in 1998 to manage all aspects of the tank waste remediation project; and

Whereas, Full funding of this environmentally necessary clean-up effort is imperative and overdue: Now, therefore

Your Memorialists respectfully pray that, with due respect for other clean-up projects' needs, full funding as necessary to build a vitrification treatment plant, retrieve waste from the tanks, feed waste into said vitrification treatment plant, and dispose of resulting glass logs be forthcoming on schedule to meet the negotiated dates contained in the Tri-Party Agreement between the Washington State Department of Ecology, the United States Environmental Protection Agency, and the United States Department of Energy, be it

*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the Secretary of the Department of Energy, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry:

Report to accompany the bill (S. 2251) to amend the Federal Crop Insurance Act to improve crop insurance coverage, to provide agriculture producers with choices to manage risk, and for other purposes (Rept. No. 106–247).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1629. A bill to provide for the exchange of certain land in the State of Oregon (Rept. No. 106–248).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENNETT (for himself, Mr. HATCH, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BREAUX, Mr. BRYAN, Mr. BUNNING, Mr. BYRD, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GORTON, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERREY, Mr. KOHL, Mr . LEAHY, Mr. LEVIN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SCHUMER, Mr . SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. 2266. A bill to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McCAIN (for himself and Mr. BROWNBACK):

S. 2267. A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes; read the first time.

By Mr. SMITH of New Hampshire:

S. 2268. A bill to amend title 10, United States Code, to remove the reduction in the amount of Survivor Benefit Plan annuities at age 62; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself and Mr. TORRICELLI):

S. 2269. A bill to amend the Federal Election Campaign Act of 1971 to ban soft money donations, increase individual contribution limits to candidates, and increase disclosure for issue advocacy; to the Committee on Rules and Administration.

By Mr. HATCH (for himself, Mr. CRAIG, and Mr. SMITH of New Hampshire):

S. 2270. A bill to prohibit civil or equitable actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, to protect gun owner privacy and ownership rights, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, Mr. KERREY, Mr. WELLSTONE, Ms. COLLINS, Mrs. BOXER, Mr. L. CHAFEE, Mrs. LINCOLN, and Mr. BINGAMAN):

S. 2271. A bill to amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, Mr. KERREY, Mr. WELLSTONE, Ms. COLLINS, Mrs. BOXER, Mr. L. CHAFEE, Mrs. LINCOLN, and Mr. BINGAMAN):

S. 2272. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on the Judiciary.

By Mr. BRYAN:

S. 2273. A bill to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. HARKIN, Mr. REED, and Mr. MOYNIHAN):

S. 2274. A bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children; to the Committee on Finance.

By Mrs. BOXER:

S. 2275. A bill to amend the Mineral Leasing Act to prohibit the exportation of Alaska North Slope crude oil; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST:

S. 2276. A bill to amend the Elementary and Secondary Education Act of 1965 to establish programs to recruit, retain, and retrain teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT (for himself, Mr. HATCH, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BREAUX, Mr. BRYAN, Mr. BUNNING, Mr. BYRD, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GORTON, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERREY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SCHUMER, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. 2266. A bill to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee; to the Committee on Banking, Housing, and Urban Affairs.

### THE 2002 SALT LAKE OLYMPIC WINTER GAMES COMMEMORATIVE COIN ACT

Mr. BENNETT. Mr. President, I rise to introduce legislation that would direct the Secretary of the Treasury to mint coins commemorating the 2002 Salt Lake Olympic Winter Games.

The first modern Winter Olympic Games were held in Chamonix, France in 1924. Since then, the Winter Olympics has been held every four years to recognize outstanding accomplishments of athletes throughout the world. Salt Lake City, Utah is proud to be hosting the 2002 Winter Olympic Games, the first Olympic Winter Games of the new Millennium.

While it is a great honor for us to host the 2002 Winter Olympic Games, our state will have a tremendous financial burden placed upon us. The proceeds from these commemorative coins are greatly needed to help us support these events and train future Olympic athletes. I would like to stress that minting these commemorative coins will have no net cost to the Federal Government, and that the proceeds will be distributed equally to the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 and the United States Olympic Committee.

Mr. President, this is the smallest Olympic coin program ever, containing

only two coins. Additionally, the program has been developed in consultation with the Mint and the numismatic community to address concerns over previous commemorative coin programs.

I urge my colleagues to support this legislation.

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

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

S. 2266

*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 ''2002 Winter Olympic Commemorative Coin Act''.

**SEC. 2. COIN SPECIFICATIONS.**

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) FIVE DOLLAR GOLD COINS.—Not more than 80,000 $5 coins, which shall weigh 8.359 grams, have a diameter of 0.850 inches, and contain 90 percent gold and 10 percent alloy.

(2) ONE DOLLAR SILVER COINS.—Not more than 400,000 $1 coins, which shall weigh 26.73 grams, have a diameter of 1.500 inches, and contain 90 percent silver and 10 percent copper.

(b) DESIGN.—The design of the coins minted under this Act shall be emblematic of the participation of American athletes in the 2002 Olympic Winter Games. On each coin there shall be a designation of the value of the coin, an inscription of the year ''2002'', and inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

**SEC. 3. SOURCES OF BULLION.**

(a) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this Act from any available source, including from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

**SEC. 4. SELECTION OF DESIGN.**

The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the Commission of Fine Arts;

(B) the United States Olympic Committee; and

(C) Olympic Properties of the United States—Salt Lake 2002, L.L.C., a Delaware limited liability company created and owned by the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 (hereafter in this Act referred to as the ''Olympic Properties of the United States''); and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

**SEC. 5. ISSUANCE OF COINS.**

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2002, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2002.

**SEC. 6. SALE OF COINS.**

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) MARKETING.—The Secretary, in cooperation with the Olympic Properties of the United States, shall develop and implement a marketing program to promote and sell the coins issued under this Act both within the United States and internationally.

**SEC. 7. SURCHARGE.**

(a) SURCHARGE REQUIRED.—All sales of coins issued under this Act shall include a surcharge of $35 per coin for the $5 coins and $10 per coin for the $1 coins.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) SALT LAKE ORGANIZING COMMITTEE FOR THE OLYMPIC WINTER GAMES OF 2002.—One half to the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 for use in staging and promoting the 2002 Salt Lake Olympic Winter Games.

(2) UNITED STATES OLYMPIC COMMITTEE.—One half to the United States Olympic Committee for use by the Committee for the objects and purposes of the Committee, as established in the Amateur Sports Act of 1978.

(c) AUDITS.—Each organization that receives any payment from the Secretary under this section shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

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By Mrs. FEINSTEIN (for herself and Mr. TORRICELLI):

S. 2269. A bill to amend the Federal Election Campaign Act of 1971 to ban soft money donations, increase individual contribution limits to candidates, and increase disclosure for issue advocacy; to the Committee on Rules and Administration.

CAMPAIGN FINANCE REFORM LEGISLATION

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation which I hope might move the Senate closer to the passage of meaningful campaign finance reform. I have voted for versions of the McCain-Feingold reform legislation at least six times in the past 4 years. I continue to support passage of that bill, and I will vote for it in the future.

I am concerned, however, that this legislation might not come up for a vote again in this Congress. Earlier this morning, the Rules Committee, of which I am a member and which Senator MCCONNELL chairs, began a series of hearings on the constitutionality of campaign finance reform. At that time, I indicated that what I wished to do was submit a bill which might have an opportunity to break the gridlock surrounding campaign finance reform, and develop some kind of consensus.

So if I may, on behalf of Senator TORRICELLI and myself, I send a bill to the desk and ask for its submission to committee.

The PRESIDING OFFICER. Without objection, the bill will be received and referred.

Mrs. FEINSTEIN. Mr. President, this bill has three simple provisions. First of all, it bans soft money. Second, it raises hard money contributions to candidates from $1,000 to $3,000. Third, it requires the disclosure of those parties who pay for the so-called issue ads, who contribute to the soft money which at present is undisclosed. So it would require disclosure of any expenditure of $10,000 or more of an independent campaign within 48 hours, and it would require disclosure of any individual who contributes more than $3,000 to an independent campaign. That is all this bill would do.

I think, any way you look at it, looking at campaign spending reform, one has to look at the unregulated nature of soft money and the appearance—and I use the word ''appearance''—of corruption that it brings to campaigns.

Clearly, when in the same session of Congress you have tobacco legislation in front of this body and you have a tobacco company that contributes $1 million in soft money at the same time, you can draw a conclusion—perhaps falsely, but nonetheless draw it—that that money is contributed in large amounts with hopes of gaining votes in support of the company.

I think the numbers, the size of soft money contributions, really, are what ought to concern this body. The Republican Party raised $131 million in soft money during the 1998 election cycle. That is a 150-percent increase over the last midterm election, in 1994. So from 1994 to 1998, 4 years, there has been a 150-percent increase in the amount of soft money. The Democratic Party raised $91.5 million during this same period. That is an 86-percent increase over 4 years.

At this rate, you can see the amount of soft money is going to, by far, dominate anything individual candidates can raise or do during an election.

A recent analysis found that national political party committees together raised $107 million just during 1999 alone. That is 81 percent more than the $59 million they raised during the last comparable Presidential election period in 1995. Congressional campaign committees of the national parties raised more than three times as much soft money during 1999 as they raised during 1995—$62 million compared to $19 million.

We clearly have a trendline going. I think the decision one has to make is, is this trendline going to be healthy for the American political process? Those who think it is will be for soft money. But I think most of us believe, truly, that it is not.

The problem comes because the contribution limit is so low for an individual candidate. My bill says eliminate soft money, and the tradeoff is to increase the hard money contribution for every individual candidate from $1,000 to $3,000.

We heard that the 1971 contribution limit of $1,000 today in real dollars is worth about $328. The limit was set 29 years ago and clearly needs to be raised because the costs of campaign materials, consultant services, television, radio, all of the necessary tools of any viable campaign have clearly increased. So what was worth $1,000 in 1971 is now worth $328. This would clearly be equalized to have a meaningful parity with 1971 if the sum were raised to $3,000.

What my bill will do is move campaign contributions from under the table to above the table. Instead of hundreds of thousands of unregulated dollars flowing into the coffers of national political parties, this legislation will increase the amount an individual might contribute to a candidate under the existing rules of the Federal Election Campaign Act. So what we would be doing is exchanging soft money for increased limits, soft money being undisclosed and unregulated and hard money being both disclosed and regulated.

It is not the small contributions to an individual's campaign, I think, that Americans view as corrupting.

It is the large checks of $100,000, $250,000, and $1 million, or more, to parties that creates this appearance. My bill would eliminate this soft money while still allowing candidates to compete without the influence of the national parties and these huge amounts of money.

