) LOW-PERFORMING STUDENTS.—The term 'low-performing students' means students who, based on multiple measures, perform below a basic level of proficiency for their grade level, as determined by the State.

''(B) MASTER TEACHER.—The term 'master teacher' means a teacher who—

''(i) is fully qualified;

''(ii) has been teaching for at least 5 years in a public or private school or institution of higher education;

''(iii) is selected upon application and recommendation by administrators and other teachers;

''(iv) at the time of submission of such application, is teaching and based in a public school;

''(v) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development; and

''(vi) enters into a contract with the local educational agency to continue to teach and serve as a master teacher for at least 5 years.

''(2) REQUIREMENTS FOR MASTER TEACHER CONTRACTS.—A local educational agency that establishes a master teacher program under subsection (b)(11) shall negotiate the terms of contracts of master teachers with the local labor organizations that represent teachers in the school districts served by that agency. A contract with a master teacher entered into in accordance with this paragraph shall specify that a breach of the contract shall be deemed to have occurred if the master teacher voluntarily withdraws or terminates the contract or is dismissed by the local educational agency or school district (as applicable) for nonperformance of duties, subject to any statutory or negotiated due process procedures that may apply. The contract shall require in the event of a breach of contract that a teacher repay the local educational agency all funds provided to the teacher under the contract.

**''SEC. 2019. PROFESSIONAL DEVELOPMENT FOR TEACHERS.**

''(a) LIMITATION RELATING TO CURRICULUM AND CONTENT AREAS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a local educational agency may not use grant funds allocated under section 2012(a)(3) to support a professional development activity for a teacher that is not—

''(A) directly related to the curriculum for which and content areas in which the teacher provides instruction; or

''(B) designed to enhance the ability of the teacher to understand and use the State's challenging content standards for the academic subject in which the teacher provides instruction.

''(2) EXCEPTION.—Paragraph (1) shall not apply to professional development activities that provide instruction in methods of disciplining children.

''(b) PROFESSIONAL DEVELOPMENT ACTIVITY.—A professional development activity carried out under this part shall—

''(1) be measured, in terms of progress described in section 2014(a), using the specific performance indicators established by the State in accordance with section 2014;

''(2) be tied to challenging State or local content standards and student performance standards;

''(3) be tied to scientifically based research demonstrating the effectiveness of such activities in increasing student achievement or substantially increasing the knowledge and teaching skills of teachers;

''(4) be of sufficient intensity and duration (such as not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on teachers' performance in the classroom, except that this paragraph shall not apply to an activity that is 1 component described in a long-term comprehensive professional development plan established by a teacher and the teacher's supervisor, and based upon an assessment of the needs of the teacher, the teacher's students, and the local educational agency;

''(5) be developed with extensive participation of teachers, principals, parents, administrators, and local school boards of elementary schools and secondary schools to be served under this part, and institutions of higher education in the State, and, with respect to any professional development program described in paragraph (6) or (7) of section 2018(b), shall, if applicable, be developed with extensive coordination with, and participation of, professionals with expertise in such type of professional development;

''(6) to the extent appropriate, provide training for teachers regarding using technology and applying technology effectively in the classroom to improve teaching and learning concerning the curriculum and academic content areas, in which those teachers provide instruction; and

''(7) be directly related to the content areas in which the teachers provide instruction and the State content standards.

''(c) ACCOUNTABILITY.—

''(1) IN GENERAL.—A State shall notify a local educational agency that the agency may be subject to the action described in paragraph (3) if, after any fiscal year, the State determines that the programs or activities funded by the agency under this part fail to meet the requirements of subsections (a) and (b).

''(2) TECHNICAL ASSISTANCE.—A local educational agency that has received notification pursuant to paragraph (1) may request technical assistance from the State and an opportunity for such local educational agency to comply with the requirements of subsections (a) and (b).

''(3) STATE EDUCATIONAL AGENCY ACTION.—If a State educational agency determines that a local educational agency failed to carry out the local educational agency's responsibilities under this section, the State educational agency shall take such action as the agency determines to be necessary, consistent with this section, to provide, or direct the local educational agency to provide, high-quality professional development for teachers, principals, and administrators.

**''SEC. 2020. PARENTS' RIGHT TO KNOW.**

''Each local educational agency receiving a grant under section 2012(a)(3) shall meet the reporting requirements with respect to teacher qualifications described in section 4401(h).

**''SEC. 2021. STATE REPORTS AND GAO STUDY.**

''(a) STATE REPORTS.—Each State educational agency receiving a grant under this part shall annually provide a report to the Secretary describing—

''(1) the progress the State is making in increasing the percentages of fully qualified teachers in the State to ensure that all teachers are fully qualified not later than December 31, 2005, including information regarding—

''(A) the percentage increase over the previous fiscal year in the number of fully qualified teachers teaching in elementary schools and secondary schools served by local educational agencies receiving funds under title I; and

''(B) the percentage increase over the previous fiscal year in the number of core classes being taught by fully qualified teachers in elementary schools and secondary schools being served under title I;

''(2) the activities undertaken by the State educational agency and local educational agencies in the State to attract and retain fully qualified teachers, especially in geographic areas and content subject areas in which a shortage of such teachers exist; and

''(3) the approximate percentage of Federal, State, local, and nongovernmental resources being expended to carry out activities described in paragraph (2).

''(b) GAO STUDY.—Not later than September 30, 2004, the Comptroller General of the United States shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a study setting forth information regarding the progress of States' compliance in increasing the percentage of fully qualified teachers, as defined in section 2002(1), for fiscal years 2000 through 2003.

**''SEC. 2021. EDUCATOR PARTNERSHIP GRANTS.**

''(a) SUBGRANTS.—

''(1) IN GENERAL.—A State receiving a grant under section 2011(a) shall award subgrants, on a competitive basis, from amounts made available under section 2012(a)(1), to local educational agencies, elementary schools, or secondary schools that have formed educator partnerships, for the design and implementation of programs that will enhance professional development opportunities for teachers, principals, and administrators, and will increase the number of fully qualified teachers.

''(2) ALLOCATIONS.—A State awarding subgrants under this subsection shall allocate the subgrant funds on a competitive basis and in a manner that results in an equitable distribution of the subgrant funds by geographic areas within the State.

''(3) ADMINISTRATIVE EXPENSES.—Each educator partnership receiving a subgrant under this subsection may use not more than 5 percent of the subgrant funds for any fiscal year for the cost of planning and administering programs under this section.

''(b) EDUCATOR PARTNERSHIPS.—An educator partnership described in subsection (a) includes a cooperative arrangement between—

''(1) a public elementary school or secondary school (including a charter school), or a local educational agency; and

''(2) 1 or more of the following:

''(A) An institution of higher education.

''(B) An educational service agency.

''(C) A public or private not-for-profit education organization.

''(D) A for-profit education organization.

''(E) An entity from outside the traditional education arena, including a corporation or consulting firm.

''(c) USE OF FUNDS.—An educator partnership receiving a subgrant under this section shall use the subgrant funds for—

''(1) developing and enhancing of professional development activities for teachers in core academic subjects to ensure that the teachers have content knowledge in the academic subjects in which the teachers provide instruction;

''(2) developing and providing assistance to local educational agencies and elementary schools and secondary schools for sustained, high-quality professional development activities for teachers, principals, and administrators, that—

''(A) ensure that teachers, principals, and administrators are able to use State content standards, performance standards, and assessments to improve instructional practices and student achievement; and

''(B) may include intensive programs designed to prepare a teacher who participates in such a program to provide professional development instruction to other teachers within the participating teacher's school;

''(3) increasing the number of fully qualified teachers available to provide high-quality education to limited English proficient students by—

''(A) working with institutions of higher education that offer degree programs, to attract more people into such programs, and to prepare better new, English language teachers to provide effective language instruction to limited English proficient students; and

''(B) supporting development and implementation of professional development programs for language instruction teachers to improve the language proficiency of limited English proficient students;

''(4) developing and implementing professional development activities for principals and administrators to enable the principals and administrators to be effective school leaders and to improve student achievement on challenging State content and student performance standards, including professional development relating to—

''(A) leadership skills;

''(B) recruitment, assignment, retention, and evaluation of teachers and other staff;

''(C) effective instructional practices, including the use of technology; and

''(D) parental and community involvement; and

''(5) providing activities that enhance professional development opportunities for teachers, principals, and administrators or will increase the number of fully qualified teachers.

''(d) APPLICATION REQUIRED.—Each educator partnership desiring a subgrant under this section shall submit an application to the appropriate State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require.

''(e) COORDINATION.—Each educator partnership that receives a subgrant under this section and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under such section 203 with any related activities carried out under this section.

**''SEC. 2023. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part $1,600,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

**''PART B—CLASS SIZE REDUCTION**

**''SEC. 2031. FINDINGS.**

''Congress makes the following findings:

''(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational gains than students in larger classes, and that those gains persist through at least the eighth grade.

''(2) The benefits of smaller classes are greatest for lower-achieving, minority, poor, and inner-city children, as demonstrated by a study that found that urban fourth graders in smaller-than-average classes were ¾ of a school year ahead of their counterparts in larger-than-average classes.

''(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less time on other tasks, and cover more material effectively, and are better able to work with parents to further their children's education, than teachers in large classes.

''(4) Smaller classes allow teachers to identify and work with students who have learning disabilities sooner than is possible with larger classes, potentially reducing those students' needs for special education services in the later grades.

''(5) The National Research Council report, 'Preventing Reading Difficulties in Young Children', recommends reducing class sizes, accompanied by providing high-quality professional development for teachers, as a strategy for improving student achievement in reading.

''(6) Efforts to improve educational outcomes by reducing class sizes in the early grades are likely to be successful only if well-qualified teachers are hired to fill additional classroom positions, and if teachers receive intensive, ongoing professional development.

''(7) Several States and school districts have begun serious efforts to reduce class sizes in the early elementary school grades, but those efforts may be impeded by financial limitations or difficulties in hiring highly qualified teachers.

''(8) The Federal Government can assist in those efforts by providing funding for class size reductions in grades 1 through 3, and by helping to ensure that both new and current teachers who are moving into smaller classrooms are well prepared.

**''SEC. 2032. PURPOSE.**

''The purpose of this part is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers in order to—

''(1) reduce nationally class size in grades 1 through 3 to an average of 18 students per regular classroom; and

''(2) improve teaching in the early elementary school grades so that all students can learn to read independently and well by the end of the third grade.

**''SEC. 2033. ALLOTMENTS TO STATES.**

''(a) RESERVATIONS FOR THE OUTLYING AREAS AND THE BUREAU OF INDIAN AFFAIRS.—From the amount appropriated under section 2042 for any fiscal year, the Secretary shall reserve a total of not more than 1 percent to make payments to—

''(1) outlying areas, on the basis of their respective needs, for activities, approved by the Secretary, consistent with this part; and

''(2) the Secretary of the Interior for activities approved by the Secretary of Education, consistent with this part, in schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs.

''(b) ALLOTMENTS TO STATES.—

''(1) IN GENERAL.—From the amount appropriated under section 2042 for a fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall make grants by allotting to each State having a State application approved under section 2034(c) an amount that bears the same relationship to the remainder as the greater of the amounts that the State received in the preceding fiscal year under sections 1122 and 2202(b) (as such sections were in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Rededication Act) bears to the total of the greater amounts that all States received under such sections for the preceding fiscal year.

''(2) RATABLE REDUCTION.—If the sums made available under paragraph (1) for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

''(3) REALLOTMENT.—If any State chooses not to participate in the program carried out under this part, or fails to submit an approvable application under this part, the Secretary shall reallot the amount that such State would have received under paragraphs (1) and (2) to States having applications approved under section 2034(c), in accordance with paragraphs (1) and (2).

**''SEC. 2034. APPLICATIONS.**

''(a) APPLICATIONS REQUIRED.—The State educational agency for each State desiring a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

''(b) CONTENTS.—The application shall include—

''(1) a description of the State's goals for using funds under this part to reduce average class sizes in regular classrooms in grades 1 through 3, including a description of class sizes in those classrooms, for each local educational agency in the State (as of the date of submission of the application);

''(2) a description of how the State educational agency will allocate program funds made available through the grant within the State;

''(3) a description of how the State will use other funds, including other Federal funds, to reduce class sizes and to improve teacher quality and reading achievement within the State; and

''(4) an assurance that the State educational agency will submit to the Secretary such reports and information as the Secretary may reasonably require.

''(c) APPROVAL OF APPLICATIONS.—The Secretary shall approve a State application submitted under this section if the application meets the requirements of this section and holds reasonable promise of achieving the purpose of this part.

**''SEC. 2035. WITHIN-STATE ALLOCATIONS.**

''(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—Each State receiving a grant under this part for any fiscal year may reserve not more than 1 percent of the grant funds for the cost of administering this part and, using the remaining funds, shall make subgrants by allocating to each local educational agency in the State the sum of—

''(1) an amount that bears the same relationship to 80 percent of the remainder as the school-age population from families with incomes below the poverty line in the area served by the local educational agency bears to the school-age population from families with incomes below the poverty line in the

area served by all local educational agencies in the State; and

''(2) an amount that bears the same relationship to 20 percent of the remainder as the enrollment of the school-age population in public and private nonprofit elementary schools and secondary schools in the area served by the local educational agency bears to the enrollment of the school-age population in public and private nonprofit elementary schools and secondary schools in the area served by all local educational agencies in the State.

''(b) REALLOCATION.—If any local educational agency chooses not to participate in the program carried out under this part, or fails to submit an approvable application under this part, the State educational agency shall reallocate the amount such local educational agency would have received under subsection (a) to local educational agencies having applications approved under section 2036(b), in accordance with subsection (a).

**''SEC. 2036. LOCAL APPLICATIONS.**

''(a) IN GENERAL.—Each local educational agency desiring a subgrant under section 2035(a) shall submit an application to the appropriate State educational agency at such time, in such form, and containing such information as the State educational agency may require, including a description of the local educational agency's program to reduce class sizes by hiring additional highly qualified teachers.

''(b) APPROVAL OF APPLICATIONS.—The State educational agency shall approve a local agency application submitted under subsection (a) if the application meets the requirements of subsection (a) and holds reasonable promise of achieving the purpose of this part.

**''SEC. 2037. USES OF FUNDS.**

''(a) ADMINISTRATIVE EXPENSES.—Each local educational agency receiving a subgrant under section 2035(a) may use not more than 3 percent of the subgrant funds for any fiscal year for the cost of administering this part.

''(b) RECRUITMENT, TEACHER TESTING, AND PROFESSIONAL DEVELOPMENT.—

''(1) IN GENERAL.—Each local educational agency receiving subgrant funds under this section shall use such subgrant funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified within the State (including teachers certified through State or local alternative routes) and who demonstrate competency in the areas in which the teachers provide instruction, to improve educational achievement for both regular and special needs children, with particular consideration given to reducing class size in the early elementary grades.

''(2) LOCAL ACTIVITIES.—

''(A) IN GENERAL.—Each local educational agency receiving subgrant funds under this section may use such subgrant funds for—

''(i) recruiting (including through the use of signing bonuses, and other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special-needs children, who are certified within the State, including teachers who are certified through State or local alternative routes, have a bachelor's degree, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers provide instruction;

''(ii) testing new teachers for academic content knowledge and satisfaction of State certification requirements consistent with title II of the Higher Education Act of 1965; and

''(iii) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special-needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which they provide instruction, consistent with title II of the Higher Education Act of 1965.

''(B) LIMITATIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), a local educational agency may use not more than a total of 25 percent of the award received under this section for activities described in subparagraph (A)(ii) and (iii).

''(ii) ED-FLEX.—

''(I) WAIVER.—A local educational agency located in a State designated as an Ed-Flex Partnership State under section 4(a)(1)(B) of the Education Flexibility Partnership Act of 1999, and in which 10 percent or more of teachers in elementary schools, as defined by section 8101(14), have not met applicable State and local certification requirements (including certification through State or local alternative routes), or if such requirements have been waived, may apply to the State educational agency for a waiver that would permit the agency to use more than 25 percent of the funds it receives under this section for activities described in subparagraph (A)(iii) for the purpose of helping teachers to become certified.

''(II) APPROVAL.—If the State educational agency approves the local educational agency's application for a waiver under subclause (I), the local educational agency may use the funds subject to the waiver for activities described in subparagraph (A)(iii) that are needed to ensure that at least 90 percent of the teachers in elementary schools within the State are certified.

''(C) ADDITIONAL USES.—

''(i) IN GENERAL.—A local educational agency that has already reduced class size in the early grades to 18 or less children (or has already reduced class size to a State or local class size reduction goal that was in effect on the day before the enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children) may use funds received under this section—

''(I) to make further class size reductions in grades kindergarten through 3;

''(II) to reduce class size in other grades; or

''(III) to carry out activities to improve teacher quality, including professional development.

''(ii) PROFESSIONAL DEVELOPMENT.—If a local educational agency has already reduced class size in the early grades to 18 or fewer children and intends to use funds provided under this Part to carry out professional development activities, including activities to improve teacher quality, then the State shall make the award under section 2035 to the local educational agency.

''(c) SPECIAL RULE.—Notwithstanding subsection (b), if the award to a local educational agency under section 2035 is less than the starting salary for a new fully qualified teacher teaching in a school served by that agency, and such teacher is certified within the State (which may include certification through State or local alternative routes), has a bachelor's degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas the teacher is assigned to provide instruction, then the agency may use grant funds under this part to—

''(1) help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or

''(2) pay for activities described in subsection (b), which may be related to teaching in smaller classes.

**''SEC. 2038. PRIVATE SCHOOLS.**

''If a local educational agency uses funds made available under this Part for professional development activities, the local educational agency shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities.

**''SEC. 2039. TEACHER SALARIES AND BENEFITS.**

''A local educational agency may use grant funds provided under this part—

''(1) except as provided in paragraph (2), to increase the salaries of, or provide benefits (other than participation in professional development and enrichment programs) to, teachers only if such teachers were hired under this part; and

''(2) to pay the salaries of teachers hired under section 307 of the Department of Education Appropriations Act of 1999 who, not later than the beginning of the 2001-2002 school year, are fully qualified, as defined in section 2002(1).

**''SEC. 2040. STATE REPORT REQUIREMENTS.**

''(a) REPORT ON ACTIVITIES.—A State educational agency receiving funds under this part shall submit a report to the Secretary providing information about the activities in the State assisted under this part.

''(b) REPORT TO PARENTS.—Each State educational agency and local educational agency receiving funds under this part shall publicly issue a report to parents of children who attend schools assisted under this part describing—

''(1) the agency's progress in reducing class size;

''(2) the agency's progress in increasing the percentage of classes in core academic areas that are taught by fully qualified teachers who are certified within the State and demonstrate competency in the content areas in which the teachers provide instruction; and

''(3) the impact, if any, that hiring additional highly qualified teachers and reducing class size has had on increasing student academic achievement in schools served by the agency.

''(c) PROFESSIONAL QUALIFICATIONS REPORT.—Upon the request of a parent of a child attending a school receiving assistance under this part, such school shall provide the parent with information regarding the professional qualifications of their child's teacher.

**''SEC. 2041. SUPPLEMENT NOT SUPPLANT.**

''Each local educational agency receiving grant funds under this part shall use such funds only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this part.

**''SEC. 2042. AUTHORIZATION OF APPROPRIATIONS.**

''For the purpose of carrying out this part, there are authorized to be appropriated $1,400,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

## TITLE III—LANGUAGE MINORITY STUDENTS AND INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

**SEC. 301. LANGUAGE MINORITY STUDENTS.**

Title III (20 U.S.C. 6801 et seq.) is amended—

(1) by amending the heading for title III to read as follows:

**"TITLE III—LANGUAGE MINORITY STUDENTS AND INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION";**

(2) by repealing section 3101 (20 U.S.C. 6801) and part A (20 U.S.C. 6811 et seq.); and

(3) by inserting after the heading for title III (as amended by paragraph (1)) the following:

**"Subtitle A—Language Minority Students**

**"SEC. 3101. FINDINGS, POLICY, AND PURPOSE.**

''(a) FINDINGS.—Congress makes the following findings:

''(1)(A) Educating limited English proficient students is an urgent goal for many local educational agencies, but that goal is not being achieved.

''(B) Each year, 640,000 limited English proficient students are not served by any sort of program targeted to the students' unique needs.

''(C) In 1998, only 15 percent of local educational agencies that applied for funding under enhancement grants and comprehensive school grants received such funding.

''(2)(A) The school dropout rate for Hispanic students, the largest group of limited English proficient students, is approximately 25 percent, and is approximately 46 percent for Hispanic students born outside of the United States.

''(B) A United States Department of Education report regarding school dropout rates states that language difficulty 'may be a barrier to participation in United States schools'.

''(C) Reading ability is a key predictor of graduation and academic success.

''(3) Through fiscal year 1999, bilingual education capacity and demonstration grants—

''(A) have spread funding too broadly to make an impact on language instruction educational programs implemented by State educational agencies and local educational agencies; and

''(B) have lacked concrete performance measures.

''(4)(A) Since 1979, the number of limited English proficient children in schools in the United States has doubled to more than 3,000,000, and demographic trends indicate the population of limited English proficient children will continue to increase.

''(B) Language-minority Americans speak virtually all world languages plus many that are indigenous to the United States.

''(C) The rich linguistic diversity language-minority students bring to America's classrooms enhances the learning environment for all students and should be valued for the significant, positive impact such diversity has on the entire school environment.

''(D) Parent and community participation in educational language programs for limited English proficient students contributes to program effectiveness.

''(E) The Federal Government, as reflected in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and section 204(f) of the Equal Education Opportunities Act of 1974 (20 U.S.C. 1703), has a special and continuing obligation to ensure that States and local educational agencies take appropriate action to provide equal educational opportunities to limited English proficient children and youth.

''(F) The Federal Government also, as exemplified by programs authorized under this title, has a special and continuing obligation to assist States and local educational agencies to develop the capacity to provide programs of instruction that offer limited English proficient children and youth equal educational opportunities.

''(5) Limited English proficient children and youth face a number of challenges in receiving an education that will enable them to participate fully in American society, including—

''(A) disproportionate attendance in high-poverty schools, as demonstrated by the fact that, in 1994, 75 percent of limited English proficient students attended schools in which as least half of all students were eligible for free or reduced-price meals;

''(B) the limited ability of parents of such children and youth to participate fully in the education of their children because of the parents' own limited English proficiency;

''(C) a shortage of teachers and other staff who are professionally trained and qualified to serve such children and youth; and

''(D) lack of appropriate performance and assessment standards that distinguish between language and academic achievement so that there is equal accountability on the part of State educational agencies and local educational agencies for the achievement of limited English proficient students in academic content while acquiring English language skills.

''(b) POLICY.—Congress declares it to be the policy of the United States that in order to ensure equal educational opportunity for all children and youth, and to promote educational excellence, the Federal Government should—

''(1) assist State educational agencies, local educational agencies, and community-based organizations to build their capacity to establish, implement, and sustain programs of instruction and English language development for children and youth of limited English proficiency;

''(2) hold State educational agencies and local educational agencies accountable for increases in English proficiency and core content knowledge among limited English proficient students; and

''(3) promote parental and community participation in limited English proficiency programs.

''(c) PURPOSE.—The purpose of this subtitle is to assist all limited English proficient students so that those students can meet or exceed the State proficient standard level for academic performance in core subject areas expected of all elementary school and secondary school students, and succeed in our Nation's society, by—

''(1) streamlining existing language instruction programs into a performance-based grant for State and local educational agencies to help limited English proficient students become proficient in English;

''(2) increasing significantly the amount of Federal assistance to local educational agencies serving such students while requiring that State educational agencies and local educational agencies demonstrate annual improvements in the English proficiency of such students from the preceding fiscal year; and

''(3) providing State educational agencies and local educational agencies with the flexibility to implement instructional programs based on scientific research that the agencies believe to be the most effective for teaching English.

**"SEC. 3102. DEFINITIONS.**

''Except as otherwise provided, for purposes of this subtitle:

''(1) LIMITED ENGLISH PROFICIENT STUDENT.—The term 'limited English proficient student' means an individual aged 5 through 17 enrolled in an elementary school or secondary school—

''(A) who—

''(i) was not born in the United States or whose native language is a language other than English; or

''(ii) is a Native American or Alaska Native, or who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or

''(iii) is migratory and whose native language is other than English, and who comes from an environment where a language other than English is dominant; and

''(B) who has sufficient difficulty speaking, reading, writing, or understanding the English language, and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

''(2) LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.—The term 'language instruction educational program' means an instructional course in which a limited English proficient student is placed for the purpose of becoming proficient in the English language.

''(3) SPECIALLY QUALIFIED AGENCY.—The term 'specially qualified agency' means a local educational agency in a State that does not participate in a program under this subtitle for a fiscal year.

''(4) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

**"SEC. 3103. PROGRAM AUTHORIZED.**

''(a) GRANTS AUTHORIZED.—The Secretary shall award grants, from allotments under subsection (b), to each State having a State plan approved under section 3105(c), to enable the State to help limited English proficient students become proficient in English.

''(b) RESERVATIONS AND ALLOTMENTS.—

''(1) RESERVATIONS.—From the amount appropriated under section 3110 to carry out this subtitle for each fiscal year, the Secretary shall reserve—

''(A) ½ of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary, consistent with this subtitle, in schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs for assistance under this subtitle; and

''(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs as determined by the Secretary, for activities, approved by the Secretary, consistent with this subtitle.

''(2) STATE ALLOTMENTS.—From the amount appropriated under section 3110 for any of the fiscal years 2001 through 2005 that remains after making reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 3105(c) an amount that bears the same relationship to the remainder as the number of limited English proficient students in the State bears to the number of limited English proficient students in all States.

''(3) DATA.—For the purpose of determining the number of limited English proficient students in a State and in all States for each fiscal year, the Secretary shall use data that will yield the most accurate, up-to-date, numbers of such students, including—

''(A) data available from the Bureau of the Census; or

''(B) data submitted to the Secretary by the States to determine the number of limited English proficient students in a State and in all States.

''(4) HOLD-HARMLESS AMOUNTS.—For fiscal year 2001, and for each of the 4 succeeding fiscal years, notwithstanding paragraph (2), the total amount allotted to each State under this subsection shall be not less than 85 percent of the total amount the State was allotted under parts A and B of title VII (as such title was in effect on the day preceding

the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act).

''(c) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—

''(1) NONPARTICIPATING STATE.—If a State educational agency for a fiscal year elects not to participate in a program under this subtitle, or does not have an application approved under section 3105(c), a specially qualified agency in such State desiring a grant under this subtitle for the fiscal year shall apply directly to the Secretary to receive a grant under this subsection.

''(2) DIRECT AWARDS.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under subsection (b)(2) directly to specially qualified agencies in the State desiring a grant under paragraph (1) and having an application approved under section 3105(c).

''(3) ADMINISTRATIVE FUNDS.—A specially qualified agency that receives a direct grant under this subsection may use not more than 1 percent of the grant funds for the administrative costs of carrying out this subtitle in the first year the agency receives a grant under this subsection and 0.5 percent for such costs in the second and each succeeding such year.

**''SEC. 3104. WITHIN-STATE ALLOCATIONS.**

''(a) GRANT AWARDS.—Each State educational agency receiving a grant under section 3103(a) shall use 95 percent of the grant funds to award subgrants, from allotments under subsection (b), to local educational agencies in the State to carry out the activities described in section 3107.

''(b) ALLOTMENT FORMULA.—Each State educational agency receiving a grant under this subtitle shall award a grant to each local educational agency in the State having a plan approved under section 3106 in an amount that bears the same relationship to the amount of funds appropriated under section 3110 as the school-age population of limited English proficient students in schools served by the local educational agency bears to the school-age population of limited English proficient students in schools served by all local educational agencies in the State.

''(c) RESERVATIONS.—

''(1) STATE ACTIVITIES.—Each State educational agency receiving a grant under this subtitle may reserve not more than 5 percent of the grant funds to carry out activities described in the State plan submitted under section 3105.

''(2) ADMINISTRATIVE EXPENSES.—From the amount reserved under paragraph (1), a State educational agency may use not more than 2 percent for the planning costs and administrative costs of carrying out the activities described in the State plan and providing grants to local educational agencies.

**''SEC. 3105. STATE AND SPECIALLY QUALIFIED AGENCY PLAN.**

''(a) PLAN REQUIRED.—Each State educational agency and specially qualified agency desiring a grant under this subtitle shall submit a plan to the Secretary at such time, in such manner and accompanied by such information as the Secretary may require.

''(b) CONTENTS.—Each State plan submitted under subsection (a) shall—

''(1) describe how the State or specially qualified agency will—

''(A) establish standards and benchmarks for English language development that are aligned with the State content and student performance standards described in section 1111;

''(B) develop high-quality, annual assessments to measure English language proficiency, including proficiency in the 4 recognized domains of speaking, listening, reading, and writing; and

''(C) develop annual performance objectives, based on the English language development standards described in subparagraph (A), to raise the level of English proficiency of each limited English proficient student;

''(2) contain an assurance that the State educational agency or specially qualified agency consulted with local educational agencies, education-related community groups and nonprofit organizations, parents, teachers, school administrators, and English language instruction specialists, in the setting of the performance objectives;

''(3) describe how—

''(A) in the case of a State educational agency, the State educational agency will hold local educational agencies and elementary schools and secondary schools accountable for—

''(i) meeting the English proficiency performance objectives described in section 3109; and

''(ii) making adequate yearly progress with limited English proficient students in the subject areas of core content knowledge as described in section 1111; and

''(B) in the case of a specially qualified agency, the agency will hold elementary schools and secondary schools accountable for meeting the English proficiency performance objectives described in section 3109, and making adequate yearly progress, including annual numerical goals for improving the performance of limited English proficient students on performance standards described in section 1111(b)(1)(D)(ii);

''(4) describe the activities for which assistance is sought, and how the activities will increase the speed and effectiveness with which students learn English;

''(5) in the case of a State educational agency, describe how local educational agencies in the State will be given the flexibility to teach English—

''(A) using language instruction curriculum that is scientifically research based; and

''(B) in the manner the local educational agencies determine to be the most effective; and

''(6) describe how—

''(A) in the case of a State educational agency, the State educational agency will provide technical assistance to local educational agencies and elementary schools and secondary schools for the purposes of identifying and implementing English language instruction educational programs and curricula that are scientifically research based; and

''(B) in the case of a specially qualified agency, the specially qualified agency will provide technical assistance to elementary schools and secondary schools served by the specially qualified agency for the purposes of identifying and implementing English language instruction educational programs and curricula that are scientifically research based.

''(c) APPROVAL.—The Secretary, using a peer review process, shall approve a State plan or a specially qualified agency plan if the plan meets the requirements of this section, and holds reasonable promise of achieving the purpose described in section 3101(c).

''(d) DURATION OF THE PLAN.—

''(1) IN GENERAL.—Each State plan or specially qualified agency plan shall—

''(A) remain in effect for the duration of the State's or specially qualified agency's participation under this subtitle; and;

''(B) be periodically reviewed and revised by the State or specially qualified agency, as necessary, to reflect changes in the State's or specially qualified agency's strategies and programs under this subtitle.

''(2) ADDITIONAL INFORMATION.—If the State educational agency or specially qualified agency makes significant changes in its plan, such as the adoption of new performance objectives or assessment measures, the State educational agency or specially qualified agency shall submit such information to the Secretary.

''(e) CONSOLIDATED PLAN.—A State plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 8302.

''(f) SECRETARY ASSISTANCE.—Pursuant to section 7004(a)(3), the Secretary shall provide assistance, if required, in the development of English language development standards and English language proficiency assessments.

**''SEC. 3106. LOCAL PLANS.**

''(a) PLAN REQUIRED.—Each local educational agency desiring a grant from the State educational agency under section 3104(a) shall submit a plan to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

''(b) CONTENTS.—Each local educational agency plan submitted under subsection (a) shall—

''(1) describe how the local educational agency shall use the grant funds to meet the English proficiency performance objective described in section 3109;

''(2) describe how the local educational agency will hold elementary schools and secondary schools accountable for meeting the performance objectives;

''(3) contain an assurance that the local educational agency consulted with elementary schools and secondary schools, education-related community groups and nonprofit organizations, institutions of higher education, parents, language instruction teachers, school administrators, and English language instruction specialists, in developing the local educational agency plan; and

''(4) contain an assurance that the local educational agency will use the disaggregated results of the student assessments required under section 1111(b)(4), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency under this part and under title I to determine whether the schools are making the annual progress necessary to ensure that limited English proficient students attending the schools will meet the proficient State content and student performance standard within 10 years of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

**''SEC. 3107. USES OF FUNDS.**

''(a) ADMINISTRATIVE EXPENSES.—Each local educational agency receiving a grant under section 3104 may use not more than 1 percent of the grant funds for any fiscal year for the cost of administering this subtitle.

''(b) ACTIVITIES.—Each local educational agency receiving grant funds under section 3104 shall use the grant funds that are not used under subsection (a)—

''(1) to increase limited English proficient students' proficiency in English by providing high-quality English language instruction programs, such as bilingual education programs and transitional education or English immersion education programs, that are—

''(A) tied to scientifically based research demonstrating the effectiveness of the programs in increasing English proficiency; and

''(B) approved by the State educational agency;

''(2) to provide high-quality professional development activities for teachers of limited English proficient students that are—

''(A) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instructional strategies for limited English proficient students;

''(B) tied to scientifically based research demonstrating the effectiveness of such programs in increasing students' English proficiency or substantially increasing the knowledge and teaching skills of such teachers; and

''(C) of sufficient intensity and duration (such as not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom, except that this paragraph shall not apply to an activity that is 1 component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based upon an assessment of the teacher's and supervisor's needs, the student's needs, and the needs of the local educational agency;

''(3) to identify, acquire, and upgrade curricula, instructional materials, educational software, and assessment procedures; and

''(4) to provide parent and community participation programs to improve English language instruction programs for limited English proficient students.

**''SEC. 3108. PROGRAM REQUIREMENTS.**

''(a) PROHIBITION.—In carrying out this subtitle the Secretary shall neither mandate nor preclude a particular curricular or pedagogical approach to educating limited English proficient students.

''(b) TEACHER ENGLISH FLUENCY.—Each local educational agency receiving grant funds under section 3104 shall certify to the State educational agency that all teachers in any language instruction program for limited English proficient students funded under this subtitle are fluent in English.

**''SEC. 3109. PERFORMANCE OBJECTIVES.**

''(a) IN GENERAL.—Each State educational agency or specifically qualified agency receiving a grant under this subtitle shall develop annual numerical performance objectives with respect to helping limited English proficient students become proficient in English. The objectives shall include incremental percentage increases for each fiscal year a State receives a grant under this subtitle, including increases in the number of limited English proficient students demonstrating an increase in performance on annual assessments in reading, writing, speaking, and listening comprehension, from the preceding fiscal year.

''(b) ACCOUNTABILITY.—Each State educational agency or specially qualified agency receiving a grant under this subtitle shall be held accountable for meeting the annual numerical performance objectives under this subtitle and the adequate yearly progress levels for limited English proficient students under section 1111(b)(2)(B)(iv) and (vii). Any State educational agency or specially qualified agency that fails to meet the annual performance objectives shall be subject to sanctions under section 7001.

**''SEC. 3110. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this subtitle $1,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

**''SEC. 3111. REGULATIONS AND NOTIFICATION.**

''(a) REGULATION RULE.—In developing regulations under this subtitle, the Secretary shall consult with State educational agencies, local educational agencies, organizations representing limited English proficient individuals, and organizations representing teachers and other personnel involved in the education of limited English proficient students.

''(b) PARENTAL NOTIFICATION.—

''(1) IN GENERAL.—Each local educational agency shall notify parents of a student participating in a language instruction educational program under this subtitle of—

''(A) the student's level of English proficiency, how such level was assessed, the status of the student's academic achievement, and the implications of the student's educational strengths and needs for age- and grade-appropriate academic attainment, promotion, and graduation;

''(B) what programs are available to meet the student's educational strengths and needs, and how such programs differ in content and instructional goals from other language instruction educational programs and, in the case of a student with a disability, how such program meets the objectives of the individualized education program of such a student; and

''(C) the instructional goals of the language instruction educational program, and how the program will specifically help the limited English proficient student learn English and meet age-appropriate standards for grade promotion and graduation, including—

''(i) the characteristics, benefits, and past academic results of the language instruction educational program and of instructional alternatives; and

''(ii) the reasons the student was identified as being in need of a language instruction educational program.

