respect to child support arrears to require that States have and use procedures to place liens on titled motor vehicles owned by individuals owing child support arrears equal to two months of support. Such liens would take precedence over all other encumbrances on a vehicle title, other than a purchase money security interest, and could be used to force seizure and sale of the vehicle.

Sec. 706. Voiding of fraudulent transfers

Section 706 requires States to have in effect the Uniform Fraudulent Conveyance Act of 1981, the Uniform Fraudulent Transfer Act of 1984, or an equivalent law providing for voiding of transfers of income or property made to avoid payment of child support.

Sec. 707. State law authorizing suspension of licenses

Section 707 requires enactment of laws giving the State authority to withhold, suspend, or restrict use of driver's licenses, professional and occupational licenses, and recreational licenses of individuals owing overdue child support or failing to respond to subpoenas or warrants relating to paternity or child support proceedings.

Sec. 708. Reporting arrearages to credit bureaus

Section 708 amends the requirement for a State law providing for the reporting of child support arrears to consumer credit bureaus (which currently must permit such reporting) to require such reporting when payment is one month overdue.

Sec. 709. Extended statute of limitation for collection of arrearages

Section 709 requires that State law provide a statute of limitations on child support arrears extending at least until the child reaches age 30. (This amendment would not require a State to revise any payment obligation which had lapsed on the effective date of the State law.)

Sec. 710. Charges for arrearages

Section 710 requires State laws to provide, not later than October 1, 1998, for assessment of interest or penalties for child support arrearages.

Sec,. 711. Visitation issue barred

Section 711 requires State laws to provide that failure to pay child support is not a defense to denial of visitation rights, and denial of visitation rights is not a defense to failure to pay child support.

Sec. 712. Denial of passports for nonpayment of child support

Section 712 amends 4 U.S.C., effective October 1, 1996, to provide that the Secretary of State, upon a certification by a State IV–D agency that an individual owes child support arrears of over $5,000, must refuse to issue a passport to the individual and may revoke or restrict a passport already issued.

Sec. 713. Denial of Federal benefits, loans, and guarantees

This section provides that no Federal agency may make a loan to, provide any guarantee for the benefit or, or provide any benefit to any person who has a child support arrearage exceeding $1,000 and who is not in compliance with a plan or an agreement to repay this obligation. This provision is designed to elevate the issue of child support in the operations of the Federal government. The Federal agencies determine, for example, if a contractor is on the suspension and debarment list before the agency awards a contract to the company. The purpose of this section is to create this type of screening system for child support obligations.

Sec. 714. Seizure of lottery winnings

This section provides that the distributor of lottery winnings, insurance settlements, judgments, and/or property seizures shall first seek a determination from the State child support enforcement agency as to whether the person owes a child support arrearage. If there is an arrearage, then there shall be a withholding of that amount which shall be sent to the Child Support agency for distribution.

Sec. 801. Child support enforcement and assurance demonstrations

Section 801 requires the Secretary to fund grants to 3 States for demonstrations, beginning in FY 1998 and lasting from 7 to 10 years, providing assured levels of child support for children for whom paternity and support have been established. The projects would be administered by the State IV-D agency or the State department of taxation and revenue. Annual benefit levels set by States could range from $1,500 to $3,000 for a family with one child, and from $3,000 to $4,500 for a family with four or more children. States could require absent parents with insufficient income to pay support to work off support by participating in work programs.

Ninety percent Federal matching would be available from appropriations for payments to States under title IV-D, but total Federal funds available for these demonstrations would be capped at $27,000,000 for FY 1998; $55,000,000 for FY 1999; $70,000,000 for each of FYs 2000 through 2003; and $55,000,000 for FY 2004. This section authorizes appropriation of $10 million for FY 1998, to remain available until expended, for the Secretary's costs for evaluating demonstrations under this section.

Sec. 802. Social Security Act demonstrations

Section 802 amends section 1115(c) of the Act (which currently requires that IV-D demonstrations not result in increased costs to the Federal Government under AFDC) to require instead that such demonstrations not result in an increase in total costs to the Federal Government.

TITLE IX—ACCESS AND VISITATION GRANTS

Sec. 901. Grants to States for access and visitation programs

Section 901 adds a new section 469A of the Act providing a new capped entitlement program of grants to States for programs to support and facilitate noncustodial parents' access to and visitation of their children. The program would be funded at $5 million for each of FYs 1997 and 1998, and $10 million per year thereafter; Federal funding would be available to match 90 percent of a State's expenditures up to the amount of its allotment under a formula based on the numbers of children living with only one biological parent. State programs could be administered by the CSE agency either directly or through courts, local public agencies, or nonprofit private entities, and could be Statewide or geographically limited.

TITLE X—EFFECT OF ENACTMENT

Sec. 1001. Effective dates

Section 1001 provides that, except as otherwise specified—

Provisions of this title requiring enactment of State laws or revision of State IV-D plans shall become effective October 1, 1996; and

All other provisions of this title become effective upon enactment,

subject to provisos—

Affording a State until after the end of the next State legislative session beginning after enactment, in the case of any provision of this title requiring enactment or amendment of State laws; and

Affording a State up to 5 years to comply if a State constitutional amendment is required to permit compliance.

Sec. 1002. Severability

Section 1002 provides that the provisions of this title are severable, and that any provision found invalid will not affect the validity of any other provision which can be given effect without regard to the invalid provision.

OFFICE OF CHILD SUPPORT ENFORCEMENT, DEPARTMENT OF FINANCE AND ADMINISTRATION,
Little Rock, AR, March 30, 1995.

Hon. DAVID PRYOR,
U.S. Senator, Russell Building,
Washington, DC.

DEAR SENATOR PRYOR: We share your concern regarding the future of the children and families of Arkansas and the nation. Congress is considering sweeping changes to reform the welfare system that will affect families struggling to support their children. An effective child support enforcement program is a essential part of that reform. Regular child support payments must be ensured if single parent families are to have financial security necessary for children to thrive and to be successful citizens and relieve the burden of taxpayers.

As child support enforcement professionals, we support the efforts of congress to improve the present program. We realize the importance of our role in empowering individuals to become self-sufficient and we embrace the challenges ahead. Our mission is to provide assistance to children and families in obtaining financial and medical support through locating parents, establishing paternity and support obligations, and enforcing those obligations. Our vision for the future is to put children first by helping parents assume responsibility for the social and economic well-being and health of their children.

To accomplish these goals we must have improved and uniform enforcement remedies that reach across state lines. We must also have improved operational support from both the state and federal government and increased funding. While other programs may lend themselves to block grants, nonpayment of child support transcends state lines and requires some uniformity in enforcement. Competing state interests affect state legislation more readily than at the federal level. Many state child support programs welcome federal mandates of proven enforcement and operational remedies to assist them in acquiring effective collection tools. Not all mandates are bad. Much of the progress in child support has come about through federal mandates and the resulting uniformity from state to state has been most beneficial.

Child support advocates and professionals agree on much of what is needed to improve the program nationwide. They include the following:

1. Central Registry of Child Support Orders—States should be required to develop and implement a central registry of all child support orders. State central registries should be formatted similarly to form a national central registry of child support orders.

2. Central Collection Systems—It is difficult to enforce child support orders because of the variety of collection points. To enforce an order, payments made or not made must be accounted for to determine past due support. With child support payments being paid directly to custodial parents, court clerks or local agencies it becomes a time consuming process to collect payment records from different sources in order to determine past due arrears. Central payment processing has proven to be effective and efficient where implemented. Central processing enables IV–D agencies to monitor delinquencies in child support cases and allows

for expedited enforcement remedies to be implemented immediately upon delinquency. Many of the IV–D agency's cases have been delinquent for months or years when they enter the caseload. Central monitoring is essential if we as a nation are to have an effective child support program. Collections should not become delinquent. If they do become delinquent, immediate enforcement actions must be taken.

3. New Hire Reporting—New hire reporting has proven effective in fifteen states. It is an effective tool to locate job hoppers. Employers report new hires to the state IV–D agency or in cooperation with state employment security agencies when a new employee is hired. At present, there is no good way to locate a job hopper for at least one quarter of the year when withholding is first reported. Custodial parents cannot wait that long to feed and clothe their children. There are those who feel that this is too heavy a burden upon employers. It need not be. It cold be as simple as forwarding a copy of a W–4 form. We have found employers to be responsive and concerned about child support issues. When new hire reporting was erroneously reported as having passed our legislature, employers called wanting to know how to report new hires. There was no opposition in the employer community but certain business interests presented strong opposition to the measure. It is difficult to win approval for such a measure on the local level and to do so requires federal leadership.

4. License Revocation—License suspension or revocation is a proven and effective administrative procedure to compel payment of past due arrears. It is somewhat controversial because of vested interest and licensing agencies reluctance to participate, but it has proven to be effective in Maine, California and Arkansas. Nineteen states have adopted some form of license suspension or revocation. To be an effective remedy all states need to have access to licensing revocation and suspension. For interstate enforcement a request to suspend a license in another state would be most beneficial and would be a deterrent to nonpayers to flee from one state to another to avoid paying child support.

In addition to new enforcement techniques, support from the federal government not just in dollars and cents but in cooperation is paramount if we are to solve the national nonsupport problem. Federal government agencies have information we need to locate nonpaying noncustodial parents and their assets. Yet, it is difficult to obtain that information, it is outdated or; if provided, cannot be used without additional verification.

1. Social Security Administration—We recommend that Congress pass laws that would require the Social Security Administration (SSA) to provide information to the child support agencies for the purpose of determining the location and the ability of the noncustodial parent to pay support. Currently, information from SSA is available through the Federal Parent Locator Service. However, the information that we receive is minimal and outdated. We need to know if a noncustodial parent has filed a claim for benefits, the amount of benefits paid to the noncustodial parent and the children, the amount of any lump sum payment to the noncustodial parent or the custodial parent. This information is vital in determining support obligations and arrearage.

2. IRS Locate and Asset Information—The IRS provides a valuable service in the form of the Federal Tax Offset program. Information on income is available from 1099 files. However, The Internal Revenue Service (IRS) has some concerns with regard to safeguarding the information it shares with state child support agencies and does not want the information shared with anyone who is not a state employee. Many states have contracted with local jurisdictions or private entities, since 1975 in some states, to provide child support services in their areas. After 20 years, the IRS has suddenly raised issues of safeguarding confidentiality. These contractors are agents or designees of the state and are entitled to the same level of information as state employees performing the same functions. Confidentiality is a high priority for all child support professionals and the information we gather is used solely to establish or enforce child support obligations. The Department of Defense has contractors that have access to secure information that could affect national security, certainly child support contractors should have access to all information needed to pursue a case. Something is very wrong when an agency of the federal government can throw up road blocks to obtaining information on delinquent noncustodial parents affecting the ability of a child to receive the support he deserves.

3. IRS Full Collection—The IRS full collection process could be a valuable enforcement tool. However, our experience has been that child support cases receive a low priority when referred to the IRS field office. We suggest that Congress provide funding for staff and resources to enhance the full collection process and require that child support cases receive priority over all other collection cases.

4. Automated Systems—The new child support data systems being developed nationwide are sorely needed to manage the growing number of delinquent child support cases. These systems will assist child support workers who have caseloads of 500 to 1000 cases to be more productive and enhance their ability to make child support collections. However, the resources of both the private vendors and states have been exhausted in their attempt to make fifty statewide systems operational by the deadline date. Few states will be up and running by October 1, 1995 and the rush to get ''something up'' by October 1 will produce inferior systems. There are numerous reasons why these projects are in trouble. One of the chief reasons for delay in implementation was that the final federal regulations were not issued until October 1992 and the certification requirements were not issued until June 1993. Both the state and the federal government have enormous sums of money invested. We should get our moneys worth. By extending the deadline for one more year to October 1, 1996 without approving any additional funds for furthering the project, state administrators will be allowed the opportunity to make these projects successful. If there is no extension, there is going to be mass confusion on or about October 1, when all states try to bring up these new systems nationwide. It does not make good sense to allow this to occur. We, therefore, recommend an extension to October 1, 1996 at the 90% FFP rate with no additional funding allowed other than those funds previously approved in the state's Advance Planning Documents.

The 1993 Amendments to the Omnibus Budget Reconciliation Act (OBRA) required states to establish programs that provide a simple civil process for unmarried parents to voluntarily acknowledge paternity for their children. In Arkansas, all 56 birthing centers are assisting parents by providing information on establishing paternity and completing the necessary forms. Since the program implementation date of January 25, 1994, over 4,500 acknowledgements have been signed. The acknowledgements are matched to the existing IV–D caseload on a continual basis. To date, twenty-five percent (25%) of the signed acknowledgements have been identified as IV–D cases. To be truly successful, the program should be extended to encompass postnatal follow-up to provide yet another opportunity for parents to acknowledge the paternity of their children. The IV–D agencies will follow-up with families that receive child support services. However, the Public Health agencies have an opportunity through public education, nutrition, immunization and home health services to reach the parents that are not served by the IV–D program. We suggest that Congress provide a funding mechanism for the public health agencies, Headstart and any other agencies concerned with the welfare of children and families, to provide paternity acknowledgement services to their clients.

Federal regulations require states to periodically review and adjust child support orders utilizing state guidelines. We agree that periodic review is essential to ensure that the children receive the support they deserve and that parents are ordered to pay a fair and reasonable amount. The process by which review and adjustment is accomplished is restrictive and incompatible with states' Rules of Civil Procedure. States should have more flexibility to determine the process by which review and adjustment is accomplished. One alternative might be the award of Cost of Living Allowances (COLA). This method could be automated and more evenly applied.

Arkansas has implemented an administrative process to revoke or suspend Commercial Driver's License of noncustodial parents who are six (6) months behind in their child support obligations. In less than six months of operation, we have collected over $106,000. A total of 107 commercial driver's licenses have been suspended, 12 licenses have been reinstated and 70 noncustodial parents have signed agreements to pay the delinquent accounts and avoid suspension of their licenses. One of the most difficult case for us to collect is the independent truck driver. With this program, drivers are detained in weigh stations throughout the nation or at their terminals until the child support issues are resolved. Arkansas has recently extended the license suspension for nonpayment of child support to all business and professional licenses, hunting and fishing licenses and permanent license plates. We recommend that all states be required to suspend licenses to include all professional/business licenses, regular drivers' licenses and personal vehicles, trucks, boats and airplanes registered in the state. States have found that the most successful programs are administrative and automated. Congress should consider requiring state IV–D agencies to implement such administrative programs and provide funding for licensing boards to become automated with electronic links to the IV–D agencies.

No one wants to discuss funding in today's environment. However, there is a direct relationship between the amount of child support collected and the ratio of child support workers per case. The more workers, the more child support is collected. At some point there would be diminishing returns, but this is not likely in the foreseeable future. Originally, states received 75% FFP plus incentives on collections. Only AFDC cases were mandated. Over the years since the program began, FFP has decreased to 66% plus 6–10% incentives on AFDC cases and 6–10% on non-AFDC cases. Incentives on non-AFDC collections are capped at 115% of AFDC collections, creating somewhat of a disincentive to work non-AFDC cases. During the same time period that federal financial participation was decreasing, Congress mandated services to non-AFDC clients and Medicaid recipients, increasing caseloads

dramatically. Caseloads, nationally, have increased by 128% with collections increasing by 345% during the same period, FFP has decreased by 5.7%. States are continually asked to do more with less funding, which has contributed to the growing problem of uncollected child support.

While the intent of the current proposal being considered is to provide some relief and to redistribute federal dollars among states, it is important to understand the effect of the proposed funding scheme. Under the proposed distribution rules, states will lose dollars in the form of retained AFDC collections which provide match dollars for half of the states. Currently, states can earn more than 100% funding. Some make a profit. Under the new scheme, the best a state can do is 90% FFP. Since many states pass incentives on to the contractors providing services in some local jurisdictions, many local offices will be asked to enter into contracts knowing that they will experience at least a 10% loss each year or state cost will increase. Once again, as Congress attempts to improve the nation's child support problem, a funding cut is proposed. We know that more dollars must be invested in caseworkers and automation if we are to work more cases and collect more child support. Why then reduce funding to state programs by at least 10% when you want them to do more? If we are to remove custodial parents from welfare and make parents financially responsible for their children, a strong child support program is essential. A return to the 75% FFP plus incentives would be helpful and we recommend that incentives by sufficient to allow for a 100% reimbursement. Any funds over 100% should be returned to the federal government.

We greatly appreciate your interest in child support enforcement. Thank you for the opportunity to express our views on these very important issues. We join in your commitment to assist the children and families of Arkansas and the nation to realize their full potential.

Sincerely,

JUDY JONES JORDAN,
Administrator.

By Mr. MURKOWSKI (for himself and Mr. GRASSLEY):

S. 688. A bill to provide for the minting and circulation of $1 silver coins; to the Committee on Banking, Housing, and Urban Affairs.

THE U.S. SILVER DOLLAR COIN ACT OF 1995

● Mr. MURKOWSKI. Mr. President, today I am introducing legislation that would permit the minting of a $1 silver-plated coin with a likeness of President Dwight D. Eisenhower on the front and a rendering of the Iwo Jima monument on the reverse side of the coin. I am pleased that Senator GRASSLEY is joining in this effort that will provide a boost to our domestic silver mining industry and could serve to reduce the Federal deficit.

Our currency system has not been significantly altered over the past century even though the economy has fundamentally changed. Not long ago, an individual could use one coin—a nickel, dime, or quarter—to purchase a coke from a vending machine or ride a bus. Today, that's just not possible. Vending machines require two, three, or four coins, or, even worse, a dollar bill. And you know how frustrating those dollar bill readers can be on vending machines and Metro fare machines. To make matters worse, a dollar bill reader on a vending machine costs $400 to $500—an utterly unnecessary cost if a dollar coin were available.

According to the Coin Coalition, processing dollar coins instead of dollar bills would save the mass transit industry alone more than $124 million a year. The Los Angeles County Metropolitan Transportation Authority would save $3.5 million a year if it did not have to expend the time and labor in processing—unwrinkling dollar bills. Those savings could be used too buy 24 new buses to move people instead of paper. The Chicago Transit Authority does its own bill-unfolding, at a cost of $22 per thousand. Processing coins costs just $1.64 per thousand.

In addition, many economists project that a dollar coin could save the Federal Government several million dollars. Although coins cost more to mint than dollar bills to print, coins last far longer. A bill wears out in an average of about 17 months while coins can last 30 years.

Since this is the 50th anniversary of the allied victory in World War II, I believe it is appropriate that the new coin present a likeness of President Eisenhower who also served as the Supreme Commander in Europe. The rendition of the raising of the flag on Mount Surabachi on Iwo Jima has become a symbol of the dedication and valor of our Armed Forces in restoring freedom in the Pacific.

I hope my colleagues will join me in getting this coin modernization enacted into law this year.

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. 688

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 ''United States Silver Dollar Coin Act of 1995''.

SEC. 2. ONE-DOLLAR COINS.

(a) COLOR AND CONTENT.—Section 5112(b) of title 31, United States Code, is amended—

(1) in the first sentence, by striking ''The dollar,'' and inserting ''The''; and

(2) by inserting after the fourth sentence the following: ''The dollar coin authorized under subsection (a)(1) shall be silver in color, shall have a distinctive edge and have tactile and visual features that make the denomination of the coin readily discernible, shall be minted and fabricated in the United States, and shall have metallic and anti-counter-feiting properties similar to those of United States clad coinage, except that the dollar coin shall be a clad coin with 3 layers of metal, including 2 outer layers of silver. The dollar coin authorized under subsection (a)(1) shall contain not less than 1 gram of newly mined fine silver.''.

(b) ADJUSTMENTS TO SILVER CONTENT.—Section 5112(c) of title 31, United States Code, is amended by adding at the end the following: ''Notwithstanding subsection (b), the Secretary may prescribe the weight of silver in the dollar coin if the Secretary determines that such action is necessary to ensure an adequate supply of dollar coins to meet the needs of the United States.''.

(c) DESIGN.—Section 5112(d)(1) of title 31, United States Code, is amended—

(1) in the fourth sentence, by striking ''the dollar, half dollar,'' and inserting ''the half dollar''; and

(2) by striking the fifth and sixth sentences and inserting the following: ''The obverse side of the dollar coin shall bear a likeness of President Dwight D. Eisenhower and the reverse side shall bear a rendering of the Iwo Jima Memorial.''.

(d) EFFECTIVE DATE.—Not later than 30 months after the date of enactment of this Act, the Secretary of the Treasury shall place into circulation the one-dollar coins authorized by section 5112(a)(1) of title 31, United States Code, in accordance with the amendments made by subsections (a), (b), and (c).●

By Mrs. MURRAY:

S. 689. A bill to amend the Solid Waste Disposal Act regarding the use of organic sorbents in landfills, and for other purposes; to the Committee on Environment and Public Works.

THE LANDFILL TECHNICAL IMPROVEMENTS ACT OF 1995

● Mrs. MURRAY. Mr. President, I am introducing today the Landfill Technical Improvement Act of 1995. This legislation will allow us to maximize technical advances of the last decade in carrying out our Nation's environmental protection strategy. It will also promote small business and entrepreneurship and help our Nation complete in the global market for new, environment driven technologies.

By passing the 1984 Hazardous and Solid Waste amendments, Congress required the Environmental Protection Agency [EPA] to issue regulations restricting the disposal of organic absorbents in hazardous waste landfills. In the past decade, however, developments in natural absorbent technologies show more efficiency than traditional sorbents produced for fossil fuels.

For example, a company in Bellingham, WA, manufactures organic sorbents from a local paper mill's sludge. Sludge recycled into productive use is kept out of landfills. This small company employs 20 to 30 Washingtonians and, with other similar companies across the country, seeks to expand in the marketplace with this new, recycled product.

Normal landfill conditions are anaerobic, and studies have shown that no biodegradtion takes place in the anaerobic environment of landfills. Thus, in this anaerobic environment of RCRA landfills, these sorbents will not degrade. These organic absorbents, made totally from reclaimed materials, may actually outperform current chemical absorbents. However, because of the 1984 amendments and subsequent EPA regulations, these absorbents have been effectively shut out from disposition in landfills.

This disposition issue threatens to undermine the existence of these new technologies, since that which cannot be disposed economically will not be

used. Moreover, innovative and environmentally conscious technologies, such as those developed by this small company in my State, are discriminated against.

The administration has clearly stated its preference for such recycled/reclaimed materials, but this flawed regulation has prejudiced the widespread availability and use of these products. This is to the detriment of our national environmental goals.

This bill remedies this situation, allowing the fullest use of environmentally sound landfill technologies.●

By Mr. AKAKA (for himself, Mr. CAMPBELL, and Mr. DORGAN):

S. 690. A bill to amend the Federal Noxious Week Act of 1974 and the Terminal Inspection Act to improve the exclusion, eradication, and control of noxious weeds and plants, plant products, plant pests, animals, and other organisms within and into the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FEDERAL NOXIOUS WEED CONTROL IMPROVEMENT ACT OF 1995

● Mr. AKAKA. Mr. President, today I am introducing the Federal Noxious Weed Control Improvement Act of 1995. Senators CAMPBELL and DORGAN have joined me as cosponsors of this bill. The objective of this legislation is to curb the wave of noxious weeds that is sweeping over productive rangeland, agricultural land, and native ecosystems across America.