The final component of the bill is the greater regulation of so-called issues advocacy. A current campaign law loophole allows unions, corporations, and wealthy individuals to influence elections without being subject to disclosure or expenditure restrictions.

Issue advocacy does not use the so-called ''magic words'', such as ''vote for,'' ''elect,'' ''defeat'' or ''reelect'' that the Supreme Court has identified as express advocacy and, therefore, are not subject to FEC regulation.

This bill would define ''electioneering communications'' as an advertisement broadcast from television or radio that refers to a candidate for Federal office and is made 60 days before a general election or 30 days before a primary.

Any individual or organization that spends more than $10,000 on such an ad must disclose the expenditure to the FEC within 48 hours. In addition, all contributions greater than $3,000 to groups that engage in electioneering communications must be disclosed to the FEC within 48 hours.

This takes that anonymous area of independent campaigns and clarifies express advocacy and regulates and discloses all of the money.

The Annenberg Public Policy Center has studied the amount that independent groups have spent on issue advocacy in each of the last two election cycles: 1995–96 and 1997–98. The study estimates that the amount spent on issue ads more than doubled, to some $340 million.

The Center's report indicates that as election day gets closer, issue ads become more candidate-oriented and more negative. This kind of unregulated attack advertisements are poisoning the process and driving voters, I believe, away from the polls.

With the passing of every election, it becomes increasingly clear that our campaign system desperately needs reform. I think this reform measure has a very real chance of being passed.

Once again, let me say, it bans soft money; it increases hard money contribution limits to candidates from $1,000 to $3,000; it ties them to inflation after 2001; it says simply that anyone engaging in independent campaigns must, in effect, disclose, within 48 hours, contributions greater than $3,000 or expenditures of more than $10,000.

I strongly believe that congressional action on meaningful campaign finance reform is a very necessary first step in restoring the public's confidence in our government. I hope that my colleagues will see this as an attempt to reach across the partisan gap, and join me in supporting this bill.

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By Mr. HATCH (for himself, Mr. CRAIG, and Mr. SMITH of New Hampshire):

S. 2270. A bill to prohibit civil or equitable actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, to protect gun owner privacy and ownership rights, and for other purposes; to the Committee on the Judiciary.

THE RIGHT TO BEAR ARMS PROTECTION AND PRIVACY ACT OF 2000

Mr. HATCH. Mr. President, I rise to introduce a very significant bill—the Right to Keep and Bear Arms Protection and Privacy Act.

There is a gun control frenzy taking place in Washington. There are about 1,070 bills either regulating or dealing with firearms pending in the House and Senate. These range from imposing new Federal regulatory standards on the manufacture of firearms to those requiring background checks at gun shows. And President Clinton has written a letter informing me that he will not sign long overdue, worthwhile and comprehensive youth violence legislation unless it includes most of this gun control agenda.

I have become convinced that, for conscientious and reasonable defenders of the Second Amendment, it is not enough to simply oppose the gun control communities legislative agenda. Instead, we just redouble our efforts and set out to pass an affirmative legislative agenda which safeguards the right to keep and bear arms.

Many gun control advocates claim that it is not their goal to interfere with the rights of law abiding gun owners. Many question sincerity. The bill I am introducing today will afford gun control advocates the opportunity to prove their critics wrong. This important bill is a first step in what I hope will become a bipartisan campaign to safeguard the rights of law abiding gun owners.

Simply put, this plainly written bill would end burdensome and frivolous suits against law abiding firearm manufacturers, dealers, and owners, and preclude new ones, except in those cases where plaintiffs could show that the manufacturer or seller knew that the firearm would be used to commit a Federal or State crime. Thus, if it can be shown that manufacturers and sellers knew that a specific product would be used to a commit crime, then they will be subject to a civil action, if not a criminal prosecution. The provision also has the beneficial effect of striking a blow against ''legislation through litigation,'' which has enriched the trial lawyers while harming many of our nation's law abiding citizens and businesses.

In addition, the bill also addresses the concerns of gun owners and advocates of the Second Amendment that the federal regulatory process will be misused by the government to abridge the constitutional right to keep and bear arms. The bill thus contains the following provisions: (1) a prohibition against the government charging a background check fee in connection with the transfer of a firearm; (2) a gun owner privacy protection component which requires immediate destruction of background check records for approved firearms buyers; and (3) establishes a civil remedy for private citizens aggrieved by government violations of the background check fee or gun owner privacy provisions. After all, if firearms manufacturers should be subjected to civil liability for illegal acts, why shouldn't the government be liable if a law abiding gun owner's privacy protections are violated?

As a Senior proudly representing the people of Utah, I take seriously our oath of office to defend our Union's defining document—the Constitution of the United States. I truly concur with the remarks of the great British Prime Minister William Gladstone when he wrote in 1878 that the ''American Constitution is * * * the most wonderful work ever struck off at a given time by the brain and purpose of man.''

So too, I am an avid supporter of the Second Amendment. I believe, following the teachings of virtually all the Founders of our Republic, that the right of citizens to keep and bear arms has justly been considered as, in the words of the learned Justice Joseph Story, ''the palladium of the liberties of the republic; since it offers a strong moral check against the usurpation

and arbitrary power of rulers; and will generally, even if these are successful in the first instance, enable the people to resist and triumph over them.''

It is astonishing to me that despite this pedigree of the Second Amendment, the enemies of the right to keep and bear arms, those advocates of state-ism and the politics of the left, have stooped to new lows in their crusade to diminish the God-given liberties of the American people. Seeing that radical gun control measures are unpopular and cannot pass Congress and state legislatures, those hostile to the Second Amendment have resorted to a new tactic in a not-so-veiled attempt to undermine the right to keep and bear arms.

They have resorted to misusing our civil litigation system by bringing law suits against the source of guns: firearms manufacturers. They seek damages from firearms manufacturers for any harm caused by gun wielding criminals, even though the manufacturers are not responsible for the crimes. This violates traditional precepts of American law, which is based upon the free-will notion that only those responsible should be held liable.

More specifically, over the past few years the firearms manufacturing industry has been subjected to these numerous ''junk'' lawsuits seeking damages or injunctive relief for harm caused by third-party criminal actors. Many of these cases have been brought by local government entities, including approximately thirty American cities. The Clinton Administration had announced that it would support these lawsuits and publicly threatened that the Department of Housing and Urban Development would commence an action against the firearms manufacturers.

Generally, the plaintiffs in these cases argue that although the firearms are legal products and despite the criminal actions of third parties, manufacturers and sellers should be held liable because of the negligent fashion in which they designed, marketed, and sold their products. This novel theory stands traditional tort law on its head.

These radical lawsuits are onerous and may well bankrupt many firearms manufacturers. If a maverick judge were to rule in favor of the plaintiffs in one of these cases, the industry could face financial ruin. Indeed, the Louisiana state judge handling the City of New Orleans lawsuit recently refused to dismiss that lawsuit notwithstanding the enactment of a state law that nullified the cause of action. The net result may very well be the disappearance of a lawful product—firearms—from interstate commerce.

Let me mention a junk lawsuit brought by the City of Chicago against 12 suburban gun shops, 22 gun manufacturers, and four gun distributors. The Chicago Tribune, in an editorial dated November 14, 1998, agreed that the mayor's anger at the misuse of handguns was understandable, but called his lawsuit ''wrongheaded and ill-advised'' because ''it represents an abuse of the tort liability system and a dangerous extension of the tactic employed in similar lawsuits against the tobacco industry of using potentially bankrupting lawsuits to force makers of legal but unpopular products to quit.''

To one federal district court, such lawsuits are ''an obvious attempt unwise and unwarranted to ban or restrict handguns through courts and juries, despite the repeated refusals of state legislatures and Congress to pass strong, comprehensive gun-control measures.'' [*Patterson* v. *Rohm Gessellschaft*, 608 F. Supp. 1206, 1211 (N.D. Tex. 1985)].

Indeed, in characterizing the federal lawsuit against the tobacco producers and the HUD suit threatened against the firearms industries, and in complete candor, former Clinton Secretary of Labor Robert Reich noted that:

> * * * the biggest problem is that these lawsuits are end runs around the democratic process. We used to be a nation of laws, but this new strategy presents novel means of legislating—within settlement negotiations of large civil suits initiated by the executive branch. This is faux legislation that sacrifices democracy to the discretion of administrative officials operating in secrecy.

[Robert Reich, ''Don't Democrats Believe in Democracy,'' The Wall Street Journal, Wednesday, January 12, 2000].

Furthermore, these junk lawsuits seek to reverse the well-established tort law principle that manufacturers are not responsible for the criminal misuse of their products. For instance, the Seventh Circuit Court of Appeals in *Martin* v. *Harrington and Richardson, Inc.*, [743 F. 2d 1200, 1205 (7th Cir. 1984)], held that criminal misuse of a handgun breaks the causal connection between the manufacturers action and the injury ''because such criminal activity is not reasonably forseeable.''

A judge from a federal district court noted that ''under all ordinary and normal circumstances in the absence of any reason to expect the contrary, the actor may reasonably proceed with the assumption that others will obey the criminal law.'' [*Bennett* v. *The Cincinnati Checker Cab*, 353 F.Supp. 1206, 1209 (E.D. Kent, 1973)]. It is important to note that in his opinion the judge cited the noted tort expert, the late Professor Prosser, for the proposition that entities are not liable for criminal acts of others because such acts are generally unforeseeable and thereby cut the chain of proximate causation. [Prosser, Torts, 3d ed. at 176].

Moreover, these lawsuits suffer from the same defect that some, if not all, of the courts in the federal tobacco lawsuit suffer from: lack of standing. Government entities, absent specific statutory authority—which is not present in either the federal tobacco case or these gun manufacturers cases—may not recoup medical and other expenses paid by government agencies from manufacturers of products alleged to cause the harm to ''third party'' beneficiaries of government programs. For instance let me mention two cases. *Holmes* v. *Securities Investor Protection Corp.*, [503 U.S. 258, 268–69 (1992)] and *Laborers Local 17 Health Benefit Fund* v. *Phillip Morris*, [191 F. 3d 229 (2nd Cir. 1999)]. These cases stand for the proposition that a complaint is too ''remote'' when a plaintiff seeks to recover damage to a third party. Therefore, the plaintiff lacks standing to bring the suit.

This is exactly what Connecticut Superior Court Judge Robert McWeeny held when he recently dismissed the City of Bridgport's ''junk lawsuit'' complaint for recoupment against Smith & Wesson. [*Ganim* v. *Smith & Wesson, [No. CV 990253198S (Superior Ct. Conn., Dec. 10, 1999)]].*

Our judiciary is being transformed by these misguided advocates of gun control from courts of justice into tribunals of the gun control lobby. That is why this legislation is needed. The Congress has both a duty to protect federal constitutional rights such as the right to keep and bear arms, as well as to step in and reform our tort system when it is being abused and the abuse has a significant impact on interstate commerce.