''(2) OPTION TO DECLINE.—

''(A) IN GENERAL.—Each parent described in paragraph (1) shall also be informed that the parent has the option of declining the enrollment of their children or youth in a language instruction educational program, and shall be given an opportunity to decline such enrollment if the parent so chooses.

''(B) OBLIGATIONS.—A local educational agency shall not be relieved of any of the agency's obligations under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) if a parent chooses not to enroll their child in a language instruction educational program.

''(3) RECEIPT OF INFORMATION.—A parent described in paragraph (1) shall receive, in a manner and form understandable to the parent including, if necessary and to the extent feasible, in the native language of the parent, the information required by this subsection. At a minimum, the parent shall receive—

''(A) timely information about projects funded under this subtitle; and

''(B) if the parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from parents of children assisted under this subtitle.

''(4) SPECIAL RULE.—A student shall not be admitted to, or excluded from, any Federally assisted language instruction educational program solely on the basis of a surname or language-minority status.

''(5) LIMITATIONS ON CONDITIONS.—Nothing in this subtitle shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State's, local educational agency's, elementary school's, or secondary school's specific challenging English language development standards or assessments, curricula, or program of instruction, as a condition of eligibility to receive grant funds under this subtitle.''.

**SEC. 302. EMERGENCY IMMIGRANT EDUCATION PROGRAM.**

(a) REPEALS, TRANSFERS, AND REDESIGNATIONS.—Title III (20 U.S.C. 6801 et seq.) is further amended—

(1) by repealing part B (20 U.S.C. 6891 et seq.), part C (20 U.S.C. 6921 et seq.), part D (20 U.S.C. 6951 et seq.), and part E (20 U.S.C. 6971 et seq. );

(2) by transferring part C of title VII (20 U.S.C. 7541 et seq.) to title III and inserting such part after subtitle A (as inserted by section 301(3));

(3) by redesignating the heading for part C of title VII (as transferred by paragraph (2)) as the heading for subtitle B, and redesignating accordingly the references to such part as the references to such subtitle; and

(4) by redesignating section 7301 through 7309 (20 U.S.C. 7541, 7549) (as transferred by paragraph (2)) as sections 3201 through 3209, respectively, and redesignating accordingly the references to such sections.

(b) AMENDMENTS.—Subtitle B of title III (as so transferred and redesignated) is amended—

(1) in section 3205(a)(2) (as redesignated by subsection (a)(4)), by striking ''the Goals 2000: Educate America Act,''; and

(2) in section 3209 (as redesignated by subsection (a)(4)), by striking ''$100,000,000'' and all that follows through ''necessary for'' and inserting ''such sums as may be necessary for fiscal year 2001 and''.

**SEC. 303. INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION.**

(a) REPEALS, TRANSFERS, AND REDESIGNATIONS.—Title III (20 U.S.C 6801 et seq.) is further amended—

(1) by transferring title IX (20 U.S.C. 7801 et seq.) to title III and inserting such title after subtitle B (as inserted by section 302(a)(2));

(2) by redesignating the heading for title IX (as transferred by paragraph (1)) as the heading for subtitle C, and redesignating accordingly the references to such title as the references to such subtitle;

(3) by redesignating sections 9101 and 9102 (20 U.S.C. 7801, 7802) (as transferred by paragraph (1)) as sections 3301 and 3302, respectively, and redesignating accordingly the references to such sections;

(4) by redesignating sections 9111 through 9118 (20 U.S.C. 7811, 7818) (as transferred by paragraph (1)) as sections 3311 through 3318, respectively, and redesignating accordingly the references to such sections;

(5) by redesignating sections 9121 through 9125 (20 U.S.C. 7831, 7835) (as transferred by paragraph (1)) as sections 3321 through 3325, and redesignating accordingly the references to such section;

(6) by redesignating sections 9131 and 9141 (20 U.S.C. 7851, 7861) (as transferred by paragraph (1)) as sections 3331 and 3341, respectively, and redesignating accordingly the references to such sections;

(7) by redesignating sections 9151 through 9154 (20 U.S.C. 7871, 7874) (as transferred by paragraph (1)) as sections 3351 through 3354, respectively, and redesignating accordingly the references to such sections;

(8) by redesignating sections 9161 and 9162 (20 U.S.C. 7881, 7882) (as transferred by paragraph (1)) as sections 3361 and 3362, respectively, and redesignating accordingly the references to such sections;

(9) by redesignating sections 9201 through 9212 (20 U.S.C. 7901, 7912) (as transferred by paragraph (1)) as sections 3401 through 3412, respectively, and redesignating accordingly the references to such sections; and

(10) by redesignating sections 9301 through 9308 (20 U.S.C. 7931, 7938) (as transferred by paragraph (1)) as sections 3501 through 3508, and redesignating accordingly the references to such sections.

(b) AMENDMENTS.—Subtitle C of title III (as so transferred and redesignated) is amended—

(1) by amending section 3314(b)(2)(A) (as redesignated by subsection (a)(4)) to read as follows:

''(2)(A) is consistent with, and promotes the goals in, the State and local improvement plans under sections 1111 and 1112'';

(2) by amending section 3325(e) (as redesignated by subsection (a)(5)) to read as follows:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subpart for fiscal year 2001 and each of the 4 succeeding years.'';

(3) in section 3361(4)(E) (as redesignated by subsection (a)(8)), by striking ''the Act entitled the 'Improving America's Schools Act of 1994''' and inserting ''the Public Education Reinvestment, Reinvention, and Responsibility Act'';

(4) by amending section 3362 (as redesignated by subsection (a)(8)) to read as follows:

**''SEC. 3262. AUTHORIZATION OF APPROPRIATIONS.**

''For the purpose of carrying out subparts 1 through 5 of this part, there are authorized to be appropriated to the Department of Education such sums as may be necessary for fiscal year 2001 and each of the 4 succeeding years.'';

(5) in section 3404 (as redesignated by subsection (a)(9))—

(A) in subsection (i), by striking ''Improving America's Schools Act of 1994'' and inserting ''Public Education Reinvestment, Reinvention, and Responsibility Act''; and

(B) in subsection (j), by striking ''$500,000 for fiscal year 1995, and such sums as may be necessary'' and inserting ''such sums as may be necessary for fiscal year 2001, and'';

(6) in section 3405(c) (as redesignated by subsection (a)(9)), by striking ''$6,000,000 for fiscal year 1995, and such sums as may be necessary'' and inserting ''such sums as may be necessary for fiscal year 2001, and'';

(7) in section 3406(e) (as redesignated by subsection (a)(9)), by striking ''$2,000,000 for fiscal year 1995, and such sums as may be necessary'' and inserting ''such sums as may be necessary for fiscal year 2001, and'';

(8) in section 3407(e) (as redesignated by subsection (a)(9)), by striking ''$1,500,000 for fiscal year 1995, and such sums as may be necessary'' and inserting ''such sums as may be necessary for fiscal year 2001, and'';

(9) in section 3408(c) (as redesignated by subsection (a)(9)), by striking ''$2,000,000 for fiscal year 1995, and such sums as may be necessary'' and inserting ''such sums as may be necessary for fiscal year 2001, and'';

(10) in section 3409(d) (as redesignated by subsection (a)(9)), by striking ''$2,000,000 for fiscal year 1995, and such sums as may be necessary'' and inserting ''such sums as may be necessary for fiscal year 2001, and'';

(11) in section 3410(d) (as redesignated by subsection (a)(9)), by striking ''$1,000,000 for fiscal year 1995, and such sums as may be necessary'' and inserting ''such sums as may be necessary for fiscal year 2001, and'';

(12) in section 3504(c) (as redesignated by subsection (a)(10)), by striking ''$5,000,000 for fiscal year 1995, and such sums as may be necessary'' and inserting ''such sums as may be necessary for fiscal year 2001, and'';

(13) in section 3505(e) (as redesignated by subsection (a)(10)), by striking ''$2,000,000 for fiscal year 1995, and such sums as may be necessary'' and inserting ''such sums as may be necessary for fiscal year 2001, and''; and

(14) in section 3506(d) (as redesignated by subsection (a)(10)), by striking ''$1,000,000 for fiscal year 1995, and such sums as may be necessary'' and inserting ''such sums as may be necessary for fiscal year 2001, and''.

## TITLE IV—PUBLIC SCHOOL CHOICE

**SEC. 401. PUBLIC SCHOOL CHOICE.**

(a) MAGNET SCHOOLS AMENDMENTS.—Section 5113(a) (20 U.S.C. 7213(a)) is amended—

(1) by striking ''$120,000,000'' and inserting ''$130,000,000''; and

(2) by striking ''1995'' and inserting ''2001''.

(b) CHARTER SCHOOLS AMENDMENTS.—

(1) PARALLEL ACCOUNTABILITY.—Section 10302 (20 U.S.C. 8062) is amended by adding at the end the following:

''(g) PARALLEL ACCOUNTABILITY.—Each State educational agency receiving a grant under this part shall hold charter schools assisted under this part accountable for adequate yearly progress for improving student performance under title I and as established in the school's charter, including the use of the same standards and assessments as established under title I.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 10311 (20 U.S.C. 8067) is amended.—

(A) by striking ''$100,000,000'' and inserting ''$200,000,000''; and

(B) by striking ''1999'' and inserting ''2001''.

(c) REPEALS, TRANSFERS AND REDESIGNATIONS.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by amending the heading for title IV (20 U.S.C. 7101 et seq.) to read as follows:

**''TITLE IV—PUBLIC SCHOOL CHOICE'';**

(2) by amending section 4001 to read as follows:

**''SEC. 4001. FINDINGS, POLICY, AND PURPOSE.**

''(a) FINDINGS.—Congress makes the following findings:

''(1)(A) Charter schools and magnet schools are an integral part of the educational system in the United States.

''(1)(B) Thirty-four States and the District of Columbia have established charter schools.

''(1)(C) Magnet schools have been established throughout the United States.

''(1)(D) A Department of Education evaluation of charter schools shows that 59 percent of charter schools reported that lack of start-up funds posed a difficult or very difficult challenge for the school.

''(2) State educational agencies and local educational agencies should hold all schools accountable for the improved performance of all students, including students attending charter schools and magnet schools, under State standards and student assessment measures.

''(3) School report cards constitute the key informational component used by parents for effective public school choice.

''(b) POLICY.—Congress declares it to be the policy of the United States—

''(1) to support and stimulate improved public school performance through increased public elementary school and secondary school competition and increased Federal financial assistance; and

''(2) to provide parents with more choices among public school options.

''(c) PURPOSES.—The purposes of this title are as follows:

''(1) To consolidate public school choice programs into 1 title.

''(2) To increase Federal assistance for magnet schools and charter schools.

''(3) To help parents make better and more informed choices by—

''(A) providing continued support and financial assistance for magnet schools;

''(B) providing continued support and expansion of charter schools and charter school districts; and

''(C) providing financial assistance to States and local educational agencies for the development of local educational agency and school report cards.'';

(3) by repealing sections 4002 through 4004 (20 U.S.C. 7102, 7104), and part A (20 U.S.C. 7111 et seq.), of title IV;

(4) by transferring part A of title V (20 U.S.C. 7201 et seq.) (as amended by subsection (a)) to title IV and inserting such part A after section 4001;

(5) by redesignating sections 5101 through 5113 (20 U.S.C. 7201, 7213) (as transferred by paragraph (4)) as sections 4101 through 4113, respectively, and by redesignating accordingly the references to such sections in part A of title IV (as so transferred);

(6) by transferring part C of title X (20 U.S.C. 8061 et seq.) (as amended by subsection (b)) to title IV and inserting such part C after part A of title IV (as transferred by paragraph (4));

(7) by redesignating part C of title IV (as transferred by paragraph (6)) as part B of title IV; and

(8) by redesignating sections 10301 through 10311 (20 U.S.C. 8061, 8067) (as transferred by paragraph (6)) as sections 4201 through 4211, respectively, and by redesignating accordingly the references to such sections in such part B of title IV (as so transferred and redesignated).

**SEC. 402. DEVELOPMENT OF PUBLIC SCHOOL CHOICE PROGRAMS; REPORT CARDS.**

Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

## ''PART C—DEVELOPMENT OF PUBLIC SCHOOL CHOICE PROGRAMS

**''SEC. 4301. GRANTS AUTHORIZED.**

''(a) IN GENERAL.—From amounts made available to carry out this part for a fiscal year under section 4305, and not reserved under subsection (b), the Secretary is authorized to award grants, on a competitive basis, to local educational agencies to enable the local educational agencies to develop local public school choice programs.

''(b) RESERVATION FOR EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION.—From the amount appropriated under section 4305 for any fiscal year, the Secretary may reserve not more than 5 percent to carry out evaluations under subsection (c), to provide technical assistance, and to disseminate information.

''(c) EVALUATIONS.—The Secretary may use funds reserved under subsection (b) to carry out 1 or more evaluations of programs assisted under this part, which shall, at a minimum, address—

''(1) how, and the extent to which, the programs supported with funds under this part promote educational equity and excellence; and

''(2) the extent to which public schools of choice supported with funds under this part are—

''(A) held accountable to the public;

''(B) effective in improving public education; and

''(C) open and accessible to all students.

''(b) DURATION.—Grants under this part may be awarded for a period not to exceed 3 years.

**''SEC. 4302. DEFINITION OF HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.**

''In this part, the term 'high-poverty local educational agency' means a local educational agency in which the percentage of children, ages 5 to 17, from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available is 20 percent or greater.

**''SEC. 4303. USES OF FUNDS.**

''(a) IN GENERAL.—

''(1) PUBLIC SCHOOL CHOICE.—Funds under this part may be used to demonstrate, develop, implement, evaluate, and disseminate information on innovative approaches to promote public school choice, including the design and development of new public school choice options, the development of new strategies for overcoming barriers to effective public school choice, and the design and

development of public school choice systems that promote high standards for all students and the continuous improvement of all public schools.

''(2) INNOVATIVE APPROACHES.—Such approaches at the school, local educational agency, and State levels may include—

''(A) inter-district approaches to public school choice, including approaches that increase equal access to high-quality educational programs and diversity in schools;

''(B) public elementary and secondary programs that involve partnerships with institutions of higher education and that are located on the campuses of those institutions;

''(C) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit;

''(D) worksite satellite schools, in which State or local educational agencies form partnerships with public or private employers, to create public schools at parents' places of employment; and

''(E) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.

''(b) LIMITATIONS.—Funds under this part—

''(1) shall supplement, and not supplant, non-Federal funds expended for existing public school choice programs; and

''(2) may be used for providing transportation services or costs, except that not more than 10 percent of the funds received under this part shall be used by the local educational agency to provide such services or costs.

**''SEC. 4304. GRANT APPLICATION; PRIORITIES.**

''(a) APPLICATION REQUIRED.—A State or local educational agency desiring to receive a grant under this part shall submit an application to the Secretary.

''(b) APPLICATION CONTENTS.—Each application shall include—

''(1) a description of the program for which funds are sought and the goals for such program;

''(2) a description of how the program funded under this part will be coordinated with, and will complement and enhance, programs under other related Federal and non-Federal projects;

''(3) if the program includes partners, the name of each partner and a description of the partner's responsibilities;

''(4) a description of the policies and procedures the applicant will use to ensure—

''(A) its accountability for results, including its goals and performance indicators; and

''(B) that the program is open and accessible to, and will promote high academic standards for, all students; and

''(5) such other information as the Secretary may require.

''(c) PRIORITIES.—

''(1) HIGH-POVERTY AGENCIES.—The Secretary shall give a priority to applications for projects that would serve high-poverty local educational agencies.

''(2) PARTNERSHIPS.—The Secretary may give a priority to applications demonstrating that the applicant will carry out the applicant's project in partnership with 1 or more public and private agencies, organizations, and institutions, including institutions of higher education and public and private employers.

**''SEC. 4305. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

**''PART D—REPORT CARDS**

**''SEC. 4401. REPORT CARDS.**

''(a) GRANTS AUTHORIZED.—The Secretary shall award a grant, from allotments under subsection (b), to each State having a State report card meeting the requirements described in subsection (g), to enable the State annually to publish report cards for each elementary school and secondary school that receives funding under this Act and is served by the State.

''(b) RESERVATIONS AND ALLOTMENTS.—

''(1) RESERVATIONS.—From the amount appropriated under subsection (e) to carry out this part for each fiscal year, the Secretary shall reserve—

''(A) ½ of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary, consistent with this part, in schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs for assistance under this part; and

''(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, for activities, approved by the Secretary, consistent with this part.

''(2) STATE ALLOTMENTS.—From the amount appropriated under subsection (e) for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State report card meeting the requirements described in subsection (g) an amount that bears the same relationship to the remainder as the number of public school students enrolled in elementary schools and secondary schools in the State bears to the number of such students so enrolled in all States.

''(c) WITHIN-STATE ALLOCATIONS.—Each State educational agency receiving a grant under subsection (a) shall allocate the grant funds that remain after making the reservation described in subsection (d) to each local educational agency in the State in an amount that bears the same relationship to the remainder as the number of public school students enrolled in elementary schools and secondary schools served by the local educational agency bears to the number of such students so enrolled in all local educational agencies within the State.

''(d) STATE RESERVATION OF FUNDS.—Each State educational agency receiving a grant under subsection (a) may reserve—

''(1) not more than 10 percent of the grant funds to carry out activities described under subsections (f) and (g), and (i)(1) for fiscal year 2001; and

''(2) not more than 5 percent of the grant funds to carry out activities described under subsections (f) and (g), and (i)(1) for fiscal year 2002 and each of the 3 succeeding fiscal years.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $5,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(f) ANNUAL STATE REPORT.—

''(1) REPORTS REQUIRED.—

''(A) IN GENERAL.—Except as provided in paragraph (3), not later than the beginning of the 2001–2002 school year, a State that receives assistance under this Act shall prepare and disseminate an annual report on all public elementary schools and secondary schools within the State that receive funds under this Act.

''(B) STATE REPORT CARDS ON EDUCATION.—In the case of a State that publishes State report cards on education, the State shall include in such report cards the information described in subsection (g).

''(C) REPORT CARDS ON ALL PUBLIC SCHOOLS.—In the case of a State that publishes a report card on all public elementary schools and secondary schools in the State, the State shall include, at a minimum, the information described in subsection (g) for all public schools that receive funds under this Act.

''(2) IMPLEMENTATION; REQUIREMENTS.—

''(A) IMPLEMENTATION.—The State shall ensure implementation at all levels of the report cards described in paragraph (1).

''(B) REQUIREMENTS.—Annual report cards under this part shall be—

''(i) concise; and

''(ii) presented in a format and manner that parents can understand including, to the extent practicable, in a language the parents can understand.

''(3) PUBLICATION THROUGH OTHER MEANS.—In the event that the State provides no such report card, the State shall, not later than the beginning of the 2001–2002 school year, publicly report the information described in subsection (g) for all public schools that receive funds under this Act.

''(g) CONTENT OF ANNUAL STATE REPORTS.—

''(1) REQUIRED INFORMATION.—Each State described in subsection (f)(1)(A), at a minimum, shall include in the annual State report information on each local educational agency and public school that receives funds under this Act, including information regarding—

''(A) student performance on statewide assessments for the year for which the annual State report is made, and the preceding year, in at least English language arts and mathematics, including—

''(i) a comparison of the proportions of students who performed at the basic, proficient, and advanced levels in each subject area, for each grade level at which assessments are required under title I, with proportions in each of the same 4 levels at the same grade levels in the previous school year;

''(ii) a statement on the 3-year trend in the percentage of students performing at the basic, proficient, and advanced levels in each subject area, for each grade level for which assessments are required under title I; and

''(iii) a statement of the percentage of students not tested and a listing of categories of the reasons why such students were not tested;

''(B) student retention rates in grades, the number of students completing advanced placement courses, and 4-year graduation rates;

''(C) the professional qualifications of teachers in the aggregate, including the percentage of teachers teaching with emergency or provisional credentials, the percentage of class sections not taught by fully qualified teachers, and the percentage of teachers who are fully qualified; and

''(D) the professional qualifications of paraprofessionals in the aggregate, the number of paraprofessionals in the aggregate, and the ratio of paraprofessionals to teachers in the classroom.

''(2) STUDENT DATA.—Student data in each report shall contain disaggregated results for the following categories:

''(A) Racial and ethnic groups.

''(B) Gender.

''(C) Economically disadvantaged students, as compared to students who are not economically disadvantaged.

''(D) Students with limited English proficiency, as compared to students who are proficient in English.

''(3) OPTIONAL INFORMATION.—A State may include in the State annual report any other information the State determines appropriate to reflect school quality and school achievement, including by grade level information on average class size and information on school safety, such as the incidence of school violence and drug and alcohol abuse, and the incidence of student suspensions and expulsions.

''(4) WAIVER.—The Secretary may grant a waiver to a State seeking a waiver of the requirements of this subsection if the State demonstrates to the Secretary that—

''(A) the content of existing State report cards meets the goals of this part; and

''(B) the State is taking identifiable steps to meet the requirements of this subsection.

''(h) LOCAL EDUCATIONAL AGENCY AND SCHOOL REPORT CARDS.—

''(1) REPORT REQUIRED.—

''(A) IN GENERAL.—The State shall ensure that each local educational agency, public elementary school, or public secondary school that receives funds under this Act, collects appropriate data and publishes an annual report card consistent with this subsection.

''(B) REQUIRED INFORMATION.—Each local educational agency, elementary school, and secondary school described in subparagraph (A), at a minimum, shall include in its annual report card—

''(i) the information described in subsections (g)(1) and (2) for each local educational agency and school;

''(ii) in the case of a local educational agency—

''(I) information regarding the number and percentage of schools identified for school improvement, including schools identified under section 1116 of this Act, served by the local educational agency;

''(II) information on the 3-year trend in the number and percentage of elementary schools and secondary schools identified for school improvement; and

''(III) information that shows how students in the schools served by the local educational agency perform on the statewide assessment compared to students in the State as a whole;

''(iii) in the case of an elementary school or a secondary school—

''(I) information regarding whether the school has been identified for school improvement; and

''(II) information that shows how the school's students performed on the statewide assessment compared to students in schools served by the same local educational agency and to all students in the State; and

''(iii) other appropriate information, whether or not the information is included in the annual State report.

''(2) SPECIAL RULE.—A local educational agency that issues report cards for all public elementary schools and secondary schools served by the agency shall include, at a minimum, the information described in subsection (g) for all public schools that receive funds under this Act.

''(i) DISSEMINATION AND ACCESSIBILITY OF REPORTS AND REPORT CARDS.—

''(1) STATE REPORTS.—State annual reports under subsection (g) shall be disseminated to all elementary schools, secondary schools, and local educational agencies in the State, and made broadly available to the public through means such as posting on the Internet and distribution to the media, and through public agencies.

''(2) LOCAL REPORT CARDS.—Local educational agency report cards under subsection (h) shall be disseminated to all elementary schools and secondary schools served by the local educational agency and to all parents of students attending such schools, and made broadly available to the public through means such as posting on the Internet and distribution to the media, and through public agencies.

''(3) SCHOOL REPORT CARDS.—Elementary school and secondary school report cards under subsection (h) shall be disseminated to all parents of students attending that school, and made broadly available to the public, through means such as posting on the Internet and distribution to the media, and through public agencies.

''(j) PARENTS RIGHT-TO-KNOW.—

''(1) QUALIFICATIONS.—A local educational agency that receives funds part A of title I or part A of title II shall provide, upon request, in an understandable and uniform format, to any parent of a student attending any school receiving funds under part A of title I or part A of title II, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum—

''(A) whether the teacher has met State certification or licensing criteria for the grade levels and subject areas in which the teacher provides instruction;

''(B) whether the teacher is teaching under emergency or other provisional status through which State certification or licensing criteria are waived;

''(C) the baccalaureate degree major of the teacher, any other graduate certification or degree held by the teacher, and the field of discipline of each such certification or degree; and

''(D) whether the student is provided services by paraprofessionals, and the qualifications of any such paraprofessional.

''(2) ADDITIONAL INFORMATION.—In addition to the information that parents may request under paragraph (1), and the information provided in report cards under this part, a school that receives funds under part A of title I or part A of title II shall provide, to the extent practicable, to each individual parent or guardian—

''(A) information on the level of performance of the individual student, for whom they are the parent or guardian, in each of the State assessments as required under part A of title I; and

''(B) timely notice that the student, for whom they are the parent or guardian, was assigned or taught for 2 or more consecutive weeks by a substitute teacher or by a teacher not fully qualified.

''(k) COORDINATION OF STATE PLAN CONTENT.—A State shall include in its plan under part A of title I or part A of title II, an assurance that the State has in effect a policy that meets the requirements of this section.

''(l) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

''(m) DEFINITION.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

## TITLE V—IMPACT AID

**SEC. 501. IMPACT AID.**

(a) Section 8014 (20 U.S.C. 7714) is amended—

(1) in subsection (a)—

(A) by striking ''$16,750,000 for fiscal year 1995 and''; and

(B) by inserting ''fiscal year 2001 and'' after ''necessary for'';

(2) in subsection (b)—

(A) by striking ''$775,000,000 for fiscal year 1995 and''; and

(B) by inserting ''fiscal year 2001 and'' after ''necessary for'';

(3) in subsection (c)—

(A) by striking ''$45,000,000 for fiscal year 1995 and''; and

(B) by inserting ''fiscal year 2001 and'' after ''necessary for'';

(4) in subsection (d)—

(A) by striking ''$2,000,000 for fiscal year 1995 and''; and

(B) by inserting ''fiscal year 2001 and'' after ''necessary for'';

(5) in subsection (e)—

(A) by striking ''$25,000,000 for fiscal year 1995 and''; and

(B) by inserting ''fiscal year 2001 and'' after ''necessary for'';

(6) in subsection (f)—

(A) by striking ''$2,000,000 for fiscal year 1995 and''; and

(B) by inserting ''fiscal year 2001 and'' after ''necessary for''; and

(7) in subsection (g), by striking ''1998'' and inserting ''2001''.

(b) REPEALS, TRANSFERS, AND REDESIGNATIONS.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by repealing title V (20 U.S.C. 7201 et seq.);

(2) by redesignating title VIII (20 U.S.C. 7701 et seq.) (as amended by subsection (a)) as title V, and transferring the title to follow title IV (as amended by section 402);

(3) by redesignating references to title VIII as references to title V (as redesignated and transferred by paragraph (2)); and

(4) by redesignating sections 8001 through 8014 (20 U.S.C. 7701, 7714) (as transferred by paragraph (2)) as sections 5001 through 5014, respectively, and redesignating accordingly the references to such sections.

## TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

**SEC. 601. HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES.**

Title VI (20 U.S.C. 7301 et seq.) is amended to read as follows:

## ''TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

**''SEC. 6001. FINDINGS, POLICY, AND PURPOSE.**

''(a) FINDINGS.—Congress makes the following findings:

''(1)(A) Congress embraces the view that educators most familiar with schools, including school superintendents, principals, teachers, and school support personnel, have a critical role in knowing what is needed and how best to meet the educational needs of students.

''(B) Local educational agencies should therefore have primary responsibility for deciding how to implement funds.

''(2)(A) Since the Elementary and Secondary Education Act was first authorized in 1965, the Federal Government has created numerous grant programs, each of which was created to address 1 among the myriad challenges and problems facing education.

''(B) Only a few of the Federal grant programs established before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act can be tied to significant quantitative results.

''(C) Because Federal education dollars are distributed through a patchwork of programs, with each program having its own set of requirements and restrictions, local educational agencies and schools have found it difficult to leverage funds for maximum impact.

''(D) In many cases, Federal education dollars distributed through competitive grant programs are too diffused to provide a true impact at the school level.

''(E) As a result of the Federal elementary and secondary education policies in place before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, the focus of Federal, State, and local educational agencies has been diverted from comprehensive student achievement to administrative compliance.

''(3)(A) Every elementary school and secondary school should provide a drug- and violence-free learning environment.

''(B) The widespread illegal use of alcohol and drugs among the Nation's secondary school students, and increasingly among elementary school students, constitutes a grave threat to students' physical and mental well-being, and significantly impedes the learning process.

''(C) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety, youth development, and positive school outcomes, and reduce the demand for and illegal use of alcohol, tobacco, and drugs throughout the Nation.

''(D) Schools, local organizations, parents, students, and communities throughout the Nation have a special responsibility to work together to combat the continuing epidemic of violence and illegal drug use, and should measure the success of programs established to address this epidemic against clearly defined goals and objectives.

''(E) Drug and violence prevention programs are most effective when implemented within a research-based, drug and violence prevention framework of proven effectiveness.

''(F) Substance abuse and violence are intricately related, and must be dealt with in a holistic manner.

''(4)(A) Technology can produce far greater opportunities for all students to meet high learning standards, promote efficiency and effectiveness in education, and help immediately and dramatically reform our Nation's educational system.

''(B) Because most Federal and State educational technology programs have focused on acquiring educational technologies, rather than emphasizing the utilization of those technologies in the classroom and the training and infrastructure required efficiently to support the technologies, the full potential of educational technology has rarely been realized.

''(C) The effective use of technology in education has been inhibited by the inability of many State educational agencies and local educational agencies to invest in and support needed technologies, and to obtain sufficient resources to seek expert technical assistance in developing high-quality professional development activities for teachers and keeping pace with the rapid technological advances.

''(D) To remain competitive in the global economy, which is increasingly reliant on a workforce that is comfortable with technology and able to integrate rapid technological changes into production processes, it is imperative that our Nation maintain a work-ready labor force.

''(b) POLICY.—Congress declares it to be the policy of the United States—

''(1) to facilitate significant innovation in elementary school and secondary school education programs;

''(2) to enrich the learning environment of students;

''(3) to provide a safe learning environment for all students;

''(3) to ensure that all students are technologically literate; and

''(4) to assist State educational agencies and local educational agencies in building the agencies' capacity to establish, implement, and sustain innovative programs for public elementary and secondary school students.

''(c) PURPOSES.—The purposes of this title are as follows:

''(1) To provide supplementary assistance for school improvement to elementary schools, secondary schools, and local educational agencies—

''(A) that have been or are at risk of being identified as being in need of improvement, as defined in section 1116 (c) and (d), to carry out activities (as described in such schools' or agencies' improvement plans developed under such section) that are designed to remedy the circumstances that caused such schools or agencies to be identified as in need of improvement; or

''(B) to improve core content curriculum and instructional practices and materials in core subject areas to ensure that all students are at the proficient standard level within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

''(2) To provide assistance to local educational agencies and schools for innovative programs and activities that will transform schools into 21st century opportunities for students by—

''(A) creating a challenging learning environment and facilitating academic enrichment through innovative academic programs; or

''(B) providing extra learning, time, and opportunities for students.

''(3) To provide assistance to local educational agencies, schools, and communities to strengthen existing programs or develop and implement new programs based on proven researched-based strategies that create safe learning environments by—

''(A) preventing violence and other high-risk behavior from occurring in and around schools; and

''(B) preventing the illegal use of alcohol, tobacco, and drugs among students.

''(4) To create New Economy Technology Schools (NETs) by providing assistance to local educational agencies and schools for—

''(A) the acquisition, development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure;

''(B) the acquisition and maintenance of technology equipment and the provision of training in the use of such equipment for teachers, school library and media personnel, and administrators;

''(C) the acquisition or development of technology-enhanced curricula and instructional materials that are aligned with challenging State content and student performance standards; and

''(D) the acquisition or development and implementation of high-quality professional development for teachers in the use of technology and its integration with challenging State content and student performance standards.

**''SEC. 6002. DEFINITIONS OF STATE.**

''In this title:

''(1) AUTHENTIC TASK.—The term 'authentic task' means a real world task that—

''(A) is challenging, meaningful, multidisciplinary, and interactive;

''(B) involves reasoning, problem solving, and composition; and

''(C) is not a discrete component skill that has no obvious connection with students' activities outside of school.

''(2) STATE.—The term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

**''SEC. 6003. PROGRAMS AUTHORIZED.**

''(a) GRANTS AUTHORIZED.—From the amount appropriated under section 6009 for a fiscal year, the Secretary shall award a grant to each State educational agency having a State plan approved under section 6005(a)(4) to enable the State educational agency to award grants to local educational agencies in the State.

''(b) RESERVATIONS AND ALLOTMENTS.—

''(1) RESERVATIONS.—From the amount appropriated under section 6009 for a fiscal year, the Secretary shall reserve—

''(A) not more than ½ of 1 percent of such amount for payments to the Bureau of Indian Affairs for activities, approved by the Secretary, consistent with this title;

''(B) not more than ½ of 1 percent of such amounts for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this title as determined by the Secretary, for activities, approved by the Secretary, consistent with this title; and

''(C) such sums as may be necessary to continue to support any multiyear award made under titles III, IV, V (part B), or X (as such titles were in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) until the completion of the multiyear award.

''(2) STATE ALLOTMENTS.—

''(A) IN GENERAL.—From the amount appropriated under section 6009 for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 6005(a)(4) the sum of—

''(i) an amount that bears the same relationship to 50 percent of the remainder as the amount the State received under part A of title I bears to the amount all States received under such part; and

''(ii) an amount that bears the same relationship to 50 percent of the remainder as the school-age population in the State bears to the school-age population in all States.

''(B) DATA.—For the purposes of determining the school-age population in a State and in all States, the Secretary shall use the latest available Bureau of the Census data.

''(c) STATE MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than 0.4 percent of the total amount allotted to all States under subsection (b)(2).

''(d) HOLD-HARMLESS AMOUNTS.—For fiscal year 2001, notwithstanding subsection (e), the amount allotted to each State under this section shall be not less than 100 percent of the total amount the State was allotted in formula grants under titles III, IV, and VI (as such titles were in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for the preceding fiscal year.

''(e) RATABLE REDUCTIONS.—If the sums made available under subsection (b)(2)(A) for any fiscal year are insufficient to pay the full amounts that all State educational agencies are eligible to receive under that subsection for such year, the Secretary shall ratably reduce such amounts for such year.

**''SEC. 6004. WITHIN STATE ALLOCATION.**

''(a) SHORT TITLE.—Each State educational agency for a State receiving a grant award under section 6003(b)(2) shall—

''(1) set aside not more than 1 percent of the grant funds for the cost of administering the activities under this title;

''(2) set aside not more than 4 percent of the grant funds to—

''(A) provide for the establishment of high-quality, internationally competitive content and student performance standards and strategies that all students will be expected to meet;

''(B) provide for the establishment of high-quality, rigorous assessments that include multiple measures and demonstrate comprehensive knowledge;

''(C) encourage and enable all State educational agencies and local educational agencies to develop, implement, and strengthen comprehensive education improvement plans that address student achievement, teacher quality, parent involvement, and reliable measurement and evaluation methods; and

''(D) encourage and enable all States to develop and implement value-added assessments, including model value-added assessments identified by the Secretary under section 7004(a)(6); and

''(3) using the remaining 95 percent of the grant funds, make grants by allocating to

each local educational agency in the State having a local educational agency plan approved under section 6005(b)(3) the sum of—

''(A) an amount that bears the same relationship to 50 percent of such remainder as the amount the local educational agency received under part A of title I bears to the amount all local educational agencies in the State received under such part; and

''(B) an amount that bears the same relationship to 50 percent of such remainder as the school-age population in the area served by the local educational agency bears to the school-age population in the area served by all local educational agencies in the State.

''(b) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—Each eligible local educational agency receiving a grant under subsection (a) shall contribute resources with respect to the local authorized activities to be assisted under this title in case or in-kind from non-Federal sources in an amount equal to 25 percent of the Federal funds awarded under the grant.

''(2) WAIVER.—A local educational agency may apply to the State educational agency may grant a waiver of the requirements of paragraph (1) to a local educational agency that—

''(A) applies for such a waiver; and

''(B) demonstrates extreme circumstances for being unable to meet such requirements.

**''SEC. 6005. PLANS.**

''(a) STATE PLANS.—

''(1) IN GENERAL.—The State educational agency for each State desiring a grant under this title shall submit a State plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 8302.