I hope my colleagues saw the article on invasive alien species that appeared in the New York Times magazine last November. It vividly described the threats to the tropical ecosystems of Hawaii posed by nonindigenous species. In Hawaii, gorse, ivy gourd, and the banana poka vine are ravaging native forest and rangeland. But Hawaii is not alone in facing this threat. Nearly 200 species of troublesome imported weeds infest the continental United States.

We see evidence of this problem within a few miles of the Capitol. Drive to the edge of the Potomac or through Rock Creek Park and you will see impenetrable mats of hydrilla and honeysuckle. Another weed, kudzu, topples grown trees and smothers shrubs and plants. In New England, Oriental bittersweet and porcelain berry vine cause similar damage. Purple loosestrife has decimated wetlands across the country from Maine to Washington.

Leafy spurge, spotted knapweed, cheatgrass, thistle, salt cedar, and Medusa-head cover millions of acres of grasslands in Montana, Idaho, Oregon, and Washington. All of these weeds are foreign to the United States. Some are toxic to livestock. Others are heavy consumers of water, or fuel forest and rangeland fires. These weeds ruin the grasslands for birds, elk, and grizzly bears. In Montana alone, cattlemen suffer millions of dollars of forage losses due to spotted knapweed. At its current rate of spread, Montana's projected losses due to spotted knapweed could exceed $100 million by the year 2000. Another weed, leafy spurge, occupies over 2.5 million acres in 30 States. Nationwide, $100 million in direct and indirect losses to livestock are attributable to leafy spurge.

The cost of weed control and losses due to weed infestation are estimated at over $20 billion per year, more than the combined losses for all other pests.

Nearly 16 million acres of Federal land are infested with noxious weeds. On Bureau of Land Management lands, weed infestation expands at a rate of 2,000 acres per day. If current trends continue, a quarter of BLM lands in the continental United States could be overrun with weeds by the turn of the century.

At least one hundred of our national parks face serious harm to their natural resources as a result of invasive foreign plants. Everglades National Park and Big Cypress National Preserve are overrun by the Australian melaleuca tree. More than 400,000 acres of the everglades are infested by this tree, and 50 additional acres are consumed each day. Wildlife habitat and water supplies are also threatened by maleleuca in the Loxahatchee National Wildlife Refuge. Another tree, the Brazilian pepper, is crowding out the mangroves along Florida's southwestern coast. Both of these alien trees make habitat unsuitable for native water birds.

Competition from 25 exotic plants threatens the habitat of rare plants in Great Smoky Mountains National Park. Among the damaging species are stink tree, multi-flora rose, and an imported grass with a scientific name I won't even attempt to pronounce.

River margins and rare desert springs in the beautiful slickrock parks of Utah, including Canyonlands and Zion National Parks, as well as in Death Valley National Park, have become overgrown with tamarisk, a tree which literally sucks the water out of the ground, depriving wildlife and native plants of precious water supplies.

Efforts to safeguard private and public land from these threats are grossly inadequate. In 1993, the Congressional Office of Technology Assessment called U.S. efforts to counter the effects of invasive exotic species ''a largely uncoordinated patchwork of laws, regulations, policies, and programs.''

The Secretary of Agriculture is responsible for preventing noxious weeds from entering the country either accidentally or as intentional imports, as well as for spearheading control efforts for those noxious weeds that have already become established. However, the Federal Noxious Weed Act of 1974 has not been an effective tool to address this problem.

Under current law, the Secretary of Agriculture must wait until a weed is an established, documented nuisance before action can be taken. That's like waiting until the cows have run away before you close the barn door.

For example, tropical soda apple, a plant in the nightshade family, was introduced from Brazil into pastures in Florida. It was first observed in 1987 and now occupies more than 400,000 acres in Florida. Although cattle cannot eat the plant because of its sharp spines, seeds from this invasive weed easily contaminate hay and other forages. Tropical soda apple presents a particularly difficult control problem because seeds are passed through cattle manure. In Mississippi, Alabama, and Georgia, more than 20 outbreaks have been linked to cattle purchased in Florida. Tropical soda apple can also be transported in commercially packaged manure used for gardening. Despite the danger and the relative ease of dealing with the original infestation, it took the U.S. Department of Agriculture 8 years to declare it a noxious weed. During that time, the problem has become so widespread that containment may be beyond hope.

To correct weaknesses in the Federal Noxious Weed Act of 1974, my bill would grant emergency authority to prohibit the entry of foreign weeds that have not been formally added to the Federal noxious weed list. Weeds could also be added to the list through a petition process. Also, the bill would prohibit the international movement of Federal noxious weeds across State lines except under permit. Finally, this legislation would establish a Noxious Weed Technical Advisory Group to evaluate weed species, develop appropriate classification criteria for noxious weeds, and make recommendations to implement the act.

As the hearings that I chaired during the 103d Congress clearly demonstrated, the lack of coordination between Federal agencies that are responsible for the control of alien weeds is a serious problem. Twenty-four Federal agencies located in 8 different Cabinet departments have responsibility for pest control. They enforce more than an dozen major laws, and a host of minor ones.

With so many statutes and so many agencies, Federal policy resembles a piece of swiss cheese, and noxious, foreign pests are streaming through the holes in policy and enforcement. Hawaii and other States suffer the consequences of piecemeal Federal enforcement.

I ask my colleagues to support the prompt passage of this bill. I hope that we can consider this legislation as part of the 1995 farm bill. All of our constituents will benefit from a stronger and more secure foundation for agriculture and conservation of our natural resources.

I ask unanimous consent that the text of the Federal Noxious Weed Control Improvement Act of 1995 be printed in the RECORD.

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

S. 690

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Noxious Weed Control Improvement Act of 1995''.

TITLE I—NOXIOUS WEEDS

SEC. 101. IMPROVEMENT IN THE EXCLUSION, ERADICATION, AND CONTROL OF NOXIOUS WEEDS IN THE UNITED STATES.

The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.) is amended to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Foreign and Federal Noxious Weed Act'.

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

''SEC. 2. FINDINGS.

''Congress finds that—

''(1) the importation or introduction in interstate commerce of foreign noxious weeds, except under controlled conditions, is detrimental to the environment, agriculture, and commerce of the United States and to the public health in that the growth and spread of weeds in the United States—

''(A) interfere with the growth of useful plants;

''(B) clog waterways and interfere with navigation;

''(C) cause disease or have other adverse effects on the environment; and

''(D) directly or indirectly interfere with natural resources, agriculture, forestry, native ecosystems, and the management of ecosystems;

''(2) uncontrolled distribution within the United States of foreign noxious weeds, after importation or introduction of the weeds, has similar detrimental effects;

''(3) the distribution of noxious weeds poses long-term problems for natural resources, agriculture, and native or natural ecosystems and ecosystem management, including—

''(A) economic injury to natural resources, agriculture, and the economy of the United States;

''(B) impedance of interstate and foreign commerce; and

''(C) diminishment of biodiversity in native ecosystems of the United States; and

''(4) in light of the adverse consequences of uncontrolled importation or distribution of foreign noxious weeds, the regulation of foreign noxious weeds as provided in this Act is necessary to protect interstate and foreign commerce and the public welfare.

''SEC. 3. DEFINITIONS.

''As used in this Act:

''(1) ADVISORY PANEL.—The term 'Advisory Panel' means the Noxious Weed Technical Advisory Panel established under section 102(e).

''(2) AUTHORIZED INSPECTOR.—The term 'authorized inspector' means an employee of the Department, or an employee of any other agency of the Federal Government or of any State or other governmental agency that is cooperating with the Department in the administration of this Act, who is authorized by the Secretary to perform assigned duties under this Act.

''(3) DEPARTMENT.—The term ''Department'' means the United States Department of Agriculture.

''(4) EMERGENCY.—The term 'emergency' means an unforeseen combination of circumstances or the resulting state that calls for immediate action, as determined by the Secretary.

''(5) FEDERAL NOXIOUS WEED.—The term 'Federal noxious weed' means a foreign noxious weed that is identified as appropriate for control under this Act and included in the Federal noxious weed list established pursuant to a regulation issued under section 102(b).

''(6) FEDERAL NOXIOUS WEED LIST.—The term 'Federal noxious weed list' means the list prepared by the Secretary that contains the names of all Federal noxious weeds.

''(7) FOREIGN NOXIOUS WEED.—The term 'foreign noxious weed' means a plant species, including all reproductive parts of the species, that the Secretary determines—

''(A) is of foreign origin;

''(B) can directly or indirectly interfere with an agroecosystem, native ecosystem, or the management of an ecosystem, or cause injury to public health; and

''(C)(i) has not been introduced into the United States;

''(ii) is determined by the Secretary to be likely to be introduced into the United States;

''(iii) is new to the United States; or

''(iv) has not expanded beyond susceptibility to containment within a geographic region or ecological range of the United States.

''(8) INTERFERE.—The term 'interfere' means to injure, harm, or impair an agroecosystem or native or natural ecosystem in the environment or commerce.

''(9) INTERSTATE MOVEMENT.—The term 'interstate movement' means movement from any State into or through any other State.

''(10) MOVE.—The term 'move' means deposit for transmission in the mails, ship, offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport.

''(11) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture or a designee of the Secretary.

''(12) STATE.—The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States.

''(13) UNITED STATES.—The term 'United States', when used in a geographic sense, means all of the States and territories and possessions.

''TITLE I—MOVEMENT OF FEDERAL NOXIOUS WEED INTO OR THROUGH THE UNITED STATES

''SEC. 101. MOVEMENT OF FEDERAL NOXIOUS WEED INTO OR THROUGH THE UNITED STATES.

''(a) PERMIT REQUIRED.—No person shall knowingly move any Federal noxious weed, into or through the United States or interstate, unless the movement is—

''(1) authorized under a general or specific permit from the Secretary; and

''(2) made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as the Secretary may issue under section 302 to prevent the dissemination into or within the United States, or interstate, of the Federal noxious weed.

''(b) REFUSAL TO ISSUE PERMIT.—

''(1) IN GENERAL.—The Secretary may refuse to issue a permit under subsection (a) for the movement of a Federal noxious weed if the Secretary determines that the movement would involve a danger of dissemination of the Federal noxious weed into or within the United States or interstate.

''(2) REASON FOR REFUSAL.—If the Secretary refuses to issue a permit under paragraph (1), the Secretary shall publish the reasons for the refusal in the Federal Register.

''(c) PROHIBITIONS.—No person shall knowingly sell, purchase, barter, exchange, give, deliver, or receive any Federal noxious weed that has been moved in violation of subsection (a).

''SEC. 102. IDENTIFICATION OF FEDERAL NOXIOUS WEEDS.

''(a) FEDERAL NOXIOUS WEEDS LIST.—The Secretary shall maintain a Federal noxious weed list containing the names of all Federal noxious weeds identified by the Secretary under subsection (b).

''(b) INCLUSION BY REGULATION.—

''(1) REGULATION PROCESS.—

''(A) IN GENERAL.—Except as provided in paragraph (2), a plant species may be identified as a Federal noxious weed and included in the Federal noxious weed list only pursuant to a regulation issued by the Secretary.

''(B) NOTICE AND HEARING.—The regulation shall be issued only after publication of a notice of the proposed regulation and, when requested by any interested person, a public hearing on the proposed regulation.

''(C) BASIS.—The regulation shall—

''(i) be based on the information received at any such hearing, comments, and other information available to the Secretary; and

''(ii) require a determination by the Secretary that—

''(I) the plant is a foreign noxious weed (within the meaning of section 3(7)); and

''(II) the dissemination of the weed in the United States may reasonably be expected to interfere with natural resources, agriculture, forestry, or a native ecosystem or the management of an ecosystem, or cause injury to public health.

''(2) EMERGENCY DESIGNATION.—

''(A) IN GENERAL.—In an emergency, the Secretary may temporarily designate a plant species as a Federal noxious weed if the Secretary determines that the plant species meets the definition of a foreign noxious weed.

''(B) DURATION.—The temporary designation shall remain in effect until the Secretary initiates and completes the regulation process in accordance with paragraph (1).

''(C) NOTICE.—The Secretary shall provide notice of the temporary designation to interested parties, including importers, State agencies, and the general public, at the time the emergency is declared.

''(c) ADDITIONS TO AND REMOVALS FROM NOXIOUS WEED LIST.—

''(1) PETITION PROCESS.—

''(A) IN GENERAL.—Any interested person may petition the Secretary to add a plant species to, or remove a plant species from, the Federal noxious weed list.

''(B) DETERMINATION.—To the maximum extent practicable, not later than 90 days after receiving a petition, the Secretary shall determine whether the petition presents an assessment of potential damage based on scientific information indicating that the plant species involved should be added to or removed from the Federal noxious weed list.

''(C) PUBLICATION.—The Secretary shall publish each determination made under this paragraph in the Federal Register.

''(2) REVIEW BY ADVISORY PANEL.—If the Secretary determines that a petition presents scientific information described in paragraph (1)(B), the Secretary shall forward the petition to the Advisory Panel for the review and advice of the panel.

''(3) FINDINGS.—Not later than 1 year after receiving a petition under paragraph (1) determined to present scientific information described in paragraph (1)(B), and after considering the advice of the Advisory Panel, the Secretary shall make 1 of the following findings:

''(A) The petitioned action is not warranted.

''(B) The petitioned action is warranted, in which case (except as provided in subparagraph (C)) the Secretary shall commence the procedure described in subsection (b)(1) to add the plant species involved to, or remove the plant species from, the Federal noxious weed list.

''(C) The petitioned action is warranted, except that—

''(i) immediate promulgation of a regulation implementing the petitioned action is precluded by pending proposals to identify Federal noxious weeds; and

''(ii) expeditious progress is being made to add the plant species to the Federal noxious weed list.

''(4) PUBLICATION.—The Secretary shall publish a finding made under paragraph (3) in the Federal Register, with a description and evaluation of the reasons and data on which the finding is based.

''(d) CLASSIFICATION SYSTEM AND INTEGRATED MANAGEMENT PLAN.—

''(1) CLASSIFICATION SYSTEM.—The Secretary shall develop a classification system to describe the status and action levels for foreign noxious weeds and Federal noxious weeds. The classification system shall include, for each foreign noxious weed or Federal noxious weed, the current geographic distribution, relative threat, and actions initiated to prevent introduction or distribution.

''(2) INTEGRATED MANAGEMENT PLAN.—The Secretary shall develop an integrated management plan for each foreign noxious weed or Federal noxious weed introduced into the United States for the geographic region or ecological range where the weed is found in the United States. The plan may include the use of a permanent or temporary quarantine established under section 103.

''(3) CONSULTATION.—The Secretary shall develop the classification system and integrated management plans in consultation with the Advisory Panel.

''(e) NOXIOUS WEED TECHNICAL ADVISORY PANEL.—

''(1) ESTABLISHMENT.—The Secretary shall appoint a Noxious Weed Technical Advisory Panel consisting of 6 individuals to—

''(A) assist the Secretary in—

''(i) the identification of foreign noxious weeds for inclusion on the Federal noxious weed list;

''(ii) the development of integrated management plans; and

''(iii) other matters relating to the administration of this Act; and

''(B) recommend to the Secretary any foreign noxious weed that should be added to or deleted from the Federal noxious weed list.

''(2) MEMBERS.—The members of the Advisory Panel shall be appointed by the Secretary from among persons who have professional or working knowledge of agroecosystems or native or natural ecosystems management. In appointing the members, the Secretary shall ensure that there is 1 representative from each of the North Central, Northeastern, Southern, Southwestern, Northwestern, and Western regions of the United States, and that each of following entities is represented:

''(A) An environmental organization.

''(B) A State agency with weed management responsibility.

''(C) A land grant college or university.

''(D) A weed science society.

''(E) A trade association.

''(F) An ecologist.

''(3) EX OFFICIO MEMBERS.—The Advisory Panel shall also include a representative of each of the following agencies, who shall serve as exofficio members of the Advisory Panel:

''(A) The Animal and Plant Health Inspection Service of the Department.

''(B) The Agricultural Research Service of the Department.

''(C) A Representative of the Federal Interagency Committee for the Management of Noxious and Exotic Weeds.

''(D) A Federal agency with land management responsibilities.

''(4) COMPENSATION.—A member of the Advisory Panel who is not a Federal employee shall receive compensation while on official business in the form of reimbursement for travel and per diem expenses, to be paid by the Secretary in accordance with subchapter I of chapter 57 of title 5, United State Code.

''(5) ANNUAL REPORT.—The Advisory Panel shall submit to the Secretary, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the activities of the Advisory Panel during the preceding year.

''SEC. 103. QUARANTINES.

''(a) IN GENERAL.—The Secretary may establish by regulation such quarantines as are necessary to prevent the importation or introduction, or control the distribution, of a Federal noxious weed.

''(b) TEMPORARY QUARANTINE.—

''(1) AUTHORIZED.—If the Secretary has reason to believe that an infestation of a foreign noxious weed exists in any State, the Secretary may by order—

''(A) temporarily quarantine the State or a portion of the State; and

''(B) restrict or prohibit the interstate movement from the quarantined area of any products and articles of any character, and means of conveyance, capable of carrying the foreign noxious weed.

''(2) TIME PERIOD OF QUARANTINE.—A temporary quarantine ordered under paragraph (1) may not extend for more than 1 year after the date on which the order is issued, unless the order is renewed by the Secretary.

''(3) EXPEDITED CONSIDERATION FOR LISTING.—Not later than the end of the 1-year period referred to in paragraph (2), the Secretary shall determine whether or not the foreign noxious weed involved should be added to the Federal noxious weed list established pursuant to section 102(b). The Secretary shall make the determination in consultation with the Advisory Panel.

''(c) PROHIBITION.—It shall be unlawful for any person to move interstate or intrastate from a quarantined area any product, article, or means of conveyance specified in the regulation or order establishing the quarantine, except in accordance with the regulation or order.

''(d) RELATIONSHIP OF QUARANTINES TO OTHER ACTIVITIES.—The establishment of a quarantine shall not be required in order for the Secretary to regulate the interstate movement, sale, or distribution of a foreign noxious weed.

''SEC. 104. MEASURES TO PREVENT DISSEMINATION OF FOREIGN AND FEDERAL NOXIOUS WEEDS.

''(a) EMERGENCY DISPOSAL.—

''(1) DISPOSAL AUTHORITY.—Subject to subsection (c), if the Secretary determines that action under this paragraph is necessary as an emergency measure to prevent the dissemination of any foreign noxious weed or Federal noxious weed, the Secretary may seize, quarantine, treat, destroy, or otherwise dispose of any product or article of any character, or means of conveyance, that—

''(A) is moving into or through the United States or interstate, with bond or otherwise; and

''(B) the Secretary has reason to believe is infested by the foreign noxious weed or Federal noxious weed, in violation of this Act or any regulation issued under this Act.

''(2) METHOD OF DISPOSAL.—Subject to subsection (c), the Secretary may dispose of a product, article, or means of conveyance seized under this subsection in such manner as the Secretary considers appropriate.

''(b) ORDERS REQUIRING DISPOSAL.—

''(1) DISPOSAL ORDERS.—

''(A) IN GENERAL.—Subject to subsection (c), the Secretary may order the owner (or agent of the owner) of any product, article, or means of conveyance contaminated with a foreign noxious weed or Federal noxious weed subject to disposal under subsection (a) to treat, destroy, or otherwise dispose of the product, article, or means of conveyance of a foreign noxious weed or Federal noxious weed, without cost to the Federal Government and in such manner as the Secretary considers appropriate.

''(B) ENFORCEMENT.—The Secretary may apply to the United States District Court or the judicial district in which the owner or agent resides or transacts business or in which the product, article, means of conveyance of a foreign noxious weed or Federal noxious weed is found, for enforcement of the order by injunction.

''(C) PROCESS.—Process in the case may be served in any judicial district in which the defendant resides or transacts business or may be found. A subpoena for a witness who is required to attend a court in any judicial district in such a case may be served in any other judicial district.

''(c) DESTRUCTION, EXPORT, OR RETURN AS THE LEAST DRASTIC ACTION.—No product, article, or means of conveyance shall be destroyed, exported, or returned to the shipping point of origin, or ordered to be destroyed, exported, or returned to the shipping point of origin under this section, unless in the opinion of the Secretary there is no less drastic action that would be adequate to prevent the dissemination of a foreign noxious weed or Federal noxious weed within the United States or interstate.

''(d) CIVIL ACTION AGAINST UNITED STATES BY OWNER.—

''(1) IN GENERAL.—The owner of any product, article, or means of conveyance destroyed or otherwise disposed of by the Secretary under this section may bring an action against the United States in a Federal district court, not later than 1 year after the

destruction or disposal, to recover just compensation for the destruction or disposal (other than compensation for loss due to delays incident to determining the eligibility of the product, article, or conveyance for movement under this Act), if the owner establishes that the destruction or disposal was not authorized under this Act.

''(2) PAYMENT OF JUDGMENT.—Any judgment rendered in favor of the owner shall be paid out of sums in the Treasury of the United States appropriated for the administration of this Act.

''SEC. 105. SEARCH OF PERSONS, PREMISES, AND GOODS.

''(a) WARRANTLESS SEARCHES.—An authorized inspector, if properly identified, shall have the authority, without a warrant, to stop any person or means of conveyance moving into or through the United States, and to inspect any product or article of any character moving into or through the United States, if the authorized inspector has probable cause to believe that the person or means of conveyance is moving a foreign noxious weed or Federal noxious weed regulated under this Act, or a product or article containing a foreign noxious weed or Federal noxious weed regulated under this Act.

''(b) WARRANT SEARCHES.—

''(1) IN GENERAL.—An authorized inspector shall have authority, with a warrant, to enter any premises in the United States for purposes of an inspection or other action necessary to carry out this Act.

''(2) ISSUANCE OF WARRANTS.—A judge of the United States or of a court of record of any State, or a United States magistrate judge, may within the jurisdiction of the judge or magistrate judge, on proper oath or affirmation showing probable cause to believe that there are on certain premises any product, article, or means of conveyance contaminated with a foreign noxious weed or Federal noxious weed plant regulated under this Act, issue a warrant for the entry of the premises for purposes of any inspection or other action necessary to carry out this Act, except as otherwise provided in section 107.

''(3) EXECUTION OF WARRANTS.—The warrant may be executed by any authorized inspector or any United States marshal.

''SEC. 106. PENALTIES.

''(a) IN GENERAL.—Any person who knowingly violates section 101 or 103, or any regulation issued to carry out section 101 or 103, shall be fined not more than $100,000 or imprisoned not more than 1 year, or both.

''(b) PECUNIARY GAIN OR LOSS.—If any person derives pecuniary gain from an offense described in subsection (a), or if the offense results in pecuniary loss to a person other than the defendant, the defendant may be fined not more than an amount that is the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the imposition of a fine or sentence under subsection (a).