Let me say a few words about last Friday's announcement of the agreement between Smith & Wesson and HUD. Basically, the agreement mandates that Smith & Wesson would provide trigger locks within 60 days and make their handguns child resistant within a year. Smith & Wesson also agreed to a ''code of conduct'' whereby the manufacturer would sell its products only to ''authorized dealers and distributors'' who agree to have their contract terminated if ''a disproportionate number'' of crimes were traced to the firearms they sell. Some sort of outside board will police the settlement. In return, the federal government agreed not to bring suit against the firearms manufacturer and eleven of the thirty cities and local governments dropped their actions.

I believe that this so-called ''deal'' is the latest attempt by the Administration to play on the fear of the American people for pure political advantage. It makes the Administration look good. It makes it seem that the Administration is doing ''something'' about gun violence. But the record makes clear that the Administration has done little to enforce the federal laws on the books against gun wielding criminals. So this settlement masks the truth. The Administration has been inept in preventing gun violence.

Let me say, first of all, that I don't believe that the Administration ever really intended to see its lawsuit against the firearms manufacturers to verdict. Indeed, in announcing the projected lawsuit against the gun manufacturers, HUD Secretary Andrew Cuomo admitted to the press that the whole effort was simply a bargaining ploy.

So let's call it what the federal lawsuit really is: extortion. It is an attempt to bypass the legislative process

and the Constitution to achieve a gun control agenda that the public's elected officials oppose. Sue the industry and have them cave in or face imminent financial ruin by having to defend an avalanche of legally dubious lawsuits and bad publicity. That's their game plan.

Well, Smith & Wesson caved in. Why? Published reports have it that the owner of Smith & Wesson, Tompkins PLC of Great Britain, could not find a buyer for the $161 million company with lawsuits hanging over its head. And Tompkins understands that three California gun companies have gone out of business and that legal fees may very well bankrupt the industry. So Tompkins surrendered.

And the reward for their surrender: it was announced on Saturday that HUD and the mayors of Atlanta, Detroit and Miami directed their law enforcement agencies to give preferences to Smith & Wesson when purchasing firearms. [''Smith & Wesson Earns Preference,'' @ Home Network, AP, March 18, 2000] This is outrageous. Not only does this deal undercut the Second Amendment, it undercuts the principle of competitive bidding. It creates an incentive that tax payers will be gouged. It punishes innocent firearms manufacturers. It weakens the rule of law because innocent manufacturers are denied their day in court. It weakens democracy because the heavy hand of big government is used as a tool of despotism.

But it is the ''code of conduct'' term of the settlement that is the most peculiar. Again, this provision mandates that Smith & Wesson sell its products only to ''authorized dealers and distributors'' who agree to have their contracts terminated if ''a disproportionate number'' of crimes are traced to the firearms they sell. Well, how is this to be determined? What is a disproportionate number of crimes? And how will this be traced to the dealer or distributor? And what if the dealer or distributor were innocent of any wrongdoing?

It seems to me that this settlement term suffers from the same defect as the underlying ''junk lawsuits''—innocent parties are being held liable for the criminal acts of third parties.

The settlement represents the misuse of governmental power. It represents a weakening of our democracy and the rule of law.

Mr. President, let me turn to the provisions of the bill that will (1) prevent illicit fees to be charged for background checks, and (2) that protect the privacy of gun owners from federal intrusion.

The Brady Handgun Control Act of 1993 is silent on whether the government may charge a fee for the instant background check required under 18 U.S.C. §922(t). And let me add that it was never contemplated that the government would charge such a fee when Brady was debated and passed.

Nonetheless, despite no explicit legal authority, the Administration has repeatedly attempted to require the payment of such a fee by licensed firearms dealers—which fees would almost surely be passed along to purchasers through higher prices. This would truly amount to ''taxation without representation.''

Section 5 of our bill adds Section 540C to Title 28. This new section prohibits the Administration from promulgating a tax without Congress' approval. It codifies a prohibition on charging or collecting ''any fee in connection with any background check required in connection with the transfer of a firearm.'' The prohibition would apply both to the Federal government and ''State or local officers or employees acting on behalf of the United States.''

This section thus prohibits an unauthorized fee that may be considered to be a ''tax'' on the exercise of a constitutional right—in this case, to buy a firearm.

Finally, under the Brady bill, if the instant background check reveals that the buyer is eligible to purchase the firearm, the government is required to ''destroy all records of the system with respect to the call and all records of the system relating to the person or the transfer.'' [18 U.S.C. §922(t)(2)(C)]. The Brady bill also prohibits the government from using the instant check system to establish a registry of firearms, firearms owners, or firearms transfers, except with respect to persons prohibited from receiving a firearm. [Pub. L. 103–159, Sec. 103(i)].

Despite the law, the Administration promulgated regulations in 1998 that allowed the FBI to retain for 6 months information pertinent to an approved firearms sale gathered as part of the instant check system. [*See* C.F.R. §25.9(b)(1)].

But, I concur with those Second Amendment advocates who view these record retention periods as veiled attempts by the government to establish a national firearms registry. Furthermore, the only way to ensure the privacy and security of the information in the instant check system is to immediately destroy the records of approved firearms transfers.

To address these concerns and preempt the Administration's efforts to undermine the Brady bill's ban on a national firearms registry, my bill would establish a new statute, Section 931 to title 18, that would prohibit the use of the instant check system unless the system ''require[s] and result[s] in the immediate destruction of all information, in any form whatsoever or through any medium,'' about any person determined not to be prohibited from receiving a firearm.

The destruction requirement, however, would not apply to (1) ''any unique identification number provided by the [instant check] system,'' or (2) ''the date on which that number is provided.'' These exceptions parallel the exceptions contained in the Brady bill [*see* 18 U.S.C. §922(t)(2)(C)] and allow the government to trace a firearm to a dealer, but not to a purchaser.

In conclusion, Mr. President, I urge my colleagues to support this legislation to prevent extortion against the manufacturers of a lawful product, firearms. I urge my colleagues to support this legislation to prohibit a tax on the exercise of constitutional right—the Second Amendment's guarantee of the right of the American citizen to keep and bear arms. And I urge my colleagues to support this legislation that protects the privacy of citizens who lawfully and peaceably possess firearms from federal intrusion.

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

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

S. 2270

*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 ''Right to Bear Arms Protection and Privacy Act of 2000''.

**SEC. 2. FINDINGS; PURPOSES.**

(a) FINDINGS.—The Congress finds the following:

(1) Citizens have a right, under the Second Amendment to the United States Constitution, to keep and bear arms.

(2) Lawsuits have been commenced against manufacturers, distributors, dealers, and importers of nondefective firearms, which seek money damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals.

(3) The manufacture, importation, possession, sale, and use of firearms and ammunition in the United States is heavily regulated by Federal, State, and local laws. Such Federal laws include the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act.

(4) Businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, marketing, distribution, manufacture, importation, or sale to the public of firearms or ammunition that have been shipped or transported in interstate or foreign commerce are not, and should not be, liable or otherwise legally responsible for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products.

(5) The possibility of imposing liability or other legal restrictions on an entire industry as a result of harm that is the sole responsibility of others is an abuse of the legal system, erodes public confidence our Nation's laws, threatens the diminution of a basic constitutional right, invites the disassembly and destabilization of other industries and economic sectors lawfully competing in America's free enterprise system, and constitutes an unreasonable burden on interstate and foreign commerce.

(6) The liability and equitable actions commenced or contemplated by municipalities, cities, and other entities are based on theories without foundation in hundreds of years of the common law and American jurisprudence. The possible sustaining of these actions by a maverick judicial officer would expand civil liability in a manner never contemplated by the Framers of the Constitution. The Congress further finds that such an expansion of liability would constitute a deprivation of the rights, privileges, and immunities guaranteed to a citizen of the United

States under the Fourteenth Amendment to the United States Constitution.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To prohibit causes of action against law-abiding manufacturers, distributors, dealers, and importers of firearms or ammunition products for the harm caused by the criminal or unlawful misuse of firearm products or ammunition products by others.

(2) To preserve a citizen's constitutional access to a supply of firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.

(3) To protect a citizen's right to privacy concerning the lawful purchase and ownership of firearms.

(4) To guarantee a citizen's rights, privileges, and immunities, as applied to the States, under the Fourteenth Amendment to the United States Constitution, pursuant to section five of that Amendment.

**SEC. 3. PROHIBITION ON BRINGING OF QUALIFIED CIVIL ACTIONS IN FEDERAL OR STATE COURT.**

(a) IN GENERAL.—A qualified civil action may not be brought in any Federal or State court.

(b) DISMISSAL OF PENDING ACTIONS.—A qualified civil action that is pending on the date of the enactment of this Act shall be dismissed immediately by the court in which the action was brought.

**SEC. 4. DEFINITIONS.**

In this Act:

(1) MANUFACTURER.—The term ''manufacturer'' means, with respect to a qualified product—

(A) a person who is lawfully engaged in a business to import, make, produce, create, or assemble a qualified product, and who designs or formulates, or has engaged another person to design or formulate, a qualified product;

(B) a lawful seller of a qualified product, but only with respect to an aspect of the product that is made or affected when the seller makes, produces, creates, or assembles and designs or formulates an aspect of the product made by another person; and

(C) any lawful seller of a qualified product who represents to a user of a qualified product that the seller is a manufacturer of the qualified product.

(2) PERSON.—The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(3) QUALIFIED PRODUCT.—The term ''qualified product'' means a firearm (as defined in section 921(a)(3) of title 18, United States Code) or ammunition (as defined in section 921(a)(17) of such title), or a component part of a firearm or ammunition, that has been shipped or transported in interstate or foreign commerce.

(4) QUALIFIED CIVIL ACTION.—The term ''qualified civil action'' means a civil or equitable action brought by any person against a lawful manufacturer or lawful seller of a qualified product, or a trade association, for damages or other relief as a result of the criminal or unlawful misuse of a qualified product by the person or a third party, but shall not include an action brought against a manufacturer, seller, or transferor who knowingly manufactures, sells, or transfers a qualified product with knowledge that such product will be used to commit a crime under Federal or State law.

(5) SELLER.—The term ''seller'' means, with respect to a qualified product, a person who—

(A) in the course of a lawful business conducted for that purpose, lawfully sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a qualified product in the stream of commerce; or

(B) lawfully installs, repairs, refurbishes, reconditions, or maintains an aspect of a qualified product that is alleged to have resulted in damages.