''(3) CONTENTS.—Each plan submitted under paragraph (1) shall—

''(A) describe how the State educational agency will assist each local educational agency and school served under this title to comply with the requirements described in section 6006 that are applicable to the local educational agency or school;

''(B) certify that the State has in place the standards and assessments required under section 1111;

''(C) certify that the State educational agency has a system, as required under section 1111, for—

''(i) holding each local educational agency and school accountable for adequate yearly progress (as defined in section 1111(b)(2)(B));

''(ii) identifying local educational agencies and schools that are in need of improvement and corrective action (as required in sections 1116 and 1117);

''(iii) assisting local educational agencies and schools that are identified for improvement with the development of improvement plans; and

''(iv) providing technical assistance, professional development, and other capacity building as needed to get such agencies and schools out of improvement status;

''(D) certify that the State educational agency shall use the disaggregated results of student assessments required under section 1111(b)(4), and other measures or indicators available, to review annually the progress of each local educational agency and school served under this title to determine whether or not each such agency and school is making adequate yearly progress as required under section 1111;

''(E) certify that the State educational agency will take action against a local educational agency that is in corrective action and receiving funds under this title as described in section 6006(d)(1);

''(F) describe what, if any, State and other resources will be provided to local educational agencies and schools served under this title to carry out activities consisted with this title; and

''(G) certify that the State educational agency has a system to hold local educational agencies accountable for meeting the annual performance objectives required under subsection (b)(2)(C).

''(4) APPROVAL.—The Secretary, using a peer review process, shall approve a State plan if the State plan meets the requirements of this subsection.

''(5) DURATION OF THE PLAN.—Each State plan shall remain in effect for the duration of the State's participation under this title.

''(6) REQUIREMENT.—A State shall not be eligible to receive funds under this title unless the State has established the standards and assessments required under section 1111.

''(b) LOCAL PLANS.—

''(1) IN GENERAL.—Each local educational agency shall annually submit a local educational agency plan to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

''(2) CONTENTS.—Each local educational agency shall—

''(A) describe the programs for which funds allocated under section 6004(3) will be used and the reasons for the selection of such programs;

''(B) describe the methods the local educational agency will use to measure the annual impact of programs described under subparagraph (A) and the extent to which such programs will increase student academic performance;

''(C) describe the annual, quantifiable, and measurable performance goals and objectives for each program described under subparagraph (A) and the extent to which such goals and objectives are aligned with State content and student performance standards;

''(D) describe how the local educational agency will hold schools accountable for meeting the intended performance objectives for each program described under subparagraph (C);

''(E) provide an assurance that the local educational agency has met the local plan requirements described in section 1112 for—

''(i) holding schools accountable for adequate yearly progress, including meeting annual numerical goals for improving the performance of all groups of students based on the student performance standards set by the State under section 1111(b)(1)(D)(ii);

''(ii) identifying schools for school improvement or corrective action;

''(iii) fulfilling the local educational agency's school improvement responsibilities described in section 1116, including taking corrective actions under section 1116(c)(10); and

''(iv) providing technical assistance, professional development, or other capacity building to schools served by the agency;

''(F) certify that the local educational agency will take action against a school that is in corrective action and receiving funds under this title as described under section 6006(d)(2);

''(G) describe what State and local resources will be contributed to carrying out programs described under subparagraph (A);

''(H) provide assurances that the local educational agency consulted, at a minimum, with parents, school board members, teachers, administrators, business partners, education organizations, and community groups to develop the local educational plan and select the programs to be assisted under this title; and

''(J) provide assurances that the local educational agency will continue such consultation on a regular basis and will provide the State with annual evidence of such consultation.

''(3) APPROVAL.—The State, using a peer review process, shall approve a local educational agency plan if the plan meets the requirements of this subsection.

''(4) DURATION OF THE PLAN.—Each local educational agency plan shall remain in effect for the duration of the local educational agency's participation under this title.

''(5) PUBLIC REVIEW.—Each State educational agency will make publicly available each local educational agency plan approved under paragraph (3).

**''SEC. 6006. LOCAL USES OF FUNDS AND ACCOUNTABILITY.**

''(a) ADMINISTRATIVE EXPENSES.—Each local educational agency receiving a grant award under section 6004(3) may use not more than 1 percent of the grant funds for any fiscal year for the cost of administering this title.

''(b) REQUIRED ACTIVITIES.—Each local educational agency receiving a grant award under section 6004(3) shall use the grant funds pursuant to this subsection to establish and carry out programs that are designed to achieve, separately or cumulatively, each of the goals described in the category areas described in paragraphs (1) through (4).

''(1) SCHOOL IMPROVEMENT.—Each local educational agency shall use 30 percent of the grant funds—

''(A) in the case of a school that has been identified as being in need of improvement under section 1116(c), for activities or strategies that are described in section 1116(c) that focus on removing such school from improvement status; or

''(B) for programs that seek to raise the academic achievement levels of all elementary school and secondary school students based on challenging State content and student performance standards and, to the greatest extent possible,—

''(i) incorporate the best practices developed from research-based methods and practices;

''(ii) are aligned with challenging State content and performance standards and focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by State assessments under section 1111(b)(4) and local evaluations;

''(iii) focus on accelerated learning rather than remediation, so that students will master the high level of skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments;

''(iv) offer teachers, principals, and administrators professional development and technical assistance that are aligned with the content of such programs; and

''(v) address local needs, as determined by the local educational agency's evaluation of school and districtwide data.

''(2) 21ST CENTURY OPPORTUNITIES.—Each local educational agency shall use 25 percent of the grant funds for—

''(A) programs that provide for extra learning, time, and opportunities for students so that all students may achieve high levels of learning and meet the State proficient standard level within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

''(B) programs to improve higher order thinking skills of all students, especially disadvantaged students;

''(C) promising innovative education reform projects that are consistent with challenging State content and student performance standards; or

''(D) programs that focus on ensuring that disadvantaged students enter elementary

school with the basic skills needed to meet the highest State content and student performance standards.

''(3) SAFE LEARNING ENVIRONMENTS.—Each local educational agency shall use 15 percent of the grant funds for programs that help ensure that all elementary school and secondary school students learn in a safe and supportive environment by—

''(A) reducing drugs, violence, and other high-risk behavior in schools;

''(B) providing safe, extended-day opportunities for students;

''(C) providing professional development activities for teachers, principals, mental health professionals, and guidance counselors in dealing with students exhibiting distress (such as substance abuse, disruptive behavior, and suicidal behavior);

''(D) recruiting or retaining high-quality mental health professionals;

''(E) providing character education for students; or

''(F) meeting other objectives that are established under State standards regarding safety or that address local community concerns.

''(4) NEW ECONOMY TECHNOLOGY SCHOOLS.—

''(A) IN GENERAL.—Each local educational agency shall use 30 percent of the grant funds to establish technology programs that will transform schools into New Economy Technology Schools (NETs) and, to the greatest extent possible, will—

''(i) increase student performance related to an authentic task;

''(ii) integrate the use of technology into activities that are a core part of classroom curricula and are available to all students;

''(iii) emphasize how to use technology to accomplish authentic tasks;

''(iv) provide professional development and technical assistance to teachers so that teachers may integrate technology into daily teaching activities that are directly aligned with State content and student performance standards; and

''(v) enable the local educational agency annually to increase the percentage of classrooms with access to technology, particularly in schools in which not less than 50 percent of the school-age population comes from families with incomes below the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(B) LIMITATION.—Each local educational agency shall use not more than 50 percent of the grant funds described in subparagraph (A) to purchase, upgrade, or retrofit computer hardware in schools in which not less than 50 percent of the school-age population comes from families at or below the poverty line, as defined in subparagraph (A)(v).

''(c) TRANSFER OF FUNDS.—Notwithstanding subsection (b)—

''(1) a local educational agency that meets adequate yearly progress requirements for student performance, as established by the State educational agency under section 1111, may allocate, at the local educational agency's discretion, not more than 30 percent of the grant funds received under section 6004(3) among the 4 funding categories described in subsection (b);

''(2) a local educational agency that exceeds the adequate yearly progress requirements described in paragraph (1) by a significant amount, as determined by the State educational agency, may allocate, at the local educational agency's discretion, not more than 50 percent of the grant funds received under section 6004(3) among the 4 funding categories described in subsection (b); and

''(3) a local educational agency that is identified as in need of improvement, as defined under section 1117, may apply not more than 25 percent of the grant funds described in subsection (b) (2), (3), or (4) to school improvement activities described in subsection (b)(1).

''(d) LIMITATIONS FOR SCHOOLS AND LOCAL EDUCATIONAL AGENCIES IN CORRECTIVE ACTION.—

''(1) LOCAL EDUCATIONAL AGENCIES IN CORRECTIVE ACTION.—If a local educational agency is identified for corrective action under section 1116(d), the State educational agency shall—

''(A) notwithstanding any other provision of law, specify how the local educational agency shall spend the grant funds in order to focus the local educational agency on activities that will be the most effective in raising student performance levels; and

''(B) implement corrective action in accordance with the provisions for corrective action described in section 1116(d).

''(2) SCHOOLS IN CORRECTIVE ACTION.—If a school is identified for corrective action under section 1116(c), the local educational agency shall—

''(A) specify how the school shall spend grant funds received under this section in order to focus on activities that will be the most effective in raising student performance levels; and

''(B) implement corrective action in accordance with the provisions for corrective action described in section 1116(c)(10).

''(3) DURATION.—Limitations imposed on schools and local educational agencies in corrective action under paragraphs (1) and (2) shall remain in effect until such time as the school or local educational agency has made sufficient improvement, as determined by the State educational agency, and is no longer in corrective action.

**''SEC. 6007. STATE AND LOCAL RESPONSIBILITIES.**

''(a) DATA REVIEW.—

''(1) STATE AND LOCAL REVIEW.—A State educational agency shall jointly review with a local educational agency described in section 6006(d)(1) the local educational agency's data gathered from student assessments and other measures required under section 1111(b)(4), in order to determine how the local educational agency shall spend the grant funds pursuant to section 6006(d)(1)(A) in order to substantially increase student performance levels.

''(1) SCHOOL AND LOCAL REVIEW.—A local educational agency shall jointly review with a school described in section 6006(d)(2) the school's data gathered from student assessments and other measures required under section 1111(b)(4), in order to determine how the school shall spend grant funds pursuant to section 6006(d)(2) in order to substantially increase student performance levels.

''(b) TECHNICAL ASSISTANCE.—

''(1) STATE ASSISTANCE.—

''(A) A State educational agency shall provide, upon request by a local educational agency receiving grant funds under this title, technical assistance to the local educational agency and schools served by the local educational agency, including assistance in analyzing student performance and the impact of programs assisted under this title and identifying the best instructional strategies and methods for carrying out such programs.

''(B) State assistance may be provided by—

''(i) the State educational agency; or

''(ii) with the local educational agency's approval, by an institution of higher education, a private not-for-profit or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement as described in section 7005, a nontraditional entity such as a corporation or consulting firm, or any other entity with experience in the program area for which the assistance is being sought.

''(2) LOCAL ASSISTANCE.—

''(A) A local educational agency shall provide, upon request by an elementary school or secondary school served by the agency, technical assistance to such school, including assistance in analyzing student performance and the impact of programs assisted under this title, and identifying the best instructional strategies and methods for carrying out such programs.

''(B) Local assistance may be provided by—

''(i) the State educational agency or local educational agency; or

''(ii) with the school's approval, by an institution of higher education, a private not-for-profit or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement as described in section 7005, a nontraditional entity such as a corporation or consulting firm, or any other entity with experience in the program area for which the assistance is being sought.

**''SEC. 6008. LOCAL REPORTS.**

''Each local educational agency receiving funds under this title shall annually publish and disseminate to the public in a format and, to the extent practicable, in a language that parents can understand, a report on—

''(1) information describing the use of funds in the 4 category areas described in section 6006(b);

''(2) the impact of such programs and an assessment of such programs' effectiveness; and

''(3) the local educational agency's progress toward attaining the goals and objectives described under section 6005(b), and the extent to which programs assisted under this title have increased student achievement.

**''SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this title $2,700,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

## TITLE VII—ACCOUNTABILITY

**SEC. 701. ACCOUNTABILITY.**

Title VII of the Act (20 U.S.C. 7401 et seq.) is amended to read as follows:

## ''TITLE VII—ACCOUNTABILITY

**''SEC. 7001. SANCTIONS.**

''(a) THIRD FISCAL YEAR.—If performance objectives established under a covered provision have not been met by a State receiving grant funds under such provision by the end of the third fiscal year for which the State receives such grant funds, the Secretary shall reduce by 50 percent the amount the State is entitled to receive for administrative expenses under such provision.

''(b) FOURTH FISCAL YEAR.—If the State fails to meet the performance objectives established under a covered provision by the end of the fourth fiscal year for which the State receives grant funds under the covered provision, the Secretary shall reduce the total amount the State receives under title VI by 30 percent.

''(c) DURATION.—If the Secretary determines, under subsection (a) or (b), that a State failed to meet the performance objectives established under a covered provision for a fiscal year, the Secretary shall reduce grant funds in accordance with subsection (a) or (b) for the State for each subsequent fiscal year until the State demonstrates that the State met the performance objectives for the fiscal year preceding the demonstration.

''(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance, if

sought, to a State subjected to sanctions under subsection (a) or (b).

''(e) LOCAL SANCTIONS.—

''(1) IN GENERAL.—Each State receiving assistance under title I, II, III, or VI shall develop a system to hold local educational agencies accountable for meeting—

''(A) the performance objectives established under part A of title II, part A of title III, and title VI; and

''(B) the adequate yearly progress requirements established under part A of title I, and required under part A of title III and title VI.

''(2) SANCTIONS.—A system developed under paragraph (c) shall include a mechanism for sanctioning local educational agencies for low performance with regard to failure to meet such performance objectives and adequate yearly progress levels.

''(f) DEFINITIONS.—In this section:

''(1) COVERED PROVISION.—The term 'covered provision' means part A of title I, part A of title II, part A of title III, and section 6005(b)(2)(C).

''(2) PERFORMANCE OBJECTIVES.—The term 'performance objectives' means in the case of—

''(A) part A of title I, the adequate yearly progress levels established under subsections (b)(2)(A)(iii) and (b)(2)(B) of section 1111;

''(B) part A of title II, the set of performance objectives established in section 2014;

''(C) part A of title III, the set of performance objectives established in section 3109; and

''(D) title VI, the set of performance objectives set by each local educational agency in section 6005(b)(2)(C).

**''SEC. 7002. REWARDING HIGH PERFORMANCE.**

''(a) STATE REWARDS.—

''(1) IN GENERAL.—From amounts appropriated under subsection (d), and from amounts made available as a result of reductions under section 7001, the Secretary shall make awards to States that—

''(A) for 3 consecutive years have—

''(i) exceeded the States' performance objectives established for any title under this Act;

''(ii) exceeded their adequate yearly progress levels established in section 1111(b);

''(iii) significantly narrowed the gaps between minority and non-minority students, and between economically disadvantaged and non-economically disadvantaged students;

''(iv) raised all students to the proficient standard level prior to 10 years from the date of enactment of the Public Education Reinvention, Reinvestment, and Responsibility Act; or

''(v) significantly increased the percentage of core classes being taught by fully qualified teachers teaching in schools receiving funds under part A of title I; or

''(B) by not later than fiscal year 2003, ensure that all teachers teaching in the States' public elementary schools and secondary schools are fully qualified.

''(2) STATE USE OF FUNDS.—

''(A) DEMONSTRATION SITES.—Each State receiving an award under paragraph (1) shall use a portion of the award that is not distributed under subsection (b) to establish demonstration sites with respect to high-performing schools (based on achievement or performance levels) objectives and adequate yearly progress in order to help low-performing schools.

''(B) IMPROVEMENT OF PERFORMANCE.—Each State receiving an award under paragraph (1) shall use the portion of the award that is not used pursuant to subparagraph (A) or (C) and is not distributed under subsection (b) for the purpose of improving the level of performance of all elementary and secondary school students in the State, based on State content and performance standards.

''(C) RESERVATION FOR ADMINISTRATIVE EXPENSES.—Each State receiving an award under paragraph (1) may set aside not more than ½ of 1 percent of the award for the planning and administrative costs of carrying out this section, including the costs of distributing awards to local educational agencies.

''(b) LOCAL EDUCATIONAL AGENCY AWARDS.—

''(1) IN GENERAL.—Each State receiving an award under subsection (a)(1) shall distribute 80 percent of the award funds to local educational agencies in the State that—

''(A) for 3 consecutive years have—

''(i) exceeded the State-established local educational agency performance objectives established for any title under this Act;

''(ii) exceeded the adequate yearly progress level established under section 1111(b)(2);

''(iii) significantly narrowed the gaps between minority and nonminority students, and between economically disadvantaged and noneconomically disadvantaged students;

''(iv) raised all students enrolled in schools within the local educational agency to the proficient standard level prior to 10 years from the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act; or

''(v) significantly increased the percentage of core classes being taught by fully qualified teachers teaching in schools receiving funds under part A of title I; or

''(B) not later than December 31, 2003, ensured that all teachers teaching in the elementary schools and secondary schools served by the local educational agencies are fully qualified; or

''(C) have attained consistently high achievement in another area that the State deems appropriate to reward.

''(2) SCHOOL-BASED PERFORMANCE AWARDS.—A local educational agency may use funds made available under paragraph (1) for activities such as school-based performance awards.

''(3) RESERVATION FOR ADMINISTRATIVE EXPENSES.—Each local educational agency receiving an award under paragraph (1) may set aside not more than ½ of 1 percent of the award for the planning and administrative costs of carrying out this section, including the costs of distributing awards to eligible elementary schools and secondary schools, teachers, and principals.

''(c) SCHOOL REWARDS.—Each local educational agency receiving an award under subsection (b) shall consult with teachers and principals to develop a reward system, and shall use the award funds—

''(1) to reward individual schools that demonstrate high performance with respect to—

''(A) increasing the academic achievement of all students;

''(B) narrowing the academic achievement gap described in section 1111(b)(2)(B)(vii);

''(C) improving teacher quality;

''(D) increasing high-quality professional development for teachers, principals, and administrators; or

''(E) improving the English proficiency of limited English proficient students;

''(2) to reward collaborative teams of teachers, or teams of teachers and principals, that—

''(A) significantly increase the annual performance of low-performing students; or

''(B) significantly improve in a fiscal year the English proficiency of limited English proficient students;

''(3) to reward principals who successfully raise the performance of a substantial number of low-performing students to high academic levels;

''(4) to develop or implement school district-wide programs or policies to increase the level of student performance on State assessments that are aligned with State content standards; and

''(5) to reward schools for consistently high achievement in another area that the local educational agency deems appropriate to reward.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(e) DEFINITION.—The term 'low-performing student' means students who are below the basic State standard level.

**''SEC. 7003. SUPPLEMENT NOT SUPPLANT.**

''A State educational agency and local educational agency shall use funds under this title to supplement, and, not supplant, Federal, State, and local funds that, in the absence of funds under this title, would otherwise be spent for activities of the type described in section 7002.

**''SEC. 7004. SECRETARY'S ACTIVITIES.**

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, from amounts appropriated under subsection (b) and not reserved under subsection (c), the Secretary may—

''(1) support activities of the National Board for Professional Teaching Standards;

''(2) study and disseminate information regarding model programs assisted under this Act;

''(3) provide training and technical assistance to States, local educational agencies, elementary schools and secondary schools, Indian tribes, and other recipients of grant funds under this Act that are carrying out activities assisted under this Act, including entering into contracts or cooperative agreements with public or private nonprofit entities or consortia of such entities, in order to provide comprehensive training and technical assistance related to the administration and implementation of activities assisted under this Act;

''(4) support activities that will promote systemic education reform at the State and local levels;

''(5) award grants or contracts to public or private nonprofit entities to enable the entities—

''(A) to develop and disseminate exemplary reading, mathematics, science, and technology educational practices, and instructional materials to States, local educational agencies, and elementary schools and secondary schools; and

''(B) to provide technical assistance for the implementation of teaching methods and assessment tools for use by elementary schools and secondary school students, teachers, and administrators;

''(6) disseminate information on models of value-added assessments;

''(7) award a grant or contract to a public or private nonprofit entity or consortium of such entities for the development and dissemination of exemplary programs and curricula for accelerated and advanced learning for all students, including gifted and talented students;

''(8) award a grant or contract with Reading Is Fundamental, Inc. and other public or private nonprofit entities to support and promote programs which include the distribution of inexpensive books to students and literacy activities that motivate children to read; and

''(9) provide assistance to States—

''(A) by assisting in the development of English language development standards and high-quality assessments, if requested by a State participating in activities under subtitle A of title III; and

''(B) by developing native language tests for limited English proficient students that a State may administer to such students to assess student achievement in at least reading, science, and mathematics, consistent with section 1111.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $150,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(c) RESERVATION.—From the amounts appropriated under subsection (b) the Secretary shall reserve $10,000,000 for the purposes of carrying out activities under section 1202(c).

''(d) SPECIAL RULE FOR SECRETARY AWARDS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, a recipient of funds provided under a direct award made by the Secretary, or a contract or cooperative agreement entered into with the Secretary, shall include the following in any application or plan required under such programs:

''(A) How funds provided under the program will be used and how such use will increase student academic achievement.

''(B) The goals and objectives to be met, including goals for dissemination and use of the information or materials produced.

''(C) How the recipient will track and report annually to the Secretary—

''(i) the successful dissemination of information or materials produced;

''(ii) where information or materials produced are being used; and

''(iii) what is the impact of such use and, if applicable, the extent to which such use increased student academic achievement.

''(2) REQUIREMENT.—If no application or plan is required under a program, contract, or cooperative agreement described in paragraph (1), the Secretary shall require the recipient of funds to submit a plan containing the information required under paragraph (1).

''(3) FAILURE TO ACHIEVE GOALS AND OBJECTIVES.—

''(A) IN GENERAL.—The Secretary shall evaluate the information submitted under this subsection to determine whether the recipient has met the goals and objectives described in paragraph (1)(B), assess the magnitude of dissemination, and assess the effectiveness of the activity funded in raising student academic achievement in places where information or materials produced with such funds are used.

''(B) INELIGIBILITY.—The Secretary shall consider the recipient ineligible for future grants under the program, contract, or cooperative agreement described in paragraph (1) if—

''(i) the goals and objectives described in paragraph (1)(B) have not been met;

''(ii) dissemination has not been of a magnitude to ensure national goals are being addressed; and

''(iii) the information or materials produced have not made a significant impact on raising student achievement in places where such information or materials are used.''.

## TITLE VIII—GENERAL PROVISIONS AND REPEALS

### SEC. 801. REPEALS, TRANSFERS, AND REDESIGNATIONS REGARDING TITLES VIII AND XIV.

(a) IN GENERAL.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by inserting after title VII the following:

**''TITLE VIII—GENERAL PROVISIONS'';**

(2) by repealing sections 14514 and 14603 (20 U.S.C. 8904, 8923);

(3)(A) by transferring title XIV (20 U.S.C. 8801 et seq.) to title VIII and inserting such title after the title heading for title VIII; and

(B) by striking the title heading for title XIV;

(4)(A) by redesignating part H of title VIII (as redesignated by paragraph (3)) as part I of title VIII; and

(B) by redesignating the references to part H of title VIII as references to part I of title VIII;

(5) by inserting after part G of title VIII the following:

**''PART H—SUPPLEMENT, NOT SUPPLANT**

**''SEC. 8801. SUPPLEMENT, NOT SUPPLANT.**

''A State educational agency or local educational agency shall use funds received under the Act to supplement, and not supplant, State and local funds that, in the absence of funds under this Act, would otherwise be spent for activities under this Act.'';

(6) by redesignating the references to title XIV as references to title VIII;

(7)(A) by redesignating sections 14101 through 14103 (20 U.S.C. 8801, 8803) (as transferred by paragraph (3)) as sections 8101 through 8103, respectively; and

(B) by redesignating the references to such sections 14101 through 14103 as references to sections 8101 through 8103, respectively;

(8)(A) by redesignating sections 14201 through 14206 (20 U.S.C. 8821, 8826) (as transferred by paragraph (3)) as sections 8201 through 8206, respectively; and

(B) by redesignating the references to such sections 14201 through 14206 as references to sections 8201 through 8206, respectively;

(9)(A) by redesignating sections 14301 through 14307 (20 U.S.C. 8851, 8857) (as transferred by paragraph (3)) as sections 8301 through 8307, respectively; and

(B) by redesignating the references to such sections 14301 through 14307 as references to sections 8301 through 8307, respectively;

(10)(A) by redesignating section 14401 (20 U.S.C. 8881) (as transferred by paragraph (3)) as section 8401; and

(B) by redesignating the references to such section 14401 as references to section 8401;

(11)(A) by redesignating sections 14501 through 14513 (20 U.S.C. 8891, 8903) (as transferred by paragraph (3)) as sections 8501 through 8513, respectively; and

(B) by redesignating the references to such sections 14501 through 14513 as references to sections 8501 through 8513, respectively;

(12)(A) by redesignating sections 14601 and 14602 (20 U.S.C. 8921, 8922) (as transferred by paragraph (3)) as sections 8601 and 8602, respectively; and

(B) by redesignating the references to such sections 14601 and 14602 as references to sections 8601 and 8602, respectively;

(13)(A) by redesignating section 14701 (20 U.S.C. 8941) (as transferred by paragraph (3)) as section 8701; and

(B) by redesignating the references to such section 14701 as references to section 8701; and

(14)(A) by redesignating sections 14801 and 14802 (20 U.S.C. 8961, 8962) (as transferred by paragraph (3)) as sections 8901 and 8902, respectively; and

(B) by redesignating the references to such sections 14801 and 14802 as references to sections 8901 and 8902, respectively.

(b) AMENDMENTS.—Title VIII (as so transferred and redesignated) is amended—

(1) in section 8101(10) (as redesignated by subsection (a)(7))—

(A) by striking subparagraphs (C) through (F); and

(B) by adding after subparagraph (B) the following:

''(C) part A of title II;

''(D) part A of title III; and

''(E) title IV.'';

(2) in section 8102 (as redesignated by subsection (a)(7)), by striking ''VIII'' and inserting ''V'';

(3) in section 8201 (as redesignated by subsection (a)(8))—

(A) in subsection (a)(2), by striking '', and administrative funds under section 308(c) of the Goals 2000: Educate America Act''; and

(B) by striking subsection (f);

(4) in section 8203(b) (as redesignated by subsection (a)(8)), by striking ''Improving America's Schools Act of 1994'' and inserting ''Public Education Reinvestment, Reinvention, and Responsibility Act'';

(5) in section 8204 (as redesignated by subsection (a)(8))—

(A) by striking subsection (b); and

(B) in subsection (a)—

(i) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking ''1995'' and inserting ''2001'';

(II) in subparagraph (B), by inserting ''professional development,'' after ''curriculum development,''; and

(ii) in paragraph (4)—

(I) by striking ''and section 410(b) of the Improving America's Schools Act of 1994''; and

(II) by striking ''paragraph (2)'' and inserting ''subsection (a)(2)'';

(III) by striking the following:

''(4) RESULTS.—'' and inserting the following:

''(b) RESULTS.—'';

(IV) by striking the following:

''(A) develop'' and inserting the following:

''(1) develop''; and

(V) by striking the following:

''(B) within'' and inserting the following:

''(2) within'';

(6) in section 8205(a)(1) (as redesignated by subsection (a)(8)), by striking ''part A of title IX'' and inserting ''part B of title III'';

(7) in section 8206 (as redesignated by subsection (a)(8))—

(A) by striking ''(a) UNNEEDED PROGRAM FUNDS.—''; and

(B) by striking subsection (b);

(8) in section 8302(a)(2) (as redesignated by subsection (a)(9))—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively;

(9) in section 8304(b) (as redesignated by subsection (a)(9)), by striking ''Improving America's Schools Act of 1994'' and inserting ''Public Education Reinvestment, Reinvention, and Responsibility Act'';

(10) in section 8401 (as redesignated by subsection (a)(10))—

(A) in subsection (a), by striking ''Except as provided in subsection (c),'' and inserting ''Notwithstanding any other provision regarding waivers in this Act and except as provided in subsection (c),''; and

(B) in subsection (c)(8), by striking ''part C of title X'' and inserting ''part B of title IV'';

(11) in section 8502 (as redesignated by subsection (a)(11)), by striking ''VIII'' and inserting ''V'';

(12) in section 8503(b)(1) (as redesignated by subsection (a)(11))—

(A) by striking subparagraphs (B) through (E);

(B) by redesignating subparagraph (A) as subparagraph (B);

(C) by inserting before subparagraph (B) the following:

''(A) part A of title I;''; and

(D) by adding at the end the following:

''(C) title II;

''(D) title III;

''(E) title VI.''; and

(13) in section 8506(d) (as redesignated by subsection (a)(11)), by striking ''Improving America's Schools Act of 1994'' and inserting

''Public Education Reinvestment, Reinvention, and Responsibility Act'';

(14) in section 8513 (as redesignated by subsection (a)(11)), by striking ''Improving America's Schools Act of 1994'' each place it appears and inserting ''Public Education Reinvestment, Reinvention, and Responsibility Act'';

(15) in section 8601 (as redesignated by subsection (a)(12))—

(A) in subsection (b)(3)—

(i) in subparagraph (A), by striking ''Improving America's Schools Act of 1994'' and inserting ''Public Education Reinvestment, Reinvention, and Responsibility Act''; and

(ii) in subparagraph (B), by striking ''Improving America's Schools Act'' and inserting ''Public Education Reinvestment, Reinvention, and Responsibility Act''; and

(B) in subsection (f), by striking ''Improving America's Schools Act of 1994'' and inserting ''Public Education Reinvestment, Reinvention, and Responsibility Act''; and

(16) in section 8701(b) (as redesignated by subsection (a)(13))—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) in clause (i), by striking ''Improving America's Schools Act of 1994'' and inserting ''Public Education Reinvestment, Reinvention, and Responsibility Act'';

(II) in clause (ii), by striking ''such as the initiatives under the Goals 2000: Educate America Act, and'' and inserting ''under''; and

(III) in clause (v), by striking '', the Advisory Council on Education Statistics, and the National Education Goals Panel'' and inserting ''and the Advisory Council on Education Statistics''; and

(ii) in subparagraph (C)(ii), by striking ''the School-to-Work Opportunities Act of 1994, and the Goals 2000: Educate America Act'' and inserting ''and the School-to-Work Opportunities Act of 1994''; and

(B) in paragraph (3), by striking ''1998'' and inserting ''2004''.

**SEC. 802. OTHER REPEALS.**

Titles V, X, XI, XII, and XIII (20 U.S.C. 7201 et seq., 8001 et seq., 8401 et seq., 8501 et seq., 8601 et seq.) and the Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) are repealed.

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## HELMS AMENDMENT NO. 3128

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

At the end, add the following:

**SEC. ___. FUNDING CONTINGENT ON RESPECT FOR CONSTITUTIONALLY PERMISSIBLE SCHOOL PRAYER.**

(a) SHORT TITLE.—This section may be cited as the ''Voluntary School Prayer Protection Act''.

(b) PROHIBITION.—Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any State, or local educational agency, that has a policy of denying, or that effectively prevents participation in, prayer permissible under the Constitution in public schools by individuals on a voluntary basis.

(c) SPECIAL RULES.—No person shall be required to participate in prayer in a public school. No State, or local educational agency, shall influence the form or content of any prayer by a student that is permissible under the Constitution in a public school.

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## BIDEN AMENDMENT NO. 3129

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

At the appropriate place, insert the following:

(a) The Senate finds that:

tens of millions of Americans have served in the Armed Forces of the United States during the past century;

hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life;

the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations; and

our system of civilian control of the Armed Forces makes it essential that the country's future leaders understand the history of military action and the contributions and sacrifices of those who conduct such actions.

(b) It is the sense of the Senate that—

(1) the Secretary of Education should work with the Secretary of Veterans Affairs, the Veterans Day National Committee, and the veterans service organizations to encourage, prepare, and disseminate educational materials and activities for elementary and secondary school students aimed at increasing awareness of the contributions of veterans to the prosperity and freedoms enjoyed by United States citizens;

(2) the week that includes Veterans Day be designated as ''National Veterans Awareness Week'' for the purpose of presenting such materials and activities; and

(3) the President should issue a proclamation calling on the people of the United States to observe such week with appropriate educational activities.

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## GRAMS AMENDMENT NO. 3130

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

On page 31, between lines 3 and 4, insert the following:

(E) by adding at the end the following:

''(9) Notwithstanding the preceding paragraphs of this subsection—

''(A) a State may develop or adopt alternative sets of standards and assessments; and

''(B) a State plan shall be considered as satisfying the requirements of this subsection if the plan allows local educational agencies to conduct assessments with—

''(i) a national norm-referenced standardized achievement examination; and

''(ii) assessments developed—

''(I) by such agencies; or

''(II) with respect to individual local classrooms.'';

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## SESSIONS AMENDMENT NO. 3131

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

On page 922, strike line 18 and insert the following:

''be necessary for each of the 4 succeeding fiscal years.''.

**SEC. 11302. AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

''(n) UNIFORM POLICIES.—Notwithstanding any other provision of this Act, a State educational agency or local educational agency may establish and implement uniform policies with respect to discipline and order applicable to all children in the jurisdiction of such agency to ensure the safety and appropriate educational atmosphere in schools in the jurisdiction of such agency.''.

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## ASHCROFT (AND OTHERS) AMENDMENT NO. 3132

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself, Mr. SESSIONS, Mr. BOND, and Mr. HELMS) submitted an amendment intended to be proposed by them to the bill, S. 2, supra; as follows:

On page 922, strike line 18 and insert the following:

be necessary for each of the 4 succeeding fiscal years.

**PART__— AMENDMENTS**

**SEC. ___. AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**

(a) PROCEDURAL SAFEGUARDS.— Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

''(n) DISCIPLINE BY LOCAL AUTHORITY WITH RESPECT TO ILLEGAL OR UNLAWFUL ITEMS OR SUBSTANCES AND TEACHER ASSAULTS.—

''(1) AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO ILLEGAL OR UNLAWFUL ITEMS OR SUBSTANCES AND TEACHER ASSAULTS.—Notwithstanding any other provision of this title, school personnel may discipline (including expel or suspend) a child with a disability in the same manner in which such personnel may discipline a child without a disability if the child with a disability—

''(A) carries, possesses, or distributes any illegal or unlawful item or substance, in violation of a Federal or State law, to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency;

''(B) threatens to carry, possess, or distribute any illegal or unlawful item or substance, in violation of a Federal or State law, to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or

''(C) assaults or threatens to assault a teacher, teacher's aid, principal, school counselor, or other school personnel, including independent contractors and volunteers.

''(2) INDIVIDUAL DETERMINATIONS.—In carrying out any disciplinary action described in paragraph (1), school personnel have discretion to consider all germane factors in each individual case and modify any disciplinary action on a case-by-case basis.

''(3) DEFENSE.—Nothing in paragraph (1) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under paragraph (1) from asserting a defense that the alleged act was unintentional or innocent.

''(4) FREE APPROPRIATE PUBLIC EDUCATION.—

''(A) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), or any

other provision of this title, a child expelled or suspended under paragraph (1) shall not be entitled to continued educational services, including a free appropriate public education, under this subsection, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

''(B) PROVIDING EDUCATION.—Notwithstanding subparagraph (A), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under paragraph (1) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

''(i) nothing in this subsection shall be construed to require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

''(ii) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

''(5) RELATIONSHIP TO OTHER REQUIREMENTS.—

''(A) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this subsection.

''(B) PROCEDURE.—None of the procedural safeguards or disciplinary procedures of this Act shall apply to this subsection, and the relevant procedural safeguards and disciplinary procedures applicable to children without disabilities may be applied to the child with a disability in the same manner in which such safeguards and procedures would be applied to children without disabilities.

''(6) DEFINITIONS.—In this subsection, the terms 'assault', 'unintentional', and 'innocent' have the meanings given such terms under State law.''.