''SEC. 107. COOPERATION WITH OTHER FEDERAL, STATE, AND LOCAL AGENCIES.

''(a) COOPERATION AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall cooperate with other Federal agencies, agencies of States and political subdivisions of States, agriculture producer associations and similar organizations, and individuals in carrying out operations or measures in the United States to prevent, retard, eradicate, suppress, control, or manage the spread of a foreign noxious weed or Federal noxious weed.

''(2) COOPERATORS.—The Secretary may appoint employees of other Federal agencies, and employees of agencies of any State or political subdivision of the State, to assist in the administration of this Act, pursuant to cooperative agreements with the agencies, if the Secretary determines that the appointments would facilitate administration of this Act.

''(b) CONDITIONS ON COOPERATION.—In performing an operations or measure authorized by subsection (a), the cooperating State or other governmental agency shall be responsible for the authority necessary to carry out the operation or measure on all lands and properties, subject to coordination with landowners and land managers within the State or other jurisdiction involved.

''SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this title.

''(b) LIMITATION.—Unless specifically authorized in other laws or provided for in appropriations, no part of sums made available under subsection (a) shall be used to pay the cost or value of property disposed of under section 104.

''TITLE II—MANAGEMENT OF UNDESIRABLE PLANTS ON FEDERAL LANDS

''SEC. 201. DEFINITIONS.

''As used in this title:

''(1) COOPERATIVE AGREEMENT.—The term 'cooperative agreement' means a written agreement between a Federal agency and a State agency entered into pursuant to this title.

''(2) FEDERAL AGENCY.—The term 'Federal agency' means a department or agency of the Federal Government responsible for administering or managing Federal lands under the jurisdiction of the department, agency, or bureau.

''(3) FEDERAL LAND.—The term 'Federal land' means land managed by or under the jurisdiction of the Federal Government.

''(4) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management system' means a system for the planning and implementation of a program, using an interdisciplinary approach, to comprehensively manage an undesirable plant species or group of species using all available methods, including—

''(A) education;

''(B) preventive measures;

''(C) physical or mechanical methods;

''(D) biological agents;

''(E) herbicide methods;

''(F) cultural methods; and

''(G) general land management practices, such as manipulation of livestock or wildlife grazing strategies or improving wildlife or livestock habitat.

''(5) INTERDISCIPLINARY APPROACH.—The term 'interdisciplinary approach' means an approach to making decisions regarding the containment or control of an undesirable plant species or group of species, that—

''(A) includes participation by personnel of Federal or State agencies with experience in areas including weed science, range science, wildlife biology, land management, and forestry; and

''(B) includes consideration of—

''(i) the most efficient and effective method of containing or controlling the undesirable plant species over the long term;

''(ii) scientific studies and current technologies;

''(iii) the physiology and habitat of a plant species and the associated environment of the plant species; and

''(iv) the economic, social, ecological, and human health consequences of carrying out the approach.

''(6) STATE AGENCY.—The term 'State agency' means a State department of agriculture, or other State agency or political subdivision of a State, responsible for the administration or implementation of laws of the State regulating undesirable plants.

''(7) UNDESIRABLE PLANT.—The term 'undesirable plant' means a plant species that is classified as undesirable, noxious, harmful, exotic, injurious, or poisonous, pursuant to State or Federal law. A species listed as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be designated as an undesirable plant under this paragraph and the term shall not include a plant indigenous to an area where control measures are to be taken under this title.

''SEC. 202. FEDERAL AGENCY INVOLVEMENT.

''(a) DUTIES OF AGENCIES.—The head of each Federal agency shall—

''(1) designate an office and person adequately trained in the management of undesirable plants to develop and coordinate an undesirable plant management program for the control of undesirable plants on Federal land under the jurisdiction of the agency;

''(2) establish and adequately fund an undesirable plant management program through the budgetary process of the agency;

''(3) complete and carry out cooperative agreements with State agencies regarding the management of undesirable plants on Federal land under the jurisdiction of the agency; and

''(4) establish integrated management systems to control or contain undesirable plants targeted under cooperative agreements.

''(b) ENVIRONMENTAL IMPACT STATEMENTS.—If an environmental assessment or environmental impact statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to carry out an integrated management system to manage undesirable plants under this section, a Federal agency shall complete the assessment or statement not later than 1 year after the requirement for the assessment or statement is determined.

''(c) COOPERATIVE AGREEMENTS WITH STATE AGENCIES.—

''(1) IN GENERAL.—A Federal agency shall enter into a cooperative agreement with a State agency to coordinate the management of undesirable plants on Federal land under the jurisdiction of the Federal agency.

''(2) CONTENTS OF PLAN.—A cooperative agreement entered into pursuant to paragraph (1) shall—

''(A) prioritize and target undesirable plants or groups of undesirable plants to be controlled or contained within a specific geographic area;

''(B) describe the integrated management system to be used to control or contain the targeted undesirable plants or group of undesirable plants; and

''(C) detail the means of carrying out the integrated management system, define the duties of the Federal agency and the State agency in carrying out the system, and establish a timeframe for the initiation and completion of the tasks specified in the system.

''(d) EXCEPTION.—A Federal agency shall not be required to carry out programs on Federal land under this section unless similar programs are being carried out generally on State or private land in the same area.

''(e) COORDINATION.—

''(1) IN GENERAL.—The Secretary of Agriculture, Secretary of Defense, Secretary of Energy, Secretary of the Interior, and Secretary of Transportation, acting through the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, shall take such actions as are necessary to coordinate Federal agency programs for control, research, and educational efforts associated with Federal, State, and locally designated noxious weeds.

''(2) DUTIES.—The Federal Interagency Committee for the Management of Noxious

and Exotic Weeds, in consultation with the appropriate Assistant Secretaries, shall—

''(A) identify regional priorities for noxious weed control in cooperation with the appropriate States;

''(B) incorporate into technical guides regionally appropriate technical information; and

''(C) disseminate the technical information to interested State, local, and private entities.

''(3) COST SHARE ASSISTANCE.—The Secretary may provide cost share assistance to State and local agencies to manage noxious weeds in an area if a majority of landowners in the area agree to participate in a noxious weed management program.

''SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as are necessary for fiscal years 1995 through 1999.

''TITLE III—GENERAL PROVISIONS

''SEC. 301. EFFECT ON INCONSISTENT STATE AND LOCAL LAWS.

''This Act shall not invalidate the law of any State or political subdivision of a State relating to foreign noxious weeds or Federal noxious weeds, except that a State or political subdivision of a State may not permit any action that is prohibited under this Act.

''SEC. 302. REGULATIONS.

''The Secretary may issue such regulations as are necessary to carry out this Act.''.

SEC. 102. EFFECT OF AMENDMENT ON PREVIOUS LISTING OF NOXIOUS WEEDS.

(a) DEFINITION OF NOXIOUS WEED.—In this section, the term ''noxious weed'' has the meaning given the term in section 3(c) of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2802(c)), as in effect on the day before the date of enactment of this Act.

(b) INCLUSION ON NEW FEDERAL LIST OF NOXIOUS WEEDS.—Each noxious weed identified by the Secretary of Agriculture in a regulation issued before the date of enactment of this Act shall be considered to be a Federal noxious weed and included on the Federal noxious weed list for purposes of the Foreign and Federal Noxious Weed Act (as amended by section 101).

TITLE II—STATE TERMINAL INSPECTION

SEC. 201. INSPECTION OF ANIMALS AND OTHER ORGANISMS.

The matter under the heading ''ENFORCEMENT OF THE PLANT-QUARANTINE ACT:'' under the heading ''MISCELLANEOUS'' of the Act of March 4, 1915 (commonly known as the ''Terminal Inspection Act'') (38 Stat. 1113, chapter 144; 7 U.S.C. 166) is amended—

(1) in the second paragraph—

(A) by striking ''plants and plant products'' each place it appears and inserting ''plants, plant products, animals, and other organisms'';

(B) by striking ''plants or plant products'' each place it appears and inserting ''plants, plant products, animals, or other organisms'';

(C) by striking ''plant-quarantine law or plant-quarantine regulation'' each place it appears and inserting ''plant-quarantine or other law or regulation''; and

(D) in the last sentence, by striking ''be forward'' and inserting ''be forwarded''; and

(2) in the third paragraph, by striking ''plant or plant product'' and inserting ''plant, plant product, animal, or other organism''.

SEC. 202. INSPECTION OF ITEMS ON STATE LISTS.

The second sentence of the second paragraph of the matter under the heading ''ENFORCEMENT OF THE PLANT-QUARANTINE ACT:'' under the heading ''MISCELLANEOUS'' of the Act of March 4, 1915 (commonly known as the ''Terminal Inspection Act'') (38 Stat. 1113, chapter 144; 7 U.S.C. 166) is amended—

(1) by striking ''Upon his approval of said list, in whole or in part, the Secretary of Agriculture'' and inserting ''On the receipt of the list by the Secretary of Agriculture, the Secretary''; and

(2) by striking ''said approved lists'' and inserting ''the list''.

SEC. 203. WARRANTS.

The second paragraph of the matter under the heading ''ENFORCEMENT OF THE PLANT-QUARANTINE ACT:'' under the heading ''MISCELLANEOUS'' of the Act of March 4, 1915 (commonly known as the ''Terminal Inspection Act'') (38 Stat. 1113, chapter 144; 7 U.S.C. 166) is amended by inserting after the second sentence the following: ''On the request of a representative of a State, a Federal agency shall act on behalf of the State to obtain a warrant to inspect mail to carry out this paragraph.''.●

By Mr. SHELBY (for himself, Mr. STEVENS, Mr. INOUYE, Mr. THURMOND, Mr. MACK, and Mr. HEFLIN):

S. 691. A bill to amend title XVIII of the Social Security Act to provide for coverage of early detection of prostate cancer and certain drug treatment services under part B of the medicare program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such early detection and treatment services under the programs of the Department of Veterans' Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; to the Committee on Finance.

THE PROSTATE CANCER DIAGNOSIS AND TREATMENT ACT OF 1995

Mr. SHELBY. Mr. President, today I am introducing the Prostate Cancer Diagnosis and Treatment Act of 1995. Prostate cancer is the leading cancer and the second leading cause of cancer death among American men. Over 215,000 Americans will be diagnosed with the disease this year and over 40,000 men will die from it.

Despite recent advances in the early detection and treatment of prostate cancer, the number of cases and the number of deaths continue to rise. Prostate cancer is as common today in men as breast cancer is in women, and the death rates for the two diseases are similar as well. Over this decade, prostate cancer cases and deaths are expected to continue their rapid rise—with cases increasing by 37 percent and deaths by 90 percent between 1985 and 2000.

Early detection has been greatly improved with the development of the prostate specific antigen [PSA] test—a simple and inexpensive blood test for the presence of prostate cancer. As a result, the American Urological Association and the American Cancer Society now recommend that men ago 50 and over get an annual screening with the PSA test. Treatment has been improved through new surgical techniques that remove the cancer without disastrous side effects, and through new drug therapy that can extend life expectancy and improve patient comfort for patients with advanced stage cancer.

These improvements have meant the difference between life and death for many men. The ability to detect prostate cancer in the first stage of the disease has made it possible to surgically remove the cancer when it is still confined to the prostate. Over 70 percent of patients treated in this way never have a recurrence of the disease. Waiting until the second stage or later, which was necessary under previous techniques, greatly increases the risk that the cancer has spread, with small hope for a cure.

I know how important it is to get screening and early treatment for prostate cancer—I am a prostate cancer survivor. I had a PSA test—I had a positive score—I had my prostate removed—and I am here to tell about it as a result. A number of my colleagues in this Chamber—Senator DOLE, Senator STEVENS, among them—are here with us today because their prostate cancer was spotted early and treated effectively. General Schwarzkopf, the hero of the gulf war, is another man nearly felled by prostate cancer, but saved through screening and surgery. General Schwarzkopf has become a national spokesman for prostate cancer detection. General Schwarzkopf and all of us in Congress are lucky to have the kind of insurance coverage we do through the Military and Federal Employees Health Benefit plans and the access we have to the finest medical facilities and doctors at Walter Reed Hospital among other places.

We can all be sure we get our annual PSA test and any treatment we may need.

The tragedy is that 13 million American men who are at the highest risk for this disease do not have health insurance coverage for the best early detection methods and drug therapies. They do not have it because we, the Congress, have not seen fit to provide it for them through the Medicare and Veterans Health programs. Medicare covers the old diagnostic test but does not provide for an annual PSA test. The Veterans Health services could provide annual tests for their resident and in-patient populations, but rarely do the tests or the follow-on surgery. Both of these programs cover part of the hormonal drug therapy for treatment of advanced prostate cancer, but leave out the oral drug which is particularly effective when given in combination therapy. These omissions are particularly troubling because these programs cover the overwhelming majority of men who have the disease.

Finally, it is remarkable that we have had these breakthroughs in detection and treatment given that we have so completely neglected funding for prostate cancer research. Prostate cancer is a disease that has a similar incidence and death rate to breast cancer

yet receives one-fourth as much research money. This is a serious oversight that we should correct to increase the pace of research and develop conclusive evidence on what really works and does not work in treating prostate cancer.

The Prostate Cancer Diagnosis and Treatment Act of 1995 would take three important steps to halt the progression of this disease. First, it would nearly double spending on research to develop more effective treatments of the disease. Second, it would make PSA tests available under the Medicare and Veterans Health programs. Third, it would extend Medicare and Veterans Health coverage for prostate cancer drugs to cover the advanced combination therapy including oral drugs that can significantly extend and improve the lives of prostate cancer victims.

Mr. President, it is important that we increase our efforts to combat this deadly form of cancer and address these deficiencies in our Federal health coverage and research programs. I urge my colleagues to join me in sponsoring the legislation that could make a difference for thousands of men who might otherwise have suffered greatly or died an untimely death from prostate cancer.

By Mr. KYL:

S. 694. A bill to prevent and punish crimes of sexual and domestic violence, to strengthen the rights of crime victims, and for other purposes; to the Committee on the Judiciary.

THE SEXUAL VIOLENCE PREVENTION AND VICTIMS RIGHTS ACT

• Mr. KYL. Mr. President, I ask unanimous consent that the summary of the Sexual Violence Prevention and Victims Rights Act be printed in the RECORD.

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

PROVISIONS OF THE SEXUAL VIOLENCE PREVENTION AND VICTIM'S RIGHTS ACT OF 1995

TITLE I—EQUAL PROTECTION FOR VICTIMS

Sec. 101. Right of the victim to restitution.

Makes issuance of a full order of restitution for the victim mandatory in all cases under the federal criminal code, and adopts other reforms to strengthen restitution for victims.

Sec. 102. Right of the victim to an impartial jury.

Protects the right of victims to an impartial jury by equalizing the number of peremptory challenges afforded to the defense and the prosecution in jury selection. (Current law affords defendants 10 peremptory challenges, but affords the prosecution only 6, in felony cases.)

Sec. 103. Right of the victim to fair treatment in legal proceedings.

Establishes higher standards of professional conduct for lawyers in federal cases to protect victims and other witnesses from abuse, and to promote the effective search for truth. Specific measures include prohibition of: harassing or dilatory tactics, knowingly presenting false evidence or discrediting truthful evidence, willful ignorance of matters that could be learned from the client, and concealment of information necessary to prevent violent or sexual abuse crimes.

Sec. 104. Rebuttal of attacks on the victim's character.

Provides that if a defendant presents negative character evidence concerning the victim, the government's rebuttal can include negative character evidence concerning the defendant.

Sec. 105. Use of notice concerning release of offender.

Repeals provision that notices to state and local law enforcement concerning the release of federal violent and drug trafficking offenders can only be used for law enforcement purposes. This removes an impediment to other legitimate uses of such information, such as advising victims or potential victims that the offender has returned to the area.

Sec. 106. Balance in the composition of rules committees.

Provides for equal representation of prosecutors with defense lawyers on committees in the judiciary that make recommendations concerning rules affecting criminal cases.

Sec. 107. Victim's right of allocution in sentencing.

Extends the right of victims to address the court concerning the sentence to all criminal cases. Current law provides such a right for victims only in violent crime and sexual abuse cases, though the offender has the right to make an allocutive statement in all cases.

TITLE II—SEXUAL VIOLENCE, DOMESTIC VIOLENCE, AND OFFENSES AGAINST THE FAMILY

Sec. 201. Implementation of evidence rules for sexual assault and child molestation cases.

Provides that F.R.E. 413–15, which establish general rules of admissibility for similar crimes evidence in sexual assault and child molestation cases, will take effect immediately.

Sec. 202. HIV testing of defendants in sexual assault cases.

Provides effective procedures for HIV testing of defendants in sexual assault cases, with disclosure of test results of the victim.

Sec. 203. Clarifying amendment to extraterritorial child pornography offense.

Clarifies that the extraterritorial child pornography offense, like the domestic child pornography offenses, covers cases involving the transmission of child pornography by computer.

Sec. 204. Evidence of defendant's disposition towards victim in domestic violence cases and other cases.

Clarifies that evidence of a defendant's disposition towards a particular individual—such as the violent disposition of a domestic violence defendant towards the victim—is not subject to exclusion as impermissible evidence of ''character.''

Sec. 205. Battered women's syndrome evidence.

Clarifies that ''battered women's syndrome'' evidence is admissible under the federal expert testimony rule, to help courts and juries understand the behavior of victims in domestic violence cases and other cases.

Sec. 206. Death penalty for fatal domestic violence offenses.

Authorizes capital punishment under the federal interstate domestic violence offenses, for cases in which the offender murders the victim.•

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 695. A bill to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas, and for other purposes; to the Committee on Energy and Natural Resources.

THE TALLGRASS PRAIRIE NATIONAL PRESERVE ACT

Mrs. KASSEBAUM. Mr. President, I rise today with my colleague from Kansas, Senator DOLE, to introduce legislation to create a tallgrass prairie preserve in the Flint Hills of Kansas.

At a time when some in Congress are asking hard questions about the cost and role of some units in the national park system, one may wonder why I am proposing the addition of another preserve to an already overburdened system. I am aware and sympathetic to those who complain that some members of Congress have taken a parochial interest in the park system, passing bills to create parks and historical sites more for their economic benefits to neighboring communities than because the area is nationally significant, either naturally or historically.

James Ridenour, former director of the National Park Service under President Bush, calls this the ''thinning of the blood'' of park system and points out that we are spreading limited personnel and scarce funds too thin. As a consequence, we have been spending an increasing percentage of Federal dollars on sites with questionable significance and devoting less to protecting our Nation's naturally significant resources. However, Mr. Ridenour strongly supports the bill being introduced today as a unique solution to the creation of an important addition to the park system.

This legislation was crafted in response to these concerns. It creates for the first time a private-public partnership, where capital from a private conservation organization is combined with limited funds from the Federal Government to create a national preserve open to the American public. We will be doing this at a fraction of the cost that the Federal Government would otherwise spend if it were to purchase the property for preservation. By taking this approach, we will be preserving for the first time an ecosystem that is found nowhere in the park service system. The approach taken in this bill is the kind of new thinking we in Congress must explore if we are to wisely spend scarce Federal dollars to protect important natural and historic areas in the future.

For those who have never been to the Flint Hills of Kansas, let me explain why this area is so unique and special. From Nebraska to Oklahoma there remains a narrow swath of tallgrass prairie—the remnants of a once vast tallgrass prairie ecosystem that covered 400,000 square miles from Ohio to the Rocky Mountains, from Canada to Texas. Today, less than 1 percent of this ecosystem remains, much of it in the Flint Hills, which are too steep and too rocky to farm.

There is no better example of this tallgrass prairie ecosystem in the Flint Hills than the 10,894-acre Spring Hill Ranch in Chase County. Hundreds of species of native plants and grasses grow on the ranch. Nearly 200 kinds of

birds, 29 species of reptiles and amphibians, and 31 species of mammals can be found on the property. The National Park Service, after an extensive survey of the property in 1991, concluded the property was nationally significant became of its natural resources and said it deserved conservation as a unit of the national park system.

Beyond the natural splendor of the ranch, the property includes a house, barn, and several outbuildings listed on the National Register of Historic Places because of their unique second empire architectural style. Each of these buildings was built in the 1880s from hand-cut cottonwood limestone quarried in the area. They illustrate the elegance and style of the ranch's first owner, a local cattle baron. A mile way from the house, over a rise in the land, also sets a one-room prairie school built in 1882.

For the past 4 years, I have been involved in efforts to preserve this ranch and open it to the public. Last year, the National Park Trust, a private conservation organization, purchased the ranch and has been working with members of the Kansas congressional delegation and officials with the Department of the Interior to develop legislation to preserve the ranch through a private-public partnership. The results, which have come only after painstaking negotiations with the Trust, Interior officials, and representatives of Kansas' agricultural and conservation groups, is reflected in the legislation I am introducing today.

The Tallgrass Prairie National Preserve Act will allow the National Park Service to purchase or accept donations of up to 180 acres, or less than 2 percent of the ranch. In meetings I have had with Secretary of the Interior Bruce Babbitt, he has stated that he would like to see the National Park Service own, maintain, and operate this historic core area, which includes the house, barn, and outbuildings.

The rest of the ranch will continue in private ownership, but the Secretary of the Interior is given the authority in this bill to enter into a cooperative agreement with the National Park Trust to provide interpretative and resource management assistance for the rest of the ranch, as well as police and emergency services.

What is different about this proposal and why it makes such sense from the standpoint of the Federal Government is that the American people will have access to and use of the 10,894-acre ranch for the cost of operating a 180-acre site. The National Park Trust, in a letter that I will ask be printed in the RECORD following my statement, has committed to donating to the Federal Government at no cost up to the 180 acres of the ranch's historic core. This donation, estimated by the trust to exceed $2 million in value, was one of the elements we negotiated to make this bill a true private-public partnership.

Mr. President, as Congress looks for innovative ways to make Government work better, I believe the approach taken in this bill signals departure from the way the Federal Government has protected important natural and historic areas in the past. I am pleased officials with the Department of the Interior have been so willing to work with me to explore this partnership. They have gone to great lengths to ensure the quality of this Park Service unit will not be compromised, while remaining open to suggestions to new ways of approaching issues. As former Director Ridenour says in a letter endorsing the legislation, this bill ''represents the kind of creative thinking that will have to take place to guarantee that we take care of our great parks in the future.''

In addition to the care that was taken to draft this private-public partnership, equal care was given to address the legitimate concerns of area ranchers. In this bill, National Park Service ownership is limited to 180 acres, and no further expansion is permitted. Language was incorporated into the bill to address concerns regarding fence maintenance and to require compliance with State noxious weed, pesticide, animal health, and water laws. The bill establishes an advisory committee consisting of conservationists, landowners, local community officials, and range management specialists to help determine how the ranch should be managed. The bill also incorporates language that requires the Federal Government to be a good partner with neighboring communities and work cooperatively to deliver emergency and other services.