(6) STATE.—The term ''State'' includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

(7) TRADE ASSOCIATION.—The term ''trade association'' means any association or business organization (whether or not incorporated under Federal or State law) 2 or more members of which are manufacturers or sellers of a qualified product.

**SEC. 5. PROHIBITION OF BACKGROUND CHECK FEE; GUN OWNER PRIVACY.**

(a) PROHIBITION OF BACKGROUND CHECK FEE.—

(1) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

**''§ 540C. Prohibition of fee for background check in connection with firearm transfer**

''No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a) of title 18).''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540B the following:

''540C. Prohibition of fee for background check in connection with firearm transfer.''.

(b) PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

**''§ 931. Gun owner privacy and ownership rights**

''(a) IN GENERAL.—Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States—

''(1) shall perform any criminal background check through the National Instant Criminal Background Check System (referred to in this section as the 'system') on any person if the system does not require and result in the immediate destruction of all information, in any form whatsoever or through any medium, about any such person that is determined, through the use of the system, not to be prohibited by subsection (g) or (n) of section 922, or by State law, from receiving a firearm; or

''(2) shall continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

''(A) the NICS Index complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

''(B) the agency responsible for the system and the system's compliance with Federal law does not invoke the exceptions under subsection (j)(2) or paragraph (2) or (3) of subsection (k) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a particular law enforcement investigation or specific criminal enforcement matter.

''(b) APPLICABILITY.—Subsection (a)(1) does not apply to the retention or transfer of information relating to—

''(1) any unique identification number provided by the National Instant Criminal Background Check System under section 922(t)(1)(B)(i); or

''(2) the date on which that number is provided.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''931. Gun owner privacy and ownership rights.''.

(c) CIVIL REMEDIES.—Any person aggrieved by a violation of section 540C of title 28 or 931 of title 18, United States Code (as added by this section), may bring an action in the United States district court for the district in which the person resides for actual damages, punitive damages, and such other relief as the court determines to be appropriate, including a reasonable attorney's fee.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act except that the amendments made by subsection (a) shall take effect as of November 30, 1998.

Mr. SMITH of New Hampshire. Mr. President, I rise along with Senator HATCH to support the Right to Bear Arms Protection and Privacy Act of 2000.

This bill embodies the goals of several bills I have previously introduced, and its passage would be a great relief for millions of law abiding gun owners who want their rights protected.

Mr. President, this administration has launched an all-out assault on gun owners and gunmakers in an attempt to blame them for the crime problem that has resulted from the revolving-door criminal justice approach taken by liberal judges throughout this country.

I look forward to working with Chairman HATCH to move this bill expeditiously through the Judiciary Committee.

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By Mr. DEWINE (for himself, Mr. ROCKFELLER, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, Mr. KERREY, Mr. WELLSTONE, Mrs. BOXER, Mr. L. CHAFEE, Mrs. LINCOLN, and Mr. BINGAMAN):

S. 2271. A bill to amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on Finance.

THE TRAINING AND KNOWLEDGE ENSURE CHILDREN A RISK-FREE ENVIRONMENT (TAKE CARE) ACT

S. 2272. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on the Judiciary.

THE STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 2000

● Mr. DEWINE. Mr. President, I rise today to introduce two pieces of legislation that would impact the lives of many at-risk children living in foster care. In an effort to move forward and figure out what Congress needs to do next to help improve the operation of the child welfare system following the 1997 enactment of the Adoption and Safe Families Act, my friend and colleague Senator ROCKEFELLER and I, as well as Senators LANDRIEU, LEVIN, KERRY, KERREY, WELLSTONE, COLINS, BOXER, CHAFEE, LINCOLN and BINGAMAN, are introducing the strengthening Abuse and Neglect Courts Act and the Training and Knowledge Ensure Children a Risk-free Environment (TAKE CARE) Act.

Before I talk about these bills, specifically, it's important to understand how we arrived at where we are today with regard to the child welfare agencies and the court system. Back in 1997, I was very involved in one of the success stories of the 105th Congress: The passage of the Adoption and Safe Families Act. This subcommittee played a critical role in shaping that legislation. This law has many goals: First, it encourages safe and permanent family placements for abused and neglected children; second, it makes it clear that the health and safety of the child always must come first in any decision involving a child in abuse and neglect cases; and third, it decreases the amount of time that a child spends in the foster care system. Specifically, the law requires initiation of proceedings to terminate parental rights for any child who has been in the foster care system for fifteen (15) of the last twenty-two (22) months.

The Adoption and Safe Families Act represented a significant change in child welfare laws. Perhaps more important, we were changing the way judges and child advocates looked at child welfare cases. This represented a change in the culture of child welfare, as we know it, and forced the system to stop and rethink its processes and its purposes.

We all knew this law was not a quick nor a complete fix—more work would be necessary to make the law a success and to implement a new way of thinking about child welfare—a way of thinking that says that it is no longer acceptable to place a child in long-term foster care without a plan for permanent placement. We knew that a law that simply tells judges that the health and safety of the child must be paramount would not necessarily be reflected in judicial decisions. To get there, training needs to be available so the law effectively becomes a part of judge's decisionmaking process.

A tragic local case—the death of twenty-three month old Brianna Blackmond—demonstrates the need for this training. Brianna had been placed in foster care at the age of four months, due to her mother's neglect. In January of this year, Brianna was killed just seventeen days after being returned to her mother from foster care. In the aftermath of this tragedy, DC Superior Court Judges told the Washington Post about the agony they feel in making child welfare decisions. One of the judges quoted in the article said this: ''These cases are, for me, the most difficult thing we do. We feel the least trained and skilled at it.''

These judges are making tough, life-changing decisions for all parties involved. We have a responsibility to make sure they are trained properly and feel confident about those decisions.

When we passed the Adoption and Safe Families Act, we also knew that the imposition of reduced timelines would create additional pressure on an already overburdened court system. These timelines, however, are very important to the welfare of the children involved. Foster care, after all, was meant to be a temporary solution—not a way of life.

These timelines can work only if the courts are able to process cases in a timely manner. To give you an idea of what the courts are up against, consider this: When the Family Court was established in New York in 1962, it reviewed 96,000 cases the first year. By 1997, the case load had increased to 670,000 cases. The courts must have a manageable case load so that an appropriate decision can be made in every case after all of the facts have been heard. We cannot rush decision making in these cases—a child's life is at risk.

We also knew that the courts needed information to make the best possible decision for the child. This problem was demonstrated in Cuyahoga County, Ohio. Until recently, the court had no central clerk's file, so there was no way of tracking the location of a particular file. If the file could not be found on the day of a hearing or review, it would result in a postponement, often adding months to a child's stay in foster care. It is undisputed that children need permanency as quickly as possible. It is simply unconscionable that children should be trapped in foster care by a bureaucratic nightmare of paperwork.

We need to move forward and help improve the operation of the child welfare system, and in particular, the courts. The legislation Senator ROCKEFELLER and I are introducing today will help move us in the right direction. Taken together, our bills would provide competitive grants to courts to create computerized case tracking systems, as well as grants to reduce pending backlogs of abuse and neglect cases so that courts are better able to comply with the timelines established in the Adoption and Safe Families Act. These bills also would allow judges, attorneys, and court personnel to qualify for training under Title IV–E's existing training provisions and would expand the CASA program to underserved and urban areas, so that more children are able to benefit from its services.

Mr. President, let me conclude by saying that when Congress passed the Adoption and Safe Families Act, I believed it was a good start. Congress, however, would have to do more to make sure that every child has the opportunity to live in a safe, stable, loving and permanent home. One of the essential ingredients is an efficiently operating court system—a system that puts the principles embodied in the law into practice. After all, that's where a lot of delays occur. As well intentioned as the strict timelines of the 1997 law are, mandatory filing dates are not enough to promote child placement permanency if the court docket is too clogged to move cases through the system, or judges aren't changing their routine in a way that reflects the importance of these timelines and the necessity of placing the child's safety first.

The critical next step is to help the courts improve administrative efficiency and effectiveness—goals of the Adoption and Safe Families Act. I believe that our legislation can do that. I encourage my colleagues to support this important legislation.

I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2271

*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 ''Training and Knowledge Ensure Children a Risk-Free Environment (TAKE CARE) Act''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation's already overburdened abuse and neglect courts.

(6) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for caseflow procedures, case management, representation of children, automated interagency interfaces, and ''best practices'' standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation's abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation's abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child's stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

**SEC. 3. TRAINING IN CHILD ABUSE AND NEGLECT PROCEEDINGS.**

(a) PAYMENT FOR TRAINING.—

(1) IN GENERAL.—Section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)) is amended—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B), the following:

''(C) 75 percent of so much of such expenditures as are for the training (including cross-training with personnel employed by, or under contract with, the State or local agency administering the plan in the political subdivision, training on topics relevant to the legal representation of clients in proceedings conducted by or under the supervision of an abuse and neglect court (as defined in section 475(8)), and training on related topics such as child development and the importance of developing a trusting relationship with a child) of judges, judicial personnel, law enforcement personnel, agency attorneys (as defined in section 475(9)), attorneys representing parents in proceedings conducted by, or under the supervision of, an abuse and neglect court (as defined in section 475(8)), attorneys representing children in such proceedings (as defined in section 475(10)), guardians ad litem, and volunteers who participate in court-appointed special advocate (CASA) programs, to the extent such training is related to provisions of, and amendments made by, the Adoption and Safe Families Act of 1997, provided that any such training that is offered to judges or other judicial personnel shall be offered by, or under contract with, the State or local agency in collaboration with the judicial conference or other appropriate judicial governing body operating in the State,''.

(2) CONFORMING AMENDMENTS.—

(A) Section 473(a)(6)(B) of such Act (42 U.S.C. 673(a)(6)(B)) is amended by striking ''474(a)(3)(E)'' and inserting ''474(a)(3)(F)''.

(B) Section 474(a)(3)(E) of such Act (42 U.S.C. 674(a)(3)(E)) (as redesignated by subsection (a)(1)) is amended by striking ''subparagraph (C)'' and inserting ''subparagraph (D)''.

(C) Section 474(c) of such Act (42 U.S.C. 674(c)) is amended by striking ''subsection (a)(3)(C)'' and inserting ''subsection (a)(3)(D)''.

(b) DEFINITION OF CERTAIN TERMS.—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following new paragraphs:

''(8) The term 'abuse and neglect courts' means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

''(A) that implement part B and this part (including preliminary disposition of such proceedings);

''(B) that determine whether a child was abused or neglected;

''(C) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

''(D) that determine any other legal disposition of a child in the abuse and neglect court system.