(b) CONFORMING AMENDMENTS.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) in subsection (f)(1), by striking ''Whenever'' and inserting the following: ''Except as provided in section 615(n), whenever''; and

(2) in subsection (k)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) In any disciplinary situation except for such situations as described in subsection (n), school personnel under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would apply to children without disabilities).'';

(B) by striking paragraph (3) and inserting the following:

''(3) Any interim alternative educational setting in which a child is placed under paragraph (1) or (2) shall—

''(A) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

''(B) include services and modifications designed to address the behavior described in paragraphs (1) or (2) so that it does not recur.'';

(C) in paragraph (6)(B)—

(i) in clause (i), by striking ''(i) In reviewing'' and inserting ''In reviewing''; and

(ii) by striking clause (ii);

(D) in paragraph (7)—

(i) in subparagraph (A), by striking ''paragraph (1)(A)(ii) or'' each place it appears; and

(ii) in subparagraph (B), by striking ''paragraph (1)(A)(ii) or''; and

(E) by striking paragraph (10) and inserting the following:

''(10) SUBSTANTIAL EVIDENCE.—The term 'substantial evidence' means beyond a preponderance of the evidence.''.

(c) APPLICATION.—The amendments made by this section shall not apply to conduct occurring prior to the date of enactment of this section.

**SEC. ___. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.**

Section 6131(b)(1) (as amended by section 601) is amended—

(1) in subparagraph (M), by striking ''and'';

(2) in subparagraph (N), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(O) alternative education programs for those students who have been expelled or suspended from their regular educational setting.''.

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## ASHCROFT AMENDMENTS NOS. 3133–3135

(Ordered to lie on the table.)

Mr. ASHCROFT submitted three amendments intended to be proposed by him to the bill, S. 2, supra, as follows:

AMENDMENT NO. 3133

On page 667, line 3, strike the end quotation marks and the second period.

On page 667, between lines 3 and 4, insert the following:

**''PART I—FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION**

**''SEC. 6901. SHORT TITLE.**

''This part may be cited as the 'Excellent Schools for All Our Children Act'.

**''SEC. 6902. FINDINGS; PURPOSES.**

''(a) FINDINGS.—Congress finds that—

''(1) flexibility when merited and accountability when warranted should be the Federal Government's approach to the use of Federal education resources; and

''(2) the Federal Government should encourage better, smarter uses of Federal funds where the need is greatest, specifically, in failing school districts, so that children in those school districts will have a real opportunity to achieve academic excellence and create a brighter future for themselves.

''(b) PURPOSES.—The purposes of this part are—

''(1) to promote excellence in elementary and secondary education programs in the Nation;

''(2) to increase parental involvement in the education of their children;

''(3) to boost student achievement in academic subjects to high levels;

''(4) to improve basic skills instruction, and to increase teacher performance and accountability; and

''(5) to improve the academic achievement of students in failing school districts by focusing the resources of the Federal Government upon such achievement.

**''SEC. 6903. DEFINITION OF FAILING LOCAL EDUCATIONAL AGENCY.**

''In this part, the term 'failing local educational agency' means a local educational agency that has been classified as unaccredited or failing (or would be so classified if not for a court order or pending court settlement agreement involving the local educational agency) under its State's performance-based accreditation or categorization standards.

**''SEC. 6904. REQUIREMENTS FOR FAILING LOCAL EDUCATIONAL AGENCIES.**

''(a) FUNDING.—

''(1) IN GENERAL.—Notwithstanding any other provision of law—

''(A) a failing local educational agency shall use Federal funds made available under the provisions of law described in paragraph (2) only for purposes directly related to improving elementary school and secondary school students' academic performance consistent with subsection (c);

''(B) the requirements of the provisions of law described in paragraph (2) shall not apply to a failing local educational agency, except as provided in subparagraph (C);

''(C) the allocations of funds to failing local educational agencies under the provisions of law described in paragraph (2) (other than title VI) shall remain in effect; and

''(D) in the case of allocation of funds under title VI to a failing local educational agency for a fiscal year, the failing local educational agency shall receive from the State under title VI for the fiscal year an amount that bears the same relation to the amount made available to the State under title VI for the fiscal year as the amount the local educational agency received from the State under title VI for the fiscal year preceding the fiscal year for which the determination is made bears to the amount made available to the State under title VI for such preceding fiscal year.

''(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are the following:

''(A) Parts A, B, and C of title I.

''(B) Part B of title III.

''(C) Section 5132.

''(D) Title VI.

''(E) Part C of title VII.

''(F) Comprehensive school reform programs as authorized under section 1502 and described on pages 96–99 of the Joint Explanatory Statement of the Committee of Conference included in House Report 105–390 (Conference Report on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998).

''(G) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act.

''(b) FAILING LOCAL AGENCY PLAN.—

''(1) PLAN REQUIRED.—Each failing local educational agency shall submit a plan to the Secretary at such time and in such manner as the Secretary may require. A plan submitted under this subsection—

''(A) shall describe the activities to be funded by the failing local educational agency under subsection (a) consistent with subsection (c); and

''(B) may request an exemption from the uses of funds restrictions under subsection (c) for elementary schools and secondary schools served by the failing local educational agency that met the State's performance-based accreditation or categorization standards for the previous fiscal year.

''(2) PLAN APPROVAL.—The Secretary shall approve a plan submitted under paragraph (1) if the plan meets the requirements described in paragraph (1).

''(3) PLAN DISSEMINATION.—Each failing local educational agency having a plan approved under paragraph (2) shall widely disseminate such plan, throughout the area served by such agency, and post the plan on the Internet.

''(c) USES OF FUNDS.—Each failing local educational agency having a plan approved under subsection (b)(2) for a fiscal year shall use the funds awarded under the provisions of law described in subsection (a)(2) for such fiscal year only for the following activities:

''(1) To recruit, retain, and reward high-quality teachers.

''(2) To focus on teaching basic educational skills.

''(3) To provide remedial instruction in core academic subjects that are assessed by standards set by the State educational agency or local educational agency.

''(4) To fund mentoring programs for elementary school and secondary school students who need assistance in reading, writing, or arithmetic.

''(5) To use proven methods of instruction, such as phonics, that are based upon reliable research.

''(6) To provide for extended day learning.

''(7) To ensure that parents of elementary school and secondary school students realize that parents play a significant role in their child's educational success, and to encourage parents to become active in their child's education.

''(8) To provide any other activity that a local educational agency proposes, and the Secretary approves, as an activity that relates directly to improving students' academic performance.

''(e) ANNUAL REPORT.—

''(1) REPORT.—A failing local educational agency shall annually submit a report to the Secretary describing—

''(A) the use of funds under this section; and

''(B) the annual performance of all children served by the failing local educational agency as measured by its State's performance-based accreditation or categorization standards.

''(2) PRIVACY.—The report required under this section shall not contain any information, such as names, addresses, or grades, that might be used to identify the children whose performance is described in the report.

''(3) DISSEMINATION.—A failing local educational agency shall widely disseminate the report submitted under paragraph (1) throughout the area served by such agency, and post the report on the Internet, so that parents and others in the community can account for Federal education funding under this part.

''(f) MEETING STANDARDS.—

''(1) IN GENERAL.—If, for 2 consecutive fiscal years after a failing local educational agency is required to use funds in accordance with subsection (a), such local educational agency succeeds in meeting its State's performance-based accreditation or categorization standards, then the local educational agency may—

''(A) continue to use Federal funding under subsection (a) in accordance with this part;

''(B) use funding under the provisions of law described in subsection (a)(2) in accordance with such provisions; or

''(C) participate in the program under part H in the same manner as a local educational agency participates in such program pursuant to section 6806.

''(2) BONUS AWARDS.—

''(A) IN GENERAL.—A local educational agency that meets the standards described in paragraph (1) may receive a bonus award from amounts appropriated under subparagraph (C), to use for purposes such as rewarding elementary school and secondary school teachers and principals who improved student performance, and for professional development opportunities for such teachers and principals.

''(B) DISTRIBUTION.—A local educational agency receiving a bonus award under this paragraph shall determine how to distribute the award to individual elementary schools and secondary schools. An elementary school or a secondary school receiving such an award shall determine how such award shall be spent.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $10,000,000 for each of fiscal years 2003 through 2007.

''(g) PENALTY.—If a failing local educational agency spends funds subject to the use of funds restrictions described in subsection (c) in a manner inconsistent with subsection (c) for a fiscal year, then the State shall reduce the funds such agency receives under this part for the succeeding fiscal year by an amount equal to the amount spent improperly by such agency.''.

AMENDMENT NO. 3134

On page 490, strike lines 16 and 17, and insert the following: ''$125,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years, except that the Secretary shall make available not less than $25,000,000 of the amount appropriated under this subsection in each fiscal year to carry out activities under subsection (b)(1).''.

AMENDMENT NO. 3135

At the end of title XI, insert the following:

**PART—HIGHER EDUCATION ACT OF 1965**

**SEC. ___. GOOD STUDENT SCHOLARSHIPS.**

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

**''Subpart 9—Good Student Scholarships**

**''SEC. 420N. GOOD STUDENT SCHOLARSHIPS.**

''(a) SHORT TITLE.—This section may be cited as the ''Good Student Scholarship Act''.

''(b) PURPOSE.—The purpose of this section is to provide achievement-based scholarships for undergraduate education to eligible students graduating from schools or school districts that are failing or unaccredited.

''(c) DEFINITION OF ELIGIBLE STUDENT.—In this section, the term 'eligible student' means a secondary school student—

''(1) who graduates from a public secondary school, or a public or private secondary school in a school district, that is failing or unaccredited, as determined by the State educational agency serving the State in which the secondary school or school district is located;

''(2) who has been in attendance at the school referred to in paragraph (1) for not less than 2 years;

''(3) who ranks in the top 10 percent academically in such student's class;

''(4) who has an average ACT or SAT score that is equal to or greater than the national average such score; and

''(5) whose family income is not more than $100,000.

''(d) DESIGNATION.—Scholarships made under this section shall be referred to as 'Good Student Scholarships'.

''(e) SCHOLARSHIPS AUTHORIZED.—

''(1) IN GENERAL.—From amounts appropriated under subsection (g) for a fiscal year, the Secretary shall award scholarships to each eligible student submitting an application consistent with paragraph (2) to enable the eligible student to pay the cost of attendance at an institution of higher education during the eligible student's first 4 academic years of undergraduate education.

''(2) APPLICATION REQUIRED.—Each eligible student desiring a scholarship under this section shall submit, for each year of the scholarship award, an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(3) AMOUNT OF AWARD.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of a scholarship awarded under this section for an academic year shall be equal to the maximum appropriated Federal Pell Grant for such year.

''(B) ADJUSTMENT FOR INSUFFICIENT APPROPRIATIONS.—If, after the Secretary determines the total number of eligible applicants for an academic year, funds available to carry out this section are insufficient to fully fund all scholarship awards under subparagraph (A) for such academic year, the amount of the scholarship paid to each eligible student shall be reduced proportionately.

''(C) ASSISTANCE NOT TO EXCEED COST OF ATTENDANCE.—The amount of a scholarship awarded under this paragraph to an eligible student, in combination with Federal Pell Grant assistance and any other student financial assistance the eligible student receives, may not exceed the eligible student's cost of attendance.

''(f) LISTS FROM STATE EDUCATIONAL AGENCIES.—Each State educational agency shall annually provide a list to the Secretary identifying each public secondary school and each school district within the State that the State educational agency determines is failing or unaccredited.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $_____ for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

## HUTCHINSON AMENDMENTS NOS. 3136–3137

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted two amendments intended to be proposed by him to the bill, S. 2, supra; as follows:

AMENDMENT NO. 3136

At the end of title VI, insert the following:

**SEC. ___. TRANSFERABILITY.**

Title VI (20 U.S.C. 6701 et seq.) is amended by adding at the end the following:

**''PART I—TRANSFERABILITY**

**''SEC. 6901. SHORT TITLE.**

''This part may be cited as the 'State and Local Transferability Act'.

**''SEC. 6902. PURPOSE.**

''The purpose of this part is to grant flexibility to States and school districts to target—

''(1) Federal funds to Federal programs that most effectively address the unique needs of States and localities; and

''(2) additional Federal funds to title I programs.

**''SEC. 6903. TRANSFERABILITY.**

''(a) STATE TRANSFER AUTHORITY.—

''(1) IN GENERAL.—A State may transfer up to 100 percent of nonadministrative State funds allocated to such State which are authorized to be used for State-level activities under any of the following provisions to the allocation of the State under any other of such provisions:

''(A) Title II (excluding national activities).

''(B) Part A of title IV.

''(C) Subpart 2 of part A of title V.

''(D) This title.

''(E) Part C of title VII.

''(F) Comprehensive school reform programs as authorized under section 1502 as described on pages 96–99 of the Joint Explanatory Statement of the Committee of Conference included in House Report No. 105–390 (Conference Report on the Departments of Labor, Health, and Human Services, and Education, and Related Agencies Appropriations Act, 1998).

''(2) SUPPLEMENTAL FUNDS FOR TITLE I.—A State may transfer any funds allocated to

the State under a provision listed in paragraph (1) to its allocation under title I.

''(b) LOCAL EDUCATIONAL AGENCY TRANSFER AUTHORITY.—

''(1) TRANSFER OF FUNDS.—

''(A) IN GENERAL.—Subject to subparagraphs (C) and (D), a local educational agency may transfer funds allocated to such agency under any of the provisions listed in paragraph (2) to any other such provision.

''(B) SUPPLEMENTAL FUNDS FOR TITLE I.—Subject to subparagraphs (C) and (D), a local educational agency may transfer funds allocated to such agency under a provision listed in paragraph (2) to its allocation under title I.

''(C) UNDER 30 PERCENT.—A transfer under subparagraph (A) or (B) of up to 30 percent of the funds allocated to a local educational agency under a provision listed in paragraph (2) in a fiscal year may be made without State approval.

''(D) OVER 30 PERCENT.—Subject to paragraph (3), a transfer under subparagraph (A) or (B) in a fiscal year of funds allocated to a local educational agency under a provision listed in paragraph (2) in a fiscal year the amount of which, when added to the amount of other transfers by the agency of such funds in such fiscal year, is more than 30 percent of such funds may be made only with the approval of the State.

''(2) APPLICABLE PROVISIONS.—The provisions from which a local educational agency may transfer funds under this subsection are as follows:

''(A) Title II (excluding national activities).

''(B) Part A of title IV.

''(C) Subpart 2 of part A of title V.

''(D) This title.

''(E) Part C of title VII.

''(F) Section 310 of the Department of Education Act, 2000, included in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113).

''(3) SPECIAL APPROVAL.—If a local educational agency submits to its State a written request to make a transfer under this subsection that requires State approval, such transfer shall be deemed approved by the State unless the State, within 60 days after receipt of such transfer request, disapproves such request or promptly notifies the agency in writing of such revisions as may be necessary before the State will approve the transfer.

''(c) LIMITATION.—A State or a local educational agency may not transfer any funds allocated to it under title I to any other program pursuant to this part.

''(d) STATE PLAN AND APPLICATION MODIFICATION; PRENOTIFICATION.—Each State transferring funds under this section shall—

''(1) modify any plan or application of the State that is applicable to such funds to account for such transfer and submit, within 30 days after the date of such transfer, a copy of such modified plan or application to the Department; and

''(2) notify the Department not less than 30 days before the effective date of such transfer.

''(e) LOCAL PLAN AND APPLICATION MODIFICATION; PRENOTIFICATION.—Each local educational agency transferring funds under this section shall—

''(1) modify any plan or application of the agency that is applicable to such funds to account for such transfer and submit, within 30 days after the date of such transfer, a copy of such modified plan or application to the State; and

''(2) notify the State not less than 30 days before the effective date of such transfer.

''(f) APPLICABLE RULES.—Except as otherwise provided in this subsection, when funds are transferred to an allocation under this section, the funds become funds of the allocation to which the funds are transferred and subject to all the requirements that are applicable to that allocation.''.

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AMENDMENT NO. 3137

At the end of title X, insert the following:

**SEC. ____. INVESTIGATION.**

Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall conduct and complete a comprehensive investigation for fraud at the Department of Education, including any audits the Comptroller determines necessary. The Comptroller General shall submit a report setting forth the results of the investigation to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.

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## BROWNBACK AMENDMENT NO. 3138

(Ordered to lie on the table.)

Mr. BROWNBACK (for himself, Mr. GREGG, and Mr. COVERDELL) submitted an amendment intended to be proposed by them to the bill, S. 2, supra; as follows:

On page 532, line 3, strike the end quotation marks and the second period.

On page 532, between lines 3 and 4, insert the following:

**''PART G—DISTRICT OF COLUMBIA STUDENT OPPORTUNITY SCHOLARSHIPS**

**''SEC. 5961. SHORT TITLE; FINDINGS; PRECEDENTS.**

''(a) SHORT TITLE.—This part may be cited as the ''District of Columbia Student Opportunity Scholarship Act of 2000''.

''(b) FINDINGS.—Congress makes the following findings:

''(1) Public education in the District of Columbia is in a crisis, as evidenced by the following:

''(A) The District of Columbia schools have the lowest average of any school system in the Nation on the National Assessment of Education Progress.

''(B) 72 percent of fourth graders in the District of Columbia tested below basic proficiency on the National Assessment of Education Progress in 1994.

''(C) Since 1991, there has been a net decline in the reading skills of District of Columbia students as measured in scores on the standardized Comprehensive Test of Basic Skills.

''(D) At least 40 percent of District of Columbia students drop out of or leave the school system before graduation.

''(E) The National Education Goals Panel reported in 1996 that both students and teachers in District of Columbia schools are subjected to levels of violence that are twice the national average.

''(F) Nearly two-thirds of District of Columbia teachers reported that violent student behavior is a serious impediment to teaching.

''(G) Many of the District of Columbia's 152 schools are in a state of terrible disrepair, including leaking roofs, bitterly cold classrooms, and numerous fire code violations.

''(H) According to the Department of Education, 85 percent of all District of Columbia schools participating in the program under part A of title I are in school improvement under section 1116.

''(2) Significant improvements in the education of educationally deprived children in the District of Columbia can be accomplished by—

''(A) increasing educational opportunities for the children by expanding the range of educational choices that best meet the needs of the children;

''(B) fostering diversity and competition among school programs for the children;

''(C) providing the families of the children more of the educational choices already available to affluent families; and

''(D) enhancing the overall quality of education in the District of Columbia by increasing parental involvement in the direction of the education of the children.

''(3) The 350 private schools in the District of Columbia and the surrounding area offer a more safe and stable learning environment than District of Columbia public schools in school improvement under section 1116.

''(4) Costs are often much lower in private schools than corresponding costs in public schools.

''(5) Not all children are alike and therefore there is no one school or program that fits the needs of all children.

''(6) The formation of sound values and moral character is crucial to helping young people escape from lives of poverty, family break-up, drug abuse, crime, and school failure.

''(7) In addition to offering knowledge and skills, education should contribute positively to the formation of the internal norms and values which are vital to a child's success in life and to the well-being of society.

''(8) Schools should help to provide young people with a sound moral foundation which is consistent with the values of their parents. To find such a school, parents need a full range of choice to determine where their children can best be educated.

''(c) PRECEDENTS.—The United States Supreme Court has determined that programs giving parents choice and increased input in their children's education, including the choice of a religious education, do not violate the Constitution. The Supreme Court has held that as long as the beneficiary decides where education funds will be spent on such individual's behalf, public funds can be used for education in a religious institution because the public entity has neither advanced nor hindered a particular religion and therefore has not violated the establishment clause of the first amendment to the Constitution. Supreme Court precedents include—

''(1) Wisconsin v. Yoder, 406 U.S. 205 (1972); Pierce v. Society of Sisters, 268 U.S. 510 (1925); and Meyer v. Nebraska, 262 U.S. 390 (1923) which held that parents have the primary role in and are the primary decision makers in all areas regarding the education and upbringing of their children;

''(2) Mueller v. Allen, 463 U.S. 388 (1983) which declared a Minnesota tax deduction program that provided State income tax benefits for educational expenditures by parents, including tuition in religiously affiliated schools, does not violate the Constitution;

''(3) Witters v. Department of Services for the Blind, 474 U.S. 481 (1986) in which the Supreme Court ruled unanimously that public funds for the vocational training of the blind could be used at a Bible college for ministry training; and

''(4) Zobrest v. Catalina Foothills School District, 509 U.S. 1 (1993) which held that a deaf child could receive an interpreter, paid for by the public, in a private religiously affiliated school under the Individual with Disabilities Education Act (20 U.S.C. 1400 et seq.). The case held that providing an interpreter in a religiously affiliated school did not violate the establishment clause of the first amendment of the Constitution.

**''SEC. 5962. DEFINITIONS.**

''As used in this part—

''(1) the term 'Board' means the Board of Directors of the Corporation established under section 5963(b)(1);

''(2) the term 'Corporation' means the District of Columbia Scholarship Corporation established under section 5963(a);

''(3) the term 'eligible institution'—

''(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 5964(d)(1), means a public, private, or independent elementary or secondary school; and

''(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 5964(d)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through activities described in section 5964(d)(2); and

''(4) the term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

**''SEC. 5963. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.**

''(a) GENERAL REQUIREMENTS.—

''(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the ''District of Columbia Scholarship Corporation'', which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

''(2) DUTIES.—

''(A) IN GENERAL.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this part.

''(B) ELIGIBILITY DETERMINATION.—The Corporation—

''(i) shall make the determination of whether a student is eligible for participation in the scholarship program;

''(ii) shall identify the public kindergartens, elementary schools, and secondary schools in the District of Columbia that are in school improvement under section 1116; and

''(iii) shall identify any other school the Corporation determines, based on performance standards chosen by the Corporation, eligible for participation under this part.

''(3) CONSULTATION.—The Corporation shall exercise its authority—

''(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

''(B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.

''(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this part, and, to the extent consistent with this part, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

''(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

''(6) FUND.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

''(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

''(8) AVAILABILITY.—Funds authorized to be appropriated under this part shall remain available until expended.

''(9) USES.—Funds authorized to be appropriated under this part shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

''(10) AUTHORIZATION.—

''(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

''(i) $7,000,000 for fiscal year 2001;

''(ii) $8,000,000 for fiscal year 2002; and

''(iii) $10,000,000 for each of fiscal years 2003 through 2005.

''(B) LIMITATION.—Not more than $500,000 of the amount appropriated to carry out this part for any fiscal year may be used by the Corporation for any purpose other than assistance to students.

''(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

''(1) BOARD OF DIRECTORS; MEMBERSHIP.—

''(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this part as the 'Board'), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the majority leader of the Senate.

''(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

''(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the majority leader of the Senate in consultation with the minority leader of the Senate.

''(D) DEADLINE.—The Speaker of the House of Representatives and majority leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this part.

''(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this part.

''(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 member of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this part, until the President makes the appointments as described in this subsection.

''(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

''(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be chairperson of the Board.

''(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

''(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

''(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

''(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

''(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this part.

''(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

''(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

''(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

''(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this part, shall be provided a stipend. Such stipend shall be at the rate of $150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

''(c) OFFICERS AND STAFF.—

''(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG–16 of the Educational Service of the District of Columbia, to be fixed by the Board.

''(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

''(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

''(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

''(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

''(d) POWERS OF THE CORPORATION.—

''(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

''(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and

panels to aid the Corporation in carrying out this part.

''(e) FINANCIAL MANAGEMENT AND RECORDS.—

''(1) AUDITS.—The financial statements of the Corporation shall be—

''(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

''(B) audited annually by independent certified public accountants.

''(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 5973(c).

**''SEC. 5964. SCHOLARSHIPS AUTHORIZED.**

''(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (d)(1) and enhanced achievement scholarships under subsection (d)(2) to kindergarten through grade 12 students—

''(1) who are residents of the District of Columbia;

''(2) whose family income does not exceed 185 percent of the poverty line; and

''(3) who attended, prior to receipt of the scholarship, a public kindergarten, elementary school, or secondary school that is in school improvement under section 1116 or identified under clause (ii) or (iii) of section 5963(a)(2)(B), except that this paragraph shall not apply with respect to a student who is seeking a scholarship under this part after the first year such student receives a scholarship under this part.

''(b) SCHOLARSHIP PRIORITY.—

''(1) FIRST.—The Corporation first shall award scholarships to students described in subsection (a) who have received a scholarship from the Corporation in the year preceding the year for which the scholarship is awarded.

''(2) SECOND.—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students described in subsection (a) who are not described in paragraph (1).

''(c) SPECIAL RULE.—The Corporation shall attempt to ensure an equitable distribution of scholarship funds to students at diverse academic achievement levels.

''(d) USE OF SCHOLARSHIP.—

''(1) TUITION SCHOLARSHIPS.—A tuition scholarship may be used for the payment of the cost of the tuition and mandatory fees at a public, private, or independent school located within the geographic boundaries of the District of Columbia or the cost of the tuition and mandatory fees at a public, private, or independent school located within Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; or Fairfax County, Virginia.

''(2) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may be used only for the payment of the costs of tuition and mandatory fees for, or transportation to attend, a program of instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program.

''(e) NOT SCHOOL AID.—A scholarship under this part shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

**''SEC. 5965. SCHOLARSHIP PAYMENTS AND AMOUNTS.**

''(a) AWARDS.—From the funds made available under this part, the Corporation shall award a scholarship to a student and make payments in accordance with section 5970 on behalf of such student to a participating eligible institution chosen by the parent of the student.

''(b) NOTIFICATION.—Each eligible institution that desires to receive a payment under subsection (a) shall notify the Corporation not later than 10 days after—

''(1) the date that a student receiving a scholarship under this part is enrolled, of the name, address, and grade level of such student;

''(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this part, of the withdrawal or expulsion; and

''(3) the date that a student receiving a scholarship under this part is refused admission, of the reasons for such a refusal.

''(c) TUITION SCHOLARSHIP.—

''(1) EQUAL TO OR BELOW POVERTY LINE.—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

''(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

''(B) $3,200 for fiscal year 2001, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 2002 through 2005.

''(2) ABOVE POVERTY LINE.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

''(A) 75 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

''(B) $2,400 for fiscal year 2001, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 2002 through 2005.

''(d) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may not exceed the lesser of—

''(1) the costs of tuition and mandatory fees for, or transportation to attend, a program of instruction at an eligible institution; or

''(2) $500 for 2001, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 2002 through 2005.

**''SEC. 5966. CERTIFICATION OF ELIGIBLE INSTITUTIONS.**

''(a) APPLICATION.—An eligible institution that desires to receive a payment on behalf of a student who receives a scholarship under this part shall file an application with the Corporation for certification for participation in the scholarship program under this part. Each such application shall—

''(1) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subsection (c);

''(2) contain an assurance that the eligible institution will comply with all applicable requirements of this part;

''(3) contain an annual statement of the eligible institution's budget; and

''(4) describe the eligible institution's proposed program, including personnel qualifications and fees.

''(b) CERTIFICATION.—

''(1) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after receipt of an application in accordance with subsection (a), the Corporation shall certify an eligible institution to participate in the scholarship program under this part.

''(2) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subsection (d).

''(c) NEW ELIGIBLE INSTITUTION.—

''(1) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this part for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

''(A) a list of the eligible institution's board of directors;

''(B) letters of support from not less than 10 members of the community served by such eligible institution;

''(C) a business plan;

''(D) an intended course of study;

''(E) assurances that the eligible institution will begin operations with not less than 25 students;

''(F) assurances that the eligible institution will comply with all applicable requirements of this part; and

''(G) a statement that satisfies the requirements of paragraphs (2) and (4) of subsection (a).

''(2) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in paragraph (1), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this part unless the Corporation determines that good cause exists to deny certification.

''(3) RENEWAL OF PROVISIONAL CERTIFICATION.—After receipt of an application under paragraph (1) from an eligible institution that includes a statement of the eligible institution's budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this part unless the Corporation finds—

''(A) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in section 5967(a); or

''(B) consistent failure of 25 percent or more of the students receiving scholarships under this part and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

''(4) DENIAL OF CERTIFICATION.—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

''(d) REVOCATION OF ELIGIBILITY.—

''(1) IN GENERAL.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this part for a year succeeding the year for which the determination is made for—

''(A) good cause, including a finding of a pattern of violation of program requirements described in section 5967(a); or

''(B) consistent failure of 25 percent or more of the students receiving scholarships under this part and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

''(2) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of its decision to such eligible institution and require a pro rata refund of the payments received under this part.

**"SEC. 5967. PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.**

''(a) REQUIREMENTS.—Each eligible institution participating in the scholarship program under this part shall—

''(1) provide to the Corporation not later than June 30 of each year the most recent annual statement of the eligible institution's budget; and

''(2) charge a student that receives a scholarship under this part not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

''(b) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon an eligible institution as a condition of participation in the scholarship program under this part.

**"SEC. 5968. CIVIL RIGHTS.**

''(a) IN GENERAL.—An eligible institution participating in the scholarship program under this part shall comply with title IV of the Civil Rights Act of 1964 and not discriminate on the basis of race, color, or national origin.

''(b) REVOCATION.—Notwithstanding section 5967(b), if the Secretary of Education determines that an eligible institution participating in the scholarship program under this part is in violation of any of the laws listed in subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

**"SEC. 5969. CHILDREN WITH DISABILITIES.**

''Nothing in this part shall be construed to affect the rights of students, or the obligations of the District of Columbia public schools, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

**"SEC. 5970. SCHOLARSHIP PAYMENTS.**

''(a) IN GENERAL.—

''(1) PROPORTIONAL PAYMENT.—The Corporation shall make scholarship payments to participating eligible institutions for an academic year in 2 installments. The Corporation shall make the first payment not later than October 15 of the academic year in an amount equal to one-half the total amount of the scholarship assistance awarded to students enrolled at such institution for the academic year. The Corporation shall make the second payment not later than January 15 of the academic year in an amount equal to one-half of such total amount.

''(2) PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.—

''(A) BEFORE PAYMENT.—If a student receiving a scholarship withdraws or is expelled from an eligible institution before a scholarship payment is made, the eligible institution shall receive a pro rata payment based on the amount of the scholarship and the number of days the student was enrolled in the eligible institution.

''(B) AFTER PAYMENT.—If a student receiving a scholarship withdraws or is expelled after a scholarship payment is made, the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any scholarship payment received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

''(b) FUND TRANSFERS.—The Corporation shall make scholarship payments to participating eligible institutions by electronic funds transfer. If such an arrangement is not available, then the eligible institution shall submit an alternative payment proposal to the Corporation for approval.

**"SEC. 5971. APPLICATION SCHEDULE AND PROCEDURES.**

''The Corporation shall implement a schedule and procedures for processing applications for awarding student scholarships under this part that includes a list of certified eligible institutions, distribution of information to parents and the general public (including through a newspaper of general circulation), and deadlines for steps in the scholarship application and award process.

**"SEC. 5972. REPORTING REQUIREMENTS.**

''(a) IN GENERAL.—An eligible institution participating in the scholarship program under this part shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

''(1) Student achievement in the eligible institution's programs.

''(2) Grade advancement for scholarship students.

''(3) Disciplinary actions taken with respect to scholarship students.

''(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

''(5) Types and amounts of parental involvement required for all families of scholarship students.

''(6) Student attendance for scholarship and nonscholarship students.

''(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

''(8) Number of scholarship students enrolled.

''(9) Such other information as may be required by the Corporation for program appraisal.

''(b) CONFIDENTIALITY.—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

**"SEC. 5973. PROGRAM APPRAISAL.**

''(a) STUDY.—Not later than 4 years after the date of enactment of this part, the Comptroller General shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for an independent evaluation of the scholarship program under this part, including—

''(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

''(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

''(3) the satisfaction of parents of scholarship students with the scholarship program; and

''(4) the impact of the scholarship program on the District of Columbia public schools, including changes in the public school enrollment, and any improvement in the academic performance of the public schools.

''(b) PUBLIC REVIEW OF DATA.—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

''(c) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate committees of Congress. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students who have participated in the scholarship program.

''(d) AUTHORIZATION.—There are authorized to be appropriated for the study described in subsection (a), $250,000, which shall remain available until expended.

**"SEC. 5974. JUDICIAL REVIEW.**

''(a) IN GENERAL.—The United States District Court for the District of Columbia shall have jurisdiction in any action challenging the scholarship program under this part and shall provide expedited review.

''(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States.''.

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## STEVENS (AND OTHERS) AMENDMENT NO. 3139

Mr. STEVENS (for himself, Mr. KENNEDY, and Mr. JEFFORDS, Mr. DODD, Mr. DOMENICI, Mr. BOND, Mr. KERRY, Mr. VOINOVICH, Mr. LAUTENBERG, Mrs. MURRAY, Mr. COCHRAN, Mr. BINGAMAN, Mr. SMITH of Oregon, Mr. DURBIN, Mr. L. CHAFEE, Mr. BAUCUS, Mr. MURKOWSKI, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. WELLSTONE, Mrs. FEINSTEIN, Ms. MIKULSKI, Ms. SNOWE, Mrs. BOXER, Mr. KERREY, Mr. SPECTER, and Mr. WARNER) proposed an amendment to the bill, S. 2, supra, as follows:

On page 922, after line 18, insert the following:

**PART D—EARLY LEARNING OPPORTUNITIES**

**SEC. 11401. SHORT TITLE; FINDINGS.**

(a) SHORT TITLE.—This part may be cited as the ''Early Learning Opportunities Act''.

(b) FINDINGS.—Congress finds that—

(1) medical research demonstrates that adequate stimulation of a young child's brain between birth and age 5 is critical to the physical development of the young child's brain;

(2) parents are the most significant and effective teachers of their children, and they alone are responsible for choosing the best early learning opportunities for their child;

(3) parent education and parent involvement are critical to the success of any early learning program or activity;

(4) the more intensively parents are involved in their child's early learning, the greater the cognitive and noncognitive benefits to their children;

(5) many parents have difficulty finding the information and support the parents seek to help their children grow to their full potential;

(6) each day approximately 13,000,000 young children, including 6,000,000 infants or toddlers, spend some or all of their day being cared for by someone other than their parents;

(7) quality early learning programs, including those designed to promote effective parenting, can increase the literacy rate, the secondary school graduation rate, the employment rate, and the college enrollment rate for children who have participated in voluntary early learning programs and activities;

(8) early childhood interventions can yield substantial advantages to participants in terms of emotional and cognitive development, education, economic well-being, and health, with the latter 2 advantages applying to the children's families as well;

(9) participation in quality early learning programs, including those designed to promote effective parenting, can decrease the

future incidence of teenage pregnancy, welfare dependency, at-risk behaviors, and juvenile delinquency for children;

(10) several cost-benefit analysis studies indicate that for each $1 invested in quality early learning programs, the Federal Government can save over $5 by reducing the number of children and families who participate in Federal Government programs like special education and welfare;

(11) for children placed in the care of others during the workday, the low salaries paid to the child care staff, the lack of career progression for the staff, and the lack of child development specialists involved in early learning and child care programs, make it difficult to attract and retain the quality of staff necessary for a positive early learning experience;

(12) Federal Government support for early learning has primarily focused on out-of-home care programs like those established under the Head Start Act, the Child Care and Development Block Grant of 1990, and part C of the Individuals with Disabilities Education Act, and these programs—

(A) serve far fewer than half of all eligible children;

(B) are not primarily designed to provide support for parents who care for their young children in the home; and

(C) lack a means of coordinating early learning opportunities in each community; and

(13) by helping communities increase, expand, and better coordinate early learning opportunities for children and their families, the productivity and creativity of future generations will be improved, and the Nation will be prepared for continued leadership in the 21st century.

**SEC. 11402. PURPOSES.**

The purposes of this part are—

(1) to increase the availability of voluntary programs, services, and activities that support early childhood development, increase parent effectiveness, and promote the learning readiness of young children so that young children enter school ready to learn;

(2) to support parents, child care providers, and caregivers who want to incorporate early learning activities into the daily lives of young children;

(3) to remove barriers to the provision of an accessible system of early childhood learning programs in communities throughout the United States;

(4) to increase the availability and affordability of professional development activities and compensation for caregivers and child care providers; and

(5) to facilitate the development of community-based systems of collaborative service delivery models characterized by resource sharing, linkages between appropriate supports, and local planning for services.