Mr. President, we have a wonderful opportunity to protect for future generations a portion of the tallgrass prairie—the only ecosystem not currently represented in the National Park System. Passage of this bill will give the American public an opportunity to enjoy and explore this beautiful area and grow to appreciate its history and importance.

I ask unanimous consent that a letter from the National Park Trust and a letter from James Ridenour be included in the RECORD.

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

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

S. 695

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 ''Tallgrass Prairie National Preserve Act of 1995''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Of the 400,000 square miles of tallgrass prairie that once covered the North American Continent, less than 1 percent remains, primarily in the Flint Hills of Kansas.

(2) In 1991, the National Park Service conducted a special resource study of the Spring Hill Ranch, located in the Flint Hills of Kansas.

(3) Such study concludes that the Spring Hill Ranch—

(A) is a nationally significant example of the once vast tallgrass ecosystem, and includes buildings listed on the National Register of Historic Places pursuant to section 101 of the National Historic Preservation Act (16 U.S.C. 470a) which represent outstanding examples of Second Empire and other 19th Century architectural styles; and

(B) is suitable and feasible as a potential addition to the National Park System.

(4) The National Park Trust, which owns the Spring Hill Ranch, has agreed to permit the National Park Service—

(A) to purchase a portion of the ranch, as specified in this Act; and

(B) to manage the ranch in order to—

(i) conserve the scenery, natural and historic objects, and wildlife of the ranch; and

(ii) provide for the enjoyment of the ranch in such manner, and by such means, as will leave such scenery, natural and historic objects, and wildlife unimpaired for the enjoyment of future generations.

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

(1) To preserve, protect, and interpret for the public an example of a tallgrass prairie ecosystem on the Spring Hill Ranch, located in the Flint Hills of Kansas.

(2) To preserve and interpret for the public the historic and cultural values represented on the Spring Hill Ranch.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Advisory Committee established under section 7.

(2) PRESERVE.—The term ''Preserve'' means the Tallgrass Prairie National Preserve established under section 4.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRUST.—The term ''Trust'' means the National Park Trust, Inc. (which is a District of Columbia nonprofit corporation), or any successor-in-interest, subsidiary, affiliate, trustee, or legal representative of the National Park Trust, Inc. that possesses legal or equitable ownership or management rights with respect to land and improvements on land that constitutes any portion of the Preserve.

SEC. 4. ESTABLISHMENT OF TALLGRASS PRAIRIE NATIONAL PRESERVE.

(a) IN GENERAL.—In order to provide for the preservation, restoration, and interpretation of the Spring Hill Ranch area of the Flint Hills of Kansas, for the benefit and enjoyment of present and future generations, there is hereby established the Tallgrass Prairie National Preserve.

(b) DESCRIPTION.—The Preserve shall consist of the lands, waters, and interests therein, including approximately 10,894 acres, generally depicted on the map entitled ''Boundary Map, Flint Hills Prairie National Monument'' numbered NM–TGP 80,000 and dated June 1994, more particularly described in the deed filed at 8:22 a.m. of June 3, 1994, with the Office of the Register of Deeds in Chase County, Kansas, and recorded in Book L–106 at pages 328 through 339, inclusive. In the case of any difference between such map and legal description, such legal description shall govern, except that if, as a result of a survey, the Secretary determines that there is a discrepancy with respect to the boundary of the Preserve that may be corrected by making minor changes to the map or legal description, the Secretary is directed to make such minor changes. The map shall be on file

and available for public inspection in the appropriate offices of the National Park Service of the Department of the Interior.

SEC. 5. ADMINISTRATION OF NATIONAL PRESERVE.

(a) IN GENERAL.—The Secretary shall administer the Preserve in accordance with this Act, the cooperative agreements described in subsection (f)(1), and the provisions of law generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2 through 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) APPLICATION OF REGULATIONS.—The regulations issued by the Secretary concerning the National Park Service that provide for the proper use, management, and protection of persons, property, and natural and cultural resources shall apply within the boundaries of the Preserve.

(c) FACILITIES.—For purposes of carrying out the duties of the Secretary under this Act relating to the Preserve, the Secretary may, with the consent of the landowner—

(1) directly or by contract, construct, reconstruct, rehabilitate, or develop essential buildings, structures, and related facilities including roads, trails, and other interpretive facilities on real property that is not owned by the Federal Government and is located within the Preserve; and

(2) maintain and operate programs in connection with the Preserve.

(d) LIABILITY.—

(1) LANDOWNERS.—Notwithstanding any other provision of law, no person who owns any land or interest in land within the Preserve shall be liable for injury to, or damages suffered by, any other person who is injured or damaged while upon the land within the Preserve if—

(A) such injury or damages result from any act or omission of the Secretary or any officer, employee, or agent of the Secretary; or

(B) such liability would arise solely by reason of the ownership by the defendant of such land or interest in land and such injury or damages are not proximately caused by the wanton or willful misconduct of the defendant.

(2) LIABILITY OF UNITED STATES AND OFFICERS AND EMPLOYEES OF THE UNITED STATES.—(A) Nothing in this subsection or in any other provision of this Act may be construed to exempt the Federal Government, or any officer or employee of the Federal Government, from any liability for any act or omission for which the Federal Government, or such officer or employee, as the case may be, would otherwise be liable under any applicable provision of law.

(B) Nothing in this subsection or in any other provision of this Act may be construed to impose on the Federal Government, or any officer or employee of the Federal Government, any liability for any act or omission of any other person or entity for any act or omission of such other person or entity for which the Federal Government, or such officer or employee, as the case may be, would otherwise not be liable under any applicable provision of law.

(e) FEES.—Notwithstanding any other provision of law, the Preserve shall be considered a designated unit of the National Park System, including for the purposes of charging entrance and admission fees under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a).

(f) AGREEMENTS AND DONATIONS.—

(1) AGREEMENTS.—The Secretary is authorized to expend Federal funds for the cooperative management of private property within the Preserve for research, resource management (including pest control and noxious weed control, fire protection, and the restoration of buildings), and visitor protection and use. The Secretary may enter into one or more cooperative agreements with public or private agencies, organizations, and institutions to further the purposes of this Act (as specified in section 2(b)), including entering into a memorandum of understanding with the appropriate official of the county in which the Preserve is located to provide for such services as law enforcement and emergency services.

(2) DONATIONS.—Notwithstanding any other provision of law, the Secretary may solicit, accept, retain, and expend donations of funds, property (other than real property), or services from individuals, foundations, corporations, or public entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of this Act.

(g) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than the termination date of the third full fiscal year beginning after the date of establishment of the Preserve, the Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a general management plan for the Preserve.

(2) CONSULTATION.—In preparing the general management plan, the Secretary, acting through the Director of the National Park Service, shall consult with—

(A)(i) appropriate officials of the Trust; and

(ii) the Advisory Committee established under section 7; and

(B) adjacent landowners, appropriate officials of nearby communities, the Kansas Department of Wildlife and Parks, and the Kansas Historical Society, and other interested parties.

(3) CONTENT OF PLAN.—The general management plan shall provide for the following:

(A) Maintaining and enhancing the tallgrass prairie ecosystem within the boundaries of the Preserve.

(B) Public access and enjoyment of the property that is consistent with the conservation and proper management of the historical, cultural, and natural resources of the ranch, lands of adjoining landowners, and surrounding communities.

(C) Interpretive and educational programs covering the natural history of the prairie, the cultural history of Native Americans, and the legacy of ranching in the Flint Hills region.

(D) Provisions requiring the application of applicable State law concerning the maintenance of adequate fences within the boundaries of the Preserve. In any case in which an activity of the National Park Service requires fences that exceed the legal fence standard otherwise applicable to the Preserve, the National Park Service shall pay the additional cost of constructing and maintaining the fences to meet the applicable requirements for that activity.

(E) Provisions requiring the Secretary to comply with applicable State noxious weed, pesticide, and animal health laws.

(F) Provisions requiring compliance with applicable Federal and State water laws and waste disposal laws (including regulations) and any other applicable law.

(G) Provisions requiring the Secretary to honor each valid existing oil and gas lease for lands within the boundaries of the Preserve (as described in section 4(b)) that is in effect on the date of enactment of this Act.

(H) Provisions requiring the Secretary to offer to enter into an agreement with each individual who, as of the date of enactment of this Act, holds rights for cattle grazing within the boundaries of the Preserve (as described in section 4(b)).

SEC. 6. LIMITED AUTHORITY TO ACQUIRE.

(a) IN GENERAL.—The Secretary is authorized and directed to acquire, by donation or purchase with donated or appropriated funds, at fair market value—

(1) not more than 180 acres of real property within the boundaries of the Preserve (as described in section 4(b)) and the improvements thereon; and

(2) rights-of-way on roads that are not owned by the State of Kansas within the boundaries of the Preserve.

(b) PAYMENTS IN LIEU OF TAXES.—For the purposes of payments made pursuant to chapter 69 of title 31, United States Code, the real property described in subsection (a)(1) shall be deemed to have been acquired for the purposes specified in section 6904(a) of such title 31.

(c) PROHIBITIONS.—No property may be acquired under this section without the consent of the owner of the property. The United States may not acquire fee ownership of any lands within the Preserve other than lands described in this section.

SEC. 7. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established an advisory committee to be known as the ''Tallgrass Prairie National Preserve Advisory Committee''.

(b) DUTIES.—The Advisory Committee shall advise the Secretary and the Director of the National Park Service concerning the development, management, and interpretation of the Preserve. In carrying out such duties, the Advisory Committee shall provide timely advice to the Secretary and the Director during the preparation of the general management plan required by section 5(g).

(c) MEMBERSHIP.—The Advisory Committee shall consist of the following 13 members, who shall be appointed by the Secretary as follows:

(1) Three members shall be representatives of the Trust.

(2) Three members shall be representatives of local landowners, cattle ranchers, or other agricultural interests.

(3) Three members shall be representatives of conservation or historic preservation interests.

(4) Three members, who shall be appointed as follows:

(A) One member shall be selected from a list of nominations submitted to the Secretary by the Chase County Commission in the State of Kansas.

(B) One member shall be selected from a list of nominations jointly submitted to the Secretary by appropriate officials of Strong City, Kansas, and Cottonwood Falls, Kansas.

(C) One member shall be selected from a list of nominations submitted to the Secretary by the Governor of the State of Kansas.

(5) One member shall be a range management specialist representing institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) in the State of Kansas.

(d) TERMS.—

(1) IN GENERAL.—Each member of the Advisory Committee shall be appointed to serve for a term of 3 years, except that the initial members shall be appointed as follows:

(A) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 3 years.

(B) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 4 years.

(C) Five members shall be appointed, one each from paragraphs (1) through (5) of subsection (c), to serve for a term of 5 years.

(2) REAPPOINTMENT.—Each member may be reappointed to serve for a subsequent term.

(3) EXPIRATION.—Each member shall continue to serve after the expiration of the term of the member until a successor is appointed.

(4) VACANCIES.—A vacancy on the Advisory Committee shall be filled in the same manner as an original appointment is made. The member appointed to fill the vacancy shall serve until the expiration of the term in which the vacancy occurred.

(e) CHAIRPERSON.—The Secretary shall appoint one of the members who is a representative from the Trust appointed under subsection (c)(1) to serve as Chairperson.

(f) MEETINGS.—Meetings of the Advisory Committee shall be held at the call of the Chairperson or the majority of the Advisory Committee. Meetings shall be held at such locations and in such manner as to ensure adequate opportunity for public involvement. In compliance with the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall choose an appropriate means of providing interested members of the public advance notice of scheduled meetings.

(g) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum.

(h) COMPENSATION.—Each member of the Advisory Committee shall serve without compensation, except that while engaged in official business of the Advisory Committee, the member shall be entitled to travel expenses, including per diem in lieu of subsistence in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(i) CHARTER.—The rechartering provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) are hereby waived with respect to the Advisory Committee.

SEC. 8. RESTRICTION ON AUTHORITY.

Nothing in this Act shall give the Secretary authority to regulate lands outside the boundaries of the Preserve.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out this Act.

NATIONAL PARK TRUST,
Washington, DC, April 6, 1995.

Hon. Senator KASSEBAUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR KASSEBAUM: It is a privilege for the National Park Trust to endorse the legislation you are introducing to establish a Tallgrass Prairie National Preserve in Kansas. We commend you for your leadership in recognizing the importance of America's tallgrass prairie, which once covered more than 140 million acres across our nation's heartland, but today only survives in remnant swatches.

The Spring Hill/Z Bar Ranch encompasses a magnificent unspoiled swath of the Flint Hills. Its rolling, nearly treeless landscape with grasses, sometimes reaching ten feet in height, sustains the biological riches of a vanishing American landscape. Nearly 200 kinds of birds, 29 species of reptiles and amphibians, and 31 species of mammals can be found on the property. Its distinctive century-old limestone buildings, looming large amid ocean-like waves of prairie, give enduring voice to local traditions and can serve as an appropriate setting to tell the story of Native Americans and pioneers and our nation's westward expansion. Because of its outstanding natural and cultural resources, the National Park Service's 1991 special resource study concluded that the property met the standards as a unit of the National Park System.

The National Park Trust acquired the Spring Hill/Z Bar Ranch last June as a first important step toward ensuring that this country's tallgrass heritage is preserved and interpreted for all Americans. The Trust is a 501(c)(3) non-profit educational and charitable corporation which is celebrating more than ten years as the land conservancy of the national parks. Its mission is to assist the National Park Service in the acquisition of inholdings from willing sellers, and to acquire and protect properties, such as the Spring Hill/Z Bar Ranch, that merit protection as units of the National Park System.

Now more than ever, the acquisition of properties for inclusion in the National Park System is limited by shrinking federal funds. In view of the condition of the federal budget and because inclusion of a tallgrass prairie unit is believed by many to be the highest priority for the National Park System, the Trust will consider as its May meeting a proposal to donate up to 180 acres of the historic core area of the ranch, with a value of more than $2 million, to the national Park Service. The property would be donated once the federal designation has occurred and the National Park Service has completed its study to determine the amount of acreage that is needed. It is our hope that this potential donation indicates the strength of our conviction that the Spring Hill/Z Bar Ranch is of great national significance and deserves to be part of the National Park System.

We also continue our pledge to manage the remainder of the property not under the direct control of the National Park Service in a manner that is compatible with the preserve's general management plan—a plan that will be developed by the National Park Service in cooperation with a citizen advisory committee.

We welcome this opportunity to support this legislation and look forward to its completion so that this deserving resource can be part of the National Park System.

Sincerely,

J. PAUL DUFFENDACK,
Chairman, Tallgrass Prairie Interim Management Committee, Member, National Park Trust Board of Trustees.

INDIANA UNIVERSITY,
Bloomington, IN, April 3, 1995.

DEAR SENATOR KASSEBAUM: This is a letter in support of your efforts to set aside a tall grass prairie in Kansas. You may recall that I was Director of the National Park Service in the Bush Administration.

In lectures I have been giving around the country, I have been saying that the last great natural park to be purchased is a tall grass prairie park. We may have some trades between various federal agencies from time to time, but the tall grass park is one in which private ownership will be involved.

You have reached a unique solution to creating the park. Private ownership has been recognized and respected while the core area of 180 acres would become the management responsibility of the NPS. This represents the kind of creative thinking that will have to take place to guarantee that we take care of our great parks in the future.

A tall grass prairie is a missing link in our system. This statement comes from a former director who in leery of creating additional parks. In my book, National Parks Compromised, I talk of the concern I have with ''thinning the blood'' of our system with parks with little or no national significance. A tall grass addition to the system would not be a ''Thinning of the blood'', especially in the creative manner you are bringing it into the system.

Good luck and thank you for your efforts.

Sincerely,

JAMES M. RIDENOUR,
Director, Eppley Institute for Parks and Public Lands.

Mr. DOLE. Mr. President, for several years there have been attempts to create a national tall grass prairie preserve on nearly 11,000 acres in Kansas, known as the Z-Bar Ranch. Proposals for this preserve have faced valid opposition from concerned citizens and landowners in the area. Today, Senator KASSEBAUM is introducing legislation which I expect will establish a successful public/private partnership.

I commend Senator KASSEBAUM's leadership efforts to establish a prairie park in Kansas. In January 1992, she organized the Spring Hill/Z-Bar Ranch Foundation to raise money for the purchase of the ranch. This private foundation also addressed many of the concerns of local residents and landowners.

Last summer, the Z-Bar Ranch was sold to a private trust. But establishing Z-Bar as a national preserve requires legislation. Senator KASSEBAUM has worked diligently to strike a balance which is acceptable to all parties. This bill authorizes the Federal Government to purchase or to accept a donation of up to 180 acres of the Z-Bar Ranch.

I have always supported Senator KASSEBAUM's efforts to encourage private participation in the establishment of a national prairie preserve. With a private/public partnership, we can officially recognize the tall grass prairie while limiting the involvement of the Federal Government.

This year, the National Park Trust, who currently owns the ranch, offered to donate the core area of land to the Federal Government. This will minimize the cost of establishing the preserve. In my view, a compromise which includes minimal Federal ownership and continued local input sets this proposal apart from other efforts.

The tall grass prairie is a vital part of the natural environment and heritage of the high plains. We must protect and preserve it. Anyone who has driven through the Flint Hills of Kansas appreciates the beauty of this prairie. I am pleased to join Senator KASSEBAUM today in cosponsoring this legislation. Her success in creating a partnership between public and private efforts will help preserve the history of the Midwest.

By Mr. KENNEDY:

S. 696. A bill to assist States and secondary and postsecondary schools to develop, implement, and improve school-to-work opportunities systems so that all students have an opportunity to acquire the knowledge and skills needed to meet challenging State academic standards and industry-based skill standards and to prepare for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers, and for

other purposes; to the Committee on Labor and Human Resources.

THE CAREER PREPARATION EDUCATION REFORM ACT

Mr. KENNEDY. Mr. President, it is a privilege, on behalf of the Clinton administration, to introduce the Career Preparation Education Reform Act. This measure will reform vocational education and contribute to the development of school-to-work opportunities. This legislation represents major change. It consolidates more than 20 current Perkins Act programs and gives states an increased role and increased flexibility.

The legislation ensures that funds for in-school youth are administered at the local level by local schools, and that federal funds are allocated by a more effective needs-based formula.

This legislation adopts a new approach. It stresses high performance for all students. It places greater emphasis on outcomes and the reporting of results. It links outcomes with corrective actions, including sanctions and rewards. It requires each State's plan to describe how the state will serve at-risk students. And it uses a local allocation formula which targets funds to the neediest communities.

The report of the National Assessment of Vocational Education found that at-risk and special education students are too often concentrated in programs that do not adequately prepare them for careers or higher education. By raising performance for all students and ensuring that planning, reporting and evaluation reflect this priority, these students will be better served.

At-risk students should have a greater opportunity to receive the quality services and assistance they need to be successful. We intend to pay close attention to this issue as this legislation moves through Congress.

This bill encourages States to use their vocational education, elementary and secondary education, and second-chance programs to develop comprehensive, integrated, and effective school-to-work systems.

It proposes two funding streams—a State grant and a national program authority. It increase the amount of the state grant distributed to schools and colleges under the formula.

It calls on vocational education to support development of the in-school part of school-to-work systems.

It takes a new approach to meeting the needs of special populations by emphasizing quality for all students.

It no longer requires separate State Boards for Vocational Education or separate State Advisory Councils.

It gives States the waivers necessary to develop comprehensive education systems.

It proposes a performance partnership with the states in cooperation with the Secretary of Labor, in order to develop a system to measure performance, that ensures accountability and provides information on program success.

This legislation closely parallels other education reform initiatives on education reform and career preparation. I look forward to working closely with other Senators to achieve the bipartisan support we need in order to do a better job of preparing students for the world.

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. 696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the ''Career Preparation Education Reform Act of 1995''.

ORGANIZATION OF THE ACT

SEC. 2. This Act is organized into the following titles:

TITLE I—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

TITLE II—EFFECTIVE DATES; TRANSITION

TITLE III—AMENDMENTS TO OTHER ACTS

TITLE I—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

AMENDMENT TO THE ACT

SEC. 101. The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 *et seq*.; hereinafter referred to as ''the Act'') is amended in its entirety to read as follows:

''SHORT TITLE; TABLE OF CONTENTS

''SECTION 1. (a) Short Title.—This Act may be cited as the 'Carl D. Perkins Career Preparation Education Act'.

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

''TABLE OF CONTENTS

''DECLARATION OF POLICY, FINDINGS, AND PURPOSE

''Sec. 2. (a) DECLARATION OF POLICY.—The Congress declares it to be the policy of the United States that, in order to meet new economic challenges brought about by changing technologies and increasing international economic competition, the Nation must put in place a system that enables all students to obtain the education needed to pursue productive and adaptable careers.

''(b) DECLARATION OF FINDINGS.—The Congress finds that—

''(1) although employment and earnings increasingly depend on educational attainment and the ability to acquire and transfer skills among jobs in broad clusters of occupations or industry sectors, a majority of high school graduates in the United States lack sufficient curriculum focus to prepare them for completing a two-year of four-year college degree or for entering careers with high-skill, high-wage potential;

''(2) enactment of the Goals 2000: Educate America Act has helped to establish a new framework for education reform, based on challenging State academic standards and industry-based skill standards for all students;

''(3) enactment of the School-to-Work Opportunities Act of 1994 has helped to catalyze the development, in all States, of statewide system offering opportunities for all students to participate in school-based, work-based, and connecting activities leading to postsecondary education, further learning, and first jobs in high-skill, high-wage careers;

''(4) the GI Bill for America's Workers, of which this Act is a key component, will further strengthen the capacity of States, schools, and businesses, working together, to upgrade the skills of youth and to prepare them for high-wage careers;

''(5) local, State, and national programs supported under the Carl D. Perkins Vocational and Applied Technology Education Act have assisted many students in obtaining occupational and academic skills, as well as employment, but not these programs must become part of the larger reforms taking place under the School-to-Work Opportunities Act of 1994;

''(6) when properly aligned with related Federal statutes and the broader reforms that States and localities carry out under the Goals 2000: Educate America Act, this Act can enhance the capacity of States to establish school-to-work opportunities systems that serve all students, enable a greater number of students to achieve to challenging State academic standards and industry-based skill standards, and contribute to enabling all Americans to prosper in a highly competitive, technological economy;

''(7) certain individuals (including students with disabilities, educationally or economically disadvantaged students, students of limited English proficiency, incarcerated youth, migrant children, foster children, school dropouts, and women) often face great challenges in acquiring the academic knowledge and occupational skills needed for successful employment and thus may need special assistance and services to allow them to participate fully in career preparation activities;

''(8) Federal resources currently support a maze of employment-related education and training programs that are often focused on specific content areas or populations, have conflicting or overlapping requirements, and

are not administered in an integrated manner, thus inhibiting the capacity of State and local administrators to implement programs that meet the needs of individual States and localities;

''(9) the Federal Government can—through a performance partnership with States and localities based on clear programmatic goals, increased State and local flexibility, improved accountability, and performance goals, indicators, and incentives—provide to States and localities financial assistance for the expansion of school-to-work opportunities systems in all States, as well as for services and activities that ensure that all students, including students with special needs, have full access to the programs offered through those systems; and

''(10) the Federal Government can also assist States and localities by carrying out nationally significant research, development, demonstration, dissemination, evaluation, capacity-building, data collection, training, and technical assistance activities that support State and local efforts to implement successfully services and activities that are funded under this Act, as well as to implement State and local career preparation activities that are supported with their own resources.