''(9) The term 'agency attorney' means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administrating the programs under part B and this part in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

''(10) The term 'attorneys representing children' means any attorney or a guardian ad litem who represents a child in a proceeding conducted by, or under the supervision of, an abuse and neglect court.''.

**SEC. 4. STATE STANDARDS FOR AGENCY ATTORNEYS.**

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(24) provides that, not later than January 1, 2002, the State shall develop and encourage the implementation of guidelines for all agency attorneys (as defined in section 475(9)), including legal education requirements for such attorneys regarding the handling of abuse, neglect, and dependency proceedings.''.

**SEC. 5. TECHNICAL ASSISTANCE FOR CHILD ABUSE, NEGLECT, AND DEPENDENCY MATTERS.**

(a) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Attorney General, shall provide the technical assistance, training, and evaluations authorized under this section through grants, contracts, or cooperative arrangements with other entities, including universities, and national, State, and local organizations. The Secretary of Health and Human Services and the Attorney General should ensure that entities that have not had a previous contractual relationship with the Department of Health and Human Services, the Department of Justice, or another Federal agency can compete for grants for technical assistance, training, and evaluations.

(b) PURPOSE.—Technical assistance shall be provided under this section for the purpose of supporting and assisting State and local courts that handle child abuse, neglect, and dependency matters to effectively carry out new responsibilities enacted as part of the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) and to speed the process of adoption of children and legal finalization of permanent families for children in foster care by improving practices of the courts involved in that process.

(c) ACTIVITIES.—Technical assistance consistent with the purpose described in subsection (b) may be provided under this section through the following:

(1) The dissemination of information, existing and effective models, and technical assistance to State and local courts that receive grants for automated data collection and case-tracking systems and outcome measures.

(2) The provision of specialized training on child development that is appropriate for judges, referees, nonjudicial decision-makers, administrative, and other court-related personnel, and for agency attorneys, attorneys representing children, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, or parents.

(3) The provision of assistance and dissemination of information about best practices of abuse and neglect courts for effective case management strategies and techniques, including automated data collection and case-tracking systems, assessments of caseload and staffing levels, management of court dockets, timely decision-making at all stages of a proceeding conducted by, or under the supervision of, an abuse and neglect court (as so defined), and the development of streamlined case flow procedures, case management models, early case resolution programs, mechanisms for monitoring compliance with the terms of court orders, models for representation of children, automated interagency interfaces between data bases, and court rules that facilitate timely case processing.

(4) The development and dissemination of training models for judges, attorneys representing children, agency attorneys, guardians ad litem, and volunteers who participate in court-appointed special advocate (CASA) programs.

(5) The development of standards of practice for agency attorneys, attorneys representing children, guardians ad litem, volunteers who participate in court-appointed

special advocate (CASA) programs, and parents in such proceedings.

(d) TRAINING REQUIREMENT.—Any training offered in accordance with this section to judges or other judicial personnel shall be offered in collaboration with the judicial conference or other appropriate judicial governing body operating with respect to the State in which the training is offered.

(e) DEFINITIONS.—In this section, the terms ''agency attorneys'', ''abuse and neglect courts'', and ''attorneys representing children'' have the meanings given such terms in section 475 of the Social Security Act (42 U.S.C. 675) (as amended by section 3(b) of this Act).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section $5,000,000 for the period of fiscal years 2001 through 2005.

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S. 2272

*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 ''Strengthening Abuse and Neglect Courts Act of 2000''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation's already overburdened abuse and neglect courts.

(6) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for caseflow procedures, case management, representation of children, automated interagency interfaces, and ''best practices'' standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation's abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation's abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child's stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

**SEC. 3. DEFINITIONS.**

In this Act:

(a) ABUSE AND NEGLECT COURTS.—The term ''abuse and neglect courts'' means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

(1) that implement part B and part E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) (including preliminary disposition of such proceedings);

(2) that determine whether a child was abused or neglected;

(3) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

(4) that determine any other legal disposition of a child in the abuse and neglect court system.

(b) AGENCY ATTORNEY.—The term ''agency attorney'' means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administrating the programs under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

**SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO AUTOMATE THE DATA COLLECTION AND TRACKING OF PROCEEDINGS IN ABUSE AND NEGLECT COURTS.**

(a) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(A) enabling such courts to develop and implement automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court;

(B) encouraging the replication of such systems in abuse and neglect courts in other jurisdictions; and

(C) requiring the use of such systems to evaluate a court's performance in implementing the requirements of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(2) LIMITATIONS.—

(A) NUMBER OF GRANTS.—Not less than 20 nor more than 50 grants may be awarded under this section.

(B) PER STATE LIMITATION.—Not more than 2 grants authorized under this section may be awarded per State.

(C) USE OF GRANTS.—Funds provided under a grant made under this section may only be used for the purpose of developing, implementing, or enhancing automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court.

(b) APPLICATION.—

(1) IN GENERAL.—A State court or local court may submit an application for a grant authorized under this section at such time and in such manner as the Attorney General may determine.

(2) INFORMATION REQUIRED.—An application for a grant authorized under this section shall contain the following:

(A) A description of a proposed plan for the development, implementation, and maintenance of an automated data collection and case-tracking system for proceedings conducted by, or under the supervision of, an abuse and neglect court, including a proposed budget for the plan and a request for a specific funding amount.

(B) A description of the extent to which such plan and system are able to be replicated in abuse and neglect courts of other jurisdictions that specifies the common case-tracking data elements of the proposed system, including, at a minimum—

(i) identification of relevant judges, court, and agency personnel;

(ii) records of all court proceedings with regard to the abuse and neglect case, including all court findings and orders (oral and written); and

(iii) relevant information about the subject child, including family information and the reason for court supervision.

(C) In the case of an application submitted by a local court, a description of how the plan to implement the proposed system was developed in consultation with related State courts, particularly with regard to a State court improvement plan funded under section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) if there is such a plan in the State.

(D) In the case of an application that is submitted by a State court, a description of how the proposed system will integrate with a State court improvement plan funded under section 13712 of such Act if there is such a plan in the State.

(E) After consultation with the State agency responsible for the administration of

parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.)—

(i) a description of the coordination of the proposed system with other child welfare data collection systems, including the Statewide automated child welfare information system (SACWIS) and the adoption and foster care analysis and reporting system (AFCARS) established pursuant to section 479 of the Social Security Act (42 U.S.C. 679); and

(ii) an assurance that such coordination will be implemented and maintained.

(F) Identification of an independent third party that will conduct ongoing evaluations of the feasibility and implementation of the plan and system and a description of the plan for conducting such evaluations.

(G) A description or identification of a proposed funding source for completion of the plan (if applicable) and maintenance of the system after the conclusion of the period for which the grant is to be awarded.

(H) An assurance that any contract entered into between the State court or local court and any other entity that is to provide services for the development, implementation, or maintenance of the system under the proposed plan will require the entity to agree to allow for replication of the services provided, the plan, and the system, and to refrain from asserting any proprietary interest in such services for purposes of allowing the plan and system to be replicated in another jurisdiction.

(I) An assurance that the system established under the plan will provide data that allows for evaluation (at least on an annual basis) of the following information:

(i) The total number of cases that are filed in the abuse and neglect court.

(ii) The number of cases assigned to each judge who presides over the abuse and neglect court.

(iii) The average length of stay of children in foster care.

(iv) With respect to each child under the jurisdiction of the court—

(I) the number of episodes of placement in foster care;

(II) the number of days placed in foster care and the type of placement (foster family home, group home, or special residential care facility);

(III) the number of days of in-home supervision; and

(IV) the number of separate foster care placements.

(v) The number of adoptions, guardianships, or other permanent dispositions finalized.

(vi) The number of terminations of parental rights.

(vii) The number of child abuse and neglect proceedings closed that had been pending for 2 or more years.

(viii) With respect to each proceeding conducted by, or under the supervision of, an abuse and neglect court—

(I) the timeliness of each stage of the proceeding from initial filing through legal finalization of a permanency plan (for both contested and uncontested hearings);

(II) the number of adjournments, delays, and continuances occurring during the proceeding, including identification of the party requesting each adjournment, delay, or continuance and the reasons given for the request;

(III) the number of courts that conduct or supervise the proceeding for the duration of the abuse and neglect case;

(IV) the number of judges assigned to the proceeding for the duration of the abuse and neglect case; and

(V) the number of agency attorneys, children's attorneys, parent's attorneys, guardians ad litem, and volunteers participating in a court-appointed special advocate (CASA) program assigned to the proceeding during the duration of the abuse and neglect case.

(J) A description of how the proposed system will reduce the need for paper files and ensure prompt action so that cases are appropriately listed with national and regional adoption exchanges, and public and private adoption services.

(K) An assurance that the data collected in accordance with subparagraph (I) will be made available to relevant Federal, State, and local government agencies and to the public.

(L) An assurance that the proposed system is consistent with other civil and criminal information requirements of the Federal government.

(M) An assurance that the proposed system will provide notice of timeframes required under the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) for individual cases to ensure prompt attention and compliance with such requirements.

(c) CONDITIONS FOR APPROVAL OF APPLICATIONS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A State court or local court awarded a grant under this section shall expend $1 for every $3 awarded under the grant to carry out the development, implementation, and maintenance of the automated data collection and case-tracking system under the proposed plan.

(B) WAIVER FOR HARDSHIP.—The Attorney General may waive or modify the matching requirement described in subparagraph (A) in the case of any State court or local court that the Attorney General determines would suffer undue hardship as a result of being subject to the requirement.

(C) NON-FEDERAL EXPENDITURES.—

(i) CASH OR IN KIND.—State court or local court expenditures required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(ii) NO CREDIT FOR PRE-AWARD EXPENDITURES.—Only State court or local court expenditures made after a grant has been awarded under this section may be counted for purposes of determining whether the State court or local court has satisfied the matching expenditure requirement under subparagraph (A).

(2) NOTIFICATION TO STATE OR APPROPRIATE CHILD WELFARE AGENCY.—No application for a grant authorized under this section may be approved unless the State court or local court submitting the application demonstrates to the satisfaction of the Attorney General that the court has provided the State, in the case of a State court, or the appropriate child welfare agency, in the case of a local court, with notice of the contents and submission of the application.

(3) CONSIDERATIONS.—In evaluating an application for a grant under this section the Attorney General shall consider the following:

(A) The extent to which the system proposed in the application may be replicated in other jurisdictions.

(B) The extent to which the proposed system is consistent with the provisions of, and amendments made by, the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115), and parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(C) The extent to which the proposed system is feasible and likely to achieve the purposes described in subsection (a)(1).