**SEC. 11403. DEFINITIONS.**

In this part:

(1) CAREGIVER.—The term ''caregiver'' means an individual, including a relative, neighbor, or family friend, who regularly or frequently provides care, with or without compensation, for a child for whom the individual is not the parent.

(2) CHILD CARE PROVIDER.—The term ''child care provider'' means a provider of non-residential child care services (including center-based, family-based, and in-home child care services) for compensation who or that is legally operating under State law, and complies with applicable State and local requirements for the provision of child care services.

(3) EARLY LEARNING.—The term ''early learning'', used with respect to a program or activity, means learning designed to facilitate the development of cognitive, language, motor, and social-emotional skills for, and to promote learning readiness in, young children.

(4) EARLY LEARNING PROGRAM.—The term ''early learning program'' means—

(A) a program of services or activities that helps parents, caregivers, and child care providers incorporate early learning into the daily lives of young children; or

(B) a program that directly provides early learning to young children.

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) LOCAL COUNCIL.—The term ''Local Council'' means a Local Council established or designated under section 11414(a) that serves one or more localities.

(7) LOCALITY.—The term ''locality'' means a city, county, borough, township, or area served by another general purpose unit of local government, an Indian tribe, a Regional Corporation, or a Native Hawaiian entity.

(8) PARENT.—The term ''parent'' means a biological parent, an adoptive parent, a stepparent, a foster parent, or a legal guardian of, or a person standing in loco parentis to, a child.

(9) POVERTY LINE.—The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(10) REGIONAL CORPORATION.—The term ''Regional Corporation'' has the meaning given the term in section 3 of the Alaskan Native Claims Settlement Act (43 U.S.C. 1602).

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(12) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(13) TRAINING.—The term ''training'' means instruction in early learning that—

(A) is required for certification under State and local laws, regulations, and policies;

(B) is required to receive a nationally or State recognized credential or its equivalent;

(C) is received in a postsecondary education program focused on early learning or early childhood development in which the individual is enrolled; or

(D) is provided, certified, or sponsored by an organization that is recognized for its expertise in promoting early learning or early childhood development.

(14) YOUNG CHILD.—The term ''young child'' means any child from birth to the age of mandatory school attendance in the State where the child resides.

**SEC. 11404. PROHIBITIONS.**

(a) PARTICIPATION NOT REQUIRED.—No person, including a parent, shall be required to participate in any program of early childhood education, early learning, parent education, or developmental screening pursuant to the provisions of this part.

(b) RIGHTS OF PARENTS.—Nothing in this part shall be construed to affect the rights of parents otherwise established in Federal, State, or local law.

(c) PARTICULAR METHODS OR SETTINGS.—No entity that receives funds under this part shall be required to provide services under this part through a particular instructional method or in a particular instructional setting to comply with this part.

**SEC. 11405. AUTHORIZATION AND APPROPRIATION OF FUNDS.**

There are authorized to be appropriated to the Department of Health and Human Services to carry out this part—

(1) $750,000,000 for fiscal year 2001;

(2) $1,000,000,000 for fiscal year 2002; and

(3) $1,500,000,000 for fiscal year 2003.

**SEC. 11406. COORDINATION OF FEDERAL PROGRAMS.**

(a) COORDINATION.—The Secretary and the Secretary of Education shall develop mechanisms to resolve administrative and programmatic conflicts between Federal programs that would be a barrier to parents, caregivers, service providers, or children related to the coordination of services and funding for early learning programs.

(b) USE OF EQUIPMENT AND SUPPLIES.—In the case of a collaborative activity funded under this part and another provision of law providing for Federal child care or early learning programs, the use of equipment and nonconsumable supplies purchased with funds made available under this part or such provision shall not be restricted to children enrolled or otherwise participating in the program carried out under this part or such provision, during a period in which the activity is predominately funded under this part or such provision.

**SEC. 11407. PROGRAM AUTHORIZED.**

(a) GRANTS.—From amounts appropriated under section 11405 the Secretary shall award grants to States to enable the States to award grants to Local Councils to pay the Federal share of the cost of carrying out early learning programs in the locality served by the Local Council.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be 85 percent for the first and second years of the grant, 80 percent for the third and fourth years of the grant, and 75 percent for the fifth and subsequent years of the grant.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost described in subsection (a) may be contributed in cash or in kind, fairly evaluated, including facilities, equipment, or services, which may be provided from State or local public sources, or through donations from private entities. For the purposes of this paragraph the term ''facilities'' includes the use of facilities, but the term ''equipment'' means donated equipment and not the use of equipment.

(c) MAINTENANCE OF EFFORT.—The Secretary shall not award a grant under this part to any State unless the Secretary first determines that the total expenditures by the State and its political subdivisions to support early learning programs (other than funds used to pay the non-Federal share under subsection (b)(2)) for the fiscal year for which the determination is made is equal to or greater than such expenditures for the preceding fiscal year.

(d) SUPPLEMENT NOT SUPPLANT.—Amounts received under this part shall be used to supplement and not supplant other Federal, State, and local public funds expended to promote early learning.

**SEC. 11408. USES OF FUNDS.**

(a) IN GENERAL.—Subject to section 11410, grant funds under this part shall be used to pay for developing, operating, or enhancing voluntary early learning programs that are likely to produce sustained gains in early learning.

(b) LIMITED USES.—Subject to section 11410, Lead State Agencies and Local Councils shall ensure that funds made available under this part to the agencies and Local Councils are used for 3 or more of the following activities:

(1) Helping parents, caregivers, child care providers, and educators increase their capacity to facilitate the development of cognitive, language comprehension, expressive language, social-emotional, and motor skills, and promote learning readiness.

(2) Promoting effective parenting.

(3) Enhancing early childhood literacy.

(4) Developing linkages among early learning programs within a community and between early learning programs and health care services for young children.

(5) Increasing access to early learning opportunities for young children with special needs, including developmental delays, by facilitating coordination with other programs serving such young children.

(6) Increasing access to existing early learning programs by expanding the days or times that the young children are served, by expanding the number of young children served, or by improving the affordability of the programs for low-income families.

(7) Improving the quality of early learning programs through professional development and training activities, increased compensation, and recruitment and retention incentives, for early learning providers.

(8) Removing ancillary barriers to early learning, including transportation difficulties and absence of programs during nontraditional work times.

(c) REQUIREMENTS.—Each Lead State Agency designated under section 11410(c) and Local Councils receiving a grant under this part shall ensure—

(1) that Local Councils described in section 11414 work with local educational agencies to identify cognitive, social, emotional, and motor developmental abilities which are necessary to support children's readiness for school;

(2) that the programs, services, and activities assisted under this part will represent developmentally appropriate steps toward the acquisition of those abilities; and

(3) that the programs, services, and activities assisted under this part collectively provide benefits for children cared for in their own homes as well as children placed in the care of others.

(d) SLIDING SCALE PAYMENTS.—States and Local Councils receiving assistance under this part shall ensure that programs, services, and activities assisted under this part which customarily require a payment for such programs, services, or activities, adjust the cost of such programs, services, and activities provided to the individual or the individual's child based on the individual's ability to pay.

**SEC. 11409. RESERVATIONS AND ALLOTMENTS.**

(a) RESERVATION FOR INDIAN TRIBES, ALASKA NATIVES, AND NATIVE HAWAIIANS.—The Secretary shall reserve 1 percent of the total amount appropriated under section 11405 for each fiscal year, to be allotted to Indian tribes, Regional Corporations, and Native Hawaiian entities, of which—

(1) 0.5 percent shall be available to Indian tribes; and

(2) 0.5 percent shall be available to Regional Corporations and Native Hawaiian entities.

(b) ALLOTMENTS.—From the funds appropriated under this part for each fiscal year that are not reserved under subsection (a), the Secretary shall allot to each State the sum of—

(1) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger in the State bears to the number of such children in all States; and

(2) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger living in families with incomes below the poverty line in the State bears to the number of such children in all States.

(c) MINIMUM ALLOTMENT.—No State shall receive an allotment under subsection (b) for a fiscal year in an amount that is less than .40 percent of the total amount appropriated for the fiscal year under this part.

(d) AVAILABILITY OF FUNDS.—Any portion of the allotment to a State that is not expended for activities under this part in the fiscal year for which the allotment is made shall remain available to the State for 2 additional years, after which any unexpended funds shall be returned to the Secretary. The Secretary shall use the returned funds to carry out a discretionary grant program for research-based early learning demonstration projects.

(e) DATA.—The Secretary shall make allotments under this part on the basis of the most recent data available to the Secretary.

**SEC. 11410. GRANT ADMINISTRATION.**

(a) FEDERAL ADMINISTRATIVE COSTS.—The Secretary may use not more than 3 percent of the amount appropriated under section 11405 for a fiscal year to pay for the administrative costs of carrying out this part, including the monitoring and evaluation of State and local efforts.

(b) STATE ADMINISTRATIVE COSTS.—A State that receives a grant under this part may use—

(1) not more than 2 percent of the funds made available through the grant to carry out activities designed to coordinate early learning programs on the State level, including programs funded or operated by the State educational agency, health, children and family, and human service agencies, and any State-level collaboration or coordination council involving early learning and education, such as the entities funded under section 640(a)(5) of the Head Start Act (42 U.S.C. 9835 (a)(5));

(2) not more than 2 percent of the funds made available through the grant for the administrative costs of carrying out the grant program and the costs of reporting State and local efforts to the Secretary; and

(3) not more than 3 percent of the funds made available through the grant for training, technical assistance, and wage incentives provided by the State to Local Councils.

(c) LEAD STATE AGENCY.—

(1) IN GENERAL.—To be eligible to receive an allotment under this part, the Governor of a State shall appoint, after consultation with the leadership of the State legislature, a Lead State Agency to carry out the functions described in paragraph (2).

(2) LEAD STATE AGENCY.—

(A) ALLOCATION OF FUNDS.—The Lead State Agency described in paragraph (1) shall allocate funds to Local Councils as described in section 11412.

(B) FUNCTIONS OF AGENCY.—In addition to allocating funds pursuant to subparagraph (A), the Lead State Agency shall—

(i) advise and assist Local Councils in the performance of their duties under this part;

(ii) develop and submit the State application;

(iii) evaluate and approve applications submitted by Local Councils under section 11413;

(iv) ensure collaboration with respect to assistance provided under this part between the State agency responsible for education and the State agency responsible for children and family services;

(v) prepare and submit to the Secretary, an annual report on the activities carried out in the State under this part, which shall include a statement describing how all funds received under this part are expended and documentation of the effects that resources under this part have had on—

(I) parental capacity to improve learning readiness in their young children;

(II) early childhood literacy;

(III) linkages among early learning programs;

(IV) linkages between early learning programs and health care services for young children;

(V) access to early learning activities for young children with special needs;

(VI) access to existing early learning programs through expansion of the days or times that children are served;

(VII) access to existing early learning programs through expansion of the number of young children served;

(VIII) access to and affordability of existing early learning programs for low-income families;

(IX) the quality of early learning programs resulting from professional development, and recruitment and retention incentives for caregivers; and

(X) removal of ancillary barriers to early learning, including transportation difficulties and absence of programs during nontraditional work times; and

(vi) ensure that training and research is made available to Local Councils and that such training and research reflects the latest available brain development and early childhood development research related to early learning.

**SEC. 11411. STATE REQUIREMENTS.**

(a) ELIGIBILITY.—To be eligible for a grant under this part, a State shall—

(1) ensure that funds received by the State under this part shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under State law;

(2) designate a Lead State Agency under section 11410(c) to administer and monitor the grant and ensure State-level coordination of early learning programs;

(3) submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require;

(4) ensure that funds made available under this part are distributed on a competitive basis throughout the State to Local Councils serving rural, urban, and suburban areas of the State; and

(5) assist the Secretary in developing mechanisms to ensure that Local Councils receiving funds under this part comply with the requirements of this part.

(b) STATE PREFERENCE.—In awarding grants to Local Councils under this part, the State, to the maximum extent possible, shall ensure that a broad variety of early learning programs that provide a continuity of services across the age spectrum assisted under this part are funded under this part, and shall give preference to supporting—

(1) a Local Council that meets criteria, that are specified by the State and approved by the Secretary, for qualifying as serving an area of greatest need for early learning programs; and

(2) a Local Council that demonstrates, in the application submitted under section 11413, the Local Council's potential to increase collaboration as a means of maximizing use of resources provided under this part with other resources available for early learning programs.

(c) LOCAL PREFERENCE.—In awarding grants under this part, Local Councils shall give preference to supporting—

(1) projects that demonstrate their potential to collaborate as a means of maximizing use of resources provided under this part with other resources available for early learning programs;

(2) programs that provide a continuity of services for young children across the age

spectrum, individually, or through community-based networks or cooperative agreements; and

(3) programs that help parents and other caregivers promote early learning with their young children.

(d) PERFORMANCE GOALS.—

(1) ASSESSMENTS.—Based on information and data received from Local Councils, and information and data available through State resources, the State shall biennially assess the needs and available resources related to the provision of early learning programs within the State.

(2) PERFORMANCE GOALS.—Based on the analysis of information described in paragraph (1), the State shall establish measurable performance goals to be achieved through activities assisted under this part.

(3) REQUIREMENT.—The State shall award grants to Local Councils only for purposes that are consistent with the performance goals established under paragraph (2).

(4) REPORT.—The State shall report to the Secretary annually regarding the State's progress toward achieving the performance goals established in paragraph (2) and any necessary modifications to those goals, including the rationale for the modifications.

**SEC. 11412. LOCAL ALLOCATIONS.**

(a) IN GENERAL.—The Lead State Agency shall allocate to Local Councils in the State not less than 93 percent of the funds provided to the State under this part for a fiscal year.

(b) LIMITATION.—The Lead State Agency shall allocate funds provided under this part on the basis of the population of the locality served by the Local Council.

**SEC. 11413. LOCAL APPLICATIONS.**

(a) IN GENERAL.—To be eligible to receive assistance under this part, the Local Council shall submit an application to the Lead State Agency at such time, in such manner, and containing such information as the Lead State Agency may require.

(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall include a statement ensuring that the local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has established or designated a Local Council under section 11414, and the Local Council has developed a local plan for carrying out early learning programs under this part that includes—

(1) a needs and resources assessment concerning early learning services and a statement describing how early learning programs will be funded consistent with the assessment;

(2) a statement of how the Local Council will ensure that early learning programs will meet the performance goals reported by the Lead State Agency under this part; and

(3) a description of how the Local Council will form collaboratives among local youth, social service, and educational providers to maximize resources and concentrate efforts on areas of greatest need.

**SEC. 11414. LOCAL ADMINISTRATION.**

(a) LOCAL COUNCIL.—

(1) IN GENERAL.—To be eligible to receive funds under this part, a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity, as appropriate, shall establish or designate a Local Council, which shall be composed of—

(A) representatives of local agencies directly affected by early learning programs assisted under this part;

(B) parents;

(C) other individuals concerned with early learning issues in the locality, such as representative entities providing elementary education, child care resource and referral services, early learning opportunities, child care, and health services; and

(D) other key community leaders.

(2) DESIGNATING EXISTING ENTITY.—If a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has, before the date of enactment of the Early Learning Opportunities Act, a Local Council or a regional entity that is comparable to the Local Council described in paragraph (1), the entity, tribe or corporation may designate the council or entity as a Local Council under this part, and shall be considered to have established a Local Council in compliance with this subsection.

(3) FUNCTIONS.—The Local Council shall be responsible for preparing and submitting the application described in section 11413.

(b) ADMINISTRATION.—

(1) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds received by a Local Council under this part shall be used to pay for the administrative costs of the Local Council in carrying out this part.

(2) FISCAL AGENT.—A Local Council may designate any entity, with a demonstrated capacity for administering grants, that is affected by, or concerned with, early learning issues, including the State, to serve as fiscal agent for the administration of grant funds received by the Local Council under this part.

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## DOMENICI AMENDMENT NO. 3143

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

On page 478, between lines 2 and 3, insert the following:

**SEC. 542. CHARTER SCHOOL DISTRICTS.**

Section 5402 (as transferred and so redesignated by section 541) is amended by adding at the end the following

''(g) ELIGIBILITY OF CHARTER SCHOOL DISTRICTS.—

''(1) IN GENERAL.—For purposes of this part, a charter school district—

''(A) in the case of a State that elects not to participate in the program under this part or does not have an application approved under section 5403, may be an eligible applicant under subsection (b); or

''(A) shall be eligible to receive a subgrant under section 5404(f)(1).

''(2) DEFINITION.—In this subsection, the term 'charter school district' means a school district that—

''(A) has been designated under a specific State statute as a charter school district; and

''(B) meets other requirements determined appropriate by the Secretary to further the purposes of this part.''.

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## DOMENICI (AND OTHERS) AMENDMENT NO. 3144

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Mr. CLELAND, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to the bill, S. 2, supra; as follows:

On page 490, strike lines 14 through 17 and insert the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) PARTNERSHIPS IN CHARACTER EDUCATION PROGRAM.—There are authorized to be appropriated to carry out programs described in section 5702 with funds provided under this section, $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(2) OTHER PROGRAMS, PROJECTS, AND ACTIVITIES.—There are authorized to be appropriated to carry out other programs, projects, and activities described in this part (other than programs described in section 5702) with funds provided under this section, $100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

On page 501, between lines 2 and 3, insert the following:

''(h) AMOUNT OF GRANTS FOR STATE EDUCATIONAL AGENCIES.—Subject to the availability of appropriations, the Secretary shall make grants under this section in amounts of not less than $500,000 to State educational agencies in partnerships described in subsection (a)(2) that submit applications under subsection (b) that meet such requirements as the Secretary may establish under this section.

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## USE OF CAPITOL GROUNDS FOR BIKE RODEO

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## McCONNELL AMENDMENT NO. 3140

Mr. BROWNBACK (for Mr. MCCONNELL) proposed an amendment to the concurrent resolution (H. Con. Res. 314) authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit; as follows:

On page 3, line 9, after ''sales,'' insert ''advertisements,''.

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## USE OF CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

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## McCONNELL AMENDMENT NO. 3141

Mr. BROWNBACK (for Mr. MCCONNELL) proposed an amendment to the concurrent resolution (H. Con. Res. 277) authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; as follows:

On page 3, line 10, after ''sales,'' insert ''advertisements,''.

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## CONGRESSIONAL ACCOUNTABILITY FOR REGULATORY INFORMATION ACT OF 1999

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## LEVIN AMENDMENT NO. 3142

Mr. BROWNBACK (for Mr. LEVIN) proposed an amendment to the bill (S. 1198) to amend chapter 8 of title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes; as follows:

On page 7, strike lines 15 through 19 and insert the following:

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United States to review the rule.

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## NOTICES OF HEARINGS

### COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a meeting to mark up S. 1594, Community Development

and Venture Capital Act of 1999, and other pending matters. The markup will be held on Tuesday, May 16, 2000, beginning at 9:30 a.m. in room 428A Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224–5175.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled ''IRS Restructuring: A New Era for Small Business.'' The hearing will be held on Tuesday, May 23, 2000, beginning at 10:00 a.m. in room 428A of the Russell Senate Office Building.

The hearing will be broadcast live over the Internet from our homepage address: http://www.senate.gov/sbc

For further information, please contact Mark Warren at 224–5175.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, May 9, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

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

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, May 9, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 9, 2000, to conduct a hearing on ''The China-WTO Agreement and Financial Services.''

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

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice Oversight be authorized to meet to conduct a hearing on Tuesday, May 9, 2000, at 10:00 a.m., in Dirksen 266.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Tuesday, May 9, 2000, at 9:30 a.m. for a hearing entitled ''Performance Management in the District of Columbia: A Progress Report''.

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

## PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Dianne Lenz, a fellow of my staff, be granted floor privileges while S. 2 is pending.

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

## EARTH FORCE YOUTH BIKE SUMMIT

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res. 314, and the Senate then proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 314) authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by Earth Force Youth Bike Summit.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 3140

Mr. BROWNBACK. Mr. President, Senator MCCONNELL has a technical amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK), for Mr. MCCONNELL, proposes an amendment numbered 3140.

On page 3, line 9, after ''sales,'' insert ''advertisements,''.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The amendment (No. 3140) was agreed to.

The concurrent resolution (S. Con. Res. 314), as amended, was agreed to.

## GREATER WASHINGTON SOAP BOX DERBY

Mr. BROWNBACK. Mr. President, I ask unanimous consent the Rules Committee be discharged from further consideration of H. Con. Res. 277, and the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 277) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 3141

Mr. BROWNBACK. Mr. President, Senator MCCONNELL has a technical amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK), for Mr. MCCONNELL, proposes an amendment numbered 3141.

On page 3, line 10, after ''sales,'' insert ''advertisements,''.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The amendment (No. 3141) was agreed to.

The concurrent resolution (H. Con. Res. 277), as amended, was agreed to.

## TRUTH IN REGULATING ACT OF 1999

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar 424, S. 1198.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1198) to amend chapter 8 of Title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Truth in Regulating Act of 1999''.*

***SEC. 2. PURPOSES.***

*The purposes of this Act are to—*

*(1) increase the transparency of important regulatory decisions;*

*(2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and*

*(3) increase the accountability of Congress and the agencies to the people they serve.*

***SEC. 3. DEFINITIONS.***

*In this Act, the term—*

*(1) ''agency'' has the meaning given such term under section 551(1) of title 5, United States Code;*

*(2) ''economically significant rule'' means any proposed or final rule, including an interim or direct final rule, that may have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; and*

*(3) ''independent evaluation'' means a substantive evaluation of the agency's data, methodology, and assumptions used in developing the economically significant rule, including—*

*(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and*

*(B) the implications, if any, of those strengths or weaknesses for the rulemaking.*

***SEC. 4. PILOT PROJECT FOR REPORT ON RULES.***

*(a) IN GENERAL.—*

*(1) REQUEST OF REVIEW.—When an agency publishes an economically significant rule, the Comptroller General of the United States may review the rule at the request of a committee of jurisdiction of either House of Congress.*

*(2) REPORT.—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (4) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received. The report shall include an independent evaluation of the economically significant rule by the Comptroller General.*

*(3) INDEPENDENT EVALUATION.—The independent evaluation of the economically significant rule by the Comptroller General under paragraph (2) shall include—*

*(A) an evaluation of the agency's analysis of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to receive the benefits;*

*(B) an evaluation of the agency's analysis of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to bear the costs;*

*(C) an evaluation of the agency's analysis of alternative approaches set forth in the notice of proposed rulemaking and in the rulemaking record, as well as of any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and*

*(D) a summary of the results of the evaluation of the Comptroller General and the implications of those results.*

*(4) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).*

*(b) AUTHORITY OF COMPTROLLER GENERAL.—Each agency shall promptly cooperate with the Comptroller General in carrying out this Act. Nothing in this Act is intended to expand or limit the authority of the General Accounting Office.*

***SEC. 5. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated to the General Accounting Office to carry out this Act $5,200,000 for each of fiscal years 2000 through 2002.*

***SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.***

*(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.*

*(b) DURATION OF PILOT PROJECT.—The pilot project under this Act shall continue for a period of 3 years, if in each fiscal year, or portion thereof included in that period, a specific annual appropriation not less than $5,200,000 or the pro-rated equivalent thereof shall have been made for the pilot project.*

*(c) REPORT.—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.*

AMENDMENT NO. 3142

(Purpose: To provide that the chairman or ranking member of a congressional committee with legislative or oversight jurisdiction may request review of an economically significant rule.)

Mr. BROWNBACK. Senator LEVIN has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. LEVIN, proposes an amendment numbered 3142.

Mr. BROWNBACK. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 7, strike lines 15 through 19 and insert the following:

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United states to review the rule.

Mr. THOMPSON. Mr. President, I am pleased that today the Senate has passed by unanimous consent the ''Truth in Regulating Act.'' This legislation would support Congressional oversight to ensure that important regulatory decisions are efficient, effective, and fair.

The foundation of the ''Truth in Regulating Act'' is the right of Congress and the people we serve to know about important regulatory decisions. Through the General Accounting Office, which serves as Congress' eyes and ears, this legislation will help us get access to the cost-benefit analysis, risk assessment, and other key information underlying important regulatory proposals. So, in a real sense, this legislation not only gives people the right to know; it gives them the right to see—to see how the government works, or doesn't. GAO will be responsible for providing an evaluation of the analysis underlying a proposed regulation, which will enable us to communicate better with the agency up front. It will help us to ensure that the proposed regulation ultimately is sensible and consistent with Congress' intent. It will help improve the quality of important regulations. This will contribute to the success of programs the public values and improve public confidence in the Federal Government, which is a real concern today.

Under the 3-year pilot project established by this legislation, a chairman or ranking member of a committee with legislative or general oversight jurisdiction, such as Governmental Affairs, may request the GAO to provide an independent evaluation of the agency regulatory analysis for any proposed economically significant rule. The Comptroller General shall submit a report no later than 180 calendar days after a committee request is received. The Comptroller General's evaluation of the rule shall include the following: an evaluation of the agency's analysis of the potential benefits of the rule; an evaluation of the agency's analysis of the potential costs of the rule; an evaluation of the agency's analysis of alternative approaches as well as of any cost-benefit analysis, risk assessment, federalism assessment, or other analysis prepared by the agency or required for the rule; and a summary of the results of the evaluation and the implications of those results.

Mr. President, it is my hope that the ''Truth in Regulating Act'' will encourage Federal agencies to make better use of modern decisionmaking tools, such as benefit-cost analysis and risk assessment. Currently, these important tools often are viewed simply as options—options that aren't used as much or as well as they should be. Over the years, the Governmental Affairs Committee has reviewed and developed a voluminous record showing that our regulatory process is not working as well as intended and is missing important opportunities to achieve more cost-effective regulation. In April 1999, I chaired a hearing in which we heard testimony on the need for this proposal. The General Accounting Office has done important studies for Governmental Affairs and other committees showing that agency practices—in cost-benefit analysis, risk assessment, federalism assessments, and in meeting transparency and disclosure requirements of laws and executive orders—need significant improvement. Many other authorities support these findings. All of us benefit when government performs well and meets the needs of the people it serves.

A lot of effort and collaboration went into this legislation, which I think is why the Senate can now approve it unanimously. S. 1198 was originally the ''Congressional Accountability for Regulatory Information Act of 1999,'' sponsored by Senator Richard SHELBY with Senators LOTT and BOND. I sponsored S. 1244, the ''Truth in Regulating Act of 1999,'' with Senators LINCOLN, VOINOVICH, KERREY, BREAUX, LANDRIEU, INHOFE, STEVENS, BENNETT, ROBB, HAGEL, and ROTH. We synthesized these two similar bills, and I negotiated certain changes and clarifications with JOE LIEBERMAN, the Ranking Member of the Governmental Affairs Committee. On November 3, 1999, the negotiated changes were offered as a Thompson/Lieberman substitute amendment to S. 1198, and the bill was reported by the Governmental Affairs Committee by voice vote. Afterwards, I worked on clarifications with Senator LEVIN. I thank my colleagues for pulling together to get the job done.

Mr. LEVIN. Mr. President, today I am supporting Senate passage of S. 1198, a bill to provide a three year pilot program for GAO review of certain agency rule makings. These are rule makings where the Chairman or Ranking Member of a committee of jurisdiction in the House or the Senate has requested such a review after the rule has been published as proposed.

As first introduced and considered in the Governmental Affairs Committee, I

was opposed to this bill. I was concerned that it created a two track rule making process, putting GAO in the shoes of the rule making agency and having GAO carry out its own interpretation of the public comments, scientific studies and economic analyses involved in the development of the rule. But through the work of Senator THOMPSON and Senator LIEBERMAN, the bill has been reworked and refined to a point where it may provide the agencies, Congress and the public with helpful information in evaluating the work of a rule making in progress without jeopardizing the separate and distinct roles played by the Executive and Legislative branches in the regulatory process.

As most of my colleagues know, I, along with Senator THOMPSON, have been fighting for years for a regulatory reform bill that would establish clear cost-benefit analysis standards for federal rule making agencies. I believe it is very important that federal agencies do a reasonable and proficient job of assessing the potential costs and the potential benefits of a proposed regulatory option and that they inform the public and Congress of those costs and benefits and tell us whether it's likely that the benefits of a proposed rule justify the costs. If an agency can't make that determination or if an agency concludes that the benefits of a rule don't justify the costs, then it should have the obligation to tell us why it is going ahead with the regulation. That, to me, is common sense. And it's particularly important in light of recent studies which show that numerous rules issued by federal agencies don't have benefits that justify the costs. We need to know why and in the future, with that information, we can decide whether we want to regulate under those circumstances. But Senator THOMPSON and I, despite a wide ranging group of supporters and the commitment of the Administration to sign the bill, have been frustrated in our efforts to get such a bill passed.

I think passing The Regulatory Improvement Act, S. 746, should be our first priority—getting the basic systems in place—and then once passed, consider an evaluative role for GAO in reviewing what agencies are doing in response to the requirements of that new law. But in the face of entrenched opposition to the Regulatory Improvement Act, the Governmental Affairs Committee has pushed ahead with the GAO bill, and given the significant amendments made to the bill during the Committee's markup and the amendment we are adopting here, on the Senate floor, today, I am willing to help advance this legislation now. The amendments to which I refer did several important things, including: specifying that GAO's role is to review the work of the agency and not the substance of the rule; beginning GAO's review after the rule has been published as proposed; and ensuring the existing discretion and authority of both the rule making agencies and the GAO.

Mr. President, I would like to confirm with the chairman and ranking member of the Governmental Affairs Committee, if they would, my understanding of certain provisions of this bill. First, I understand from this legislation that the rule making agencies retain their authority and discretion with respect to the issuance of rules. Nothing in this bill is intended to alter an agency's authority or discretion with respect to a rule making. Is that right?

Mr. LIEBERMAN. The Senator from Michigan is correct.

Mr. LEVIN. It is also my understanding that this legislation is not intended to authorize any delay in the issuance of a rule.

Mr. THOMPSON. That's right.

Mr. LEVIN. And finally, it is my understanding that when GAO issues its report on a rule pursuant to this legislation, that report, like the audit reports GAO issues now, will allow for the subject agency to respond to the findings and comments of GAO and will embody the agency's response in the GAO report. Is that right?

Mr. THOMPSON. That is correct.

Mr. LEVIN. In short, then, this legislation neither expands or contracts the authority of GAO in reviewing an agency's rule making nor does it expand or contract a rule making agency's authority to develop or issue a rule. The legislation establishes a process by which a chairman or ranking member of a committee of jurisdiction can request GAO after a proposed rule is published, to review the rule and report to Congress within 180 days, and it gives GAO the staff resources to carry those reviews out. Is that right?

Mr. LIEBERMAN. The Senator is correct.

Mr. LEVIN. I thank the Senator from Tennessee and the Senator from Connecticut for their clarifications.

Mr. BROWNBACK. I ask unanimous consent the amendment be agreed to, the committee substitute, as amended, be agreed to, the bill be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 3142) was agreed to.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 1198), as amended, was read the third time and passed, as follows:

S. 1198

*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 ''Truth in Regulating Act of 2000''.

**SEC. 2. PURPOSES.**

The purposes of this Act are to—

(1) increase the transparency of important regulatory decisions;

(2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and

(3) increase the accountability of Congress and the agencies to the people they serve.

**SEC. 3. DEFINITIONS.**

In this Act, the term—

(1) ''agency'' has the meaning given such term under section 551(1) of title 5, United States Code;

(2) ''economically significant rule'' means any proposed or final rule, including an interim or direct final rule, that may have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; and

(3) ''independent evaluation'' means a substantive evaluation of the agency's data, methodology, and assumptions used in developing the economically significant rule, including—

(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and

(B) the implications, if any, of those strengths or weaknesses for the rulemaking.

**SEC. 4. PILOT PROJECT FOR REPORT ON RULES.**

(a) IN GENERAL.—

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United States to review the rule.

(2) REPORT.—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (4) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received. The report shall include an independent evaluation of the economically significant rule by the Comptroller General.

(3) INDEPENDENT EVALUATION.—The independent evaluation of the economically significant rule by the Comptroller General under paragraph (2) shall include—

(A) an evaluation of the agency's analysis of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to receive the benefits;

(B) an evaluation of the agency's analysis of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to bear the costs;

(C) an evaluation of the agency's analysis of alternative approaches set forth in the notice of proposed rulemaking and in the rulemaking record, as well as of any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(D) a summary of the results of the evaluation of the Comptroller General and the implications of those results.

(4) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).

(b) AUTHORITY OF COMPTROLLER GENERAL.—Each agency shall promptly cooperate with the Comptroller General in carrying out this Act. Nothing in this Act is intended to expand or limit the authority of the General Accounting Office.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the General Accounting Office to carry out this Act $5,200,000 for each of fiscal years 2000 through 2002.

**SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.**

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(b) DURATION OF PILOT PROJECT.—The pilot project under this Act shall continue for a period of 3 years, if in each fiscal year, or portion thereof included in that period, a specific annual appropriation not less than $5,200,000 or the pro-rated equivalent thereof shall have been made for the pilot project.

(c) REPORT.—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.

The title was amended to read: ''A bill to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.''.

## ORDERS FOR WEDNESDAY, MAY 10, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, May 10. I further ask consent that immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately proceed to a vote on the motion to proceed to the conference report to accompany H.R. 434, the African Trade-Caribbean Basin Initiative, as under the order.

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

## PROGRAM

Mr. BROWNBACK. For the information of all Senators, the Senate will vote on the motion to proceed to the African trade conference report at 9:30 a.m. If the motion to proceed is adopted, cloture will be filed on the conference report, with that cloture vote to occur on Thursday at 10:30 a.m. Debate on the measure is expectd to take up most of tomorrow's session.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Wednesday, May 10, 2000, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 9, 2000:

### DEPARTMENT OF STATE

MARJORIE RANSOM, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

### THE JUDICIARY

PAUL C. HUCK, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE KENNETH L. RYSKAMP, RETIRED.

# EXTENSIONS OF REMARKS

## PARK POLICE ENHANCEMENT ACT

### HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. HANSEN. Mr. Speaker, it is with pleasure that I am today introducing the Park Police Enhancement Act. This legislation is long overdue and would help the United States Park Police solve two particular, albeit small, problems that have been plaguing this police force for a number of years, namely, medical payments and mutual aid agreements dealing with indemnification.

The first section of this bill clarifies that medical payments to qualifying Park Police personnel will be made by the Park Service. This will significantly speed up the process for reimbursements to the Park Police personnel. Currently, payments are routed through the District of Columbia, who eventually distributes the reimbursements. This process is overly burdensome and frequently takes months to complete.

Section 2 of the bill would provide express authority for the National Park Service to enter into mutual aid agreements with adjacent law enforcement agencies, for example those in Maryland or Virginia. Both of these states require that each party to the agreements be indemnified and hold the assisting agency harmless from claims by third parties dealing with property damage or personal injury.

Both of these sections will help the Park Police function better and is necessary to address identified problems that have hindered the effectiveness of the US Park Police. The Park Police deserve nothing less.

## KRISTINA SEMOS NAMED NATIONAL MERIT SCHOLAR

### HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. FROST. Mr. Speaker, today I commend an outstanding student, Kristina Semos, for her commitment to excellence in academics and as a citizen. Next week Kristina will graduate from the Talented and Gifted Magnet High School at Townview Center in Dallas, TX, where she is valedictorian of her class. Her strong academic performance has led her to be named a National Merit Scholar, an honor for which she will receive $1,000 annually. That should come in handy while she's attending Brown University this fall.

Kristina has also served her community in a number of ways, including fundraising for the AIDS Lifewalk, helping build houses with Habitat for Humanity and participating in various activities at the Holy Trinity Greek Orthodox Church. She is a gifted math and computer science student, earning first place honors on multiple occasions from the Dallas Public Schools Mathematics Olympiad and honors from the Dallas Public Schools Computer Olympiad as well.

Additionally, Kristina is a talented musician, singing in her church choir, earning various awards in State musical competitions, playing in the all city band and participating in her school's German Folk Dancing Group. With all these achievements, Kristina is truly a well-rounded individual.

Mr. Speaker, it is my privilege to congratulate Kristina Semos for her truly remarkable scholastic, service, and leadership abilities. With confidence, I look forward to her future contributions to our great Nation.