''(c) DECLARATION OF PURPOSE.—The purpose of this Act is to assist all students, through a performance partnership with States and localities, to acquire the knowledge and skills they need to meet challenging State academic standards and industry-based skill standards and to prepare for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers. This purpose shall be pursued through support for State and local efforts that—

''(1) build on the efforts of States and localities under the School-to-Work Opportunities Act, as well as the Goals 2000: Educate America Act and other legislation;

''(2) integrate reforms of vocational education with overall State reforms of academic preparation in schools;

''(3) promote, in particular, the development of activities and services that integrate academic and occupational instruction, link secondary and postsecondary education, link school-based and work-based learning, coordinate efforts for in-school and out-of-school youth, and enable students to complete career majors in broad occupational clusters;

''(4) increase State and local flexibility in providing services and activities designed to develop, implement, and improve school-to-work opportunities systems, as well as integrating these services and activities with services and activities supported with other Federal, State, and local funds, such as those under the Job Training Partnership Act, in exchange for clear accountability for results;

''(5) provide all students, including students who are members of special populations, with the opportunity to participate in the full range of career preparation services and activities; and

''(6) benefit from national research, development, demonstration, dissemination, evaluation, capacity-building, data collection, training, and technical assistance activities supporting the development, implementation, and improvement of school-to-work opportunities systems.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 3. (a) STATE AND LOCAL ACTIVITIES.—There are authorized to be appropriated to carry out title I, section 201, section 206(a), and section 206(d) of this Act $1,141,088,000 for the fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997 through 2005.

''(b) NATIONAL ACTIVITIES.—There are authorized to be appropriated to carry out title II, except sections 201, 206(a), and 206(d) of this Act, $37,000,000 for the fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997 through 2005.

''TITLE I—PREPARING STUDENTS FOR CAREERS

''PART A—IMPROVING STATE AND LOCAL PROGRAMS

''PRIORITIES

''SEC. 101. In order to prepare students for a wide range of opportunities in high-skill, high-wage careers, funds under this title shall be used to support the development, implementation, and improvement of school-to-work opportunities systems in secondary and postsecondary schools, as set forth in title I of the School-to-Work Opportunities Act of 1994. State and local recipients shall give priority to services and activities designed to—

''(1) ensure that all students, including students who are members of special populations, have the opportunity to achieve to challenging State academic standards and industry-based skill standards;

''(2) promote the integration of academic and vocational education;

''(3) support career majors in broad occupational clusters or industry sectors;

''(4) effectively link secondary and postsecondary education;

''(5) provide students, to the extent possible, with strong experience in, and understanding of, all aspects of the industry they are preparing to enter;

''(6) combine school-based and work-based instruction, including instruction in general workplace competencies;

''(7) provide school-site and workplace mentoring; and;

''(8) provide career guidance and counseling for students at the earliest possible age, including the provision of career awareness, exploration, and guidance information to students and their parents that is, to the extent possible, in a language and form that the students and their parents understand.

''STATE LEADERSHIP ACTIVITIES

''SEC. 102. Each State that receives a grant under this title shall, from amounts reserved for State leadership activities under section 112(c), conduct services and activities that further the development, implementation, and improvement of its statewide school-to-work opportunities system and that are integrated, to the maximum extent possible, with broader educational reforms underway in the State as well as activities the State carries out under the Goals 2000: Educate America Act, the School-to-Work Opportunities Act of 1994, title II of the Job Training Partnership Act, and the Elementary and Secondary Education Act of 1965, including such activities as—

''(1) providing comprehensive professional development for vocational teachers, academic teachers, and career guidance personnel that—

''(A) will help such teachers and personnel to meet the goals established by the State under section 108; and

''(B) reflects the State's assessment of its needs for professional development, as determined under section 2205(b)(2)(C) the Elementary and Secondary Education Act of 1965, and is integrated with the professional development activities that the State carries out under title II of that Act;

''(2) developing and disseminating curricula that are aligned, as appropriate, with challenging State academic standards and industry-based skill standards;

''(3) monitoring and evaluating the quality of, and improvement in, services and activities conducted with assistance under this Act;

''(4) promoting equity in secondary and postsecondary education and, to the maximum extent possible, ensuring opportunities for all students, including students who are members of special populations, as well as single parents and single, pregnant women, to participate in education activities that are free from sexual and other harassment and that lead to high-skill, high-wage careers;

''(5) improving career guidance and counseling for students, including use of one-stop career centers;

''(6) expanding and improving the use of educational technology;

''(7) supporting partnerships of local educational agencies, institutions of higher education, and, as appropriate, other entities, such as employers, labor organizations, and community-based organizations, to provide models, such as youth development partnerships as described in section 202(a)(3) and tech-prep education, for enabling all students, including students who are members of special populations, to achieve to challenging State academic standards and industry-based skill standards;

''(8) promoting the dissemination and use of occupational information, including use of one-stop career centers;

''(9) providing financial incentives or awards to one or more local recipients in recognition of exemplary quality or innovation in education services and activities, or exemplary services and activities for students who are members of special populations, as determined by the State through a peer review process, using performance goals and indicators described in section 108 or other appropriate criteria;

''(10) supporting vocational student organizations, especially with respect to efforts to increase the participation of students who are members of special populations in such organizations;

''(11) serving special populations and individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities.

''LOCAL ACTIVITIES

''SEC. 103. (a) GENERAL REQUIREMENTS.—Each local recipient that receives a subgrant under this title shall use funds to—

''(1) conduct services and activities that further the development, implementation, and improvement of the school-to-work opportunities system in the State;

''(2) provide services and activities that are of sufficient size, scope, and quality to be effective; and

''(3) focus assistance under this title on schools or campuses that serve the highest numbers or percentages of students who are members of special populations.

''(b) AUTHORIZED ACTIVITIES.—Each local recipient that receives a subgrant under this title may use funds to—

''(1) provide services and activities that promote the priorities described in section 101, such as—

''(A) developing curricula, including establishing and expanding career majors;

''(B) acquiring and adapting equipment, including instructional aids;

''(C) providing professional development activities;

''(D) providing services, directly or through community-based organizations, such as curriculum modification, equipment modification, classroom modification, supportive personnel, instructional aids and devices, guidance, career information, English language instruction, and child care, to meet the education needs of students who are members of special populations;

''(E) providing tech-prep education services and activities;

''(F) carrying out activities that ensure active and continued involvement of business and labor in the development, implementation, and improvement of a school-to-work opportunities system in the State;

''(G) matching students with the work-based learning opportunities of employers; and

''(H) providing assistance to students who have participated in services and activities under this Act in finding an appropriate job and continuing their education and training; and

''(2) carry out other services and activities that meet the purpose of this Act.

''(c) EVALUATION ACTIVITIES.—In order to improve educational practices and performance of all students, including students who are members of special populations, each local recipient that receives a subgrant under this title may use such funds to carry out the evaluation under section 109(a)(1) or 109(a)(2).

''(d) EQUIPMENT.—Equipment acquired or adapted with funds under this title may be used for other instructional purposes when not being used to carry out this title if such acquisition or adaptation was reasonable and necessary for providing services or activities under this title and such other use is incidental to, does not interfere with, and does not add to the cost of, the use of such equipment under this title.

''COMBINATION OF FUNDS

''SEC. 104. (a) IN GENERAL.—In order to develop, implement, and improve school-to-work opportunities systems, States and local recipients that are assisted under this Act may combine funds from programs listed in subsection (e) in accordance with subsections (b) through (d).

''(b) STATE LEADERSHIP ACTIVITIES.—A State may combine funds authorized under section 112(c) with funds available for State leadership activities under one or more of the programs listed in subsection (e) in order to carry out State leadership activities that are authorized under this title as well as under such other program or programs.

''(c) LOCAL ACTIVITIES.—A local recipient may combine funds authorized under section 112(a) with funds available for services and activities related to the development, implementation, or improvement of school-to-work opportunities systems in one or more of the programs listed in subsection (e) in order to provide services and activities that are authorized under this title as well as under such other program or programs.

''(d) ADMINISTRATION.—Nothing in this section shall be construed to—

''(1) require a State or local recipient under this Act to maintain separate records tracing any services or activities conducted with funds combined under this section to the individual program or programs listed in subsection (e) under which funds were authorized; or

''(2) waive or amend any requirement of the programs listed in subsection (e), except as authorized in section 301.

''(e) INCLUDED PROGRAMS.—Funds may be combined for programs, services, or activities authorized under—

''(1) this Act;

''(2) the School-to-Work Opportunities Act of 1994;

''(3) the Goals 2000: Educate America Act;

''(4) the Elementary and Secondary Education Act of 1965; and

''(5) the Job Training Partnership Act.

''STATE PLANS

''SEC. 105. (a) STATE PLAN.—Any State desiring to receive a grant under section 111(f) for any fiscal year shall submit to, or have on file with, the Secretary a five-year State plan in accordance with this section. The State may submit its State plan as part of a comprehensive plan that may include State plan provisions under the Goals 2000: Educate America Act, the School-to-Work Opportunities Act of 1994, section 14302 of the Elementary and Secondary Education Act of 1965, the Job Training Partnership Act, and any other Federal education and training program. If the State has an approved State plan under section 213(d) of the School-to-Work Opportunities Act of 1994, it shall base its plan under this section on that plan. If the State does not have an approved plan under section 213(d) of the School-to-Work Opportunities Act of 1994, it shall base its plan under this section on an objective assessment of its progress in developing, implementing, and improving its school-to-work opportunities system and in meeting the priorities described in section 101.

''(b) APPROVALS.—(1) Notwithstanding the designation of the responsible agency or agencies under section 112, the agencies that shall approve the State plan under subsection (a) are—

''(A) the State educational agency; and

''(B) each of the State agencies responsible for higher education (including community colleges) that the State chooses.

''(2) The Secretary shall approve a State plan under subsection (a) if the plan meets the requirements of this section and is of sufficient quality to meet the purpose of this Act. The Secretary shall establish a peer review process to make recommendations regarding approval of the State plan and revisions to the plan. The Secretary shall not finally disapprove a State plan before giving the State reasonable notice and an opportunity for a hearing.

''(c) CONSULTATION.—(1) In developing and implementing its plan under subsection (a), and any revisions under subsection (f), the State shall consult widely with individuals, employers, and organizations in the State that have an interest in education and training, such as those described in section 213(d)(5) of the School-to-Work Opportunities Act of 1994, and individuals, employers, and organizations that have an interest in education and training for students who are members of special populations.

''(2) The State educational agency shall submit the State plan under this section, and any revisions to the State plan under subsection (f), to the Governor for review and comment and shall ensure that any comments the Governor may have are included with the State plan or revision when the State plan or revision is submitted to the Secretary.

''(d) CONTENTS.—(1) Each State plan under subsection (a) shall describe how the State will use funds under this title to—

''(A) develop, implement, or improve the statewide school-to-work opportunities system and address the priorities described in section 101;

''(B) ensure that all students, including students who are members of special populations, have the opportunity to achieve to challenging State academic standards and industry-based skill standards and will be prepared for postsecondary education, further learning, and entrance into high-skill, high-wage careers;

''(C) establish performance goals and indicators described in section 108;

''(D) further the State's approved State plan under section 213(d) of the School-to-Work Opportunities Act of 1994 or address the needs identified in the State's objective assessment of its progress in developing, implementing, and improving its school-to-work opportunities system; and

''(E) carry out State leadership activities under section 102.

''(2) Each State plan under subsection (a) shall also describe how the State will integrate its services and activities under this title with broad educational reforms in the State, including those under the Goals 2000: Educate America Act and the School-to-Work Opportunities Act of 1994, as well as related services and activities under the Elementary and Secondary Education Act of 1965, the Job Training Partnership Act, and relevant employment, training, and welfare programs carried out in the State.

''(e) ASSURANCES.—Each State plan under subsection (a) shall contain assurances that the State will—

''(1) comply with the requirements of this Act and the provisions of the State plan; and

''(2) provide for the fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State under this Act.

''(f) REVISIONS.—When changes in conditions or other factors require substantial revision to an approved State plan under subsection (a), the State shall submit revisions to the State plan to the Secretary. State plan revisions shall be approved by the State educational agency and each of the State agencies responsible for higher education (including community colleges) that approved the State plan.

''STATE ADMINISTRATION

''SEC. 106. (a) RESPONSIBLE AGENCY OR AGENCIES.—Any State desiring to receive a grant under section 111(f) shall, consistent with State law, designate an education agency or agencies that shall be responsible for the administration of services and activities under this Act, including—

''(1) the development, submission, and implementation of the State plan;

''(2) the efficient and effective performance of the State's duties under this Act; and

''(3) consultation with other appropriate agencies, groups, and individuals that are involved in the development and implementation of services and activities assisted under this Act, such as business, industry, parents, students, teachers, labor organizations, community-based organizations, State and local elected officials, and local program administrators.

''(b) SPECIAL ACTIVITIES.—Any State that receives a grant under section 111(f) shall—

''(1) gather and disseminate data on the effectiveness of services and activities related to the State's school-to-work opportunities system in meeting the educational and employment needs of women and students who are members of special populations;

''(2) review proposed actions on applications, grants, contracts, and policies of the State to help to ensure that the needs of women and students who are members of special populations are addressed in the administration of this title;

''(3) recommend outreach and other activities that inform women and students who are members of special populations about their education and employment opportunities;

''(4) advise local educational agencies, postsecondary educational institutions, and other interested parties in the State on expanding career preparation opportunities for women and students who are members of special populations and helping to ensure that the needs of men and women in training for nontraditional jobs are met; and

''(5) work to eliminate bias and stereotyping in education at the secondary and postsecondary levels.

''LOCAL APPLICATIONS

''SEC. 107. (a) ELIGIBILITY.—Schools and other institutions or agencies eligible to apply, individually or as consortia, to a State for a subgrant under this title are—

''(1) local educational agencies;

''(2) area vocational education schools that provide education at the postsecondary level;

''(3) institutions of higher education; and

''(4) postsecondary educational institutions controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934.

''(b) APPLICATION REQUIREMENTS.—Any applicant that is eligible under subsection (a) and that desires to receive a subgrant under this title shall, according to requirements established by the State, submit an application to the agency or agencies designated under section 106. In addition to including such information as the State may require and identifying the results the applicant seeks to achieve, each application shall also describe how the applicant will use funds under this title to—

''(1) develop, improve, or implement a school-to-work opportunities system in secondary and postsecondary schools and address the priorities described in section 101, in accordance with section 103;

''(2) evaluate progress toward the results it seeks to achieve, consistent with the performance goals and indicators established under section 108;

''(3) coordinate its services and activities with related services and activities offered by community-based organizations, employers, and labor organizations, and, to the extent possible, integrate its services and activities under this title with broad educational reforms in the State, including those under the Goals 2000: Educate America Act and the School-to-Work Opportunities Act of 1994, as well as related services and activities under the Elementary and Secondary Education Act of 1965, the Job Training Partnership Act, and relevant employment, training, and welfare programs carried out in the State; and

''(4) consult with students, their parents, and other interested individuals or groups, in developing their services and activities.

''PERFORMANCE GOALS AND INDICATORS

''SEC. 108. (a) IN GENERAL.—(1) Any State desiring to receive a grant under section 111(f) shall—

''(A) establish performance goals to define the level of performance to be achieved by students served under this title and to evaluate the quality and effectiveness of services and activities under this title;

''(B) express such goals in an objective, quantifiable, and measurable form;

''(C) establish performance indicators that the State and local recipients will use in measuring or assessing progress towards achieving such goals; and

''(D) provide biennial reports to the public and to the Secretary, in accordance with section 109(c), on the State's progress in achieving its goals, including information on the progress of students who are members of special populations.

''(2) Any State may also use amounts it receives for State leadership activities under section 112(c) to evaluate its entire school-to-work opportunities system in secondary and postsecondary schools and to carry out activities under paragraph (1)(D).

''(b) PERFORMANCE INDICATORS.—The Secretary shall, in collaboration with the Secretary of Labor, work with States to ensure that their performance goals under this section are consistent with challenging State academic standards and industry-based skill standards and their State goals established under the School-to-Work Opportunities Act of 1994 and title II of the Job Training Partnership Act. Performance goals established under paragraph (1)(A) of subsection (a) shall be in accord with the National Education Goals and with the purpose of this Act. Performance indicators established under paragraph (1)(C) of subsection (a) shall include at least—

''(1) achievement to challenging State academic standards, such as those established under Goals 2000: Educate America Act, and industry-based skill standards;

''(2) receipt of a high school diploma, skills certificate, and postsecondary certificate or degree; and

''(3) job placement, retention, and earnings, particularly in the career major of the student.

''(c) TRANSITION.—Before it establishes performance goals and indicators under subsection (a), each State receiving funds under this title shall use the system of standards and measures developed under section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect prior to the enactment of this Act. A State shall use its performance goals and indicators established under subsection (a) not later than July 1, 1997.

''(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the States regarding the development of the State's performance goals and indicators under subsection (a). Notwithstanding any other provision of law, the Secretary may use funds appropriated for title II to provide technical assistance under this section.

''EVALUATION, IMPROVEMENT, AND ACCOUNTABILITY

''SEC. 109. (a) LOCAL EVALUATION.—(1) Each local recipient of a subgrant under this title shall biennially evaluate, using performance goals and indicators described in section 108, and report to the State regarding, its use of funds under this title to develop, implement, or improve a school-to-work opportunities system at the local level and the effectiveness of its services and activities supported under this title in achieving the priorities described in section 101, including the progress of students who are members of special populations.

''(2) Such local recipient may evaluate portions of its school-to-work opportunities system that are not supported with funds under this title, including its entire system. If such recipient does so, it need not evaluate separately that portion of its school-to-work opportunities system supported with funds under this title.

''(b) IMPROVEMENT ACTIVITIES.—If a State determines, based on the local evaluation under subsection (a) and applicable performance goals and indicators established under section 108, that a local recipient is not making substantial progress in achieving the purpose of this Act in accordance with the priorities described in section 101, the State shall work jointly with the local recipient to develop a plan, in consultation with teachers, parents, and students, for improvement for succeeding school years. If, after three years of implementation of the improvement plan, the State determines that the local recipient is not making sufficient progress, the State shall take whatever corrective action it deems necessary, consistent with State law. The State shall take corrective action only after it has provided technical assistance to the recipient and shall ensure that any corrective action it takes allows for continued career preparation education services and activities for the recipient's students.

''(c) STATE REPORT.—The State shall, once every two years on a schedule determined by the Secretary, report to the Secretary on the quality and effectiveness of its services and activities provided through its grant under title I, based on the performance goals and indicators established under section 108.

''(d) TECHNICAL ASSISTANCE.—If the Secretary determines that the State is not properly implementing its responsibilities under subsection (b), or is not making substantial progress in meeting the purpose of this Act or carrying out services and activities that are in accord with the priorities described in section 101, based on the performance goals and indicators established under section 108, the Secretary shall work with the State to implement improvement activities.

''(e) WITHHOLDING OF FEDERAL FUNDS.—If, after a reasonable time, but not earlier than one year after the implementation of the improvement activities described in subsection (d), the Secretary determines that the State is not making sufficient progress, based on the performance goals and indicators established under section 108, the Secretary shall, after notice and opportunity for a hearing, withhold from the State all, or a portion, of the State's allotment under this title. The Secretary may use funds withheld under the preceding sentence to provide, through alternative arrangements, services activities within the State that meet the purpose of this Act and are in accord with the priorities described in section 101.

''PART B—ALLOCATING STATE AND LOCAL RESOURCES

''ALLOTMENTS

''SEC. 111. (a) AWARDS FOR EXCELLENCE.—In each fiscal year after the fiscal year 1998, from the amount made available under section 3(a) for title I, the Secretary may reserve not more than 10 percent for carrying out section 201.

''(b) ALLOTMENT FOR INDIANS AND NATIVE HAWAIIANS.—In each fiscal year, from the amount made available under section 3(a) for title I, the Secretary shall reserve 1.50 percent of which—

''(1) 1.25 percent shall be for carrying out section 206(a); and

''(2) 0.25 percent shall be for carrying out section 206(d).

''(c) ALLOTMENT TO STATES.—(1) Subject to paragraph (2), from the remainder of the sum available for title I, the Secretary shall allot to each State for each fiscal year—

''(A) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 15 to 19, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

''(B) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States.

''(2)(A) Notwithstanding any other provision of law and subject to subparagraph (B), for any fiscal year through the fiscal year 1998 no State shall receive for services and activities authorized by title I of this Act less than 90 percent of the sum of the payments made to the State for the fiscal year 1995 for programs authorized by title II and parts A, B, and E of title III of the Carl D. Perkins Vocational and Applied Technology Education Act.

''(B) If for any fiscal year the amount appropriated for services and activities authorized by title I and available for allotment

under this section is insufficient to satisfy the provisions of subparagraph (A), the Secretary shall ratably reduce the payments to all States for such services and activities as necessary.

''(C) Notwithstanding any other provision of law, the allotment for this title for each of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands shall not be less than $200,000.

''(d) ALLOTMENT RATIO.—The allotment ratio of any State shall be 1.00 less the product of—

''(1) 0.50; and

''(2) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands), except that—

''(A) the allotment ratio shall in no case be more than 0.60 or less than 0.40; and

''(B) the allotment ratio for American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands shall be 0.60.

''(e) REALLOTMENT.—If the Secretary determines that any amount of any State's allotment under subsection (c) for any fiscal year will not be required for carrying out the services and activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment to one or more other States. Any amount reallotted to a State under this subsection shall be deemed to be part of its allotment for the fiscal year in which it is obligated.

''(f) STATE GRANTS.—From the State's allotment under subsection (c), the Secretary shall make a grant for each fiscal year to each State that has an approved State plan under section 105.

''(g) DEFINITIONS AND DETERMINATIONS.—For purposes of this section—

''(1) allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the three most recent consecutive fiscal years for which satisfactory data are available;

''(2) the term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year; and

''(3) population shall be determined by the Secretary on the basis of the latest estimates available to the Department that are satisfactory to the Secretary.

''WITHIN-STATE ALLOCATION

''SEC. 112. (a) IN GENERAL.—(1) For each of the fiscal years 1996 and 1997, the State shall award as subgrants to local recipients at least 80 percent of its grant under section 111(f) for that fiscal year.

''(2) For each of the fiscal years 1998 through 2005, the State shall award as subgrants to local recipients at least 85 percent of its grant under section 111(f) for that fiscal year.

''(b) STATE ADMINISTRATION.—(1) The State may use an amount not to exceed five percent of its grant under section 111(f) for each fiscal year for administering its State plan, including developing the plan, reviewing local applications, supporting activities to ensure the active participation of interested individuals and organizations, and ensuring compliance with all applicable Federal laws.