(4) DIVERSITY OF AWARDS.—The Attorney General shall award grants under this section in a manner that results in a reasonable balance among grants awarded to State courts and grants awarded to local courts, grants awarded to courts located in urban areas and courts located in rural areas, and grants awarded in diverse geographical locations.

(d) LENGTH OF AWARDS.—No grant may be awarded under this section for a period of more than 5 years.

(e) AVAILABILITY OF FUNDS.—Funds provided to a State court or local court under a grant awarded under this section shall remain available until expended without fiscal year limitation.

(f) REPORTS.—

(1) ANNUAL REPORT FROM GRANTEES.—Each State court or local court that is awarded a grant under this section shall submit an annual report to the Attorney General that contains—

(A) a description of the ongoing results of the independent evaluation of the plan for, and implementation of, the automated data collection and case-tracking system funded under the grant; and

(B) the information described in subsection (b)(2)(I).

(2) INTERIM AND FINAL REPORTS FROM ATTORNEY GENERAL.—

(A) INTERIM REPORTS.—Beginning 2 years after the date of enactment of this Act, and biannually thereafter until a final report is submitted in accordance with subparagraph (B), the Attorney General shall submit to Congress interim reports on the grants made under this section.

(B) FINAL REPORT.—Not later than 90 days after the termination of all grants awarded under this section, the Attorney General shall submit to Congress a final report evaluating the automated data collection and case-tracking systems funded under such grants and identifying successful models of such systems that are suitable for replication in other jurisdictions. The Attorney General shall ensure that a copy of such final report is transmitted to the highest State court in each State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for the period of fiscal years 2001 through 2005.

**SEC. 5. GRANTS TO REDUCE PENDING BACKLOGS OF ABUSE AND NEGLECT CASES TO PROMOTE PERMANENCY FOR ABUSED AND NEGLECTED CHILDREN.**

(a) AUTHORITY TO AWARD GRANTS.—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs and in collaboration with the Secretary of Health and Human Services, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(1) promoting the permanency goals established in the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115); and

(2) enabling such courts to reduce existing backlogs of cases pending in abuse and neglect courts, especially with respect to cases to terminate parental rights and cases in which parental rights to a child have been terminated but an adoption of the child has not yet been finalized.

(b) APPLICATION.—A State court or local court shall submit an application for a grant under this section, in such form and manner as the Attorney General shall require, that contains a description of the following:

(1) The barriers to achieving the permanency goals established in the Adoption and Safe Families Act of 1997 that have been identified.

(2) The size and nature of the backlogs of children awaiting termination of parental rights or finalization of adoption.

(3) The strategies the State court or local court proposes to use to reduce such backlogs and the plan and timetable for doing so.

(4) How the grant funds requested will be used to assist the implementation of the strategies described in paragraph (3).

(c) USE OF FUNDS.—Funds provided under a grant awarded under this section may be used for any purpose that the Attorney General determines is likely to successfully achieve the purposes described in subsection (a), including temporarily—

(1) establishing night court sessions for abuse and neglect courts;

(2) hiring additional judges, magistrates, commissioners, hearing officers, referees, special masters, and other judicial personnel for such courts;

(3) hiring personnel such as clerks, administrative support staff, case managers, mediators, and attorneys for such courts; or

(4) extending the operating hours of such courts.

(d) NUMBER OF GRANTS.—Not less than 15 nor more than 20 grants shall be awarded under this section.

(e) AVAILABILITY OF FUNDS.—Funds awarded under a grant made under this section shall remain available for expenditure by a grantee for a period not to exceed 3 years from the date of the grant award.

(f) REPORT ON USE OF FUNDS.—Not later than the date that is halfway through the period for which a grant is awarded under this section, and 90 days after the end of such period, a State court or local court awarded a grant under this section shall submit a report to the Attorney General that includes the following:

(1) The barriers to the permanency goals established in the Adoption and Safe Families Act of 1997 that are or have been addressed with grant funds.

(2) The nature of the backlogs of children that were pursued with grant funds.

(3) The specific strategies used to reduce such backlogs.

(4) The progress that has been made in reducing such backlogs, including the number of children in such backlogs—

(A) whose parental rights have been terminated; and

(B) whose adoptions have been finalized.

(5) Any additional information that the Attorney General determines would assist jurisdictions in achieving the permanency goals established in the Adoption and Safe Families Act of 1997.

(g) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated for fiscal year 2001 $10,000,000 for the purpose of making grants under this section.

**SEC. 6. GRANTS TO EXPAND THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM IN UNDERSERVED AREAS.**

(a) GRANTS TO EXPAND CASA PROGRAMS IN UNDERSERVED AREAS.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall make a grant to the National Court-Appointed Special Advocate Association for the purposes of—

(1) expanding the recruitment of, and building the capacity of, court-appointed special advocate programs located in the 15 largest urban areas;

(2) developing regional, multijurisdictional court-appointed special advocate programs serving rural areas; and

(3) providing training and supervision of volunteers in court-appointed special advocate programs.

(b) LIMITATION ON ADMINISTRATIVE EXPENDITURES.—Not more than 5 percent of the grant made under this subsection may be used for administrative expenditures.

(c) DETERMINATION OF URBAN AND RURAL AREAS.—For purposes of administering the grant authorized under this subsection, the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall determine whether an area is one of the 15 largest urban areas or a rural area in accordance with the practices of, and statistical information compiled by, the Bureau of the Census.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to make the grant authorized under this section, $5,000,000 for fiscal year 2001.●

Mr. ROCKFELLER. I am proud to join Senator DEWINE and other concerned colleagues in introducing two bills that are related and designed to help strengthen our court systems that preside over the child abuse and neglect cases. If we want the child welfare system to work well, we must invest in improving our courts, as well as our State agencies. We need to reduce the backlog of cases. We need to invest in computer systems so that the courts keep track of these children. We need to train judges and court personnel so that they can make the tough decisions required by the 1997 Adoption Act to make a child's safety, health, and permanency paramount.

These two bills are identical to a package we introduced last year, but we hope dividing the legislation into separate bills will streamline consideration. Both bills are urgent.

These bills build on the foundation of the Adoption and Safe Families Act, passed in October 1997. For the first time, this law established that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the abuse and neglect system. The law promotes stability and permanence for abused and neglected children by requiring timely decisionmaking in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes. More specifically, the law requires a State to move to terminate the parental rights of any parent whose child has been in foster care for 15 out of the last 22 months. While essential to protect children, these accelerated time lines increase the pressure on the Nation's already overburdened child abuse and neglect courts.

Our courts play a vital role in the Nation's child protection system. Through my discussions with judges in my State of West Virginia and across the country, I have learned that abuse and neglect judges make some of the most difficult decisions made by any members of the judiciary. Adjudications of abuse and neglect, terminations of parental rights, approval of adoptions, and life-changing determinations are not made without careful and sometimes painful deliberation. Despite the courts' commitment to the fair and efficient administration of justice in these cases, staggering increases in the number of children in the abuse and neglect system have placed a tremendous burden on our abuse and neglect courts.

Throughout the debate on the Adoption and Safe Families Act, we heard from dozen of judges—especially in my State of West Virginia—who maintained that the biggest problems facing their courts are the overwhelming backlog of abuse and neglect cases. Without creative ways to eliminate such backlogs, the judges argued, new cases will never move smoothly through the court system. That is why the Strengthening Abuse and Neglect Courts Act authorizes a grant program to provide State courts with the funds they need to eliminate current backlogs once and for all. For some courts, that might involve the temporary hiring of an additional judge, a temporary extension of court hours, or restructuring the duties of court personnel. This program will provide grants to those court projects that will result in the effective and rapid elimination of current backlogs to smooth the way for more efficient courts in the future. Grants would also be established to fund computer tracking systems for courts to prevent backlog and ensure timely consideration and information.

We also seek to expand the successful Court-Appointed Special Advocate (CASA) Program. CASA volunteers are the eyes and the ears of the courts, spending time with abused and neglected children, interviewing the adults involved in their lives, and helping to give judges a better understanding of the needs of each individual child. Despite the incredible success of the CASA programs, thousands of abused and neglected children do not have the benefit of CASA representation. The bill provides CASA with a $55 million grant to expand its programs into underserved inner cities and rural areas.

The second bill, the TAKE CARE Act, Training and Knowledge Ensure Children a Risk-free Environment, recognizes the need for improved training, continuing educational opportunities, and model practice standards for judges, attorneys and other court personnel who work in the abuse and neglect courts. More specifically, the bill requires that abuse and neglect agencies design and encourage the implementation of ''best practice'' standards for those attorneys representing the agencies in abuse and neglect cases. It extends the federal reimbursement for training currently provided to agency representatives to judges, court personnel, law enforcement representatives, guardians-ad-litem, and the other attorneys who practice in abuse and neglect proceedings. For the first time, such reimbursement would help fund specialized cross-training agency and court personnel and training that focuses on vital subjects such as new research on child development.

Abused and neglected children depend upon the courts to decide their safety and to find a permanent home. This is what children need, and too many are waiting. We should move swiftly on the Strengthening Abuse and Nelgect Courts Act and the TAKE CARE Act to help such vulnerable children.

By Mr. GRASSLEY (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. HARKIN, and Mr. REED):

S. 2274. A bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the Medicaid Program for such children; to the Committee on Finance.

FAMILY OPPORTUNITY ACT OF 2000

Mr. GRASSLEY. Mr. President, I rise today with my colleagues Senators KENNEDY, JEFFORDS and HARKIN in introducing the Family Opportunity Act of 2000. This new legislation will make life easier for many families and their children.

When you're a parent, your main objective is to provide for your child to the best of your ability. If it takes a 12-hour day in the field or in the factory, that's what you do. Our federal government takes this goal and turns it upside down for parents of children with special health care needs.

The government forces these parents to choose between family income and their children's health care. That's a terrible choice. Families must have a low income to qualify their children for both Medicaid and federal disability benefits. This means parents often refuse jobs, pay raises and overtime just to preserve access to Medicaid for their child with disabilities.

Families have to remain in poverty just to keep Medicaid.

Obviously this affects entire families, not just the child with the health care needs. Melissa Arnold, an Iowan, has a 17-year-old son who can't work even part-time for fear of jeopardizing his brother's Medicaid coverage. Ms. Arnold has accepted several promotions without the pay raises she's earned. Despite these challenges, this family has stayed together.

In the worst cases, parents give up custody of their child with special health care needs or put their child in an out-of-home placement just to keep their child's access to Medicaid-covered services. Why is Medicaid so desirable? It's critical to the well-being of children with multiple medical needs. It covers a lot of services that these children need, such as physical therapy and medical equipment.

Private health plans often are much more limited in what they cover. Many parents can't afford needed services out-of-pocket. Today, my colleagues and I will introduce legislation to fix the Catch-22 for parents of children with disabilities.