## TRIBUTE TO THOMAS A. JACOBSEN

### HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. KUYKENDALL. Mr. Speaker, today I recognize Tom Jacobsen, an individual of great importance to the Los Angeles trade community. Tom, president of Jacobsen Pilot Service, Inc., will today be inducted into the World Trade Center Association Los Angeles-Long Beach (WTCA LA–LB) Hall of Fame.

Tom is being honored for his important contributions to international commerce. His professional achievements are numerous in the advancement of trade and economic success of the Los Angeles region. I congratulate him on receiving this prestigious honor.

The WTCA LA-LB is a prominent membership-based trade organization and a leader within the global World Trade Centers Association network of 320 offices in 97 countries. It is a leading provider of trade connections, resources, and trade assistance, helping companies expand their international contacts within the trade community.

Tom began working for the family business as a young man. Upon graduation from the California Maritime Academy in 1988, he spent several years gaining valuable experience at sea aboard oil tankers and general cargo ships. In 1992 he started the pilot training program and upon completion of over 1,500 piloted ship moves between 1992 and 1995, Tom stepped into management at Jacobsen Pilot Service, Inc. He soon became president of the business in 1998.

Jacobsen Pilot Service, Inc. has been a pioneer in piloting. They officially started piloting in 1925 in Long Beach, and they continue to be a leader in the industry.

I commend Tom Jacobsen for his commitment to trade and the economic vitality of the Los Angeles region. I wish him and Jacobsen Pilot Service, Inc. continued success.

## LOCAL TEACHER DAVID RAU PRESENTED WITH SAM'S CLUB ''TEACHER OF THE YEAR'' AWARD

### HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. COMBEST. Mr. Speaker, today I commend Mr. David Rau for his tremendous contributions to educate children and improve our community. On May 9, 2000, SAM's National Wholesale Food Club awarded him with the honor of being their ''Teacher of the Year.''

''Teacher of the Year'' is the highest honor that SAM's can present to an American educator. Nearly 3,000 teachers are honored nationwide every year. Each teacher receives an educational grant in the amount of $500, for which he or she can designate how the funds will be spent. Since 1996, more than $5.1 million in education grants have been given by SAM's to schools across the country. Each Wal-Mart store, SAM's Wholesale Club, Distribution Center and Transportation Office is allowed one winner. The Amarillo SAM's Club selected Mr. Rau from the Amarillo school district applicants, and the national headquarters named their finalists from these selected teachers.

As a middle school teacher at St. Andrews Episcopal School in Amarillo, Texas, Mr. Rau's motivation has inspired and encouraged students to pursue their dreams over the years. He is the kind of teacher who makes learning fun and exciting. He sets his students on a path for their future and steers them in a positive direction. I commend Mr. Rau for his dedication to providing the best possible education each child can get and congratulate him on being the ''Teacher of the Year.''

## INTRODUCTION OF THE ADMINISTRATION'S WATER RESOURCES DEVELOPMENT ACT OF 2000

### HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. SHUSTER. Mr. Speaker, today I'm pleased to introduce by request the Administration's Water Resources Development Act of 2000 (or WRDA 2000). The proposal constitutes the Department of the Army's Civil Works legislative program for the Second Session of the 106th Congress.

The Transportation and Infrastructure Committee works very closely with the Administration, particularly the Army Corps of Engineers and the office of the Assistant Secretary of the Army (Civil Works), to ensure that the nation's largest water resources program is effective and responsive to current and future needs. The Committee welcomes the transmittal of this proposal to Congress as a sign of good

faith and genuine interest in facilitating the enactment of a WRDA 2000 before the year's end.

The Committee has held three hearings this year on proposals and priorities for a WRDA 2000. This is in addition to the six hearings on Corps of Engineers and WRDA projects and programs held last year before and after enactment into law of the Water Resources Development Act of 1999 (P.L. 106–53). We will look very closely at the Administration's WRDA 2000 bill, requests from our Congressional colleagues, and recommendations from public witnesses and other interested parties. We intend to introduce and move through the Committee a bipartisan, widely supported bill.

The Administration's bill, which we introduced by request today, has numerous provisions that should be supported. At the same time, I must emphasize that some of the bill's programmatic and project-related proposals raise serious questions and, in some circles, strong opposition. I, myself, am particularly concerned that the importance of the Corps' traditional water resources missions is not adequately reflected in the proposal and that some of the environmental projects and provisions need further review.

I look forward to working closely with my colleagues and the Administration to ensure that a WRDA 2000 can move swiftly through the Congress and become law before the year's end. Based on our country's water infrastructure and environmental restoration needs and the growing competition, as well as opportunities, in the global marketplace, this is ''must pass'' legislation that must not be delayed.

## IN HONOR OF JOHN J. McCARTHY, C.P.P. ON THE OCCASION OF HIS 90TH BIRTHDAY

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mrs. MALONEY of New York. Mr. Speaker, today I pay special tribute to John J. McCarthy, C.P.P. on the occasion of his 90th birthday. Mr. McCarthy is an outstanding citizen of New York who has raised the city's quality of life and made great contributions to the criminal justice system.

Mr. McCarthy has devoted much of his life to public safety and justice through the field of correctional services. As the Inspector General of the State of New York Department of Correctional Services, Mr. McCarthy was responsible for the prevention of corruption, escapes and smuggling, among other duties within the department.

Before he was named Inspector General, Mr. McCarthy was the Director of the Bureau of Special Services of the State of New York Division of Parole. He has lectured at various police parole, correctional and training facilities throughout New York State.

As an active member of the community, Mr. McCarthy has contributed greatly to the quality of life and safety of neighborhoods like Gramercy Park, Peter Cooper Village, Stuyvesant Town, and the 23rd Street vicinity in Manhattan. In fact, the First Deputy Commissioner of the New York City Police Department has said that the unprecedented reduction in crime in this area could not have been achieved without Mr. McCarthy's long-term involvement and support.

Mr. McCarthy spent four years overseas during his military service. He served in the United States Army and the United States Air Force during World War II as an Intelligence Non-Commissioned Officer, a First Sergeant, Intelligence Officer, Provost Marshall and a Company Commander. He also served as the Chief of Police and Security of the War Department in the occupied enemy territory of East Africa. When he left the armed forces, Mr. McCarthy was a First Lieutenant.

Mr. McCarthy is a graduate of New York University (1955), and he holds M.A. and M.F.A. degrees from New York University (1956, 1959). Mr. McCarthy also graduated from the Federal Bureau of Investigation's National Academy.

Mr. Speaker, I salute the life and work of Mr. John J. McCarthy and I ask my fellow Members of Congress to join me in recognizing Mr. McCarthy's contributions to the New York community and to our country.

## KILDEE HONORS MS. MANDY ARGUE

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. KILDEE. Mr. Speaker, it is a great honor for me to pay tribute to Ms. Mandy Argue, of Lapeer, Michigan, who has received the American Ambulance Association's ''Star of Life'' award for her outstanding service as a Paramedic.

Extraordinary Emergency Medical Service professionals not only administer medical care quickly and effectively, but they bring compassion and understanding to their jobs. Ms. Argue exemplifies these characteristics.

Recently, when responding to a diabetic emergency, Ms. Argue found her patient alert and oriented. The patient refused transport to the hospital but no one felt comfortable leaving this patient alone. The patient did not have money for a taxi ride or a decent meal. While others talked with the patient, Ms. Argue quickly went out and purchased a dinner for the patient.

Another situation demonstrating Ms. Argue's caring service occurred when she responded to a Do Not Resuscitate cancer patient. Ms. Argue arrived to find the patient in end stage cancer and a family that was in crisis. The family wanted to keep the patient at home, but they were concerned that the patient was in serious pain. Ms. Argue immediately called a home health care service and arranged for a doctor to come over that same day. She then spent time talking with the patient, after which the patient agreed to take medication with the help of a family member. Later in the day, Ms. Argue followed up with the family and found that the patient was resting comfortably and appeared to be pain free.

Ms. Argue shares my dedication to preserving, promoting, and enhancing human dignity. She goes the extra mile to ensure that her patients are given the best care possible.

Since this is Emergency Medical Services week, it is an appropriate time to think about the valuable role of EMS workers in our communities. I am grateful to have the opportunity to recognize the service that Ms. Argue delivers to my district, and I am proud to represent her in Congress.

## PERSONAL EXPLANATION

### HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. KUYKENDALL. Mr. Speaker, I was unavoidably detained in my district on official business and missed rollcall vote Nos. 146, 147, 148, 149, 150, 151, 152, and 153. Had I been here, I would have voted ''yea'' on all of them.

## WEST TEXAS A & M MEN'S BOWLING TEAM STRIKES GOLD AT THE NATIONAL CHAMPIONSHIP

### HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. COMBEST. Mr. Speaker, today I join West Texas A & M University and the West Texas community on congratulating the West Texas A & M men's bowling team for striking gold in the 2000 Intercollegiate Bowling Championship. Their triumph on April 29 marks the first time that the Buffs have brought home the national title, an accomplishment that is truly deserving of recognition and praise.

The West Texas men's bowling program has been built upon a firm foundation of hard work and sportsmanship. The program, which has produced four former Professional Bowlers Association Tour players, has been an esteemed runner-up in six previous national tournaments. This hard-fought victory catapults the bowling program onto a new level of national recognition. The six men who claimed the national crown displayed what can be accomplished when West Texas determination and teamwork get rolling.

It is with pride that I recognize the members of the West Texas A & M men's bowling team and their coaches for this accomplishment, as well as the faculty and fans that led them down victory lane. Thanks to their tremendous efforts, Canyon, Texas is now home to the 2000 Men's Intercollegiate Bowling Champions. I wholeheartedly extend my congratulations to the West Texas A & M Buffs for bringing home a national bowling title.

## HONORING ASHLEY ROBINSON AND B.J. JOHNSON

### HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. FROST. Mr. Speaker, I rise today to honor Ashley Robinson and B.J. Johnson, two rising athletic stars and seniors at South Grand Prairie High School in Grand Prairie, TX. Ashley and B.J. have made their parents and their school proud by each being named 1st team Parade All-Americans in basketball

and football respectively. It is rare enough for a high school to be fortunate enough to have one All-American athlete, for South Grand Prairie to have two Parade All-Americans is an astounding tribute to the school.

Ashley has chosen the University of Tennessee to carry on her education and basketball career. There, she will hopefully be able to continue her domination on the hardwood floor by competing for a team that has won four National Championships in the last 9 years. Equally as important, Ashley is a member of the National Honor Society, and a college education will give her the skills and opportunity to achieve anything she can imagine in her life.

B.J. is considered one of the top three high school wide receivers in the entire country by a variety of sports publications. He has chosen to attend the University of Texas to continue his education and football career. In Austin, B.J. will have the opportunity to baffle opposing Big-12 defenses and graduate from one of the country's elite public universities that produces some of Texas' most innovative and successful people.

In addition to their hard work in the classroom and their heroics on the field, both Ashley and B.J. are model citizens who give back to their schools and communities in the form of volunteerism. As members of the Student Empowerment Team, Ashley and B.J. serve as mentors for area youth in Grand Prairie.

Once again, congratulations B.J. and Ashley on accomplishing so many things to make your parents, school, and community proud.

## IN HONOR OF THE 100TH ANNIVERSARY OF ST. ANN'S CHURCH

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. MENENDEZ. Mr. Speaker, today I honor St. Ann's Church and parish on its 100th Anniversary.

St. Ann's Church was canonically erected in Hoboken, New Jersey in May, 1900. The church was originally established to care for the spiritual needs of a small group of Italian-Americans, but it quickly established a multicultural parish of noteworthy stature.

During the first half of this Century, St. Ann's church witnessed many changes as it embraced the Hoboken community in an effort to establish a parish with an enduring future dedicated to the love of God and community. The immediate growth of the parish created a need to build a larger church to accommodate the congregation; the support, generosity, and cooperation of the entire community made this a reality. Later, the additions of a parochial elementary school and a convent completed St. Ann's facilities, and established a sanctuary for fostering Christian ideals and values.

The 100-year success of Saint Ann's Church would not have been possible without the great dedication, leadership, and love of numerous pastors. I am proud to honor the many who made this anniversary possible: Reverend John J. O'Connor; Father Felix Di Persia; Father John Rongetti; Father Alphonso d'Angelo; Father Leopold Hofschneider; Father Michael Di Sapio; Father Michael Gori; Father Bernadino Chistoni; Father Mauro Landini; Father Seraphin Tirone; Father Gabriel Italia; Father Lawrence Lisotta; Father Achilles Cassiere; Father Richard Baranello; Father Emilio Banchi; Father Casimir Filipkowski; and Father Francis Sariego.

I ask my colleagues to join me in honoring St. Ann's church and its 100 years dedicated to the love of God and community. Congratulations.

## HONORING MICHIGAN STATE UNIVERSITY'S FLINTSTONES

### HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Ms. STABENOW. Mr. Speaker, as a Michigan State University graduate, it brings me great pleasure to honor three outstanding members of the Spartan's National Championship Basketball Team. These young men, each hailing from Flint, have reminded us all, through their own dedication, commitment, discipline, and hard work, of what it truly means to be a champion.

Mateen Cleaves was the motivational leader of this talented basketball team and kept them focused all the way to the NCAA National Championship Title. After returning for his senior year, Mateen was sidelined for half the regular season with a foot injury. He came back to lead the Spartans to a Big Ten Championship, #1 seed in the NCAA Tournament, and a National Title. Described by Coach Tom Izzo as the ''hardest worker'' he has ever coached, Mateen re-injured his foot in the final game of the tournament only to come back into the game and finish as the MVP of the Final Four.

Morris Peterson emerged as one of the conference's top players last year and finished his final season as the Big Ten Player of the Year. Not only did he receive this award but was also voted to his second All-American and Big Ten First Team. Throughout the year, the Spartans turned to ''Mo P'' to provide leadership and results. He did both. He led the team in scoring and was the consistent ''go to guy'' when the game was on the line.

Charlie Bell just finished his third year with the Spartan Basketball program. He had to make a very awkward adjustment this year, due to the absence of Mateen. Charlie, a shooting guard by nature, was forced to play point guard for the first half of the season. He not only handled the change well, he led the team to an impressive record while running the Spartan offense. Charlie was elected to the third team All Big Ten and the All Final Four Team. Thankfully, Charlie will be with the Spartans next year as we try to repeat as NCAA National Champions.

Beyond the success of each of you on the court, you three have fully represented the values of ''unity'', ''teamwork'', ''leadership'', and ''excellence''—both on and off the court. You have been role models whose contributions have enriched your native Flint, MSU and the State of Michigan, as well as the entire nation.

I wish each of you a future filled with continued success, happiness, and prosperity and I want to thank you for all the excitement and joy that you brought into the lives of Spartans around the globe.

## IN SPECIAL RECOGNITION OF TIMOTHY S. BRODMAN ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. GILLMOR. Mr. Speaker, today I pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Timothy S. Brodman of Republic, Ohio, has been offered an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

Mr. Speaker, Tim has accepted his offer of appointment and will be attending the United States Air Force Academy this fall with the incoming cadet class of 2004. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Tim brings a great deal of leadership and dedication to the incoming class of Air Force cadets. While attending Tiffin Calvert High School, Tim has attained a grade point average of 3.6, which currently places him twenty-second in his class of seventy-five students. Tim is a member of the National Honor Society, the Honor Roll, and has received Academic Letters in each year of high school.

Outside the classroom, Tim has excelled as a fine student-athlete. On the fields of competition, Tim has earned letters in varsity football, basketball, and baseball. Tim was named captain of the football and basketball teams this year. Tim has also been active in the Tiffin Calvert Spanish Club, Students Against Dangerous Decisions, and as a member of St. Joseph Catholic Church.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Timothy S. Brodman. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Tim will do very well during his career at the Air Force Academy and I wish him the very best in all of his future endeavors.

## IN MEMORY OF DOROTHY W. JAMES

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a distinct honor for me to place this dedication to Dorothy W. James in the CONGRESSIONAL RECORD. Her husband, ''Chappie'' James, was a fighter pilot's fighter pilot, an Air Force great and a super American. The death of his wife brings back many memories of a great Air Force career backed by an outstanding wife. Her burial in Arlington Cemetery is a fitting tribute for a woman who gave so much to America.

REFLECTIONS ON THE LIFE OF DOROTHY W. JAMES

Dorothy Watkins James was born on June 27, 1921 to James Andrew and Daisy Hicks

Watkins in Tuskegee Institute, Alabama. After a lengthy illness she departed this life on May 2,000.

She attended the Chambliss Children's House Elementary School and completed high school on the campus of Tuskegee Institute, Mr. James' mother and father were avid tennis players. Dorothy and her sister Aubrey became involved in the sport at an early age. Dorothy continued to play tennis in high school, and was also a drum majorette in the Tuskegee Institute Band. Additionally, she played piano and was a student of the daughter of Booker T. Washington.

While attending college at Tuskegee Institute, she met and married her husband of thirty-six years Daniel ''Chappie'' James, Jr. of Pensacola, Florida and they were married until his death in 1978. As the wife of an Air Force officer, she lived in many locations in the United States, Asia, and Europe. She was involved in numerous charitable endeavors and most proud of her contributions to what is now known as the Air Force Village Retirement Communities. She was a loyal and dedicated supporter of the Air Force community and family support programs.

Dorothy and Daniel were blessed with a daughter and two sons and she guided each through the formative years of their lives. As a result of her love, care and persistence and guidance, each has enjoyed a rich and rewarding life. She will be missed by all who have known her for her quiet selfless dedication to family, friends and community.

She is survived by her daughter Danice D. Berry, son-in-law Dr. Frank W. Berry, Jr.; son Major General Daniel James III, and daughter-in-law Dana M. James; son Claude A. James and daughter-in-law Diane James; granddaughters Jamie Michelle Berry and Brittany Diane James; grandsons Frank W. Berry III, Max S. Berry and Ryan N. James; a sister Aubrey W. Simms and brother-in-law Robert H. Simms; a niece and nephew, and many devoted extended family and friends.

## NATIONAL TEACHER DAY—A TRIBUTE TO MARIANNA MALM

### HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. POMEROY. Mr. Speaker, this week America observes the 15th annual National Teacher Appreciation Week and celebrates the vital role that teachers play in the lives of our children. Today is also National Teacher Day, and I would like to take this opportunity to express my appreciation to all American educators. I would also like to recognize one teacher in particular, Marianna Malm, who teaches English at North High School in Fargo, North Dakota. Marianna was chosen to be the Teacher of the Year from my home state of North Dakota, and on behalf of the entire state, I would like to thank her for her dedication to our children.

All of us, whether as children or as parents, are aware of the positive role that teachers play in our lives. Despite that fact, there is a growing disconnect between our admiration for educators and our willingness to take the steps required to recruit and retrain them. In North Dakota, the recruitment and retention of teachers has rightfully become a dominant topic of discussion, especially after news stories have reported that nearly one-third of the state's public school teachers are older than 50 and nearing retirement.

From my kindergarten days in Valley City all the way through law school at the University of North Dakota, I was blessed to have been influenced by teachers who cared enough about me and their vocation to engage my interest in the vast world opened up by education. As these educators and others begin to retire in numbers we have never before experienced, we must reassess our federal, state and local policies to attract and retain quality teachers.

First and foremost, we need to reevaluate our own priorities. Just as North Dakota's farmers invest in their crops, knowing that better seeds produce a better yield, we as a state must ensure our children's future by investing in high-quality teachers. This nation's greatest natural resource is our children—and those who dedicate their lives to their education should be appropriately rewarded for their commitment.

Keeping four-star teachers like Marianna in North Dakota schools is a challenge, particularly in more rural regions of the state. I have cosponsored legislation, the Rural Teachers Recruitment Act, which would establish grants for rural school districts to develop teacher incentive programs. While the 'Information Age' has opened up an entirely new world for rural schools, no computer or internet connection can replace a committed teacher. Every school district, no matter how big or how small, should be built on quality teachers.

The changing face of North Dakota's countryside will continue to affect our classrooms. We should use this time of change to remember the importance of a top-notch education and the teachers who make it happen. We cannot continue the pattern of training our educators in top-quality North Dakota universities only to lose them to other states with higher teacher salaries. There is no profession more important to America's future, and North Dakota's future, than teaching.

During National Teachers Appreciation Week, we need to take the time to say thank you to those who taught us when we were children and to those who teach our children today. This week and every week, we should express our gratitude to our quality teachers like Marianna Malm by working hard to keep them in North Dakota schools.

## CONGRATULATIONS TO SISTER M. JOSEPH BARDEN UPON HER RETIREMENT

### HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. WELDON of Florida. Mr. Speaker, on June 30, 2000, Sister M. Joseph Barden will be retiring after twenty-nine years of faithful service to an entire generation of America's youth. Since 1971 Sister Joseph has led Ascension Catholic School, in Melbourne, Florida as its principal.

Since beginning her commitment to educating children in Catholic schools while living in Ardee, Ireland in 1957, Sister Joseph has touched the lives and influenced the hearts and minds of thousands of children.

During her tenure at Ascension School, enrollment nearly tripled. Sister Joseph oversaw the renovation and construction of a brand new educational facility, and assisted the school in receiving initial accreditation in 1973 and continuing accreditation three more times.

In 1985, the school received the ''Exemplary School Award'' from the United States Department of Education, while she continued to help and encourage her students to receive many local, state, and national awards. She initialized prekindergarten classes and ''Extended Care Programs,'' to increase the positive role that religious instruction and educational excellence has on our nation's youth. Sister Joseph enabled teachers and staff to offer at least twenty-four extra-curricular programs serving about four hundred students, encouraging them to use their special God given gifts and talents. Because of Sister Joseph, Ascension remains a school of excellence.

The thousands of students, parents, faculty, and staff, as well as the general public, whose lives she touched, owe Sister Joseph a debt of gratitude. After nearly three decades of service, I want to extend my congratulations and best wishes to Sister Joseph Barden on her retirement from the school.

God has richly blessed Sister Joseph's work, and I pray that He continues to bless her in her future service.

## PERSONAL EXPLANATION

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. OWENS. Mr. Speaker, Yesterday I was unavoidably absent on a matter of critical importance and missed the following votes:

On H.R. 3577, increased authorization for north side pumping division of the Minidoka reclamation project, introduced by the gentleman from Idaho, Mr. SIMPSON, I would have voted ''yea.''

On H. Con. Res. 89 recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of contributions of Americans of German heritage, introduced by the gentleman from Minnesota, Mr. MINGE, I would have voted ''yea.''

On H. Con. Res. 296, expressing the sense of Congress regarding the necessity to expedite the settlement process for discrimination claims against the Department of Agriculture brought by African-American farmers, introduced by the gentleman from Arkansas, Mr. DICKEY, I would have voted ''nay.''

## IN HONOR OF THE CONFERRAL OF PAPAL HONORS ON REVEREND MONSIGNOR FREDERICK EID

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. MENENDEZ. Mr. Speaker, today I honor Reverend Monsignor Frederick M. Eid for being named a Prelate of Honor of His Holiness, Pope John Paul II, a remarkable accomplishment. His conferral of Papal honors is the crowning achievement in a long and illustrious career dedicated to the Catholic faith and the Archdiocese of Newark, New Jersey.

Throughout his life and career, Reverend Monsignor Eid demonstrated a willingness to reach out to his community in a meaningful way, and he has enriched the lives of many through his efforts to foster spiritual growth.

Reverend Monsignor Eid officially began his extraordinary dedication to church and community the day he was ordained to the priesthood of the Archdiocese of Newark on May 31, 1947. His many assignments for the Archdiocese of Newark include: St. Michael's Church, Union City, New Jersey; the Missionary Archdiocese of Tegucigalpa, Honduras; the Black Mission of Holy Spirit, Orange, New Jersey; St. Peter Chaver, Montclair, New Jersey; St. Mary's Church and High School, Jersey City, New Jersey; and Our Lady of Grace, Hoboken, New Jersey. In addition, he was chosen as chaplain of the Hoboken P.B.A., the Hoboken Fire Department, and the Hoboken Volunteer Ambulance Corps. He is also the chairman of the Child Placement Review Board of the Superior Court of Hudson County, New Jersey.

At Our Lady of Grace, Reverend Monsignor Eid was called upon to form a center for Hispanic culture. He answered the call by developing a Spanish liturgy instruction center for children and youth. I myself attended Our Lady of Grace in kindergarten, several years before he arrived.

Today, I ask my colleagues to join me as I honor Reverend Monsignor Frederick Eid for all he has accomplished in a life devoted to faith and community.

## HONORING REVEREND ROGER POHL

### HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Ms. STABENOW. Mr. Speaker, I rise today to pay special tribute to Reverend Roger Pohl who has been called to become the new director of the Ecumenical Center and International Residence (ECIR) at the University of Michigan.

Reverend Pohl currently is senior minister of the Pilgrim Congregational United Church of Christ in Lansing, Michigan. He serves on the Human Relations Board of the City of Lansing and as chairperson of the community's Alliance Against Hate. A 1969 graduate of Yale University Divinity School, Reverend Pohl has demonstrated immeasurable dedication to both domestic and international cooperation and understanding.

This is a time to both say goodbye to a dear friend on behalf of our Lansing church home and community as well as to extend warm heartfelt congratulations on his new job. The campus ministry that Reverend Pohl will lead has three main objectives: (1) to facilitate global education in the hope that peace may prevail; (2) to promote the ethical and religious bases for enduring friendships; and (3) to be an international community where people of the world may learn to live together and care for one another.

Furthering international understanding, global friendship, and interfaith dialogue are areas in which Reverend Pohl indisputably has a wealth of knowledge, experience, and longstanding commitment.

I thank Reverend Pohl for the example he has set for people across the globe and wish him continued success as he prepares for this worthy journey of multicultural leadership.

## IN MEMORY OF MYRA LENARD

### HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. BORSKI. Mr. Speaker, I honor the loving memory of Myra Lenard, who passed away on May 1, 2000.

Since I was first elected to the United States Congress, I worked with Myra to promote freedom and democracy in Poland, particularly during its time under the former communist regime. Mrs. Lenard's mission for Poland and for many Polish Americans was to seek help and support for their native land. She dedicated her entire body of knowledge to the advancement of Poland to make it a more democratic nation. She was a true champion of democracy and a liberator of freedom. Today, I cherish the memory of our friendship.

Casimira (Myra) Lenard was born in Poland and immigrated to Chicago with her parents. She became an active member in Polonia through her membership in the Polish National Alliance. She later became President of the Polish Women's Civic Club promoting scholarships for students of Polish heritage and advocating civic responsibility.

In 1962 Myra's husband, Casimir (now retired U.S. Army Colonel), was assigned to the Pentagon and the family moved to the Washington, DC area. From 1962 to 1972, she oversaw the management of nine Washington, DC offices, and by 1972 she became owner of three personnel consulting firms. She was twice elected to the office of President of the Capital Area Personnel Services Association initiating a successful lobbying effort for Title 7, Civil Rights Act of 1964, and for the advancement of equal employment opportunities. Later she served on the Board of the National Employment Association in Public Relations and for three years was the Chairperson of the Ethics Committee covering a five-state area on the East Coast.

Even with a very busy business schedule she managed to contribute her time to many charitable undertakings. The most notable of her undertakings occurred after the withdrawal of the U.S. Forces from Vietnam. She established a special office to find ''fee free'' employment for hundreds of Vietnamese refugees. Within a few months, her project was so successful that the city government called upon her expertise to develop a similar project for the District of Columbia. By 1975, her efforts earned her the ''President's Award'' from her peers for ''Outstanding Service and Singular Contribution to the Community and to the Private Placement of Industry.'' Her determination continued to prevail with her assistance to the Solidarity movement in Poland.

After leaving the placement industry in 1981, she assumed the position of Executive Director of the Polish American Congress (PAC) in Washington, DC. She continued to work with the Solidarity movement by coordinating the ''Solidarity Express,'' a train made up of twenty-two railroad cars with relief goods valued at $7 million. This was recognized as the premier publicized undertaking by the PAC Charitable Foundation (PACCF). She honored the first anniversary of Solidarity by organizing PAC to create the ''Solidarity Convoy'' of thirty-two forty-foot container trucks from 32 states, of relief cargo, valued over $10 mllion. Without losing sight of her mission, she persisted in expanding PAC and PACCF contacts with the Administration, the Department of State, the U.S. Congress and other government agencies, closely monitoring Capitol Hill activity related to Poland. Within a few years, PAC was able to lobby strongly for the Immigration Reform Act of 1986 and the Support of Eastern European Democracy Act of 1989 (SEED ACT) with appropriations set aside for Poland.

Finally, Mrs. Lenard received various awards such as: ''The PAC Charitable Foundation Appreciation Award,'' the ''Distinguished Service Award'' from the Illinois Division of the Polish American Congress, the ''Champion of Democracy'' from the College of Democracy for her outstanding leadership towards the Solidarity movement, ''The National Citizen of the Year'' by the Polish-American Eagle of Buffalo, and the ''Commander's Cross Order of Merit with Star'' from the President of Poland which is the highest foreign civilian award bestowed by the Polish government. All of these awards truly embody Mrs. Lenard's ambition and determination for what is right and just both nationally and internationally.

Mr. Speaker, Mrs. Casimira (Myra) Lenard will always be remembered for her dedication and devotion to civic responsibility for her native Poland and for the United States. I offer her memory, family, and friends my best wishes for the advancement of freedom throughout the world.

## IN HONOR OF SCOTT REDDIN

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. ROTHMAN. Mr. Speaker, today I honor Scott Reddin of Englewood, NJ. On Thursday, May 11, 2000, the Shelter our Sisters organization will be honoring Scott at their Annual Awards Program for all of his outstanding work as both a volunteer and dedicated advocate in defense of victims of domestic violence.

I am proud of Scott for many reasons: for the help he renders the constituents of the Ninth Congressional District as my aide, for his unbending dedication to his community, and for the spirit of giving that drives him to be active in Shelter our Sisters and a number of other non-profit, charitable organizations.

If you name a non-profit group in Bergen County, New Jersey, it is likely that Scott is either on their Board of Directors or active as a volunteer in some fashion or another. From his role on the Board of Directors of the Center for Food Action to his work mentoring young children as a Little League Manager, Scott epitomizes the ideal citizen-volunteer. Scott is always ready to give of himself, whether with his time, his know-how, or financially. He is, in the truest sense, a civic-minded individual, whose concern for others transcends his own self-interests.

Of all his volunteer work, Scott's devotion to helping women and children whose lives have

been torn apart by domestic violence stands out. It does so because to be a part of Shelter our Sisters requires not only one's time, it also requires a big heart. Scott has an enormous ability to share the pain of victims of domestic violence and at the same time help the victims piece their lives back together.

As a volunteer with Shelter our Sisters since 1994, Scott has helped victims of domestic violence move out of dangerous environments and has mentored children whose innocence has been marred by violence. And by raising funds for Shelter our Sisters, Scott has ensured that this organization's work in delivering hope to those facing domestic violence endures.

Mr. Speaker, I am very proud of Scott Reddin and all that he has done to advance the worthy mission of Shelter our Sisters. I commend the leaders of Shelter our Sisters for recognizing Scott's outstanding achievements and I wish him the very best as he continues to expand on his volunteer efforts with this outstanding organization and the many other worthy endeavors he undertakes on behalf of so many people.

## IN HONOR OF THE WILLIAM G. MATHER STEAMSHIP

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the 75th anniversary of the launching of the *William G. Mather* Steamship on May 23, 2000.

The *Mather* has had a presence on Cleveland's waterfront for nearly 75 years, first as a working Great Lakes freighter, and since 1991, as a floating maritime museum. The *Mather* is one of only four Great Lakes freighters in existence, boasting Northeast Ohio's proud heritage as a major maritime industrial and shipping center.

A former flagship of the Cleveland-Cliffs fleet, the 618 foot *William G. Mather* was a state-of-the art technology in Great lakes freighters when first launched in 1925. It is named for long-time Cleveland-Cliffs president and leading Cleveland businessman and philanthropist, William Gwinn Mather (1857–1951). The *Mather* made hundreds of trips transporting iron ore from the Upper Lakes to Cleveland's waiting steam mills. This is how the *Mather* was nicknamed, ''The Ship That Built Cleveland.''

The *William G. Mather* has had a long and distinguished merchant marine career. It was one of the first commercial Great Lakes vessels to be equipped with radar in 1946. It has been designated a National Historic Landmark by the American Society of Mechanical Engineers for its industrial first of a single marine boiler system, its computer-like, automated boiler system and its dual propeller bow thrusters.

In 1980, the *Mather* retired from service. In 1987, it was donated for restoration and preservation as a maritime museum and educational facility. Since 1991, thousands of visitors and area school children have ''come aboard'' and toured the historic *Mather* freighter.

The *Mather* freighter has served this community for years as ''The Ship That Built Cleveland.'' My fellow colleagues, join me in recognizing the *Mather* as we celebrate its 75th Anniversary.

## MARKING THE 50TH ANNIVERSARY OF THE BOZRAH VOLUNTEER FIRE DEPARTMENT

### HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. GEJDENSON. Mr. Speaker, I rise today to mark the Fiftieth Anniversary of the Bozrah Volunteer Fire Department. As a life-long resident of Bozrah, I appreciate this opportunity to congratulate the men and women of the Department for fifty years of dedicated service to the citizens of our community.

On May 10, 1950, First Selectman Lawrence Gilman invited residents to attend the first organizational meeting of Bozrah Volunteer Fire Department. Forty five people answered this call and many of them formed the core of the early Department. The Department's first truck was a used Mack pumper purchased from the community of Rye, New York. In May 1951, the Department was officially incorporated. Throughout the remainder of the 1950s, the Department expanded steadily. It purchased new trucks in 1954 and 1955 and built the first section of its firehouse in 1956 which material that had been purchased using donations from residents in the community. The Ladies Auxiliary was formed in September 1955.

In the decades that followed, the Department grew to meet the needs of the community. It purchased larger and more advanced equipment. Its members became emergency medical technicians in order to provide immediate care to victims of fires, automobile accidents and other emergencies. The Department also dramatically expanded its service to the community in areas other than fire protection by sponsoring annual Halloween parties for children, supporting local Scout troops and offering fire prevention programs for all citizens.

Mr. Speaker, as the Department celebrates it Fiftieth Anniversary on May 10, I am proud to join in commending every member—past and present—for their bravery, courage and commitment to public safety. Over the past fifty years, the men and women of the Bozrah Volunteer Fire Department have answered every call regardless of the time of day, regardless of the weather, regardless of their personal commitments. Thanks to their dedication, they have saved many lives, protected countless homes and businesses, and made the community safer for every family. I wish the Department all the best as it embarks on its next fifty years of service to our community.

## IDEA FULL FUNDING ACT OF 2000

SPEECH OF

### HON. GEORGE R. NETHERCUTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 2000*

Mr. NETHERCUTT. Mr. Speaker, I rise today in strong support of H.R. 4055, not only because the Individuals with Disabilities Education Act is so important, but because what fully funding IDEA means for all students. When IDEA was first enacted, Congress promised to fund 40 percent of the increased costs associated with educating special needs students. Since Republicans took control of Congress, we have more than doubled the Federal contribution to IDEA to $6 billion. Yet, this amount is still only 12.6 percent of the cost of educating special needs students. H.R. 4055 sets out a road map to fulfill Congress' commitment, more than quadrupling IDEA funding to $25 billion by 2010.

By underfunding IDEA, Congress has placed an unfunded mandate on local school districts, forcing them to use increased general revenues for special education programs. Through H.R. 4055, Congress will not only help special needs students, but also free up the limited resources available to our schools which should be used for programs which benefit all students.

Our education system is at a crossroads. Some people in Washington, DC believe that the Federal Government knows what is best for our students, whether they live in Spokane, Washington or must survive in inner-city Los Angeles. I believe that local School boards, teachers, and parents know their students' needs best.

Earlier this year, the administration presented a budget proposal to Congress which did not provide a sufficient increase for IDEA, but also proposed more than 10 new education programs which each would come with increased bureaucracy and Federal regulations. The Federal Government must first fulfill its commitment to funding IDEA before creating new programs which will only further burden school districts with paperwork and regulations.

I strongly support H.R. 4055 and fully funding IDEA which will lift this unfunded mandate from school districts and free their resources to serve all students.