''(2) Each State shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds used for State administration under paragraph (1).

''(c) STATE LEADERSHIP.—The State shall use the remainder of its grant under section 111(f) for each fiscal year for State leadership activities described in section 102.

''DISTRIBUTION OF FUNDS

''SEC. 113. (a) DISTRIBUTION OF FUNDS AT THE SECONDARY LEVEL.—(1) Except as provided in subsections (c), (d), and (e), each State shall, each fiscal year, distribute to local educational agencies, or consortia of such agencies, within the State funds under this title available for secondary school education services and activities that are conducted in accordance with the priorities described in section 101. Each local educational agency or consortium shall be allocated an amount that bears the same relationship to the amount available as the local educational agency or consortium was allocated under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 in the preceding fiscal year bears to the total amount received under such subpart by all the local educational agencies in the State in such fiscal year.

''(2) In applying the provisions of paragraph (1), the State shall—

''(A) distribute those funds that, based on the distribution formula under paragraph (1), would have gone to a local educational agency serving only elementary schools, to the local educational agency that provides secondary school services to secondary school students in the same attendance area;

''(B) distribute to a local educational agency that has jurisdiction over secondary schools, but not elementary schools, funds based on the number of students that entered such secondary schools in the previous year from the elementary schools involved; and

''(C) distribute funds to an area vocational education school in any case in which—

''(i) the area vocational education school and the local educational agency or agencies concerned have an agreement to use such funds to provide services and activities in accordance with the priorities described in section 101; and

''(ii) the area vocational education school serves an equal or greater proportion of students with disabilities or economically disadvantaged students than the proportion of these students under the jurisdiction of the local educational agencies sending students to the area vocational education school.

''(b) DISTRIBUTION OF FUNDS AT THE POSTSECONDARY LEVEL.—(1) Except as provided in subsections (c), (d), and (e), each State shall, each fiscal year, distribute to eligible institutions, or consortia of such institutions, within the State funds under this title available for postsecondary school education services and activities that are conducted in accordance with the priorities described in section 101. Each such eligible institution or consortium shall be allocated an amount that bears the same relationship to the amount of funds available as the number of Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled by such institution or consortium in the preceding fiscal year bears to the number of such recipients enrolled in such programs within the State in such fiscal year.

''(2) For the purpose of this section—

''(A) the term 'eligible institution' means—

''(i) an institution of higher education;

''(ii) a local educational agency providing education at the postsecondary level;

''(iii) an area vocational education school providing education at the postsecondary level; and

''(iv) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934; and

''(B) the term 'Pell Grant recipient' means a recipient of financial aid under subpart 1 of part A of title IV of the Higher Education Act of 1965.

''(c) ALTERNATIVE DISTRIBUTION FORMULA.—The State may distribute funds under subsection (a) or (b) using an alternative formula if the State demonstrates to the Secretary's satisfaction that such alternative formula better meets the purpose of this Act, is in accord with the priorities described in section 101, and that—

''(1) in the case of funds distributed to secondary schools—

''(A) the formula described in subsection (a) does not result in a distribution of funds to the local educational agencies or consortia that serve secondary school students with the greatest need for services and activities under this title, including students who are members of special populations; and

''(B) the alternative formula would better serve the needs of these students; and

''(2) in the case of funds distributed to postsecondary schools—

''(A) the formula described in subsection (b) does not result in a distribution of funds to the eligible institutions or consortia that have the highest numbers or percentages of economically disadvantaged students, as described in subsection (g); and

''(B) the alternative formula would result in such a distribution.

''(d) MINIMUM SUBGRANT AMOUNTS.—(1)(A) Except as provided in subparagraph (B), no local educational agency shall be eligible for a subgrant under this title unless the amount allocated to that agency under subsection (a) or (c) equals or exceeds $15,000.

''(B) The State may waive the requirement in subparagraph (A)) in any case in which the local educational agency—

''(i) enters into a consortium with one or more other local educational agencies to provide services and activities conducted in accordance with the priorities described in section 101 and the aggregate amount allocated and awarded to the consortium equals or exceeds $15,000; or

''(ii) is located in a rural, sparsely-populated area and demonstrates that the agency is unable to enter into a consortium for the purpose of providing services and activities conducted in accordance with the priorities described in section 101.

''(2)(A) Except as provided in subparagraph (B), no eligible institution shall be eligible for a subgrant under this title unless the amount allocated to that institution under subsection (b) or (c) equals or exceeds $50,000.

''(B) The State may waive the requirement in subparagraph (A)) in any case in which the eligible institution—

''(i) enters into a consortium with one or more other eligible institutions to provide services and activities conducted in accordance with the priorities described in section 101 and the aggregate amount allocated and awarded to the consortium equals or exceeds $50,000; or

''(ii) is a tribally controlled community college.

''(e) SECONDARY-POSTSECONDARY CONSORTIA.—The State may distribute funds available in any fiscal year for secondary and postsecondary schools, as applicable, to one or more local educational agencies and one or more eligible institutions that enter into a consortium in any case in which—

''(1) the consortium has been formed to provide services and activities conducted in accordance with the priorities described in section 101; and

''(2) the aggregate amount allocated and awarded to the consortium under subsections (a), (b), and (c) equals or exceeds $50,000.

''(f) REALLOCATIONS.—The State shall reallocate to one or more local educational

agencies, eligible institutions, and consortia any amounts that are allocated in accordance with subsections (a) through (e), but that would not be used by a local educational agency or eligible institution, in a manner the State determines will best serve the purpose of this Act and be in accord with the priorities described in section 101.

''(g) ECONOMICALLY DISADVANTAGED STUDENTS.—For the purposes of this section, the State may determine the number of economically disadvantaged students on the basis of—

''(1) eligibility for free or reduced-price meals under the National School Lunch Act, the program for aid to dependent children under part A of title IV of the Social Security Act, or benefits under the Food Stamp Act of 1977;

''(2) the number of children counted for allocation purposes under title I of the Elementary and Secondary Education Act of 1965; or

''(3) any other index or disadvantaged economic status if the State demonstrates to the satisfaction of the Secretary that the index is more representative of the number of low-income students than the indices described in paragraphs (1) and (2).

''TITLE II—NATIONAL SUPPORT FOR STATE AND LOCAL REFORMS

''AWARDS FOR EXCELLENCE

''SEC. 201. The Secretary may, from the amount reserved under section 111(a) for any fiscal year after the fiscal year 1998, and through a peer review process, make performance awards to one or more States that have—

''(1) exceeded in an outstanding manner the performance goals set in section 108;

''(2) implemented exemplary school-to-work opportunities systems in secondary and postsecondary schools in accordance with the priorities described in section 101; or

''(3) provided exemplary education services and activities for students who are members of special populations.

''NATIONAL ACTIVITIES

''SEC. 202. (a) GENERAL AUTHORITY.—(1) In order to carry out the purpose of this Act, the Secretary may, directly or through grants, contracts, or cooperative agreements, carry out research, development, dissemination, evaluation, capacity-building, and technical assistance activities with regard to the services and activities carried out under this Act. The Secretary shall coordinate activities carried out under this section with related activities under the School-to-Work Opportunities Act of 1994, the Goals 2000: Educate America Act, the Job Training Partnership Act, and the Elementary and Secondary Education Act of 1965.

''(2) Research and development activities carried out under this section may include support for States in their development of performance goals and indicators established under section 108. The Secretary shall broadly disseminate information resulting from research and development activities carried out under this Act, and shall ensure broad access at the State and local levels to the information disseminated.

''(3) Activities carried out under this section may include support for youth development partnerships that are promoted by the Secretary and the Secretary of Labor, working with other agencies and entities such as the Corporation for National and Community Service, and that facilitate innovative arrangements at the State and local level among business, community-based organizations, labor organizations, and educational institutions.

''(4) Activities carried out under this section may include support for occupational and career information systems.

''(5) The Secretary shall coordinate technical assistance activities carried out under this section with related technical assistance activities carried out under the Job Training Partnership Act and title XIII of the Elementary and Secondary Education Act of 1965.

''(b) PROFESSIONAL DEVELOPMENT.—(1) The Secretary may, directly, or through grants, contracts, or cooperative agreements, support professional development activities for educators (including teachers, administrators, and counselors) to help to ensure that all students receive an education that enables them to enter high-skill, high-wage careers. Entities eligible to receive funds under this subsection are institutions of higher education, other public or private nonprofit organizations or agencies, and consortia of such institutions, organizations, or agencies.

''(2)(A) Professional development activities supported under this subsection shall—

''(i) be tied to challenging State academic standards and industry-based skill standards;

''(ii) take into account recent research on teaching and learning;

''(iii) be of sufficient intensity and duration to have a positive and lasting impact on the educator's performance;

''(iv) include strong substantive and pedagogical components; and

''(v) be designed to improve educators' skills in such areas as integrating academic and vocational instruction, articulating secondary and postsecondary education, combining school-based and work-based instruction, and using occupational and career information.

''(B) Funds under this subsection may be used for such activities as pre-service and in-service training and support for development of local, regional, and national educator networks that facilitate the exchange of information relevant to the development of school-to-work opportunities systems.

''(3) In supporting activities under this subsection, the Secretary shall give priority to designing and implementing new models of professional development for educators, and preparing educators to use innovative forms of instruction, such as worksite learning and the integration of academic and occupational instruction. The Secretary shall coordinate the professional development activities carried out under this subsection with related activities carried out under the Job Training Partnership Act and title II of the Elementary and Secondary Education Act of 1965, as well as with other related professional development activities supported by the Department.

''NATIONAL ASSESSMENT

''SEC. 203. (a) GENERAL AUTHORITY.—(1) The Secretary shall conduct a national assessment of services and activities assisted under this Act, through independent studies and analyses, including, when appropriate, studies based on data from longitudinal surveys, that are conducted through one or more competitive awards.

''(2) The Secretary shall appoint an independent advisory panel, consisting of administrators, educators, researchers, and representatives of business, industry, labor, and other relevant groups, as well as representatives of Governors and other State and local officials, to advise the Secretary on the implementation of such assessment, including the issues to be addressed, the methodology of the studies, and the findings and recommendations. The panel, at its discretion, may submit to the Congress an independent analysis of the findings and recommendations of the assessment.

''(b) CONTENTS.—The assessment required under subsection (a) shall examine the extent to which services and activities assisted under this Act have achieved their intended purposes and results, including the extent to which—

''(1) State and local services and activities have developed, implemented, or improved systems established under the School-to-Work Opportunities Act of 1994;

''(2) services and activities assisted under this Act succeed in preparing students, including students who are members of special populations, for postsecondary education, further learning, or entry into high-skill, high-wage careers;

''(3) students who participate in services and activities supported under this Act succeed in meeting challenging State academic standards and industry-based skill standards; and

''(4) the systems improvement, participation, local and State assessment, and accountability provisions of this Act, including the performance goals and indicators established under section 108, are effective.

''(c) REPORT.—The Secretary shall submit to the Congress an interim report on or before July 1, 2000, and a final report on or before July 1, 2004.

''NATIONAL RESEARCH CENTER

''SEC. 204. (a) GENERAL AUTHORITY.—(1) The Secretary may, through a grant or contract, establish one or more national centers in the areas of applied research, development, and dissemination. The Secretary shall consult with the Secretary of Labor and with States prior to establishing one or more such centers.

''(2) Entities eligible to receive funds under this section are institutions of higher education, other public or private nonprofit organizations or agencies, and consortia of such institutions, organizations, or agencies.

''(3) The national center in existence on the date of the enactment of the Career Preparation Education Reform Act of 1995 shall continue to receive assistance under this section in accordance with terms of its current award.

''(b) ACTIVITIES.—(1) The applied research, development, and dissemination activities carried out by the national center or centers shall include—

''(A) activities that assist recipients of funds under this Act to meet the requirements of section 103; and

''(B) such other activities as the Secretary determines to be appropriate to achieve the purpose of this Act.

''(2) The center or centers conducting the activities described in paragraph (1) shall annually prepare a summary of key research findings of such center or centers and shall submit copies of the summary to the Secretaries of Education, Labor, and Health and Human Services. The Secretary shall submit that summary to the Committee on Labor and Human Resources of the Senate, and the Committee on Economic and Educational Opportunities of the House of Representatives.

''DATA SYSTEMS

''SEC. 205. (a) IN GENERAL.—The Secretary shall maintain a data system to collect information about, and report on, the condition of school-to-work opportunities systems and on the effectiveness of State and local services and activities carried out under this Act in order to provide the Secretary and the Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of career preparation education activities and services. The Secretary shall periodically report to the Congress on the Secretary's analysis of performance data collected each year pursuant to this Act.

''(b) CONTENTS.—The data system shall—

''(1) provide information to evaluate, to the extent feasible, the participation and performance of students, including students who are members of special populations;

''(2) include data that are at least nationally representative;

''(3) report on career preparation in the context of education reform; and

''(4) be based, to the extent feasible, on data from general purpose data systems of the Department or other Federal agencies, augmented as necessary with data from additional surveys focusing on career preparation education.

''(c) COORDINATION.—(1) The Secretary shall consult with a wide variety of experts in academic and occupational education, including individuals with expertise in the development and implementation of school-to-work opportunities systems, in the development of data collections and reports under this section.

''(2) In maintaining the data system, the Secretary shall—

''(A) ensure that the system, to the extent practicable, uses comparable information elements and uniform definitions common to State plans, performance indicators, and State and local assessments; and

''(B) cooperate with the Secretaries of Commerce and Labor to ensure that the data system is compatible with other Federal information systems regarding occupational data, and to the extent feasible, allow for international comparisons.

''(3) The Secretary and the Secretary of Labor shall jointly define common terms and definitions that all State grantees and local applicants shall use in program administration, data collection and reporting, and evaluation at all levels for programs supported under this Act and the Job Training Partnership Act.

''(d) ASSESSMENTS.—(1) As a regular part of its assessments, the National Center for Education Statistics shall collect and report information on career preparation at the secondary school level for a nationally representative sample of students, including students who are members of special populations, which shall allow for fair and accurate assessment and comparison of the educational achievement of students in the areas assessed. Such assessment may include international comparisons.

''(2) The Commissioner of Education Statistics may authorize a State educational agency, or consortium of such agencies, to use items and data from the National Assessment of Educational Progress for the purpose of evaluating a course of study related to services and activities under title I, if the Commissioner has determined in writing that such use will not—

''(A) result in the identification of characteristics or performance of individual schools or students;

''(B) result in the ranking or comparing of schools or local educational agencies;

''(C) be used to evaluate the performance of teachers, principals, or other local educators for reward or punishment; or

''(D) corrupt the use or value of data collected for the National Assessment.

''CAREER PREPARATION FOR INDIANS AND NATIVE HAWAIIANS

''SEC. 206. (a) ASSISTANCE TO TRIBES OR BUREAU-FUNDED SCHOOLS.—(1)(A) From funds reserved under section 111(b)(1) for each fiscal year, the Secretary shall make grants to, or enter into cooperative agreements with, tribal organizations of eligible Indian tribes or Bureau-funded schools to develop and provide services and activities that are consistent with the purpose of this Act and conducted in accordance with the priorities described in section 101.

''(B) Any tribal organization or Bureau-funded school that receives assistance under this subsection shall—

''(i) establish performance goals and indicators to define the level of performance to be achieved by students served under this subsection;

''(ii) evaluate the quality and effectiveness of services and activities provided under this subsection; and

''(iii) help to ensure that students served under this subsection achieve to challenging academic and skill standards, receive high school diplomas, skill certificates, and post-secondary certificates or degrees, and enter employment related to their career major.

''(2)(A) The Secretary shall make such a grant or cooperative agreement—

''(i) upon the request of any Indian tribe that is eligible to contract with the Secretary of the Interior for programs under the Indian Self-Determination Act or the Act of April 16, 1934; or

''(ii) upon the application (filed under such conditions as the Secretary may require) of any Bureau-funded school that offers secondary programs.

''(B)(i) A grant or cooperative agreement under this subsection with any tribal organization shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act, and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934 that are relevant to the services and activities administered under this subsection.

''(ii) A grant or cooperative agreement under this subsection with any Bureau-funded school shall not be subject to the requirements of the Indian Self-Determination Act or the Act of April 16, 1934.

''(C) Any tribal organization or Bureau-funded school eligible to receive assistance under this subsection may apply individually or as part of a consortium with another tribal organization or school.

''(D) The Secretary may not place upon such grants or cooperative agreements any restrictions relating to programs or results other than those that apply to grants or cooperative agreements to States under this Act.

''(3) Any tribal organization or Bureau-funded school receiving assistance under this subsection may provide stipends to students who are undertaking career preparation education and who have acute economic needs that cannot be met through work-study programs.

''(4) In making grants or cooperative agreements under this subsection, the Secretary shall give special consideration to awards that involve, are coordinated with, or encourage, tribal economic development plans.

''(b) ASSISTANCE TO TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTIONS.—(1) The Secretary may make five-year grants to tribally controlled postsecondary vocational institutions to provide basic support for educating Indian students, including support for the operation, maintenance, and capital expenses of such institutions.

''(2) To be eligible for assistance under this subsection, a tribally controlled postsecondary vocational institution shall—

''(A) be governed by a board of directors or trustees, a majority of whom are Indians;

''(B) demonstrate adherence to stated goals, a philosophy, or a plan of operation that fosters individual Indian economic self-sufficiency;

''(C) have been in operation for at least three years;

''(D) hold accreditation with, or be a candidate for accreditation by, a nationally recognized accrediting authority for postsecondary vocational education;

''(E) offer technical degrees or certificate-granting programs; and

''(F) enroll the full-time equivalent of not less than 100 students, or whom a majority are Indians.

''(3) The Secretary shall, based on the availability of appropriations, distribute to each tribally controlled vocational institution having an approved application an amount based on full-time equivalent Indian students at each such institution.

''(c) ACCOUNTABILITY.—The Secretary shall require from each institution assisted under this section such information regarding fiscal control and program quality and effectiveness as is reasonable.

''(d) ASSISTANCE TO NATIVE HAWAIIANS.—From the funds reserved under section 111(b)(2) for each fiscal year, the Secretary shall make one or more grants to, or enter into one or more cooperative agreements with, organizations, institutions, or agencies with experience providing educational and related services to Native Hawaiians to develop and provide, for the benefit of Native Hawaiians, services and activities that are consistent with the purpose of this Act and conducted in accordance with the priorities described in section 101.

''(e) DEFINITIONS.—For the purposes of this section:

''(1) The term 'Bureau-funded school' has the same meaning given 'Bureau funded school' in section 1146(3) of the Education Amendments of 1978 (25 U.S.C. 2026(3)).

''(2) The term 'full-time equivalent Indian students' means the sum of the number of Indian students enrolled full time at an institution, plus the full-time equivalent of the number of Indian students enrolled part time (determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by 12) at each institution.

''(3) The terms 'Indian' and 'Indian tribe' have the meaning given such terms in section 2 of the Tribally Controlled Community College Assistance Act of 1978.

''TITLE III—GENERAL PROVISIONS

''WAIVERS

''SEC. 301. (a) REQUEST FOR WAIVER.—Any State may request, on its own behalf or on behalf of a local recipient, a waiver by the Secretary or the Secretary of Labor, as appropriate, of one or more statutory or regulatory provisions described in this section in order to carry out more effectively State efforts to reform education and develop school-to-work opportunities systems in the State.

''(b) GENERAL AUTHORITY.—(1) Except as provided in subsection (d), the Secretary may waive any requirement of any statute listed in subsection (c), or of the regulations issued under that statute, and the Secretary of Labor may waive any statutory or regulatory requirement under the Job Training Partnership Act, for a State that requests such a waiver—

''(A) if, and only to the extent that, the Secretary or the Secretary of Labor determines that such requirement impedes the ability of the State to carry out State efforts to reform education and develop school-to-work opportunities systems in the State;

''(B) if the State waives, or agrees to waive, any similar requirements of State law;

''(C) if, in the case of a statewide waiver, the State—

''(i) has provided all local recipients of assistance under this Act in the State with notice of, and an opportunity to comment on, the State's proposal to request a waiver; and

''(ii) has submitted the comments of such recipients to the appropriate Secretary; and

''(D) if the State provides such information as the Secretary or the Secretary of Labor

reasonably requires in order to make such determinations.

''(2) The Secretary or the Secretary of Labor, as appropriate, shall act promptly on any request submitted under paragraph (1).

''(3) Each waiver approved under this subsection shall be for a period not to exceed five years, except that the Secretary or the Secretary of Labor may extend such period if the Secretary or the Secretary of Labor determines that the waiver has been effective in enabling the State to carry out the purpose of this Act.

''(c) PROGRAMS.—(1) The statutes subject to the waiver authority of the Secretary under this section are—

''(A) this Act;

''(B) part A of title I of the Elementary and Secondary Education Act 1965 (authorizing programs and activities to help disadvantaged children meet high standards);

''(C) part B of title II of the Elementary and Secondary Education Act of 1965 (Dwight D. Eisenhower Professional Development Program);

''(D) title IV of the Elementary and Secondary Education Act of 1965 (Safe and Drug-Free Schools and Communities Act of 1994);

''(E) title VI of the Elementary and Secondary Education Act of 1965 (Innovative Education Program Strategies);

''(F) part C of title VII of the Elementary and Secondary Education Act of 1965 (Emergency Immigrant Education Program); and

''(G) the School-to-Work Opportunities Act of 1994.

''(2) The Secretary may not waive any requirement under paragraph (1)(G) without the concurrence of the Secretary of Labor.

''(d) Waivers Not Authorized.—The Secretary or the Secretary of Labor may not waive any statutory or regulatory requirement of the programs listed in subsection (c) relating to—

''(1) the basic purposes or goals of the affected programs;

''(2) maintenance of efforts;

''(3) comparability of services;

''(4) the equitable participation of students attending private schools;

''(5) parental participation and involvement;

''(6) the distribution of funds to States or to local recipients;

''(7) the eligibility of an individual for participation in the affected programs;

''(8) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or

''(9) prohibitions or restrictions relating to the construction of buildings or facilities.

''(e) Termination of Waivers.—The Secretary or the Secretary of Labor, as appropriate, shall periodically review the performance of any State for which that Secretary has granted a waiver under this section and shall terminate such waiver if the Secretary determines that the performance of the State affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law in accordance with subsection (b)(1)(B).

''EFFECT OF FEDERAL PAYMENTS

''Sec. 302. (a) Student Financial Assistance.—(1) The portion of any student financial assistance received under this Act that is made available for attendance costs described in paragraph (2) shall not be considered as income or resources in determining eligibility for assistance under any program of welfare benefits, including aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act and aid to dependent children, that is funded in whole or in part with Federal funds.

''(2) For purposes of this subsection, attendance costs are—

''(A) tuition and fees normally assessed a student carrying the same academic workload, as determined by the institution, including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and

''(B) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for student attending the institution on at least a half-time basis, as determined by the institution.