Our bill, the Family Opportunity Act of 2000, creates a state option to allow working parents who have a child with a disability to keep working and to still have access to Medicaid for their child. Parents would pay for Medicaid coverage on a sliding scale. No one would have to become impoverished or stay impoverished to secure Medicaid for a child.

Our bill also establishes family-to-family health information centers. These centers would be staffed by actual parents of children with special needs as well as professionals. They would provide information to families trying to arrange health services for their children.

The Family Opportunity Act of 2000 is modeled after last year's successful Work Incentives Improvement Act. Under that law, adults with disabilities can return to work and not risk losing their health care coverage. Parents of children with disabilities should have the same opportunities as adults with disabilities.

Everybody wants to use their talents to the fullest potential, and every parent wants to provide as much as possible for his or her children. The government shouldn't get in the way.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues Senators GRASSLEY, JEFFORDS, and HARKIN in introducing the Family Opportunity Act of 2000. Our goal is to help children with disabilities by removing the health care barriers that so often prevent families from staying together and staying employed.

Despite the extraordinary growth and prosperity the country is enjoying today, families of disabled children and special needs children continue to struggle to keep their families together, live independently and become fully contributing members of their communities.

More than 8% of children in this country have significant disabilities. Yet many of them do not have access to the health services they need to maintain and prevent deterioration of their health. Too often, to obtain needed health services for their children under Medicaid, families are forced to become poor, stay poor, put their children in institutions, or give up custody of their children entirely. No parent should be faced with that unacceptable choice.

In a recent survey of 20 states, 64% families of special needs children report they are turning down jobs, turning down raises, turning down overtime, and are unable to save money for the future of their children and family—so that their children can stay eligible for Medicaid through SSI, the Social Security Income Program.

Today we are introducing legislation to close the health care gap for vulnerable families, and enable them to obtain the health care their disabled children deserve.

The Family Opportunity Act of 2000 will remove the unfair barriers that deny needed health care to so many disabled children and special needs children.

It will make health insurance coverage more widely available for children with significant current disabilities, by enabling parents to buy-in to Medicaid at an affordable rate.

It will enable states to develop a demonstration program to provide a Medicaid buy-in for children with potentially significant disabilities—those who will become severely disabled if they do not receive health services.

It will establish Family to Family Information Centers in each state to help families with special needs children.

The passage of the Work Incentives Improvement Act last year demonstrated the nation's commitment to help adults with disabilities obtain the health services they need, in order to lead independent and productive lives. The legislation we are introducing today makes a similar commitment to children with disabilities and their families.

I look forward to working with all members of Congress to enact this legislation. Disabled children and their families across the country deserve this help in achieving their dreams and participating fully in the social and economic mainstream of our nation.

Mr. JEFFORDS. Mr. President, I am very pleased to join my colleagues, Senators GRASSLEY, KENNEDY and HARKIN in introducing the Family Opportunity Act of 2000. We are taking the right step, the logical step, and a much needed step.

The last bill signed into law in the 20th Century was the Work Incentives Improvement Act. Through it, we extended health care coverage to adults with disabilities who work, by allowing them to buy-in to Medicaid coverage regardless of their income. Tomorrow, we set out to help children with disabilities by introducing the Family Opportunity Act. This legislation will create a similar Medicaid buy-in option for families of children with disabilities.

When a child is born, it is a time for joy, hope, and dreams. If the child has a serious medical condition that may lead to a significant disability, or if the child is born with a disability, these feelings are often put on hold. Instead, the families of these children must concentrate on some basic facts, facts that may be a matter of life and death. These facts will shape the quality of life that the family can offer the child. The family will have to answer some important questions. First, do they have health insurance? If so, does the insurance cover the cost of the specialized services that their child needs? Families who answer 'NO' to these questions are overwhelmed and fearful, and their vision of the future is filled with uncertainty.

Every day, children in America are born with severe disabilities that require specialized health care services. Too often, the parents of these children do not have health care coverage or their coverage does not cover the needed services. These families do not have many options. Their child can receive health care coverage only if the family is poor, or if the family gives the child up to the state. We have all heard heart wrenching stories, but none are more traumatic than these.

The Family Opportunity Act of 2000 is a solution to this tragic problem. Children without health insurance will now be covered. Those children with

disabilities whose health insurance does not cover the services they need, will also be covered. Children with significant disabilities will no longer be denied the health care coverage they need, regardless of their family's income. Their families will, however, be expected to contribute to the cost of coverage. In addition, these families will have access to assistance from a Family Health Information Center. This service will provide families with information about their options and will help them exercise these options. Their children will receive the care they need and deserve.

Data from the Social Security Administration indicates that in December 1999 there were 1,080 Vermont children with disabilities eligible for Medicaid. That means that the families of these children are poor. Some of these families have chosen to keep their income under the prescribed limits in law, so that they can access health care through Medicaid for their child with a disability. These families cannot access health care coverage for their children through the private sector.

With the Family Opportunity Act everyone wins. Through Medicaid, children with disabilities will receive the health care services they desperately need. Through the Family Health Information Centers, their families will be provided with the right information at the right time. Families will be able to make key medical decisions that will maximize the quality of life for their children with disabilities. And, the federal and state governments will have a cost-effective program to help children and families in need.

The Family Opportunity Act of 2000 will make time for joy, hope, and dreams, for families of children with special needs. This is a good start to the 21st Century.

Mr. HARKIN. Mr. President, today, I rise in support of the Family Opportunity Act of 2000. I commend my colleague from Iowa, Senator GRASSLEY, for his work on this important piece of legislation. I also thank Senator KENNEDY for his continued leadership on these issues. This bill would help many children across the country get the services they need to grow up and become independent and productive members of society. And, it will help their families stay afloat financially.

I am always encouraged when issues affecting individuals with disabilities and their families rise above partisan lines. Disability is not a partisan issue. President Bush understood that. Bob Dole understands that. And I am glad to see that my fellow senator from Iowa has joined me in the fight to ensure that children with disabilities and their families get a fair shake in life.

Just last year the Congress and the President agreed that we should remove barriers to work for people with disabilities in our national programs when it passed the Ticket to Work and Work Incentives Improvement Act of 1999 into law. The Family Opportunity Act builds on that bipartisan agreement and says that we should also remove barriers to work for families of children with disabilities. Right now, many families are forced to spend down their savings and earnings on specialized services for their children because their private insurance won't cover them. Other families give up jobs and promotions so that they continue to qualify for Medicaid.

This is wrong for two reasons. First, it's the child that suffers if appropriate services aren't available due to high cost and lack of insurance coverage. Second, if a family is forced to pay for expensive services time and again or forced to give up an employment opportunity, the entire family is pushed to edge financially. As a result, the family can become impoverished or forced to give up custody of their child in order to secure appropriate Medicaid services.

This bill provides a commonsense solution to the problem. The bill allows States to offer Medicaid coverage to children with severe disabilities living in middle-income families through a buy-in program. children will get the right early intervention services, rehabilitation and long-term therapies, and medical equipment they need to keep pace and grow into adulthood. And, parents will no longer have to sacrifice a job, a raise, or overtime so they can stay inside the income bracket that qualifies their child for SSI/Medicaid.

Perhaps most importantly, this bill will ensure that children get the services they need to stay at home with their families. Keeping families strong is the best therapy for everyone—the child, the family, and the entire community.

Finally, the Family to Family Health Information Centers included in the bill will ensure every family knows what about the services and opportunities that are available to them. I know this type of information exchange works because I've taken the lead to fund similar programs in the Labor-HHS appropriations bill.

Ten years ago, as the chief sponsor of the Americans with Disabilities Act, I said on the Senate floor that I wanted every child and individual with a disability to have an equal opportunity to participate in all aspects of American life.

Since that time, I have worked hard to ensure that every national program encourages independence and self-sufficiency for individuals with disabilities. Each step we take to live up to the promise of the Americans with Disabilities' Act is progress. Last year's Ticket to Work and Work Incentives Improvement was a big step toward equality. The Family Opportunity Act builds on that legislation.

In my mind, the Medicaid Community Attendant Services Act (MiCASSA), introduced by myself and Senator SPECTER last fall, takes the next big step toward fulfilling the promise of the ADA. Given a real choice, most Americans who need long-term services and supports would prefer to receive them in home and community settings rather than in institutions. And yet, too often decisions relating to the provision of long-term services and supports are influenced by what is reimbursable under Federal and State Medicaid policy rather than by what individuals need. Research has revealed a significant bias in the Medicaid program toward reimbursing services provided in institutions over services provided in home and community settings (75 percent of Medicaid funds pay for services provided in institutions).

Long-term services and supports provided under the Medicaid program must meet the evolving and changing needs and preferences of individuals. No individual should be forced into an institution to receive reimbursement for services that can be effectively and efficiently delivered in the home or community. Individuals must be empowered to exercise and real choice in selecting long term services and supports that meet their unique needs. Federal and State Medicaid policies should facilitate and be responsive to and not impede an individual's choice in selecting needed long-term services and supports.

MiCASSA would eliminate the bias in Medicaid law toward institutional care by providing that stats offer community attendant services and supports as well as institutional care for eligible individuals in need of long term services and supports. The legislation also assists states develop and enhance comprehensive statewide system of long-term services and supports that provide real consumer choice consistent with the principle that service and supports should be provided in the most integrated setting appropriate to meeting the unique need of the individual.

I look forward to building further bipartisan agreement on both pieces of legislation. This is an exciting time for disability policy.

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By Mrs. BOXER:

S. 2275. A bill to amend the Mineral Leasing Act to prohibit the exportation of Alaska North Slope crude oil; to the Committee on Banking, Housing, and Urban Affairs.

THE OIL SUPPLY IMPROVEMENT ACT

Mrs. BOXER. Mr. President, gasoline prices have reached astronomical levels. Nowhere has this price increase been more apparent than in California. For several years now, we have been experiencing gasoline prices well above what the rest of the nation has faced.

But now, this problem, which started on the West Coast, has moved east and is affecting everyone. On Monday, the Energy Information Administration reported that the average price of gasoline in the United States was $1.52 per gallon—the tenth straight week gasoline prices have gone up. That price is

52 cents higher than the national average price just one year ago.

As I said, in California, the problem is even worse. The average price for a gallon of gasoline is now $1.79—up 57 cents per gallon from this time last year.

These prices are all-time highs.

Mr. President, I believe that there are several steps that can be taken to address this problem and to help American consumers. We should impose a moratorium on major oil company mergers. We must have vigorous enforcement of the antitrust laws. We should increase the Corporate Average Fuel Economy standard for SUVs and light trucks so that it equals the standard for cars. And, we should ban the exportation of crude oil from Alaska's North Slope.