## TRIBUTE TO MIKE CAUSEY, COLUMNIST, ''FEDERAL DIARY'' THE WASHINGTON POST

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Ms. NORTON. Mr. Speaker, I rise to ask the House to join me in honoring Mike Causey, the venerable Washington Post columnist who wrote his last Federal Diary column for the Washington Post today. Most Members of the House have been unable to get through a year, and certainly an appropriations period, without consulting Causey. Federal Diary provided an always reliable place where anyone could be knowledgeably and quickly informed of all one often needed to know about federal sector matters. Especially for those of us ''inside the beltway,'' a phrase coined by Mike Causey, his column was an indispensable resource. We welcome Mike's successor, Stephen Barr, and trust he will continue to make the Federal Diary a congressional habit as it has been for many others as well.

I ask the House to join me in honoring Mike Causey's 36 years of giving the Congress and the region the ''real deal'' on the federal sector ''inside the beltway,'' and I submit for the

RECORD his final column and Bob Levey's tribute, Hat's Off to a Top Colleague: Mike Causey.

[From the Washington Post, May 8, 2000]

HATS OFF TO A TOP COLLEAGUE: MIKE CAUSEY

(By Bob Levey)

Today, his column appears in the Metro section. There won't be another. Mike Causey, longtime perpetrator of The Post's Federal Diary, is done.

My pal, my fellow scribe, my listening post, my wailing wall, is leaving a perch I thought he'd occupy forever. He is going to try columnizing in the high-tech world. The geeks had better get ready for a whirlwind.

You don't produce six careful, newsy columns a week for more than three decades without knowing how to hammer. This fellow may be a grandfather, but he can get it done like no youngster I've ever seen.

And he can get it done with surpassing accuracy and touch.

When your constituency is federal employees, someone always knows more than you about every topic. If you fumble the provisions of the latest federal retirement bill, thousands will point it out. Fumble often enough, and the gang will stop reading you.

But Mike fumbled less than most, and he built a constituency better than any. I say that because the sincerest form of flattery has been visited upon me for nearly 20 years.

People mistake me for Causey (even though he isn't very gray, and he underweighs me by 50 pounds). They've accused Mike of being Levey, too. I'm sure he grinned and bore it, with his usual wry comment about how immortal newspapering makes you.

How hard is it to be such a prolific columnist for so many years? Mike said it best many years ago, as I waltzed into the office at the spry hour of 7 a.m., only to discover him already hard at it.

''If being a columnist is such an easy job,'' said Mike, ''why are we the only ones here?''

The Big Boss, executive editor Leonard Downie Jr., had this to say about Causey—and his output—when I asked him for comment:

''Mike Causey, of course, does not exist. Mike Causey is a pseudonym for a composite group of Washington Post reporters and researchers—1,342 at last count—with several dozen working together at any one time to produce all those columns.''

Len said that ''a marketing research firm'' had been engaged to develop ''the many male models we use to represent Mike Causey at interviews, press conferences, lunches, dinners and other appearances. Each is tan, fit and speaks with a subtle nasal accent.''

Editorial writer Bob Asher and Metro editor Walter Douglas, who began as copy boys with Mike back near the Civil War, remember him as being very efficient, and a bit of a scamp.

Walter remembers the way Mike would answer the newsroom phone. Most copy boys did it formally and decorously. Causey would flip a toggle switch and announce, ''Newsroom, Mike.'' ''A bit unorthodox, but it got the job done,'' Walter said.

Bob Asher said Causey was a legend for running every copy boy errand route through the cafeteria. As for Causey's current office—a notorious six-foot-high collection of junk—''there's wildlife in there,'' Bob said.

Having sat in the next office for all this time, I can deny that rumor. Wildlife wouldn't survive—not among all the discarded sports jackets, coffee mugs, press releases and government reports.

Of course, Mike always claimed that he knew where everything was. Since he never missed a deadline, it must have been true.

Of course, the Disastrous Causey Office led to moments of great merriment.

When Ben Bradlee was executive editor, he would wheel a huge trash can up to the lip of Causey's office door once a year.

''In two days,'' he'd bark.

And it would be done.

Although it would need to be done again in less than a week.

How bad was the crud? For years, Causey and I used computers that were linked somehow. If one broke, the other would have to be disconnected so the ''bad'' one could be worked on.

When mine broke one day, technicians tried to reach Causey's terminal to disable it. Like a bunch of disappointed explorers on the Amazon, they gave up after a few minutes.

Mike Causey invented the phrase ''Inside the Beltway.'' He and a Post photographer were the first civilians to circumnavigate the Capital Beltway. He covered the first Beatles concert in Washington—as a bodyguard to ''a more experienced (and fragile) reporter,'' as he put it in his official Post biography.

What Mike didn't say, there or anywhere else, was that he became an institution.

''In the mornings, federal employees have their coffee and Causey at their desks,'' said Bob Asher.

Indeed they did—thousands of them, across thousands of days. The guy is the Cal Ripken Jr. of journalism—even if he failed a tryout with the Cleveland Indians as a young man.

Mike even contributed to my wardrobe. One year, my wife stole a favorite Causey expression and turned it into a birthday T-shirt.

The front says: ANYONE CAN BE A DAILY COLUMNIST.

The back says: FOR THREE WEEKS.

Whenever Mike and I would pass in the halls all these years, he'd say to me, in his joking, conspiratorial way: ''I'll cover for you.''

From now on, I'll return the favor, Mr. C. Well done! You'll be missed in a big way.

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[From the Washington Post, May 8, 2000]

TODAY'S THE DAY DIARY COLUMNIST TURNS THE PAGE

(By Mike Causey)

Well, there comes a time, and this is it.

This is my last Federal Diary column for The Washington Post.

I leave this job pretty much as I entered it: still suspicious of the statistics that powerful organizations pump out. For example:

The usually reliable Washington Post—my longtime home—says I produced 11,287 bylines. It seems like more than that. But who's counting?

Also, The Post says I've been here for 36 years—as messenger, copy boy, reporter and columnist. They got the job titles right. But 36 years? It seems like only yesterday. Honest.

So, how to sum up?

The most-asked question (other than, ''Did a real barber cut your hair?'') has been this: How could you produce six columns a week, year after year, without going nuts?

The answer is simple: For several years I did the Federal Diary column seven days a week. When they gave me Saturdays off, it removed all the pressure. Almost all.

Secondly, it was part of the job description.

Finally, I loved every minute of it. Honest.

Being here for nearly four decades has been an incredible and enriching experience. You can't imagine.

Over the years—in the line of duty—I have been shot at, gassed, tossed off a building. I covered the first Beatles concert and got to be one of the first people to circle the Capital Beltway. I was once run out of a small town in Western Maryland by a mob that, now that I think about it, had good reason to speed my departure from its fair community.

Being a newspaper reporter means never having to grow up. I got to see how things work, or are supposed to, or don't. The events and machines and tours were fascinating. The people—almost without exception—were wonderful.

Reporters get to meet lots of VIPs. But for most of us ''beat'' reporters, the best part is the so-called ordinary people who, more often than not, are extraordinary. Just quieter than VIPs. The reason they are so good is simple: It's part of their job description. They say (by, the way, in all these years I have never discovered who ''they'' are) that reporters are only as good as their sources. True, up to a point. Sources are critical. But the real secret weapon for a successful reporter has two parts:

* The people (as in colleagues) you work with.

* The people (as in readers) you work for.

It is that simple, and that complicated.

Working with several generations of Washington Post types has been an education. Trust me on that one.

Reporters get the glory. But they only look good if they have great editors, researchers and backup. And reporters wouldn't last a minute, and you would never read their award-winning words, if it weren't for the people who do the real work. Like sell and process ads, make sure folks get billed and paid—so we can get paid—and produce and deliver the paper. For 25 cents you get, every day, the equivalent of a book printed overnight. Not a bad deal.

Working with, and writing about, federal employees and military personnel has been a treat. If there are more dedicated people in this country, I have yet to meet them. I have known lots of people who would die for this country, and several who did. Few bankers, columnists, lawyers or CEOs can make that claim.

Bureaucrats—and I don't have to say this anymore—are indeed beautiful. And don't you forget it.

I could go on, but I hope you get the idea. Besides, time and space—as always—are limited.

So has this been fun? And rewarding? Short answer: You bet!

But this isn't a wake. Or even a goodbye. More in the order of see-you-later. I hope.

Next stop for me is the brave new world of the Internet. I'll be at 1825 I St. NW, Suite 400, Washington, D.C. 20006. Stay in touch.

I'm leaving here, but The Post will always be home. Always.

This column has been around since the 1930s. It's been on loan to me for a long time. My successor, Stephen Barr, is an old friend. He's a Texan and a Vietnam vet, and he knows the beat. Best of all, he's a very nice guy.

I hope Steve has as much fun as I did. Remember, he's had nearly half a century to prepare for his first column, which will begin Sunday. But he will have only one day to write his second column. So a little help and encouragement from you would be nice.

Thanks.

Mike.

## IN HONOR OF THE ADVANCED COMMUNICATIONS TECHNOLOGY SATELLITE

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. KUCINICH. Mr. Speaker, I would like to call the attention of my colleagues to one of the nation's most successful technology transfer programs impacting our daily lives and which promises economic advantage to our great country in the very competitive area of telecommunications. This project, call the Advanced Communications Technology Satellite (ACTS), is the culmination of a decade of satellite technology development by NASA. The ACTS mission will conclude in June 2000 after 81 months of operations far exceeding its 4-year design life. Before this innovative flight project reaches its operational conclusion this summer, permit me to share with you more about its outstanding contributions and examples of how our government research spurs industry growth and jobs, and continues the worldwide preeminence of our technology base.

The explosion of the Information Age and the evolution of the National and Global Information Infrastructure has created a critical need for the next generation of communications satellites. The ACTS Project centers around an experimental payload that incorporates an architecture of advanced technologies typical of what will be found in the next generation of commercial communications satellites. NASA funded this development to maintain America's dominant position in providing communications satellites to the world. This project has been led by a dedicated team of researchers and technologists at NASA's Glenn Research Center, which, I am proud to say, is within my Congressional district.

Mr. Speaker, permit me to tell you more about this success story in space. The technologies selected for ACTS were those that had the potential to enhance dramatically the capabilities of the next generation of satellites. The technologies ACTS pioneered included use of a previously unused high frequency band (called Ka-band which is 20/30 GHZ.), a futuristic dynamic hooping spot beam antenna, advanced on-board processing and switching, and automatic techniques to overcome increased signal fades experienced at these higher frequencies.

After its launch in September 1993, NASA partnered with major corporations and small businesses, academia, and other governmental agencies to demonstrate the new technology in actual user trials. An experiments program involved over 200 organizations that used the satellite for demonstrations, applications, and technology verification across the far reaches of our nation. With an ever-increasing global economy, ACTS was used to demonstrate wideband communications in five other countries (Canada, Colombia, Ecuador, Brazil, and Antarctica).

Applications over the satellite have been done to improve living conditions and ensure a safe and prosperous life style in areas such as telemedicine by transmitting data-intensive imagery for linking urban medical specialists to underserved areas of the U.S.; control of power grids for electric utility companies using ultra-small terminals to pool the grid in remote areas; distance learning utilizing high-quality interactive video and audio for delivery of advanced degree, continuing and remedial training to all people without regard to location; integrating design teams for business and industry; natural exploration by connecting remote research equipment over high-speed links with major companies analysis facilities; and personal and airborne mobile communications services including technologies enabling advanced passenger services onboard the U.S. commercial airline fleet.

The innovative technologies proved that on-demand, integrates communications are viable, economical, and of national importance for the future of communications. The ACTS users have transformed this space technology into commercial products and services. As a result of the program, the satellite industry is on the cusp of initiating whole new constellations of satellites that represent a market size in the $10s of billions that use many of the concepts developed and verified through the ACTS program.

Mr. Speaker, I am proud to share other success stories of how ACT has benefited this country in the area of satellite manufacturing. Motorola used ACTS-type on-board processing and Ka-band communications in the first operational system using ACTS technology—Iridium, and continues to include these technologies in the next generation wideband system. Hughes Space and Communications' Spaceway system will utilize an ACTS-like spot beam antenna at Ka-band frequencies to provide low-cost, global high-speed, communications to both residential and commercial users. Loral's Cyberstar will also incorporate Ka-band ACTS-type technology. Lockheed Martin's nine-satellite Astrolink system being developed includes such advances as Ka-band, on-board processing, and spot beam technology. The Teledesic system will provide service with a network of hundreds of satellites using on-board switching to route information between satellites and users. All of these systems show that our country's satellite manufacturers are integrating the ACTS design concept and technologies into their communications systems. This increases the number of highly technical jobs in the U.S. and improves the balance in trade with the strong international market for communications satellite systems.

Thank you Mr. Speaker for allowing me the opportunity to salute this special project with my colleagues. I congratulate NASA and the men and women who developed and operated this satellite technology for the benefit of our nation. It's because of their personal dedication that this country benefits.

## INTRODUCTION OF EMT/FLSA LEGISLATION

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. MOORE. Mr. Speaker, today I am introducing legislation that will provide an overtime exemption for emergency medical technicians (EMTs) from section 7(k) of the Fair Labor Standards Act (FLSA). This exemption is already provided for fire protection and law enforcement personnel.

Currently, EMTs are asked to work the same hours as fire protection or law enforcement personnel, but state and local governments are required to pay these employees overtime for any hours worked in excess of 40 hours in a work-week. The overtime costs are quite expensive for state and local governments and interfere with their ability to manage their employees in emergency situations.

Last year, legislation was passed that extended the overtime exemption to emergency medical technicians who work in fire departments. This bill, however, did not include a significant number of county, city and other public sector employees who provide emergency medical services. For example, in Kansas the two largest public sector emergency medical service agencies are county agencies that function separately from fire departments and therefore are not covered by the recent legislation. Despite this separation, the duties for the EMTs and fire protection personnel in these areas are virtually identical. They are frequently required to work long hours in certain situations and they are often on-call; therefore, there should be no difference in the treatment of EMTs under the FLSA.

This legislation will clarify the overtime exemption to include paramedics, emergency medical technicians, rescue workers, and ambulance personnel. It will provide flexibility to emergency managers by allowing them to schedule their employees based on need instead of being restricted by state and local budget constraints.

I was asked to introduce this legislation by county officials from Johnson County, Kansas. I have included at the conclusion of this statement a letter of support from the Kansas State Council of Fire Fighters. This proposal also has the endorsement and full support of the International Association of Emergency Managers (IAEM).

Mr. Speaker, this legislation will enable emergency managers to offer our communities the best public safety services, will lead to public accountability, and will save our state and local governments millions of dollars nationwide, and I urge my colleagues to support it.

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 64,
*Kansas City, KS, May 3, 2000.*

Congressman DENNIS MOORE,
*Cannon House Office Building, Washington, DC.*

DEAR CONGRESSMAN MOORE: IAFF Local 64 fire fighters, paramedics, and emergency medical technicians would like to ask you for your support for the Fair Labor Standards Act bill as it relates to emergency medical technicians.

Thank you for your assistance on this bill.

Sincerely yours,

ROBERT S. WING,
*President, IAFF Local 64.*

WILLIAM P. YOUNG,
*Secretary-Treasurer, IAFF Local 64.*

## RECOGNIZING CHIEF QUARTERMASTER WILLIAM P. SHATRAW

### HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. WEYGAND. Mr. Speaker, today I recognize a truly outstanding Chief Petty Officer in our great Navy. Chief Quartermaster (Submarines) William P. Shatraw completes more than twenty years of service to our nation and transfers from our newest and most capable attack submarine, U.S.S. *Connecticut* (SSN 22) to the Fleet Reserve of the United States Navy. A ceremony is being held on Friday in his honor at the Historic Ship *Nautilus* in Groton, Connecticut. It is a pleasure for me to recognize just a few of his outstanding achievements.

A native of Albany, New York, he enlisted in the United States Navy after receiving his high school diploma from Christian Brothers Academy in Albany. Following recruit training in Orlando, Florida, he attended a series of schools to prepare him for his first assignment, in the Navigation department aboard U.S.S. *George Washington Carver* (SSBN 656) (Gold). Chief Shatraw completed five patrols aboard *Carver.*

Leaving the *Carver* in May 1985 he reported to the Naval Submarine School in Groton, Connecticut where he taught others the art of navigating the world's oceans.

In February 1989, he returned to sea aboard U.S.S. *Providence* (SSN 719) where he completed four deployments that were vital to national security. After a promotion to Chief Petty Officer in 1991, he was transferred to the attack submarine U.S.S. *Gato* (SSN 615) where he served as the Assistant Navigator until March 1994.

In April 1994 he reported to the Staff of the Commander Submarine Development Squadron Twelve in Groton, Connecticut, for duty as Assistant Operations Officer. During this assignment he provided assistance to assigned submarines in their preparation for extended deployments and he coordinated exercises and operating area management.

Chief Shatraw was selected as a member of the pre-commissioning crew for U.S.S. *Connecticut* (SSN 22), reporting for duty in April 1997. He organized and trained an inexperienced Navigation division, molding them into one of the finest teams in the Atlantic Fleet.

Even as Chief Shatraw enjoys his well-earned retirement in Hope Valley, Rhode Island, the Navy will continue to benefit from his service. He has left behind a legacy of excellence in the dozens of young submariners he has personally trained. They will continue to patrol the ocean depths ready to project power from under the sea.

Mr. Speaker, during Bill Shatraw's twenty year naval career, he and his family have made many sacrifices for this Nation. I would like to thank them all—Bill, his lovely wife Sharon, and their two children, Kendra and Billy—for their contributions to the Navy and to our nation.

As Chief Shatraw departs the Navy for new challenges ahead, I call upon my colleagues on both sides of the aisle to wish him every success, as well as fair winds and following seas.

## A TRIBUTE IN HONOR OF THE LALONDE FAMILY

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. BARCIA. Mr. Speaker, I rise today to recognize a family that has reached a significant milestone. On May 7, 2000, the LaLonde family of Standish, Michigan celebrated 100 years of continuous family farming.

On May 7, 1900, Samuel and Helen LaLonde purchased and began farming a plot of land in Arenac County that once belonged to the Saginaw Railroad Company. They produced various crops and had a herd of dairy cows. Through hard work, long hours and complete dedication to farming they were able, over the years, to purchase additional surrounding land and expand their family farm.

In 1913, Samuel and Helen LaLonde passed the land down to Mose and Eva LaLonde, their son and daughter-in-law. The second generation of LaLondes continued to farm until Mose's death in 1951, when their son and daughter-in-law, Donald and Bernadine LaLonde, began managing the property. In 1961, they purchased the farm and continued to manage and reside on the LaLonde farm. In 1967 the barn that housed their dairy operation burned down. Unwilling to give up, the LaLonde family switched operations and increased their production of corn, soybeans, green beans and sugar beets.

The LaLonde family has been one of the lucky few who have held on to their farm through two World Wars, the Great Depression, and numerous other economically difficult times in American agriculture. They have responded to America's call for better conservation, vigilance in food safety and attention to nutrition while always making sure that the steady flow of food is uninterrupted.

Mr. Speaker, the LaLondes are a fine example of American farmers who have lived life with uncertainty in order to put food on our tables. Each day they rise before the sun in order to cultivate the land or tend livestock, not knowing what the weather will bring or how market conditions will affect their bottom line. Farmers and ranchers across the country provide a solid foundation for our nation by ensuring that our basic food needs are taken care of—they are the backbone of America.

One hundred years of family farming is a rare feat. I commend the LaLonde family for their hard work and commitment to American agriculture. I wish them another 100 years of prosperous and successful family farming.

## CONGRATULATING AMBASSADOR STEPHEN CHEN UPON HIS RETIREMENT

### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. WALDEN of Oregon. Mr. Speaker, after serving nearly fifty years as a diplomat for his country and his last two years as his country's Representative in the United States, Ambassador Stephen Chen will be resigning from government service and returning to Taipei. Always gracious and diplomatic, Ambassador Chen has impressed everyone with his industry, his wit and humor, and his erudition. An expert on subjects familiar and arcane, Ambassador Chen is a diplomat's diplomat.

Even though Ambassador Chen represents a country that has no formal ties with the United States, Ambassador Chen, with the very able assistance of aide Leonard Chao, has overcome many formidable obstacles in maintaining proper contacts with our State Department, and in building many friendships on Capitol Hill. When it comes to working for his country and his people, Ambassador Chen says with a smile: ''To make up our lack of access to executive branches, we must work with our friends on the hill. We must help lawmakers see that Taiwan is a full democracy, sharing many of the democratic ideals with the United States. We must stress to our friends that it is not necessary for the United States to sacrifice Taiwan's interests in order for the United States to improve its relations with the PRC.'' In my opinion, Ambassador Chen has achieved his objectives in Congress. He has made numerous friends on the Hill and has convinced many of us that both Taiwan and the PRC can be true beneficiaries of a wise U.S. East Asia policy.

Mr. Speaker, Ambassador Chen has earned our respect and genuine affection during his tenure in Washington. It has been my privilege to know Stephen and his charming wife Rosa and to enjoy their warm hospitality at Twin Oaks. I will miss their charm, their wit and their graciousness. I send Stephen and Rosa my best wishes for the future.

## IN RECOGNITION OF MIKE CAUSEY, COLUMNIST FOR THE WASHINGTON POST

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. WOLF. Mr. Speaker, I submit for the RECORD the last column by Mike Causey, who is moving on to a new career after 36 years at the Washington Post.

As the Post's ''Federal Dairy'' columnist, Mr. Causey has been covering federal employee issues for years, and as a Member of Congress who has many federal employees in my district, it has been a pleasure working with him. He has always been fair and objective, and I want to wish him all the best as he moves on to a new career.

[From The Washington Post, May 8, 2000]

TODAY'S THE DAY DIARY COLUMNIST TURNS THE PAGE

(Federal Diary by Mike Causey)

Well, there comes a time, and this is it.

This is my last Federal Diary column for the Washington Post.

I leave this job pretty much as i entered it: still suspicious of the statistics that powerful organizations pump out. For example:

The usually reliable Washington Post—my longtime home—says I produced 11,287 bylines. It seems like more than that. But who's counting?

Also, The Post says I've been here for 36 years—as messenger, copy boy, reporter and columnist. They got the job titles right. But 36 years? It seems like only yesterday. Honest.

So, how to sum up?

The most-asked question (other than, ''Did a real barber cut your hair?'') has been this: How could you produce six columns a week, year after year, without going nuts?

The answer is simple: for several years I did the Federal Diary column seven days a week. When they gave me Saturdays off, it removed all the pressure. Almost all.

Secondly, it was part of the job description.

Finally, I loved every minute of it. Honest.

Being here for nearly four decades has been an incredible and enriching experience. You can't imagine.

Over the years—in the line of duty—I have been shot at, gassed, tossed off a building. I covered the first Beatles concert and got to be one of the first people to circle the Capital Beltway. I was once run out of a small town in Western Maryland by a mob that, now that I think about it, had good reason to speed my departure from its fair community.

Being a newspaper reporter means never having to grow up. I got to see how things work, or are supposed to, or don't. The events and machines and tours were fascinating. The people—almost without exception—were wonderful.

Reporters get to meet lots of VIPs. But for most of us ''beat'' reporters, the best part is the so-called ordinary people who, more often than not, are extraordinary. Just quieter than VIPs. The reason they are so good is simple: It's part of their job description. They say (by the way, in all these years I have never discovered who ''they'' are) that reporters are only as good as their sources. True, up to a point. Sources are critical. But the real secret weapon for a successful reporter has two parts:

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It is that simple, and that complicated.

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Bureaucrats—and I don't have to say this anymore—are indeed beautiful. And don't you forget it.

I could go on, but I hope you get the idea. Besides, time and space—as always—are limited.

So has this been fun? And rewarding? Short answer: You bet!

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Next stop for me is the brave new world of the Internet. I'll be at 1825 I St. NW, Suite 400, Washington, D.C. 20006. Stay in touch.

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This column has been around since the 1930s. It's been on loan to me for a long time. My successor, Stephen Barr, is an old friend. He's a Texan and a Vietnam vet, and he knows the beat. Best of all, he's a very nice guy.

I hope Steve has as much fun as I did. Remember, he's had nearly half a century to prepare for his first column, which will begin Sunday. But he will have only one day to write his second column. So a little help and encouragement from you would be nice.

Thanks.

Mike

## UNION PACKAGING—NEW PHILADELPHIA MINORITY ENTERPRISE

### HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. FATTAH. Mr. Speaker, today I recognize a significant new minority enterprise in the Philadelphia area, Union Packaging, and its African-American president, Michael Pearson. Union Packaging was launched in December of last year by a $25.8 million 3-year contract to supply paper cartons to 2,300 McDonald's restaurants along the east coast. As a minority supplier, Union Packaging joins a growing force that last year provided over $3 billion in goods and services to the McDonald's system. The contract with McDonald's gives Pearson, as he says, ''an opportunity to provide a vehicle for job creation and to be a linchpin for rebirth'' in West Philadelphia. It reflects McDonald's commitment to investing in the community. Last year, the company brought new life and opportunities to our inner city by relocating one of its five divisional headquarters there. Mr. Speaker, I ask that this article on Union Packaging, published in the March 22, 2000, issue of Philadelphia Inquirer, be placed in the RECORD and I encourage my colleagues to read the account of this exciting new venture.

[From the Philadelphia Inquirer, Mar. 22, 2000]

PACKED UP AND RARIN' TO GO

MCDONALD'S HAS CONTRACTED WITH UNION PACKAGING, A MINORITY BUSINESS, TO SUPPLY CARTONS FOR ITS FOOD

(By Rosland Briggs-Gammon)

The warehouse at Union Packaging L.L.C. is filled with empty McDonald's apple pie and chicken nugget cartons. They are some of the first of millions of fast-food cartons awaiting distribution to 2,300 McDonald's locations along the East Coast. The Yeadon company, a joint venture between two area product packaging firms, has a new three-year, $25.8 million contract to supply the paper cartons to McDonald's.

It is McDonald Corp.'s first minority business enterprise contract in the Philadelphia area, and Union Packaging's first account. The two companies celebrated at an open house yesterday.

Michael Pearson, president of Union Packaging, opened the plant in January at an industrial park that sits near the border of Delaware and Philadelphia Counties.

The company is a joint venture between Providence Packaging Inc., owned by Pearson, and Dopaco Inc., a packaging firm in Exton. The partnership allows Union Packaging, 51 percent owned by Pearson, who is African American, to bid on corporate contracts as a minority-owned business.

The partnership also allows Union Packaging to delay purchasing printing equipment until next year. In the interim, Dopaco prints and cuts the paper used to make the cartons. Dopaco also has lent the company experienced employees to help train its workers and start production.

''It is so expensive to get into business,'' said Dopaco's chairman and chief executive officer Edward Fitts. ''Dopaco has expensive equipment already so Union Packaging doesn't have to make an investment in equipment right now. That's the kind of relationship that will help minority firms.''

Such partnerships are becoming more common, said Lynda Ireland, president of the New York/New Jersey Minority Purchasing Council. Similar partnerships started in the construction industry, she said. ''It is certainly something we are trying to encourage,'' Ireland said. ''To get into the corporate-America arena, you have to be creative.''

Pearson, 38, spent three years working for a packaging firm in New York. Using his experience there, he decided to start his own business. As the first step of his three-step plan, he launched Providence, which also sells packaging products, in 1997, using Dopaco as the outside production firm.

Union Packaging, with its limited production capabilities, is his second step, he said. He launched the firm with a bid for the McDonald's contract, which was awarded to Union Packaging in December. Also last year, McDonald's moved its Northeast region headquarters to Philadelphia.

''When we brought the Northeast division here, we wanted to bring jobs to the area,'' said William Lowery Jr., a senior vice president with McDonald's Northeast division. ''This is one of the ways we can do that and give back to the community.''

To start Union Packaging, Pearson received a $200,000 opportunity grant and $300,000 in tax credits from the state of Pennsylvania for creating new jobs. The money will help finance equipment purchases. One machine that folds and glues the boxes can cost between $300,000 and $500,000, Pearson said.

Dopaco ships the printed and cut paper to Union Packaging's 65,000-square-foot plant. There, employees feed the small sheets through machinery that glues one edge and creates fold marks to transform the sheets into boxes.

At the end of the production line, the flattened boxes are packaged and sealed for shipment. Joe DeBernardi, plant superintendent, said the line produces about 60,000 boxes an hour. Two other machines do the same for chicken nugget containers.

The company has hired 20 people and hopes to have a staff of 100 within two years, Pearson said. The company chose its site because of the worker base in West Philadelphia and its location near graphics, engineering and other service firms, and because of the expansion possibilities. Union Packaging's lease includes the option to add up to 300,000 square feet of space adjacent to its building.

''It's an opportunity to provide a vehicle for job creation and to be a linchpin for rebirth in this area,'' Pearson said.

## EQUAL PAY DAY RESOLUTION

### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. ABERCROMBIE. Mr. Speaker, I rise today to introduce a resolution with Representative CONSTANCE MORELLA to recognize the significance of May 11th as Equal Pay Day. May 11, 2000, is the day when women's wages for the period beginning January 1, 1999, will equal the amount earned by a man during calendar year 1999. Equal Pay Day

represents the 17 months that the average woman must work to earn the same amount the average man earns in just 12 months. It is calculated according to the U.S. Census Bureau data showing a 27% wage gap in 1998.

While women's participation in the labor market has increased dramatically over the last few decades, their pay has not. Women now comprise 46% of all workers, up from 33% in 1960. During this same period, federal legislation was enacted with the intent of mitigating labor market discrimination against women and others.

This Equal Pay Act, mandated equal pay for men and women employed in the same or substantially same jobs in a company.

The Civil Rights Act of 1964, prohibited discrimination in employment and compensation against women and other protested classes of workers.

Executive Order 11246 also forbade labor market discrimination and required affirmative action for protested classes of workers employed by federal contractors and subcontractors.

Yes, these measures have given today's working women opportunities their mothers never had. Women now work in many different fields, each requiring different skills and experience and paying different wages. However, opening doors for working women has not closed the door on pay discrimination. Women continue to earn less than men for comparable work. U.S. Census data from 1998 shows that women earn only 73 cents for every dollar earned by men.

Women get paid less because employers still discriminate in several ways.

(1) Jobs usually held by women pay less than jobs traditionally held by men—even if they require the same education, skills and responsibilities.

For example, stock and inventory clerks, who are mostly men, earn about $470 a week. General office clerks, on the other hand, are mostly women and they earn only $361 a week.

(2) Women don't have equal job opportunities. A newly hired woman may get a lower-paying assignment than a man starting work at the same time for the same employer. That first job starts her career path and can lead to a lifetime of lower pay.

(3) Women don't have an equal chance at promotions, training and apprenticeships. Because all these opportunities affect pay, women don't move up the earnings ladder as men do.

Equal pay is a problem for all working women.

Women lawyers—median weekly earnings are nearly $300 less than those of male attorneys—and women secretaries—who receive about $100 a week less than male clericals;

Women doctors—median earnings are more than $500 less each week than men's earnings—and the 95 percent of nurses who are women but earn $30 less each week than the 5 percent of nurses who are men;

Women professors—median pay is $170 less each week than men's pay—and women elementary school teachers—receive $70 less a week than men;

Women food service supervisors—paid about $60 less each week than men in the same job—and waitresses—weekly earnings are $50 less than waiters' earnings. (AFL–CIO data)

Every penny lost to wage inequity means fewer dollars available for women to spend on food, rent, health care, and education. So, unequal pay doesn't just affect women, it affects our entire economy. A working lifetime of diminished earnings costs the average working woman an estimated $250,000 in lost wages. Lower lifetime earnings translates into lower pension, retirement benefits and savings. As a result, women are more likely to enter retirement in poverty.

By calling attention to these facts, our Equal Pay Day Resolution can heighten awareness and help create a climate in which pay discrimination can be eliminated and every person paid according to his or her worth. I am introducing this bill with 23 original cosponsors to demonstrate strong support in the U.S. House of Representatives for change across the country.

## HONORING THE DISTINGUISHED CAREER OF ANGELO VOLPE

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. GORDON. Mr. Speaker, today I rise to recognize the career of Angelo Volpe, president of Tennessee Technological University and the longest currently serving public university president in the state of Tennessee. Dr. Volpe's retirement on June 30, 2000, will mark 13 years at the helm of the university.

During Angelo's first week at Tennessee Tech, he and his wife, Jennette, started a tradition that would endear them to thousands of students to come. They opened their home at Walton House to the entire freshman class, shook every hand and learned something about each person. Often he would later surprise a student by remembering a name, hometown or favorite sports team. His dedication to the individual is one of the qualities Tech students and faculty have come to appreciate in Angelo Volpe.

Angelo's tenure at Tennessee Tech saw many accomplishments. He presided over the first two capital campaigns in the university's history, both of which exceeded expectations. he saw the addition of two Ph.D. programs, two Chairs of Excellence and three new construction projects. Angelo also worked diligently to create the Leona Fisk Officer Black Cultural Center and the Women's Center. Possibly his greatest achievement is that Tennessee Tech achieved all these accomplishments and maintained a commitment to educational excellence in the face of five years and $4 million dollars in budget cuts.

Angelo and Jennette Volpe's presence will be missed on the campus of Tennessee Tech. I am pleased, though, they will remain in Cookeville, TN. I congratulate him on an admirable and distinguished career and wish him well in retirement.

## HADDON HEIGHTS SPRING FESTIVAL COLORGUARD

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. ANDREWS. Mr. Speaker, I rise today to commend the students that participated in the 2000 Haddon Heights Spring Festival Colorguard Event. As a result of their hard work and dedication, the members of the indoor Percussion Ensemble, and the ''High Voltage'', ''Synergy,'' and ''Cadet'' indoor Color Guards, all located in Haddon Heights, have obtained outstanding rankings in various competitions. I wish the best of luck and continued success to the Percussion Ensemble members: Joel Forman, Tim Berg, Mike Grasso, Jessica Wright, Nicole Molinari, Karen Stone, Jennie Walko, Danny Pawling, Amir Montgomery, Staci Malloy, Kate Mcclennan, Christy Khun, Matt Mazaika, Nate Robertson, John ''Waldo'' Spolitback, Pat Deegan, Justin Ballard, Matt Kuhlen, Jason O'Shea, Devon Carr, Brian Aldeghi, Darryl Hunt, Thersa Murphy, Joe Haughty, Josh LaPergola, and Adam Fox; the ''High Voltage'' members: Tiffany Bruey, Amy Dyer, Jessica Facchine, Sara Lamonte, Jenny Mastantuono, Peggy Slamp, Vikki Deegan, Danielle Facchine, Megan Gallardo, Heather Marks, and Cindy O'Shea; the ''Synergy'' members: Carrie Banks, Nicole Harshaw, Alyssa Poulton, Megan Slemmer, Jamie Slotterback, Julia Foster, Lauryn Heller, Melissa Tulini, Bridget Sharer, and Megan Zebley; the ''Cadet'' members: Amber Bushby, Kim Hill, Stephanie Luciotti, Erin Murray, Melissa Pfab, Meghan Green, Ashley Kendra, Rachel Mazaika, Melissa Peck, and Natalia Rosa.

## SALUTE TO ROBYN STRUMPF OF NORTHRIDGE, CA, SELECTED FOR THE 2000 PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

### HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. McKEON. Mr. Speaker, I would like to congratulate and honor a young student from my district who has achieved national recognition for exemplary volunteer service in her community. Robyn Strumpf of Northridge, CA, has just been named one of my state's top honorees in the 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Miss Strumpf, a seventh grader at Sierra Canyon Middle School in Chatsworth, CA, is being recognized for creating ''Project Books and Blankies,'' a service project that aims to fight illiteracy by providing books along with handmade blankets to children. Robyn's inspiration for the project goes back to when she was struggling with reading in school. After overcoming her own reading problems, she realized that illiteracy was a significant problem facing children today. Robyn began asking local businesses and bookstores for book and quilt donations, so she could start collecting

books and sewing quilts that would be attractive to children. Through ''Project Books and Blankies'', she donates blankets, along with a basket of books, to children's educational programs in her area. Robyn also reads aloud to children once a week, in an effort to show them the importance of books.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we recognize and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Miss Strumpf are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—The Prudential Spirit of Community Awards—was created in 1995 by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principles. It aims to impress upon all youth volunteers that their contributions are critically important and highly valued and to inspire other young people to follow their example. In only five years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Miss Strumpf should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Miss Strumpf for her initiative in seeking to make her community a better place to live and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

## A TRIBUTE TO MICHAEL ''DOC'' DUNPHY

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to recognize a brave American veteran, Michael A. Dunphy, Jr., of Greenville, NY, who was awarded the Bronze Star this past February 4th at a West Point ceremony.