''(b) Institutional Aid.—No State shall take into consideration payments under this Act in determining, for any educational agency or institution in that State, the eligibility for State aid, or the amount of State aid, with respect to public education within the State.

''IDENTIFICATION OF STATE-IMPOSED REQUIREMENTS

''Sec. 303. Any State rule or policy imposed on the provision of services or activities funded by this Act, including any rule or policy based on State interpretation of any Federal law, regulation, or guideline, shall be identified as a State-imposed requirement.

''OUT-OF-STATE RELOCATIONS

''Sec. 304. No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another if such relocation would result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

''DEFINITIONS

''Sec. 305. As used in this Act:

''(1) The term 'all aspects of an industry' has the same meaning as given that term under section 4(1) of the School-to-Work Opportunities Act of 1994.

''(2) The term 'all students' has the same meaning as given that term under section 4(2) of the School-to-Work Opportunities Act of 1994.

''(3) The term 'area vocational education school' means—

''(A) a specialized public high school that provides vocational education to students who are preparing to earn a high school diploma or its equivalency and to enter the labor market; or

''(B) a public technical institute or vocational school that provides vocational education to individuals who have completed or left high school and who are preparing to enter the labor market.

''(4) The term 'career guidance and counseling' has the same meaning as given that term under section 4(4) of the School-to-Work Opportunities Act of 1994.

''(5) The term 'career major' has the same meaning as given that term under section 4(5) of the School-to-Work Opportunities Act of 1994.

''(6) The term 'community-based organization' means any such organization of demonstrated effectiveness described in section 4(5) of the Job Training Partnership Act.

''(7) The term 'institution of higher education' has the same meaning as given that term under section 1201(a) of the Higher Education Act of 1965.

''(8) The term 'limited English proficiency' has the meaning given such term in section 7501(8) of the Elementary and Secondary Education Act of 1965.

''(9) The term 'local educational agency' has the same meaning as given that term under section 4(10) of the School-to-Work Opportunities Act of 1994.

''(10) The 'school dropout' has the same meaning as given that term under section 4(17) of the School-to-Work Opportunities Act of 1994.

''(11) The term 'Secretary' means the Secretary of Education.

''(12) The term 'skill certificate' has the same meaning as given that term under section 4(22) of the School-to-Work Opportunities Act of 1994.

''(13) The term 'special populations' includes students with disabilities, educationally or economically disadvantaged students, students of limited English proficiency, foster children, migrant children, school dropouts, students who are identified as being at-risk of dropping out of secondary school, students who are seeking to prepare for occupations that are not traditional for their gender, and, to the extent feasible, individuals younger than age 25 in correctional institutions.

''(14) Except as otherwise provided, the term 'State' includes, in addition to each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

''(15) The term 'State educational agency' has the same meaning as given that term section 4(24) of the School-to-Work Opportunities Act of 1994.

''(16) The term 'students with disabilities' means students who have a disability or disabilities, as such term is defined in section 3(2) of the Americans With Disabilities Act of 1990.

''(17) The term 'tribally controlled community college' means an institution that receives assistance under the Tribally Controlled Community College Assistance Act of 1976 or the Navajo Community College Act.''.

TITLE II—EFFECTIVE DATES; TRANSITION

EFFECTIVE DATE

SEC. 201. This Act shall take effect on July 1, 1996.

TRANSITION

SEC. 202. Notwithstanding any other provisions of law—

(1) Upon enactment of the Career Preparation Education Reform Act of 1995, a State or local recipient of funds under the Carl D. Perkins Vocational and Applied Technology Education Act may use any such unexpended funds to carry out services and activities that are authorized by either such Act or the Carl D. Perkins Career Preparation Education Act; and

(2) a State or local recipient of funds under the Carl D. Perkins Career Preparation Education Act for the fiscal year 1996 may use such funds to carry out services and activities that are authorized by either such Act or were authorized by the Carl D. Perkins Vocational and Applied Technology Education Act prior to its amendment.

TITLE III—AMENDMENTS TO OTHER ACTS

AMENDMENTS TO THE JOB TRAINING PARTNERSHIP ACT

SEC. 301. The Job Training Partnership Act (29 U.S.C. 1501 *et seq.*) is amended—

(1) in section (4)—

(A) in paragraph (14), by striking ''in section 521(22) of the Carl D. Perkins Vocational Education Act'' and inserting in lieu thereof ''section 4(10) of the School-to-Work Opportunities Act of 1994''; and

(B) in paragraph (28), by striking ''Vocational Education Act'' and inserting in lieu thereof ''Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995'';

(2) in section 121(a)(2), by adding at the end thereof the following sentence: ''The State may submit such plan as part of a State

plan, or amendment to a State plan, under the Carl D. Perkins Career Preparation Education Act or the School-to-Work Opportunities Act of 1994.'';

(3) in section 122(b)—

(A) by amending paragraph (8) to read as follows:

''(8) consult with the appropriate State agency under section 106 of the Carl D. Perkins Career Preparation Education Act to obtain a summary of activities and an analysis of results in training women in nontraditional employment under such Act, and annually disseminate such summary to service delivery areas, service providers throughout the State, and the Secretary;''; and

(B) in paragraph (11)(B), by striking ''section 113(b)(14) of the Carl D. Perkins Vocational Education Act'' and inserting in lieu thereof ''section 105(e)(2) of the Carl D. Perkins Career Preparation Education Act'';

(4) in section 123(c)—

(A) in paragraph (1)(E)(iii), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act''; and

(B) in paragraph (2)(D)(iii), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(5) in section 125—

(A) in subsection (a), by inserting after ''coordinating committee'' a comma and ''as described in section 422(b) of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995,'';

(B) in subsection (b)(1), by striking out ''Vocational'' and inserting in lieu thereof ''Career Preparation''; and

(C) in subsection (c), by inserting after ''Coordinating Committee'' a comma and ''as established in section 422(a) of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995,'';

(6) in section 205(a)(2), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act'';

(7) in section 265(b)(3), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act'';

(8) in section 314(g)(2), by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(9) in section 427(a)(1), by striking ''local agencies, including a State board or agency designated pursuant to section 111(a)(1) of the Carl D. Perkins Vocational Act which operates or wishes to develop area vocational education school facilities or residential vocational schools (or both) as authorized by such Act, or private organizations'' and inserting in lieu thereof ''local agencies, or private organizations'';

(10) in section 455(b), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act'';

(11) in section 461(c), by stiking out ''Vocational'' and inserting in lieu thereof ''Career Preparation'';

(12) in section 464—

(A) in subsection (a), by striking out ''Carl D. Perkins Vocational Education Act)'' and inserting in lieu thereof ''Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995)'';

(B) in subsection (b), by striking out ''In addition to its responsibilities under the Carl D. Perkins Vocational Education Act, the'' and inserting in lieu thereof ''The''; and

(C) in subsection (c), by striking out ''this Act, under section 422 of the Carl D. Perkins Vocational Education Act, and'' and inserting in lieu thereof ''this Act and'';

(13) in section 605(c), by striking out ''Vocational Education Act)'' and inserting in lieu thereof ''Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1996)'';

(14) in section 701(b)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—For purposes of this title, the term 'applicable Federal human resource program' includes any program authorized under the provisions of law described under paragraph (2)(A) that the Governor and the head of the State agency or agencies responsible for the administration of such program jointly agree to include within the jurisdiction of the State Council.''; and

(B) in paragraph (2)(A)(ii), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act''; and

(15) in section 703(a)(2), by striking the comma after ''section 123(a)(2)(D)'' and ''except that, with respect to the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), such State may use funds only to the extent provided under section 112(g) of such Act.''

AMENDMENTS TO THE SMITH-HUGHES ACT

SEC. 302. The Act of February 23, 1917 (20 U.S.C. 11 *et seq.*) is amended—

(1) in section 1 (20 U.S.C. 11), by inserting ''through the fiscal year 1995'' after ''annually appropriated'';

(2) in section 2 (20 U.S.C. 12)—

(A) by inserting ''through the fiscal year 1995'' after ''there is annually appropriated''; and

(B) by inserting ''through the fiscal year 1995'' after ''There is appropriated for each fiscal year'';

(3) in section 3 (20 U.S.C. 13)—

(A) by inserting ''through the fiscal year 1995'' after ''there is annually appropriated''; and

(B) by inserting ''through the fiscal year 1995 after ''There is appropriated'';

(4) in section 4 (20 U.S.C. 14)—

(A) by inserting ''through the fiscal year 1995'' after ''there is annually appropriated''; and

(B) by inserting ''through the fiscal year 1995'' after ''And there is appropriated''; and

(5) in section 7 (20 U.S.C. 15), by inserting ''through the fiscal year 1995'' after ''There is authorized to be appropriated''.

AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 303. THE ADULT EDUCATION ACT (20 U.S.C. 1201 *et seq.*) is amended—

(1) in section 322(a)(4), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(2) in section 342—

(A) in subsection (c)(11), by striking ''Carl D. Perkins Vocational Education Act of 1963'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act''; and

(B) in subsection (d), by striking ''Vocational'' and inserting in lieu thereof ''Career Preparation''; and

(3) by amending section 384(d)(1)(D)(ii) to read as follows:

''(ii) be coordinated with activities conducted by other educational and training entities that provide relevant technical assistance;''.

AMENDMENTS TO THE SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994

SEC. 304. The School-to-Work Opportunities Act (20 U.S.C. 1601 *et seq.*) is amended—

(1) in section 202(a)(3), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(2) in section 203 (b)(2), by striking clause (I) and redesignating clauses (J) and (K) as clauses (I) and (J), respectively;

(3) in section 213—

(A) in subsection (d)(6)(B), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''; and

(B) in subsection (b)(4), by striking clause (I) and redesignating clauses (J) and (K) as clauses (I) and (J), respectively;

(4) in section 403(a), by striking ''the individuals assigned under section 111(b)(1) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(b)(1)),'';

(5) in section 404—

(A) by inserting ''and'' after ''(29 U.S.C. 1733(b)),''; and

(B) by striking ''and the National Network for Curriculum Coordination in Vocational Education under section 402(c) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2402(c)),'';

(6) in section 502(b)(6), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''; and

(7) in section 505—

(A) in subsection (a)(2)(B)(i), by striking ''section 102(a)(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312(a)(3)'' and inserting in lieu thereof ''section 112(c) of the Carl D. Perkins Career Preparation Education Act''; and

(B) in subsection (e), by striking ''section 201(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312(a)(3)'' and inserting in lieu thereof ''section 102 of the Carl D. Perkins Career Preparation Education Act''.

AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 305. The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 *et seq.*) is amended—

(1) in section 1114(b)(2)(C)(v), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(2) in section 9115(b)(5), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(3) by amending section 14302(a)(2)(C) to read as follows: ''(C) services and activities under section 102 of the Carl D. Perkins Career Preparation Education Act;'' and

(4) in section 14307(a)(1), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

AMENDMENTS TO THE GOALS 2000: EDUCATE AMERICA ACT

SEC. 306. The Goals 2000: Educate America Act (20 U.S.C. 5801 *et seq.*) is amended—

(1) in section 306—

(A) in subsection (c)(1)(A), by inserting before the semicolon at the end thereof a comma and ''as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995, until not later than July 1, 1998, and the performance goals and indicators developed pursuant to section 108 of the Carl D. Perkins Career Preparation Education Act thereafter''; and

(B) in subsection (1), by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''; and

(2) in section 311(b)(6), by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

OTHER TECHNICAL AND CONFORMING AMENDMENTS

SEC. 307. (a) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*) is amended—

(1) by amending section 127(2) to read as follows:

''(2) have, as one of the partners participating in an articulation agreement, an entity that uses funds under title I of the Carl D. Perkins Career Preparation Education Act to support tech-prep education services and activities;'';

(2) in section 481(a)(3)(A), by striking ''section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting in lieu thereof ''section 305(3)(B) of the Carl D. Perkins Career Preparation Education Act'';

(3) in section 484(1)(l), by striking ''section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting in lieu thereof ''section 305(3)(B) of the Carl D. Perkins Career Preparation Education Act''; and

(4) in section 503(b)(2)(B)(vi), by striking ''in a Tech-Prep program under section 344 of the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting in lieu thereof ''in a tech-prep program supported through services and activities under the Carl D. Perkins Career Preparation Education Act''.

(b) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 626(g) of the individuals with Disabilities Education Act (20 U.S.C. 1400 *et seq.*) is amended by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

(c) REHABILITATION ACT OF 1973.—Section 101(a)(11)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 701 *et seq.*) is amended by striking out ''Vocational and Applied Technology Education Act (20 U.S.C. 2301 *et seq.*)'' and inserting in lieu thereof ''Career Preparation Education Act''.

(d) DISPLACED HOMEMAKERS SELF-SUFFICIENCY ASSISTANCE ACT.—Section 9(a)(2) of the Displaced Homemakers Self-Sufficiency Assistance Act (29 U.S.C. 2301 *et seq.*) is amended by inserting ''as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995 or the State agency or agencies designated under section 106(a) of the Carl D. Perkins Career Preparation Education Act,''.

(e) WAGNER-PEYSER ACT.—Section 7(c)(2)(A) of the Act of June 6, 1933 (29 U.S.C. 49 *et seq.*) is amended by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

(f) EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.—Section 533(c)(4)(A) of the Equity in Education Land-Grant Status Act of 1994 (7 U.S.C. 301 note; part C of title V of the Improving America's Schools Act) is amended by inserting after ''(20 U.S.C. 2397h(3))'' a comma and ''as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995,''.

(g) TITLE 31, CHAPTER 67, OF THE UNITED STATES CODE.—Section 6703(a)(12) of title 31, United States Code (as added by section 31001 of the Violent Crime Control and Law Enforcement Act of 1994) is amended by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

(h) NONTRADITIONAL EMPLOYMENT FOR WOMEN ACT.—Section 2(b)(3) of the Nontraditional Employment for Women Act (29 U.S.C. 1501 note) is amended by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

(i) TRAINING TECHNOLOGY TRANSFER ACT OF 1988.—Section 6107(6) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5091 *et seq.*) is amended by inserting before the semicolon at the end thereof a comma and ''as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995''.

(j) GENERAL REDESIGNATION.—Any other references to the Carl D. Perkins Vocational and Applied Technology Educational Act shall be deemed to refer to the Carl D. Perkins Career Preparation Education Act.

By Mrs. BOXER (for herself, Ms. MIKULSKI, Mrs. MURRAY, Mr. BRADLEY, and Ms. MOSELEY-BRAUN):

S. 697. A bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence, and for other purposes; to the Committee on Labor and Human Resources.

THE DOMESTIC VIOLENCE IDENTIFICATION AND REFERRAL ACT

● Mrs. BOXER. Mr. President, I introduce the Domestic Violence Identification and Referral Act with my colleagues Senator MIKULSKI, Senator MURRAY, Senator MOSELEY-BRAUN, and Senator BRADLEY. Representative WYDEN and Representative MORELLA are introducing identical legislation in the House.

Spouse abuse, child abuse, and elder abuse injures millions of Americans each year, and is growing at an alarming rate. An estimated 2 to 4 million women are beaten by their spouses or former spouses each year. In 1992, 2.9 million children were reported abused or neglected, about triple the number reported in 1980. Studies also show that spouse abuse and child abuse often go hand-in-hand.

Doctors, nurses, and other health care professionals are on the front lines of this abuse, but they cannot stop what they have not been trained to see or talk about. The Domestic Violence Identification and Referral Act addresses this need by encouraging medical schools to incorporate training on domestic violence into their curriculums.

There is a need for this legislation. While many medical specialties, hospitals and other organizations have made education about domestic violence a priority, this instruction typically occurs on the job or as part of a continuing medical education program. A 1994 survey by the Association of American Medical Colleges [AAMC] found that 60 percent of medical school graduates rated the time devoted to instruction in domestic violence as inadequate.

The bill I am introducing today would give preference in Federal funding to those medical and other health professional schools which provide significant training in domestic violence. It defines significant training to include identifying victims of domestic violence and maintaining complete medical records, providing medical advice regarding the dynamics and nature of domestic violence, and referring victims to appropriate public and nonprofit entities for assistance.

The bill also defines domestic violence in the broadest terms, to include battering, child abuse, and elder abuse.

I hope my colleagues agree that this legislation is a critical next step in the fight to bring the brutality of domestic violence out in the open. It mobilizes our Nation's health care providers to recognize and treat its victims—and will ultimately save lives by helping to break the cycle of violence.

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

S. 697

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 ''Domestic Violence Identification and Referral Act of 1995''.

SEC. 2. ESTABLISHMENT, FOR CERTAIN HEALTH PROFESSIONS PROGRAMS, OF PROVISIONS REGARDING DOMESTIC VIOLENCE.

(a) TITLE VII PROGRAMS; PREFERENCES IN FINANCIAL AWARDS.—Section 791 of the Public Health Service Act (42 U.S.C. 295j) is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) PREFERENCES REGARDING TRAINING IN IDENTIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC VIOLENCE.—

''(1) IN GENERAL.—In the case of a health professions entity specified in paragraph (2), the Secretary shall, in making awards of grants or contracts under this title, give preference to any such entity (if otherwise a qualified applicant for the award involved) that has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training in carrying out the following functions as a provider of health care:

''(A) Identifying victims of domestic violence, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim's injuries.

''(B) Examining and treating such victims, within the scope of the health professional's discipline, training, and practice, including, at a minimum, providing medical advice regarding the dynamics and nature of domestic violence.

''(C) Referring the victims to public and nonprofit private entities that provide services for such victims.

''(2) RELEVANT HEALTH PROFESSIONS ENTITIES.—For purposes of paragraph (1), a health professions entity specified in this paragraph is any entity that is a school of medicine, a school of osteopathic medicine, a graduate program in mental health practice, a school of nursing (as defined in section 853), a program for the training of physician assistants, or a program for the training of allied health professionals.

''(3) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of the Domestic Violence Identification and Referral Act of 1995, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report specifying—

''(A) the health professions entities that are receiving preference under paragraph (1);

''(B) the number of hours of training required by the entities for purposes of such paragraph;

''(C) the extent of clinical experience so required; and

''(D) the types of courses through which the training is being provided.

''(4) DEFINITIONS.—For purposes of this subsection, the term 'domestic violence' includes behavior commonly referred to as domestic violence, sexual assault, spousal abuse, woman battering, partner abuse, child abuse, elder abuse, and acquaintance rape.''.

(b) TITLE VIII PROGRAMS; PREFERENCES IN FINANCIAL AWARDS.—Section 860 of the Public Health Service Act (42 U.S.C. 298b–7) is amended by adding at the end the following subsection:

''(f) PREFERENCES REGARDING TRAINING IN IDENTIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC VIOLENCE.—

''(1) IN GENERAL.—In the case of a health professions entity specified in paragraph (2), the Secretary shall, in making awards of grants or contracts under this title, give preference to any such entity (if otherwise a qualified applicant for the award involved) that has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training in carrying out the following functions as a provider of health care:

''(A) Identifying victims of domestic violence, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim's injuries.

''(B) Examining and treating such victims, within the scope of the health professional's discipline, training, and practice, including, at a minimum, providing medical advice regarding the dynamics and nature of domestic violence.

''(C) Referring the victims to public and nonprofit private entities that provide services for such victims.

''(2) RELEVANT HEALTH PROFESSIONS ENTITIES.—For purposes of paragraph (1), a health professions entity specified in this paragraph is any entity that is a school of nursing or other public or nonprofit private entity that is eligible to receive an award described in such paragraph.

''(3) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of the Domestic Violence Identification and Referral Act of 1995, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report specifying—

''(A) the health professions entities that are receiving preference under paragraph (1);

''(B) the number of hours of training required by the entities for purposes of such paragraph;

''(C) the extent of clinical experience so required; and

''(D) the types of courses through which the training is being provided.

''(4) DEFINITIONS.—For purposes of this subsection, the term 'domestic violence' includes behavior commonly referred to as domestic violence, sexual assault, spousal abuse, woman battering, partner abuse, child abuse, elder abuse, and acquaintance rape.''.●

By Mr. COHEN (for himself and Ms. SNOWE):

S. 698. A bill to designate the Federal building at 33 College Avenue in Waterville, Maine as the ''George J. Mitchell Federal Building'', and for other purposes; to the Committee on Environment and Public Works.

THE GEORGE J. MITCHELL FEDERAL BUILDING ACT OF 1995

● Mr. COHEN. Mr. President, at the request of the City of Waterville, Maine, I am introducing S. 698, legislation to name a federal building in Waterville the ''George J. Mitchell Federal Building.''

As most of you know, George Mitchell and I shared more than the position of Senator from Maine. We both grew up in similar circumstances with very similar backgrounds. George Mitchell is half Irish and half Lebanese. I am half Irish and half Jewish. Both of us graduated from Bowdoin College and both became lawyers before entering public service. We worked together over the years on many issues of concern to Maine people and wrote a book together on the Iran-Contra Affair.

From a quiet young lawyer in Waterville, Maine, came a great leader who has done his country and his State proud. George Mitchell was born in Waterville in 1933. Waterville is located 18 miles north of the State capitol on the west bank of the Kennebec River. It was settled in 1764 and became Maine's 137th town in 1802. Waterville is home to Colby College, Hathaway Shirt Company, and the Redington Museum which exhibits a number of 18th and 19th century artifacts from the region including the revolver used by Lieutenant Charles Shorey, of Waterville, at the Battle of Gettysburg.

George attended St. Joseph's grammar school and graduated from Waterville High School in 1950. He graduated from Bowdoin in 1954; served in the U.S. Army Counterintelligence Corps in Berlin, Germany, from 1954–56; and then went on to Georgetown University to get his law degree.

George Mitchell's litany of accomplishments are many: lawyer, trial attorney in the Antitrust Division in the U.S. Department of Justice in Washington, D.C.; executive assistant to U.S. Senator Ed Muskie; U.S. Attorney for Maine; and U.S. District Judge for Maine.

In 1980, he was appointed by Governor Brennan to fill the unexpired term of Senator Muskie who was appointed by President Carter to be Secretary of State. There is a Chinese proverb that says ''when drinking the water, it is important to remember those who dug the well.'' To really understand George's success, one need look no further than to the fact that Ed Muskie was his mentor. Ed, like George, began his political career in Waterville as a young lawyer and state legislator. Ed provided George with the basic principles of public service which have guided him over the years. It was no surprise that George Mitchell demonstrated many of the qualities which typify Senator Muskie and Maine: intelligence, integrity, and independence. Senator Mitchell was elected Senate Majority Leader in 1988 and served his colleagues and the institution with distinction.

George Mitchell was a gifted public servant. His voice reminds us that public service is a noble calling. It was both a pleasure and an honor to have served with him. I hope my colleagues will work with me in passing this legislation as a means of paying tribute to the many years of outstanding service Senator Mitchell has given to the State of Maine and the country.●

● Ms. SNOWE. Mr. President, it is my pleasure today to offer my strong support for legislation to honor our colleague and my predecessor, former Senate Majority Leader George J. Mitchell. This legislation, which I am proud to cosponsor with my colleague, the senior senator from Maine, would designate the Federal building at 33 College Avenue in Waterville, Maine, as the ''George J. Mitchell Federal Building.''