I want to talk about this last suggestion, because it is the subject of a bill I am introducing today, called the Oil Supply Improvement Act.

For 22 years—from 1973 to 1995—the export of Alaska North Slope oil was banned. We banned it to reduce our dependence on imported oil and to keep gasoline prices down.

Unfortunately, at the behest of oil producers—and despite warnings of higher gasoline prices—the ban was lifted in 1995. Clearly, the fears of those of us who opposed lifting the ban have become reality. The General Accounting Office has confirmed that lifting the export ban resulted in an increase in the price of crude oil by about $1 per barrel.

In fact, some oil companies have used their ability to export this oil to keep the price of gasoline on the West Coast artificially high. The Federal Trade Commission makes this charge in its lawsuit to block the merger of BP-Amoco and Arco. That suit also alludes to secret internal company documents showing that there was price manipulation. Alaska North Slope oil was exported specifically to keep gasoline prices on the West Coast high.

Mr. President, I am not suggesting that this bill alone is the complete solution. It is only one piece of the puzzle, and only one of the things that I am suggesting. But when we have an energy shortage in this country, we should not be sending the oil in this country somewhere else.

This is oil that is on public lands—and that is transported along a federal right-of-way. Taxpayers own this product. In this time of an energy shortage, it is time to put American consumers and industry first.

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By Mr. FRIST:

S. 2276. A bill to amend the Elementary and Secondary Education Act of 1965 to establish programs to recruit, retain, and retrain teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

A MILLION QUALITY TEACHERS ACT

Mr. FRIST. Mr. President, I rise today to introduce A Million Quality Teachers Act. Thomas Jefferson once observed that of all the bills in the federal code, ''by far the most important is that for the diffusion of knowledge among the people.'' ''No surer foundation,'' he said, ''can be devised for the preservation of freedom and happiness.''

Unfortunately, our current foundation of elementary and secondary education is grossly inadequate to enable American children of all income levels and backgrounds to best realize the ''American dream'' and the economic freedoms that the ''American dream'' encapsulates.

Most companies dismiss the value of a high school diploma. Twelfth grade students in the United States rank near the very bottom on international comparisons in math and science. The Third International Math and Science Study, the most comprehensive and rigorous comparison of quantitative skills across nations, reveals that the longer our students stay in the elementary and public school system, the worse they perform on standardized tests.

High school graduates are twice as likely to be unemployed as college graduates (3.9% vs. 1.9%). Moreover, the value of a college degree over a high school degree is rising. In 1970, a college graduate made 136% more than a high school graduate. Today it is 176%. Even more ominous are labor participation rates for high school graduates in an information economy. While labor force participation for adults is at an all time high in the American economy, this boom has masked a 10% decline in participation rates for high school graduates since 1970 from 96.3% to 86.4%.

Our children cannot afford to be illiterate in mathematics and science. The rapidly changing technology revolution demands skills and proficiency in mathematics, science, and technology. IT, perhaps the fastest growing sector of our economy, relies on more than basic high school literacy in mathematics and science.

The Senate has begun to consider the reauthorization of the Elementary and Secondary Education Act (ESEA). As a member of the Senate Health, Education, Labor, and Pensions Committee, I have worked hard to ensure that we change the current focus of our federal education effort from a confusing, duplicative, categorical system that relies on inputs to one that focuses on effectiveness and on increased student achievement as a result.

The bill that I introduce today is a good complement to the ESEA bill that we will soon debate on the Senate floor. We have all heard about the impending teacher shortage. The Department of Education estimates that we will need over 2.2 million new teachers in the next decade to meet enrollment increases and to offset the large number of baby boomer teachers who will soon be retiring. Additionally, although America has many high-quality teachers already, we do not have enough, and with the impending retirement of the baby boomer generation of teachers, we will need even more.

the President and many Senate Democrats want to continue to devote significant resources to reducing class size, and the concept to hire more teachers isn't a bad idea. Studies have shown that smaller class size may improve learning under certain circumstances. But class size is only a small piece in the bigger puzzle to improve America's education system, not the catapult that will launch us into education prosperity.

My bill takes the class size reduction money and redirects it to strengthening and improving teacher quality. Tennessee's own William Sanders, a professor at the University of Tennessee, has pioneered the ''value-added'' system of measuring the effectiveness of a teacher. His research demonstrates that teacher quality has a greater effect on student performance than any other factor—including class size and student demographics. He goes on to say that, ''When kids have ineffective teachers, they never recover.'' According to noted education economist and researcher Eric Hanushek of the University of Rochester, ''the difference between a good and a bad teacher can be a full level of achievement in a single year.''

Unfortunately, there are too many teachers in America today who lack proper preparation in the subjects that they teach. My own state of Tennessee actually does a good job of ensuring that teachers have at lest a major or minor in the subject that they teach—well enough to receive a grade of A in that category on the recent Thomas Fordham Foundation report on teacher quality in the states. Even in Tennessee, however, 64.5% of teachers teaching physical science do not even have a minor in the subject. Among history teachers, nearly 50% did not major or minor in history. Many other states do worse.

Additionally, there is consensus that we are not attracting enough of the best and the brightest to teaching, and not retaining enough of the best of those that we attract. According to Harvard economist Richard Murnane, ''College graduates with high test scores are less likely to become teachers, licensed teachers with high test scores are less likely to take jobs, employed teachers with high test scores are less likely to stay, and former teachers with high test scores are less likely to return.''

A Million Quality Teachers seeks to change that by recruiting, and helping states recruit into the teaching profession top-quality students who have majored in academic subjects. We want teachers teaching math who have majored in and who love math. We want teachers teaching science who have majored in and who love science. This bill helps draw those students into teaching for a few years at the very

least, and studies have shown that new teachers are most effective in the first couple of years of teaching. This bill would attract new students, and different kinds of students, into teaching by offering significant loan repayment.

While teachers are one of our nation's most critical professions, it is often very difficult to attract highly skilled and marketable college students and graduates because of a profound lack of competitive salaries and the burden of student loans. In addition to the loan forgiveness and alternative certification stipends, the legislation will allow states to use up to $1.3 billion originally designated in a lump sum to hire more teachers to instead allow the states to use that money more creatively in programs to attract the kind of quality teachers they need but cannot afford. Using innovative tools already tested by many states, such as signing bonuses, loan forgiveness, payment of certification costs, and income tax credits, states will be able to once again make teaching an attractive and competitive career for our brightest college graduates. Additionally, the legislation does not limit states to these tools, but allows them to receive grants to continue testing other innovative and new programs for the same purposes.

There are two parts to the bill:

Part I is a competitive grant program for States to enable them to run their own innovative quality teacher recruitment, retention and retraining programs. Part II is a loan forgiveness and alternative certification scholarship program to entice individuals with strong academic backgrounds into teaching.

The State grant program will help States focus on recruitment, retention and retraining in the way that best serves the individual State. Some states may decide to offer a teacher signing bonus program like the widely publicized and very successful program in Massachusetts. Other states may choose to institute teacher testing and merit pay, or to award performance bonuses to outstanding teachers. The program is very flexible, yet the State must be accountable for improving the quality of teachers in that State.

States who participate must submit a plan for how they intend to use funds under the program and how they expect teacher quality to increase as a result, including the expected increase in the number of teachers who majored in the academic subject in which they teach, and the number of teachers who received alternative certification, if the funds are used for recruitment activities. If the funds are used for retention or retraining, the State must focus on how the program will decrease teacher attrition and increase the effectiveness of existing teachers.

States must also report at the end of the three-year grant on how the program increased teacher quality and increased the number of teachers with academic majors in the subjects in which they teach and the number of teachers that received alternative certification and/or how the program decreased teacher attrition and increased the effectiveness of existing teachers.

The loan forgiveness provision is different than loan forgiveness already in current law in that it targets a different population: students in college or graduate school today who are excelling in an academic subject. The purpose is to attract students into teaching who might not otherwise choose to pursue a teaching career and who are majoring in an academic subject.

Any eligible student may take advantage of the loan forgiveness and deferral. An eligible student has majored in a core academic subject with at least a 3.0 GPA and has not been a fulltime teacher previously. Loan payments are deferred for as long as the student is obtaining alternative certification or teaching in a public school.

The federal government would actually forgive:

35% of all federally subsidized or guaranteed loans after the first two years that an eligible student teaches;

For the next two years, an additional 30% is forgiven;

After 6 years, an additional 20% is forgiven; and

After 8 years, the remaining 15% of the loan obligation is eliminated.

The premise is that teaching is or will soon be like other professions where there is at least some degree of transience. In fact, recent studies show that most new teachers leave within four years. But these studies also show that new teachers are most effective in the first few years of teaching. This bill would attract new students, and different kinds of students, into teaching by offering significant loan repayment.

Alternative certification stipends will provide a seamless transition for a student from school into teaching. The bill provides stipends to students who have received their academic degrees from a college or university in order to obtain certification through alternative means. Students who have received assistance under the loan forgiveness section get first priority, but any student who has received a bachelors or advanced degree in a core academic subject with a GPA of at least 3.0 and who has never taught full-time in a public school is eligible.

Students would receive the lesser of $5,000 or the costs of the alternative certification program, in exchange for agreeing to teach in a public school for 2 years.

There is also a small amount of money available to the Department of Education for the purposes of notifying eligible students of the loan forgiveness and alternative certification stipend programs and contracting with outside groups of broaden public awareness of the program, including to advertise it in various media formats.

A Million Quality Teachers is a good complement to the Teacher Empowerment Act contained in the ESEA proposal voted out of the HELP Committee by a 10–8 vote. The Teacher Empowerment Act (TEA) directs federal funds to local education agencies for professional development, recruitment and class size reduction, while A Million Quality Teachers directs federal funds to states for statewide initiatives like the very successful Massachusetts teacher signing bonus program. A Million Quality Teachers also addresses the pressing need for more highly-qualified teachers in light of the teacher shortage by providing appropriate incentives to top students in order to entice them into the teaching profession.

The job of every new generation is to meet civilization's new problems, improve its new opportunities, and explore its ever-expanding horizons, creating dreams not just for themselves, but for all who come after. Our job—the job of the current generation—is to help them do just that. Learning is the future. Education is the key. I think it's time we embarked upon a national effort to bring up to a standard demanded by the challenge, and improving teacher quality is the first step. I hope that my colleagues will concur.

## ADDITIONAL COSPONSORS

S. 71

At the request of Ms. SNOWE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

C. 135

At the request of Mr. DURBIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 546

At the request of Mr. DORGAN, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from South Dakota (Mr. DASCHLE), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 546, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 763

At the request of Mr. THURMOND, the name of the Senator from Indiana (Mr.