Moreover, I am honored to attend a ceremony on June 17th, 2000, at the Greenville Town Hall in Greenville, NY, in which the people of New York will be able to express their appreciation for the contributions of ''Doc'' Dunphy.

On February 4th, 1969, Michael ''Doc'' Dunphy was a 20 year-old Private First Class serving as a combat medic with 3rd Platoon of C Company in the rice paddies of Vietnam. That day his platoon was ambushed and when he heard the calls for medical attention from his comrades, he rushed through a wall of machine gun fire and mortar attacks to reach the wounded. This courageous display of valor in the face of oncoming fire is a testament to the patriotism and esteemed character of Michael Dunphy. His actions on the field of battle saved the life of a man who is now a Tennessee State Trooper.

Michael Dunphy is the recipient of several military awards for his service to the United States including the Combat Medic Badge, Army Commendation Medal, and the Purple Heart. Mr. Dunphy is now employed at the Middletown Psychiatric Center and he and his wife, Cheryl, are the proud parents of four children.

I would also like to commend Colonel Thomas Bedient on his persistence in making sure ''Doc'' Dunphy received the Bronze Star, which was delayed due to a bureaucratic mistake. At the ceremony on February 4th, ''Doc'' Dunphy said: ''America didn't do very well saying thanks to our soldiers.'' Mr. Dunphy is correct in that sentiment, and by bestowing this award to him we are thanking an individual who went above and beyond the call of duty from his country.

Mr. Speaker, I invite my colleagues to join in congratulating Michael ''Doc'' Dunphy, Jr., on receiving the Bronze Star and thank him for his valor and heroism in serving our Nation.

## THE STORY OF COREY JOHNSON

### HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. TIERNEY. Mr. Speaker, every so often we learn of individuals confronted with enormously difficult choices who take the courageous, though difficult, path. The story of Corey Johnson, a constituent of mine from Middleton, Massachusetts, and a student at Masconomet High School, fits that description.

Corey is co-captain of the school football team, a good athlete in several sports, and popular among classmates. Although he suspected his homosexuality since grade school, it was this year that he shared the information with family, friends, teammates and strangers—by nature of the publicity attendant to the circumstances surrounding a gay athlete's decision to ''come out.''

Sunday, April 30, 2000, the New York Times front page carried the story of Corey's courage, and the community's reaction—thankfully mostly tolerant and supportive. Because the story is—as the article notes—a hopeful model, I submit the article for the RECORD.

[From the New York Times, Apr. 30, 2000]

ICON RECAST: SUPPORT FOR A GAY ATHLETE

(By Robert Lipsyte)

When Corey Johnson told teammates on the Masconomet High School football team last spring that he was gay, the two other starting linebackers responded characteristically. Big, Steady Dave Merrill, quietly absorbed the almost physical shock, then began worrying if the revelation would divide the team. Merrill said he decide to take it on as a challenge, a test of the captaincy the two shared and a test of his own character. Jim Whelan, the artist, said he looked into Johnson's eyes and saw a need for instant support. He broke the silence by saying, ''More than being teammates we're your friends and we know you're the same person.''

Their reactions were critical in the risky, uncharted, carefully planned campaign to bring out of his increasingly claustrophobic closet an American icon, the hard-hitting football hero. The campaign involved Johnson's parents, teachers, and coaches, as well as a gay educational agency, all encouraged by the administration of a school with a long history of diversity training. One measure of their success will be seen Sunday when Johnson, who turned 18 on Friday and will graduate in June, speaks in Washington at the Millennium March for Equality.

For gay activists trying to shatter stereotypes, Johnson is a rare find, a bright, warm quick study who also wrestled and played lacrosse and baseball as he earned three varsity letters on a winning football team. For athletes, whose socialization often includes the use of homophobia by manipulative coached, he is a liberating symbol. And for school systems struggling with such complex issues as diversity, tolerance and jock culture, his story is a hopeful model.

''Someday I want to get beyond being that gay football captain,'' Johnson said, ''but for now I need to get out there and show these machismo athletes who run high schools that you don't have to do drama or be a drum major to be gay. It could be someone who looks just like them.''

At 5 feet 8 inches and 180 pounds, Johnson had to make up for drama-club size with the speed and brutality of his blocking and tackling. ''He hit like a ton of bricks,'' said Whelan, who became his friend in seventh grade because, he recalls, ''he had a strong mind, he liked to think and he was unwilling to accept injustice.''

Others in school, including the girls he refused to date (''It's not fair to use people as pawns,'' he said) were attracted by his friendliness and sly wit. Asked for publication in the yearbook how football captains spent the night before a game, he said, ''I go to sleep early with my Tinky Winky.'' And he indeed has one of those purple Teletubby dolls ''outed'' by the Rev. Jerry Falwell, crammed in a corner of a stereotypically messy room filled with trophies, athletic posters and balled-up T-shirts.

''This is a great kid with a mind of his own,'' said Coach Jim Pugh, who faced down a booster club president who wanted Johnson's captaincy revoked. ''My issues with him were not gay-related. They were about who knows better how you step out on certain defensive plays.''

Johnson said he had suspected his homosexuality since sixth grade but suppressed thinking about it. In the high school's ''elite jock mix'' of heterosexual innuendo and bravado, he came to realize ''this just isn't me.'' His crushes were on other boys.

''In health class a teacher told us that in every large group of friends, one turns out gay,'' he said. ''When I was lonely and depressed and isolated, I kept thinking, 'Why does that have to be me?' I wanted to live a quiet normal life.''

In the fall of 1997, in the first game of his varsity career, as a sophomore starting at both right guard and middle linebacker, his blocking was so effective and he made so many sacks that the line coach awarded him the game ball. Yet, he was so afraid that everyone would hate him when his secret was revealed that he was often unable to sleep at night or get out of bed in the morning.

He would reach out on the Internet in a teen chat room on a site called Planetout.com finding other gay youngsters, even other gay football players. For years, he has exchanged e-mail messages with a gay right guard in Chicago.

Johnson's decision to come out began taking shape during his family's 1998 Super Bowl

party in the living room of its rented townhouse in this suburb 25 miles north of Boston. One of the uncles pointed at the comedian Jerry Seinfeld in a television commercial and described him with a gay slur, and said that such ''sick'' people needed to be ''put into institutions.'' Another uncle laughed. Corey's mother, unaware at the time of Johnson's sexual orientation, said she chided her brothers and asked them not to use such language.

Johnson said he went into the bathroom and cried. A month later, he told his guidance counselor and biology teacher that he was bisexual. He says he was a virgin at the time. Later, he told his lacrosse coach that he was gay. All three were supportive. They also began to understand his moodiness and mediocre grades.

ONE OF HIS PARENTS WASN'T SURPRISED

He told no one else during that summer and the football season of his junior year. He joined the school's Gay Straight Alliance, which was made up mostly of straight girls. Since he was known for defending kids being hazed or bullied, no one found this remarkable. In December 1998, the football team voted Johnson and Dave Merrill co-captains.

After Christmas vacation, he decided to tell his parents. His father already knew. He had read an exchange between Johnson and a gay e-pal. For months, his father held the secret; he did not want to burden his wife, absorbed in ministering to her dying mother.

''I dropped the ball,'' he said in retrospect. ''What if Corey had done something to himself?''

A burly, 45-year-old, chain-smoking former marine who drives a Pepsi-Cola truck, Rod had helped raise Johnson since the boy was 1. He and Johnson's mother, Ann, who gave birth to Corey when she was single, were married 12 years ago. Johnson never knew his biological father, though he kept his last name. (For reasons of ''privacy and safety,'' Rod and Ann agreed to be interviewed only if their last name was not published. They also have a 10-year-old daughter.) Ann's reaction, according to both of them, was the unreserved love she had always offered, but now it was tinged with fear; if people found out, would they be mean to her son, would they hurt him?

That spring, Donna Cameron, a health teacher at the school and a Gay Straight Alliance adviser, took the group to a conference of the Gay Lesbian and Straight Education Network, a national organization that works with Massachusetts' Safe Schools program. Johnson attended a sports workshop led by Jeff Perrotti, the organization's Northeast coordinator. Perrotti talked about challenging the entitlement of athletes and finding a way for all students to be treated as well.

At the end of the session, Johnson raised his hand and said he was a football captain and wanted to come out and needed help.

PLAYER'S STATEMENT THOUGHT TO BE A JOKE

Perrotti, a 41-year-old openly gay former high school teacher, said he immediately realized what this meant. ''A football captain is an icon,'' he said last week, ''and one coming out would raise the expectations of what was possible, it would give hope.''

Masco, as Masconomet is called up here, is the regional high school of 1,300 students for affluent, predominately white Boxford, Topsfield and Middleton. The phrase ''Only in Masco,'' used by friends and critics, often refers to its liberal commitment to diversity and alternate education. Pugh, the football coach, a warm, steady 50-year-old from Long Island, seems equally at home on the field and in what he calls his ''touchy-feely world'' as a special-education teacher.

Perrotti said he consulted with Bob Norton, the Woburn High School principal, who had been a football and hockey coach. Johnson's mother came to school for meetings with the staff and Perrotti. It was decided that Johnson would first tell his junior classmates on the team, on April 8, 1999, more than a year after he had first told some teachers.

Three days before the meeting, Cameron, 52, the Gay Straight Alliance adviser, who had been out as a lesbian to friends and family, came out to her students. ''I didn't want Corey to stand alone,'' she said last week. ''I wanted to put a second human face on what for most of the kids was just an abstract when they used gay slurs. As it turned out for both Corey and me, kids found it even easier to talk to us about other problems.''

The day before the meeting, Johnson came out to Pugh. It was fine with him, Pugh said, as long as everyone remembered that the football season was about football and that it would not become a ''media circus'' that would spoil everyone else's experience. That attitude prevailed; a major magazine was turned away last fall, and until now there has been no mainstream national exposure.

Ann and Rod were not persuaded about even this controlled coming out.

Rod said, ''I felt he was putting a target on his back.''

Ann said: ''We were afraid for him that he would be hurt. But if I said no, then we were acting as if we were ashamed of who he was.''

At the meeting, in Pugh's classroom, Johnson told his teammates that he was gay, that he hoped for their support and not to worry. ''I didn't come on to you last year in the locker room and I'm not going to do it now,'' he said. ''Who says you're good enough anyhow?''

That lightly dropped remark had been scripted in the preliminary meetings.

Outside, in the hall, Merrill said players asked him if it was a joke. The news spread quickly through the school. There were several scrawled gay slurs, but no one was going to go bashing the football team.

''It sort of all evolved through the summer lifting program and into the season,'' Merrill said. ''It escalated and then it dropped off. It got to be old news.''

''At first the team was meek about it,'' Johnson said. ''People didn't talk to me, and when they saw it was still just me they asked all kinds of questions. They wanted intimate details. They thought it would be cool to know more about the subculture. When they heard about a gay bar called the Ramrod, they asked me to get them T-shirts.''

Whelan,*COM020**COM020* visiting his girlfriend at college, met an openly gay ''fun guy,'' who he thought would be perfect for Johnson. He told them about each other and tried to fix up a double date.

The most dramatic incidents were football related. Pugh said the president of Masco's active booster club, the father of four past, present and future players, demanded that Johnson be removed as captain for ''unit cohesiveness.''

Pugh told the father that he was the divisive one, and that it was not an issue.

The night before a game, the captain of the Lynnfield team made anti-gay remarks in a pep rally speech. His coach benched him.

At the game, an opposing lineman shouted gay slurs in Johnson's face.

''I couldn't stop laughing,'' Johnson said. ''Here, I had come out to my teachers, my parents and my team, and this guy thought he could intimidate me?''

FINDING A DATE FOR THE SENIOR PROM

Johnson and Perrotti like to say that the team bonded through the experience, but other players are not so sure. While Whelan and Merrill attended and spoke at gay-rights conferences, and the team once sang the gay anthem, ''Y.M.C.A.,'' after Johnson had a particularly good game, there was an element of distraction. Merrill said ''some kids were nervous and had to be talked to.'' Masco dropped from 10–1 in 1998 to 7–4, but Pugh attributes that to the loss of last season's quarterback and star running back.

Some problems never did materialize. When younger players complained to Merrill about having to shower with a gay teammate, he would growl, as he would to most complaints, ''You're a football player, just suck it up.'' But then, Masco football players have traditionally never showered at school.

Although Johnson's parents and many of his teachers and coaches think he should go to college in the fall, he said he has decided to ''become an activist'' for a year and to intern in the network's San Francisco office.

Merrill is going to the University of New Hampshire, without a football scholarship but confident that he will walk on the team.

''I'll know now I'll be able to make it in the real world,'' he said. ''I handled it. I was mature. We were a unit.''

Whelan is going to the Rhode Island School of Design in the fall. That ''fun guy'' he spotted finally met Johnson, at a gay conference. Whelan was right. They liked each other. The fun guy, Michael, became Johnson's first boyfriend, and next month Johnson will take him as his date to the Masconomet senior prom.

The season isn't over yet.

## PERSONAL EXPLANATIONS

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. ANDREWS. Mr. Speaker, on rollcall No. 146, I was unable to vote because of travel delays. Had I been present, I would have voted ''nay.''

On rollcall No. 147, I was unable to vote because of travel delays. Had I been present, I would have voted ''aye.''

On rollcall No. 148, I was unable to vote because of travel delays. Had I been present, I would have voted ''aye.''

## HONORING MS. MABLE MAXINE WRIGHT OF LOS ANGELES, CA

### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mr. RUSH. Mr. Speaker, today I commend and celebrate the accomplishments of Ms. Mable Maxine Wright of Los Angeles, California, before her untimely passing on May 3, 2000. Ms. Mable Maxine Wright is the mother of Timothy Wright who served on my staff in 1997 and 1998. Tim is a fine young man who has gone on to devote his energy to continued public service. His mother, Mable Maxine Wright was a strong lady, who dedicated her life to education and helping people from many different backgrounds and walks of life.

Mable Maxine Wright was born on July 1, 1921 in Los Angeles, California. Mable was the third of four children born to Mattie Mitchell-Brown and Annias Brown. She attended Nevin Elementary, Lafayette Junior High and graduated from Jefferson High School. She

married Timothy W. Wright, Jr. on September 14, 1947. Her family includes seven children, Kaaren Drake, Gregory Wright, Phyllis Williams, Timothy Wright III, Janis Bradley, Korliss Robinson and Melrose Rowe; two sisters, Janice Robinson and Dorthy DeHorney; two sons-in-law, Harold Williams and Alonzo Robinson; two daughters-in-law, Evelyn Wright and Dr. Karen Nash Wright; thirteen grandchildren, Felicia, Michael, Erika, Ryan, Larshay, Joseph, Brittany, Ashley, Kristin, Timothy IV, Kouri, Jasmine, and Kelsi; sisters-in-law, brothers-in-law, many nieces, nephews, cousins and a host of friends.

Ms. Mable Maxine Wright was the moral compass and center of leadership and determination for her family and community. She was committed to setting and meeting goals towards furthering her career, and helping many others who could benefit from her successes. Mable took college courses at East Los Angeles Jr. College where she received training and later became a Licensed Vocational Nurse. Mable worked at County General Hospital for nine years before moving on to Bowers Manufacturing Company where she retired as a Computer Supervisor.

Mable accepted Christ as her personal Lord and Savior at an early age while attending Hew Hope Baptist Church. She joined Grant A.M.E. Church in 1965 and was a member of the Ladies Usher Board for several years. She was a relentless community builder. Through her life she has learned that living a good life while striving for continued blessings for her family matter and is necessary.

Known as ''Precious'' to her grandchildren, she especially loved being with her family, and was honored with that desire through the beginning of the next phase which she serves God. My fellow colleagues please join me in honoring the memory of Ms. Mable Maxine Wright, a true beacon of our society.

# *Daily Digest*

# Senate

## *Chamber Action*

*Routine Proceedings, pages S3629–S3785*

**Measures Introduced:** Nine bills and two resolutions were introduced, as follows: S. 2519–2527, S. Res. 304, and S. Con. Res. 111. **Pages S3691–92**

**Measures Reported:** Reports were made as follows:

H.R. 2614, to amend the Small Business Investment Act to make improvements to the certified development company program, with an amendment in the nature of a substitute. (S. Rept. No. 106–280)

S. 2521, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001. (S. Rept. No. 106–280)

S. 2522, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001. (S. Rept. No. 106–281) **Page S3691**

**Measures Passed:**

***Earth Force Youth Bike Summit:*** Committee on Rules and Administration was discharged from further consideration of H. Con. Res. 314, authorizing the use of the Capitol grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Page S3782**

Brownback (for McConnell) Amendment No. 3140, to make a technical correction. **Page S3782**

***Greater Washington Soap Box Derby:*** Committee on Rules and Administration was discharged from further consideration of H. Con. Res. 277, authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Page S3782**

Brownback (for McConnell) Amendment No. 3141, to make a technical correction. **Page S3782**

***Truth in Regulating Act:*** Senate passed S. 1198, to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S3782–85**

Brownback (for Levin) Amendment No. 3142, to provide that the chairman or ranking member of a congressional committee with legislative or oversight jurisdiction may request review of an economically significant rule. **Pages S3783–84**

**Elementary and Secondary Reauthorization:** Senate continued consideration of S. 2, to extend programs and activities under the Elementary and Secondary Education Act of 1965, taking action on the following amendments proposed thereto: **Pages S3629–62, S3665–79**

Adopted:

By a unanimous vote of 97 yeas (Vote No. 94), Coverdell (for Lott/Gregg) Amendment No. 3126, to improve certain provisions relating to teachers. **Page S3646**

Rejected:

By 13 yeas to 84 nays (Vote No. 95), Lieberman Amendment No. 3127, in the nature of a substitute. **Pages S3629–61**

Pending:

Stevens Amendment No. 3139, to provide for early learning programs. **Pages S3662, S3665–79**

**African Trade Conference Report Agreement:** A unanimous-consent agreement was reached providing for consideration of the conference report on H.R. 434, to authorize a new trade and investment policy for sub-Sahara Africa, expand trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs, on Wednesday, May 10, 2000, with a vote on the motion to proceed to the conference report to occur at 9:30 a.m.; following which, Senator Lott be recognized to send a cloture motion to the desk, and that the cloture vote occur on Thursday, May 11, 2000, at 10:30 a.m. **Pages S3661–62**

**Nominations Received:** Senate received the following nominations:

Paul C. Huck, of Florida, to be United States District Judge for the Southern District of Florida.

Marjorie Ransom, of the District of Columbia, to be Ambassador to the Republic of Yemen.

Page S3785

**Messages From the House:** Page S3689

**Measures Referred:** Page S3689

**Communications:** Pages S3689–91

**Statements on Introduced Bills:** Pages S3692–S3736

**Additional Cosponsors:** Pages S3736–37

**Amendments Submitted:** Pages S3738–81

**Notices of Hearings:** Pages S3781–82

**Authority for Committees:** Page S3782

**Additional Statements:** Pages S3685–89

**Privileges of the Floor:** Page S3782

**Record Votes:** Two record votes were taken today. (Total—95) Pages S3646, S3661

**Adjournment:** Senate convened at 10 a.m., and adjourned at 6:51 p.m., until 9:30 a.m., on Wednesday, May 10, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3785.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## BUSINESS MEETING

*Committee on Appropriations:* Committee ordered favorably reported the following bills:

An original bill (S. 2521), making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001;

An original bill (S. 2522), making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001; and

An original bill, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2001.

## AUTHORIZATION—DEFENSE

*Committee on Armed Services:* Committee ordered favorably reported the following bills:

An original bill entitled ''National Defense Authorization Act for Fiscal Year 2001'';

An original bill entitled ''Department of Defense Authorization Act for Fiscal Year 2001'';

An original bill entitled ''Military Construction Authorization Act for Fiscal Year 2001''; and

An original bill entitled ''Department of Energy National Security Act for Fiscal Year 2001''.

## CHINA-WTO AGREEMENT

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded hearings to examine certain implications relating to the U.S. decision to grant China Permanent Normal Trade Relations and China's entry into the World Trade Organization, focusing on initiatives to open foreign financial markets, after receiving testimony from Lawrence H. Summers, Secretary of the Treasury; Charlene Barshefsky, United States Trade Representative; Marc E. Lackritz, Securities Industry Association, and Gary G. Benanav, New York Life International, Inc., on behalf of the International Insurance Council, both of Washington, D.C.; and Robert P. Morrow, III, Bank of America Corporation, San Francisco, California, on behalf of the Financial Services Roundtable.

## DISTRICT OF COLUMBIA PERFORMANCE MANAGEMENT

*Committee on Governmental Affairs:* Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia concluded hearings to examine performance management in the District of Columbia, focusing on electrical and building permit processes, Citywide Call Center launch, and drug activity reduction, receiving testimony from Mayor Anthony A. Williams, Washington, D.C.

## CARIBBEAN DRUG TRAFFICKING

*Committee on the Judiciary:* Subcommittee on Criminal Justice Oversight concluded oversight hearings to examine Caribbean drug trafficking, focusing on smuggling trends, law enforcement efforts and funding, and recent enforcement successes, after receiving testimony from Vice Adm. John E. Shkor, Commander, Coast Guard Atlantic Area, Department of Transportation; Michael S. Vigil, Special Agent in Charge, Caribbean Field Division, Drug Enforcement Administration, Department of Justice; and John C. Varrone, Acting Deputy Assistant Commissioner, Office of Investigations, United States Customs Service, Department of the Treasury.

## DOMESTIC HEROIN USE

*United States Senate Caucus on International Narcotics Control:* Caucus concluded hearings to examine issues relating to the domestic effects of heroin use, focusing on prevention, community and parental involvement, addiction research, juvenile residential treatment programs, and the proposed Drug Treatment and Research Enhancement Act, after receiving testimony from Mitchell S. Rosenthal, Phoenix House Foundation, New York, New York; Charles O'Brien, University of Pennsylvania Center for Studies of Addiction, Philadelphia; Jessica M. Hulsey, Civic Solutions, Washington, D.C.; Marie Allen, Wilmington, Delaware; and certain other public witnesses.

# House of Representatives

## Chamber Action

**Bills Introduced:** 16 public bills, H.R. 4397–4412; 1 private bill, H.R. 4413; and 2 resolutions, H. Con. Res. 320 and H. Res. 498, were introduced.

**Pages H2769–70**

**Reports Filed:** Reports were filed today as follows:

H. Res. 496, providing for consideration of H.R. 3709, to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet (H. Rept. 106–611); and H.

H. Res. 497, providing for consideration of H.R. 701, to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people (H. Rept. 106–612). **Page H2769**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he designated Representative Cooksey to act as Speaker pro tempore for today.

**Page H2657**

**Recess:** The House recessed at 9:54 a.m. and reconvened at 11:00 a.m. **Page H2659**

**Suspensions:** The House agreed to suspend the rules and pass the following:

***Ak-Chin Indian Community Water Rights:*** H.R. 2647, to amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights; **Pages H2662–63**

***Honoring Veterans Who Died After Their Service In Vietnam;*** H.R. 3293, amended, to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service (passed by a yea and nay vote of 421 yeas with none voting "nay", Roll No. 150); **Pages H2663–67, H2734–35**

***Long Term Care Security Act:*** H.R. 4040, amended, to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees; **Pages H2667–75**

***Trafficking Victims Protection Act:*** H.R. 3244, amended, to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking;

**Pages H2675–87**

***Breast and Cervical Cancer Treatment Act:*** H.R. 4386, amended, to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV) (passed by a yea and nay vote of 421 yeas to 1 nay, Roll No.151);

**Pages H2687–98, H2735**

***Children's Health Act:*** H.R. 4365, amended, to amend the Public Health Service Act with respect to children's health (passed by a yea and nay vote of 419 yeas to 2 nays, Roll No. 152 );

**Pages H2698–H2720, H2735–36**

***Long Island Sound Restoration Act:*** H.R. 3313, amended, to amend section 119 of the Federal Water Pollution Control Act to reauthorize the program for Long Island Sound (passed by a yea and nay vote of 391 yeas to 29 nays, Roll No. 153); and

**Pages H2720–26, H2736–37**

***Support of America's Teachers:*** H. Res. 492, expressing the sense of the House of Representatives in support of America's teachers (agreed to by a yea and nay vote of 422 yeas with none voting "nay", Roll No. 149). **Pages H2726–34**

**Senate Messages:** Message received from the Senate appears on page H2657.

**Amendments:** Amendments ordered printed pursuant to the rule appear on pages H2771–79.

**Quorum Calls—Votes:** Five yea and nay votes developed during the proceedings of the House today and appear on pages H2733–34, H2734–35, H2735, H2735–36, and H2736–37. There were no quorum calls.

**Adjournment:** The House met at 9:30 a.m. and adjourned at 10:20 p.m.

# Committee Meetings

## SUBALLOCATION OF BUDGET ALLOCATIONS; MILITARY CONSTRUCTION AND LEGISLATIVE BRANCH APPROPRIATIONS

*Committee on Appropriations:* Ordered reported the following: a report on the Suballocation of Budget Allocations for fiscal year 2001; the Military Construction and the Legislative Branch appropriations for fiscal year 2001.

## NATIONAL DEFENSE AUTHORIZATION ACT

*Committee on Armed Services:* Subcommittee on Military Procurement approved for full Committee action H.R. 4205, National Defense Authorization Act for Fiscal Year 2001.

## NATIONAL DEFENSE AUTHORIZATION ACT

*Committee on Armed Services:* Subcommittee on Research and Development approved for full Committee action H.R. 4205, National Defense Authorization Act for Fiscal Year 2001.

## CARDIAC ARREST SURVIVAL ACT

*Committee on Commerce:* Subcommittee on Health and Environment approved for full Committee action, as amended, H.R. 2498, Cardiac Arrest Survival Act of 1999.

Prior to this action, the Subcommittee held a hearing on Saving Lives: The Cardiac Arrest Survival Act. Testimony was heard from public witnesses.

## PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT

*Committee on Education and the Workforce:* Subcommittee on Employer Employee Relations held a hearing on H.R. 1093, Public Safety Employer-Employee Cooperation Act of 1999. Testimony was heard from Gene Kinsey, Mayor, Grand Junction, State of Colorado; George Costello, Legislative Attorney, American Law Division, Congressional Research Service, Library of Congress; and public witnesses.

## DEBT PAYMENT INCENTIVE ACT

*Committee on Government Reform:* Subcommittee on Government Management, Information, and Technology held a hearing on H.R. 4181, Debt Payment Incentive Act of 2000. Testimony was heard from Cornelia M. Ashby, Associate Director, Tax Policy and Administration Issues, GAO; Deidre Lee, Administrator, Office of Federal Procurement Policy, OMB; Joe Mikrut, Tax Legislative Council, Department of the Treasury; Carol Covey, Deputy Director, Defense Procurement, Department of Defense; and Sally Thompson, Chief Financial Officer, USDA.

## DOD'S FINANCIAL AUDIT RESULTS

*Committee on Government Reform:* Subcommittee on Government Management, Information, and Technology held a hearing on the "Results of the Department of Defense's Fiscal Year 1999 Financial Statements Audit". Testimony was heard from the following officials of the Department of Defense: Robert J. Lieberman, Assistant Inspector General, Auditing; William J. Lynn, Under Secretary (Comptroller); Gen. John G. Coburn, USA, Commanding General, U.S. Army Material Command; Vice Adm. James F. Amerault, USN, Deputy Chief of Naval Operations; and Gen. Lester L. Lyles, USAF, Commander, Air Force Material Command; and Jeffrey C. Steinhoff, Acting Assistant Comptroller General, Accounting and Information Management Division, GAO.

## AFRICA'S DIAMONDS

*Committee on International Relations:* Subcommittee on Africa held a hearing on Africa's Diamonds: Precious, Perilous Too? Testimony was heard from Ambassador Howard Jeter, Deputy Assistant Secretary, Bureau of African Affairs, Department of State; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on the Judiciary:* Ordered reported H.R. 4034, Patent and Trademark Office Reauthorization Act.

The Committee also began markup of H.R. 4227, Technology Worker Temporary Relief Act.

Will continue tomorrow.

## MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on National Parks and Public Lands held a hearing on the following bills: H.R. 2267, Willing Seller Amendments of 1999 to the National Trails System Act; H.R. 2409, El Camino Real de los Tejas National Historic Trail Act of 1999; and H.R. 4086, to amend the National Trails System Act to require that property owners be compensated when certain railbanked trails are developed for purposes of public use. Testimony was heard from Representatives Rodriguez, McInnis and Ryun of Kansas; Katherine Stevenson, Associate Director, Stewardship and Partnerships, National Park Service, Department of the Interior; Darwin Hindman, Mayor, Columbia, State of Missouri; and public witnesses.

## CONSERVATION AND REINVESTMENT ACT

*Committee on Rules:* Granted, by voice vote, a structured rule providing 90 minutes of general debate

on H.R. 701, Conservation and Reinvestment Act of 1999. The rule waives all points of order against consideration of the bill. The rule makes in order the text of H.R. 4377 as an original bill for the purpose of amendment, in lieu of the amendment in the nature of a substitute now printed in the bill, which shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. The rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Young of Alaska and Representatives Calvert. Pombo, Thornberry, Hill of Montana, Gibbons, Souder, Walden of Oregon, Simpson, Regula, McHugh. Moran of Kansas, Ose, Sweeney, George Miller of California, Kind, Udall of Colorado and Clayton.

## INTERNET NONDISCRIMINATION ACT

*Committee on Rules:* Granted, by voice vote, a modified open rule providing one hour of general debate on H.R. 3709, Internet Nondiscrimination Act. The rule waives clause 4(a) of rule XIII (requiring a three-day layover of the committee report) against consideration of the bill. The rule makes in order the Committee on the Judiciary amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be open for amendment at any point. The rule provides that the amendment process shall not exceed 2 hours. The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the Congressional Record. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Representatives Gekas, Bachus, Thune, Istook, Jackson-Lee of Texas, Delahunt and McCarthy of Missouri.

## INTERNET, DISTANCE LEARNING AND THE FUTURE OF THE RESEARCH UNIVERSITY

*Committee on Science:* Subcommittee on Basic Research held a hearing on the Internet, Distance Learning and the Future of the Research University. Testimony was heard from public witnesses.

## SOCIAL SECURITY NUMBERS—INCREASING USE AND MISUSE

*Committee on Ways and Means:* Subcommittee on Social Security held a hearing to examine the increasing use and misuse of Social Security numbers. Testimony was heard from Barbara D. Bovbjerg, Associate Director, Education, Workforce and Income Security Issues, Health, Education and Human Services Division, GAO; James G. Huse, Jr., Inspector General, SSA; and public witnesses.

Hearings continue May 11.

## NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D428)*

S.J. Res. 40, providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution. Signed May 5, 2000. (P.L. 106–198)

S.J. Res. 42, providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution. Signed May 5, 2000. (P.L. 106–199)

## COMMITTEE MEETINGS FOR WEDNESDAY, MAY 10, 2000

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, and Education, business meeting to mark up proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2001, 9:30 a.m., SD–192.

*Committee on Energy and Natural Resources:* Subcommittee on Forests and Public Land Management, to resume oversight hearings on the United States Forest Service's proposed revisions to the regulations governing National Forest Planning, 2:30 p.m., SD–366.

*Committee on Foreign Relations:* Subcommittee on International Operations, to hold hearings to examine the United Nations state of efficacy and reform, 10:30 a.m., SD–419.

Full Committee, to hold hearings on the nomination of Brian Dean Curran, of Florida, to be Ambassador to the Republic of Haiti; David N. Greenlee, of Maryland, to be Ambassador to the Republic of Paraguay; Ronald D. Godard, of Texas, to be Ambassador to the Co-operative Republic of Guyana; Donna Jean Hrinak, of Virginia, to be Ambassador to the Republic of Venezuela; Daniel A. Johnson, of Florida, to be Ambassador to the Republic of Suriname; Rose M. Likins, of Virginia, to be Ambassador to the Republic of El Salvador; Anne Woods Patterson, of Virginia, to be Ambassador to the Republic of Colombia; V. Manuel Rocha, of California, to be Ambassador to the Republic of Bolivia; and James Donald Walsh, of California, to be Ambassador to Argentina, 2 p.m., SD–419.

*Committee on Governmental Affairs:* to hold hearings on the nomination of Anna Blackburne-Rigsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; the nomination of Thomas J. Motley, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; and the nomination of John McAdam Mott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia, 9:30 a.m., SD–342.

*Committee on Indian Affairs:* to hold hearings on proposed legislation authorizing funds for programs of the Indian Health Care Improvement Act, 9:30 a.m., SR–485.

*Select Committee on Intelligence:* to hold closed hearings on pending intelligence matters, 2:30 p.m., SH–219.

*Committee on the Judiciary:* to hold hearings on the nomination of James J. Brady, of Louisiana, to be United States District Judge for the Middle District of Louisiana; Mary A. McLaughlin, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania; Berle M. Schiller, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania; Allen R. Snyder, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit; Richard Barclay Surrick, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania; and Petrese B. Tucker, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania, 3 p.m., SD–226.

## House

*Committee on Appropriations,* to mark up the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriation for fiscal year 2001, 1:30 p.m., 2359 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, to mark up appropriations for fiscal year 2001, 10 a.m., 2358 Rayburn.

*Committee on Armed Services,* to mark up H.R. 4205, National Defense Authorization Act for Fiscal Year 2001, 10 a.m., 2118 Rayburn.

*Committee on Commerce,* to mark up H.R. 1291, Internet Access Charge Prohibition Act of 1999, 11:30 a.m., 2123 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, to mark up the following bills: H.R. 4201, Noncommercial Broadcasting Freedom of Expression Act of 2000; and H.R. 3489, Wireless Telecommunications Sourcing and Privacy Act, following full Committee markup, 2123 Rayburn.

*Committee on Education and the Workforce,* to mark up H1–B User Fees for Job Training Programs, 10:30 a.m., 2175 Rayburn.

*Committee on Government Reform,* Subcommittee on National Security, Veterans Affairs and International Relations, hearing on Joint Strike Fighter Acquisition Reform: Will it Fly?, 10 a.m., 2247 Rayburn.

*Committee on International Relations,* hearing on Granting Permanent Normal Relations (PNTR) Status to China: Is It in the U.S. National Interest? 10 a.m., 2172 Rayburn.

*Committee on the Judiciary,* to continue markup of H.R. 4227, Technology Worker Temporary Relief Act and to mark up H.R. 2987, Methamphetamine Anti-Proliferation Act of 1999, 9 a.m., 2141 Rayburn.

*Committee on Rules,* to consider H.R. 853, Comprehensive Budget Process Reform Act, 2 p.m., H–313 Capitol.

*Committee on Science,* Subcommittee on Space and Aeronautics, hearing on Fiscal Year 2001 Budget Request: NASA's Earth Science Program, 2 p.m., 2318 Rayburn.

Subcommittee on Technology, hearing on the Love Bug Virus: Protecting Love Sick Computers From Malicious Attack, 10 a.m., 2318 Rayburn.

*Permanent Select Committee on Intelligence,* executive, to mark up H.R. 4392, Intelligence Authorization Act for Fiscal Year 2001, 12 p.m., H–405 Capitol.

*Next Meeting of the* SENATE

9:30 a.m., Wednesday, May 10

Senate Chamber

**Program for Wednesday:** Senate will immediately vote on the motion to proceed to the Conference Report on H.R. 434, African Trade/Caribbean Basin Initiative.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, May 10

House Chamber

**Program for Wednesday:** Consideration of H.R. 3709, Internet Nondiscrimination Act (modified open rule, one hour of debate); and

Consideration of H.R. 701, Conservation and Reinvestment Act (CARA) (structured rule, one hour of debate).

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