There is perhaps no more fitting tribute to George Mitchell than naming the federal building in his home town—Waterville, Maine—in his honor. George Mitchell is a man who dedicated himself to government. Following his graduation from Georgetown Law School in Washington, George Mitchell devoted himself to public service: at the U.S. Justice Department; as the leader of his party in the State of Maine; as one of Maine's gubernatorial candidates; as a federal, U.S. District judge; and, for the past fourteen years, as Maine's junior senator. George Mitchell devoted himself to government because he believed in government, and it is appropriate today that we name the seat of our federal government in his hometown in his honor.

George Mitchell's story is well known in Waterville, Maine. His mother was a first-generation Lebanese immigrant; his father, an orphan, was a janitor at Colby College. They instilled strong values in their son. George Mitchell dedicated himself to learning, to knowledge and justice, and throughout his youth he surpassed the arbitrary ceilings our society so often builds. He graduated from Bowdoin College, served in the Army, and then went on to law school. He typified the Maine work ethic, and that ethic served him well as an attorney, a judge, and as a United States Senator.

George Mitchell came to the U.S. Senate when another distinguished Mainer, Senator Edmund Muskie, resigned his seat to become Secretary of State. Immediately, Senator Mitchell put a lifetime of experience to work. He became one of the earliest advocates—and chief sponsors—of the landmark Clean Air legislation that passed a decade later, in 1990. He recognized the importance of standing up for

Maine—and also made his mark on our nation's political system. Because of his dedication to his party's ideals, he was chosen as this body's Majority Leader in 1988, and served in that important and prestigious position until his retirement from the Senate.

Always, during his tenure, George Mitchell remembered the people who sent him to Washington. As Maine's Second District Representative, I was honored to serve alongside George Mitchell throughout his tenure in the United States Senate. We worked together on a bipartisan basis to ensure that the men and women of Maine were treated fairly, and had opportunities extended to other Americans.

With this legislation, we make an appropriate acknowledgement of George Mitchell's years of leadership in the public arena. This is but a small token of our appreciation: a fitting gesture which the City of Waterville has requested.

So in closing, I urge all of my colleagues to join me in support of this legislation and to extend to George Mitchell the hometown honor he so deeply deserves.●

By Mr. COHEN (for himself and Mr. LEVIN):

S. 699. A bill to amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for 7 years, and for other purposes; to the Committee on Governmental Affairs.

THE OFFICE OF GOVERNMENT ETHICS REAUTHORIZATION ACT OF 1995

● Mr. COHEN. Mr. President, today I am introducing S. 699, legislation on behalf of myself and Senator LEVIN to reauthorize the Office of Government Ethics (OGE).

To quote American statesman John C. Calhoun: ''The very essence of a free government consists in considering offices as public trusts, bestowed for the good of the country, and not for the benefit of an individual or party.''

This sums up the way we expect our government officials to conduct themselves. Government service is a privilege that carries with it tremendous responsibilities. Public servants in all three branches of government have an important obligation to the citizens who have put their faith and trust in them. Government officials should abide by a certain code of conduct and adhere to high ethical standards so that our citizens may have confidence in the integrity of their government.

Unfortunately, however, many Americans are disenchanted with their public officials. As a result, the need for strict ethical standards, and vigilant oversight of compliance with our ethics laws, is as great as ever. Almost daily headlines purport allegations of ''unethical'' or ''inappropriate'' conduct by government officials in one form or another. These stories only further erode the public's confidence in the integrity of their government officials which is already at one of the lowest points in our recent history.

Senator LEVIN and I have long been proponents of strong ethics laws. We serve as the Chairman and the Ranking Minority Member on the Subcommittee on Oversight of Government Management which has jurisdiction over ethics matters within the Executive Branch. Senator LEVIN and I have made many changes to strengthen the ethics laws since the Ethics in Government Act of 1978, which created OGE, was passed. We authored the Independent Counsel provisions of the Ethics in Government Act which provides for the appointment of an independent counsel to investigate allegations of criminal wrongdoing by top level Executive Branch officials, and we worked together to strengthen the revolving door laws. Moreover, Senator LEVIN and I have consistently sought to aid OGE in its mission of providing overall direction to the Executive Branch in developing policies to prevent conflicts of interest and ensure ethical conduct by Executive Branch officers and employees.

The reauthorization bill Senator LEVIN and I are introducing today is nearly identical to the legislation we introduced last Congress which was passed by the Senate in October. Unfortunately, however, no action was taken by the House of Representatives prior to Congress' adjournment.

OGE's authorization expired on September 30 of last year. It is very important, therefore, that the Congress move as quickly as possible to reauthorize the agency. The bill will reauthorize OGE for seven years. This is a slightly longer reauthorization than we have sought in previous years. As in the past, we want to avoid the need to reauthorize OGE during the firs year of a Presidential term when a large portion of OGE's resources are devoted to the nominee clearance process.

The bill would also, for the first time, grant OGE gift acceptance authority to address the problem that arises when federal government facilities are not adequate either in terms of size or equipment resources to accommodate OGE's ethics education and training programs which are held around the country. This authority is intended to enable OGE to accept the use of certain non-federal facilities, such as an auditorium that might be offered by a State or local government or a university, which may be better suited for OGE's needs.

As I have often noted in the past, the Office of Government Ethics is a small office with large responsibilities. Over the years, we have imposed more responsibilities on OGE and we haven't always provided the necessary staff or resources to carry out those responsibilities. Specifically, I would note the additional functions OGE had to perform when it became an independent agency in 1989 and in complying with the Ethics Reform Act of 1989. Congress moved to make OGE a separate agency because it was believed that OGE was not independent enough. In addition, Congress wanted to enhance the agency's prestige and authority within the Executive Branch given its important and sensitive responsibilities.

While OGE's budget has increased rather significantly since we last reauthorized the agency in 1988, OGE still has a lean budget with which to operate when you consider the critically important responsibilities of the agency. That said, in light of looming budget deficits, OGE, like all agencies will be called upon to meet its responsibilities in the most cost-effective manner possible. The bill also contains a number of technical changes to the ethics laws.

OGE's mission is critically important in ensuring strict ethical standards in government. I hope my colleagues will move expeditiously to pass this legislation and reauthorize this important agency.●

● Mr. LEVIN. Mr. President, today, Senator COHEN and I, in our capacities as the Chairman and the Ranking Minority Member of the Subcommittee on Oversight of Government Management, are introducing a bill to Reauthorize the Office of Government Ethics (OGE). Reauthorization of the OGE is essential so that the agency can continue to perform its mission to provide overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency. The OGE's previous authorization expired on September 30, 1994.

Senator COHEN and I first introduced this bill bank in August of 1993. The Oversight Subcommittee held a hearing on the reauthorization in April of 1994, with the Director of the OGE, Stepehn Potts, as a witness. The reauthorization bill was reported out of the Oversight Subcommittee and the Governmental Affairs Committee with strong bipartisan support and was approved by the Senate. The bill subsequently died when the House of Representatives failed to act upon the reauthorization in the last Congress. Therefore, Senator COHEN and I seek to reauthorize the OGE, so that the agency can carry on its very important responsibilities.

OGE was created in 1978 as part of the Office of Personnel Management. Over the years, Congress has given more authority and autonomy to the OGE, making it a separate agency as of October 1, 1989. This was an important step in recognizing the significance of OGE's role and its need for independence. In addition, through Executive Order, President Bush and President Clinton have given the OGE new responsibilities for guiding and implementing an effective ethics program throughout the Executive Branch. The responsibilities of the OGE range from teaching to enforcement; from issuing regulations to providing guidance and

interpretation; from reviewing financial disclosure forms to auditing agency ethics programs.

In the process of developing this bill, the Oversight Subcommittee reviewed OGE's budget, its personnel, and its accomplishments. Based on that effort, I am satisfied that the OGE has improved in areas where weaknesses were identified in the past and that the agency is currently on track in performing its duties in an effective, professional matter.

In addition to reauthorizing OGE, this bill would give OGE authority to accept donations or gifts that would facilitate the agency's work. A federal agency can't accept gifts unless it has specific statutory authority to do so. Many agencies have such authority but, up until now, the OGE has not been one of those agencies. The reason OGE seeks this authority is in connection with it's training mission. OGE conducts multiagency ethics training sessions around the country, and sometimes there is no nearby Federal facility that is appropriate in terms of size and services. This gift acceptance authority would allow the OGE to accept the use of non-Federal facilities—for example, an auditorium and related services such as might be offered by a State or local government or a university.

I hope that the Senate will act quickly in reauthorizing this important agency.●

By Mr. MOYNIHAN (for himself, Mr. BRADLEY, Mr. CONRAD, and Mr. GRAHAM):

S. 700. A bill to amend the Internal Revenue Code of 1986 to revise the tax rules on expiration, to modify the basis rules for nonresident aliens becoming citizens or residents, and for other purposes; to the Committee on Finance.

TAX LEGISLATION

Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation designed to address a problem that has come to light recently concerning the ability of U.S. citizens to avoid taxes by abandoning their citizenship. We should not countenance the evasion of taxes by those who renounce their citizenship. The Senate should act to address this problem expeditiously, and the bill that I introduce today will, I hope, represent significant progress towards that end. It is a revision of provision passed by the Senate Finance Committee recently, and responds to some of the criticisms that have been raised concerning the original proposal.

A genuine abuse exists in this area. Although the current tax code contains provisions, dating back to 1966, designed to address tax-motivated relinquishment of citizenship, these provisions have proven difficult to enforce and are easily evaded. One international tax expert described avoiding them as child's play. Individuals with substantial wealth can, by renouncing U.S. citizenship, avoid paying taxes on gains that accrued during the period that they acquired their wealth and were afforded the myriad advantages of U.S. citizenship. Moreover, even after renunciation, these individuals can maintain substantial connections with the United States, such as keeping a residence and residing in the United States for up to 120 days a year without incurring U.S. tax obligations. Indeed, reports indicate that certain wealthy individuals have renounced their U.S. citizenship and avoided their tax obligations while still maintaining their families and homes in the United States, being careful merely to avoid being present in this country for more than 120 days each year.

Meanwhile, the rest of Americans who remain citizens pay taxes on their gains when assets are sold or when an estate tax becomes due at death.

It was this Senator who made the first proposal in the Senate to deal with the expatriation tax abuse. On February 6, the President announced a proposal to address the problem in his fiscal year 1996 budget submission. Three weeks ago, on March 15, during Finance Committee consideration of the bill to restore the health insurance deduction for the self-employed, I offered a modified version of the administration's expatriation tax provisions as an amendment to the bill. My amendment would have substituted the expatriation proposal for the repeal of minority broadcast tax preferences as a funding source for the bill. The amendment failed when every Republican member of the Committee voted against it. Subsequently, Senator BRADLEY offered the expatriation provision as a free-standing amendment, with the $3.6 billion in revenue that it raised to be dedicated to deficit reduction. Senator BRADLEY's amendment passed by voice vote. That is how the expatriation tax provision was added to the bill that came before the Senate.

After the Finance Committee reported the bill, but before full Senate action and conference with the House, the Finance Committee held a hearing to further review the issues raised by the expatiation provision. Tax legislation routinely gets polished in its technical aspects as it moves through floor action and conference. At the Finance hearing, we heard criticisms of some technical aspects in the operation of the provision, as well as testimony raising the issue of whether the provision comported with article 12 of the International Covenant on Civil and Political Rights, which the United States ratified in 1992. Section 2 of article 12 states: ''Everyone shall be free to leave any country, including his own.'' Robert F. Turner, a professor of international law at the U.S. Naval War College, argued that the expatriation provision was problematic under the Covenant. The State Department's legal experts disagreed, as did two other outside experts whose letters were before the Committee. I refer to Professor Paul B. Stephan III, a specialist in both international law and tax law at the University of Virginia School of Law; and Mr. Stephen E. Shay, who served as International Tax Counsel at Treasury under the Reagan administration.

Mr. President, earlier in the day when I addressed this matter I asked that the materials to which I am presently referring be inserted in the record following my remarks. These materials, and others mentioned in this statement, can be found there.

Although there was considerable support for the legality of the provision, I thought it best to proceed with caution in these circumstances. These are matters of human rights under international law, on which we have rightly lectured others, and involve out solemn obligations under treaties. I sought the views of other experts. Letters concluding that the expatriation provision did not raise any problems under international law were received from Prof. Detlev Vagts of Harvard Law School and Prof. Andreas F. Lowenfeld of New York University School of Law. The State Department issued a lengthier analysis upholding the legality of the provision, and the American Law Division of the Congressional Research Service reached a like conclusion. However, there were dissenting views, most notably Prof. Hurst Hannum of the Fletcher School of Law and Diplomacy at Tufts University, who first wrote to me on March 24.

This is where things stood when the House-Senate conference met on March 28. The weight of authority appeared to be on the side of legality under international law, but there was some question, and the bill had to move at great speed. As my colleagues well know, the legislation restoring the self-employeds' health insurance deduction for calendar year 1994 needed to be passed and signed into law well in advance of this year's April 17 tax filing deadline, so that the self-employed would have time to prepare and file their 1994 tax returns. The decision regarding the expatriation provision had to be made without further opportunity of deliberation. I opted not to risk making the wrong decision with respect to international law and human rights.

The decision to drop the expatriation tax provision from the final conference version of the bill has been the subject of much debate over the last week. I certainly don't presume to speak for the other conferees. But for myself I repeat as I have said on two occasions on this floor over the past week: we should proceed with care when we are dealing with human rights issues, particularly when the group involved is a despised group—that is, millionaires who renounce their citizenship for money.

As the Senator who first proposed the expatriation tax provision, I will see this matter through to a conclusion. We are getting more clarity on the human rights issue, and it appears that a consensus is developing to the

effect that the provision does not conflict with our obligations under international law. In particular. it is worth noting that Professor Hannum, who first wrote me on March 24 expressing his concern that that expatriation provision was a problem under international law, has, after receiving additional and more specific information about the expatriation tax, now written a second letter of March 31 stating that he is convinced that neither its intention nor its effect would violate present U.S. obligations under international law. This is the growing consensus, although it is not unanimous.

As for criticisms of the technical difficulties of the original proposal, I believe they can be satisfied. Indeed, I would venture that if some of those criticizing the provision's technical aspects had put even half as much effort into devising solutions as in highlighting shortcomings, we would already be much further along toward a satisfactory statute.

One final point of utmost importance. As we take the time to write this law carefully, billionaires are not slipping through some loophole and escaping tax by renouncing their citizenship. The President announced the original proposal on February 6, and made it effective for taxpayers who initiate a renunciation of citizenship on or after that date. This was an entirely appropriate way to put an end to an abusive practice under current law. Both the proposal that I initiated, and the one that was ultimately adopted by the Finance Committee, also used February 6, 1995, as the effective date of the new provision preventing tax evasion through expatriation. The House conferees had proposed slipping the effective date to March 15, 1995—the date of Senate Finance Committee action on the provision. The two chairmen of the tax-writing committees ultimately—and wisely—resisted that overture, and have issued a joint statement giving notice that February 6 may be the effective date of any legislation affecting the tax treatment of those who relinquish citizenship. Given the potential for abuse under current law, I believe that February 6 must be the effective date for a new rule. In any event, given the President's announcement in the budget, the Finance Committee action, and the joint statement of the two chairmen of the tax-writing committees, individuals who are contemplating renunciation of their U.S. citizenship are on fair notice of the February 6, 1995, effective date.

To repeat, as the Senator who first offered the proposal to end the expatriation tax abuse, I will do everything I can to see that this matter gets resolved. We will do it this session. Fundamental justice to all taxpaying Americans requires no less.

In an effort to advance that goal, I am today introducing legislation embodying a revised expatriation tax proposal. I do so in the interest of ensuring that the issues that have been raised are addressed satisfactorily, and in a timely manner. This bill represents a serious effort to address the criticisms that have been raised, and I believe it represents a major step forward. It will provide an opportunity for comment and further review. In addition, I anticipate that the Joint Committee on Taxation will include an analysis of this bill in its comprehensive study of the subject of expatriation that the Committee staff has been directed to present to the chairmen of the tax-writing committees.

Mr. President, we will end this abuse, and promptly, but in a careful and orderly way, as we should do in matters of this importance.

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

There being no objection, the material was order to be printed in the RECORD, as follows:

S. 700

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

SECTION 1. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—Except as provided in subsection (f)(2), all property held by an expatriate immediately before the expatriation date shall be treated as sold at such time for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale unless such gain is excluded from gross income under part III of subchapter B, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply (and section 1092 shall apply) to any such loss.

''(3) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

''(A) IN GENERAL.—If an expatriate elects the application of this paragraph with respect to any property—

''(i) this section (other than this paragraph) shall not apply to such property, but

''(ii) such property shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

''(B) LIMITATION ON AMOUNT OF ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXES.—The aggregate amount of taxes imposed under subtitle B with respect to any transfer of property by reason of an election under subparagraph (A) shall not exceed the amount of income tax which would be due if the property were sold for its fair market value immediately before the time of the transfer or death (taking into account the rules of subsection (a)(2)).

''(C) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

''(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

''(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

''(iii) complies with such other requirements as the Secretary may prescribe.

''(D) ELECTION.—An election under subparagraph (A) shall apply only to the property described in the election and, once made, shall be irrevocable.

''(b) EXCLUSION FOR CERTAIN GAIN.—The amount which would (but for this subsection) be includible in the gross income of any individual by reason of subsection (a) shall be reduced (but not below zero) by $600,000.

''(c) PROPERTY TREATED AS HELD.—For purposes of this section, except as otherwise provided by the Secretary, an individual shall be treated as holding—

''(1) all property which would be includible in his gross estate under chapter 11 if such individual were a citizen or resident of the United States (within the meaning of chapter 11) who died at the time the property is treated as sold,

''(2) any other interest in a trust which the individual is treated as holding under the rules of subsection (f)(1), and

''(3) any other interest in property specified by the Secretary as necessary or appropriate to carry out the purposes of this section.

''(d) EXCEPTIONS.—The following property shall not be treated as sold for purposes of this section:

''(1) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the expatriation date, meet the requirements of section 897(c)(2).

''(2) INTEREST IN CERTAIN RETIREMENT PLANS.—

''(A) IN GENERAL.—Any interest in a qualified retirement plan (as defined in section 4974(c)), other than any interest attributable to contributions which are in excess of any limitation or which violate any condition for tax-favored treatment.

''(B) FOREIGN PENSION PLANS.—

''(i) IN GENERAL.—Under regulations prescribed by the Secretary, interests in foreign pension plans or similar retirement arrangements or programs.

''(ii) LIMITATION.—The value of property which is treated as not sold by reason of this subparagraph shall not exceed $500,000.

''(e) DEFINITIONS.—For purposes of this section—

''(1) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes his citizenship, or

''(B) any long-term resident of the United States who—

''(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

''(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

An individual shall not be treated as an expatriate for purposes of this section by reason of the individual relinquishing United States citizenship before attaining the age of 18½ if the individual has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for less than 5 taxable years before the date of relinquishment.

''(2) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

''(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

''(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(4) LONG-TERM RESIDENT.—

''(A) IN GENERAL.—The term 'long-term resident' means any individual (other than a citizen of the United States) who is a lawful permanent resident of the United States in at least 8 taxable years during the period of 15 taxable years ending with the taxable year during which the sale under subsection (a)(1) is treated as occurring. For purposes of the preceding sentence, an individual shall not be treated as a lawful permanent resident for any taxable year if such individual is treated as a resident of a foreign country for the taxable year under the provisions of a tax treaty between the United States and the foreign country and does not waive the benefits of such treaty applicable to residents of the foreign country.

''(B) SPECIAL RULE.—For purposes of subparagraph (A), there shall not be taken into account—

''(i) any taxable year during which any prior sale is treated under subsection (a)(1) as occurring, or

''(ii) any taxable year prior to the taxable year referred to in clause (i).

''(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

''(1) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—For purposes of this section—

''(A) GENERAL RULE.—A beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar advisor.

''(B) SPECIAL RULE.—The remaining interests in the trust not determined under subparagraph (A) to be held by any beneficiary shall be allocated first to the grantor, if a beneficiary, and then to other beneficiaries under rules prescribed by the Secretary similar to the rules of intestate succession.

''(C) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

''(D) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

''(i) the methodology used to determine that taxpayer's trust interest under this section, and

''(ii) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

''(2) DEEMED SALE IN CASE OF TRUST INTEREST.—If an individual who is an expatriate is treated under paragraph (1) as holding an interest in a trust for purposes of this section—

''(A) the individual shall not be treated as having sold such interest,

''(B) such interest shall be treated as a separate share in the trust, and

''(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

''(ii) the separate trust shall be treated as having sold its assets immediately before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

''(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii).

''(g) TERMINATION OF DEFERRALS, ETC.—On the date any property held by an individual is treated as sold under subsection (a), notwithstanding any other provision of this title—

''(1) any period during which recognition of income or gain is deferred shall terminate, and

''(2) any extension of time for payment of tax shall cease to apply and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(h) RULES RELATING TO PAYMENT OF TAX.—

''(1) IMPOSITION OF TENTATIVE TAX.—

''(A) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

''(B) DUE DATE.—The due date for any tax imposed by subparagraph (A) shall be the 90th day after the expatriation date.

''(C) TREATMENT OF TAX.—Any tax paid under subparagraph (A) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

''(2) DEFERRAL OF TAX.—The payment of any tax attributable to amounts included in gross income under subsection (a) may be deferred to the same extent, and in the same manner, as any tax imposed by chapter 11, except that the Secretary may extend the period for extension of time for paying tax under section 6161 to such number of years as the Secretary determines appropriate.

''(3) RULES RELATING TO SECURITY INTERESTS.—

''(A) ADEQUACY OF SECURITY INTERESTS.—In determining the adequacy of any security to be provided under this section, the Secretary may take into account the principles of section 2056A.

''(B) SPECIAL RULE FOR TRUST.—If a taxpayer is required by this section to provide security in connection with any tax imposed by reason of this section with respect to the holding of an interest in a trust and any trustee of such trust is an individual citizen of the United States or a domestic corporation, such trustee shall be required to provide such security upon notification by the taxpayer of such requirement.

''(i) COORDINATION WITH ESTATE AND GIFT TAXES.—If subsection (a) applies to property held by an individual for any taxable year and—

''(1) such property is includible in the gross estate of such individual solely by reason of section 2107, or

''(2) section 2501 applies to a transfer of such property by such individual solely by reason of section 2501(a)(3),

then there shall be allowed as a credit against the additional tax imposed by section 2101 or 2501, whichever is applicable, solely by reason of section 2107 or 2501(a)(3) an amount equal to the increase in the tax imposed by this chapter for such taxable year by reason of this section.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations to prevent double taxation by ensuring that—

''(1) appropriate adjustments are made to basis to reflect gain recognized by reason of subsection (a) and the exclusion provided by subsection (b),

''(2) no interest in property is treated as held for purposes of this section by more than one taxpayer, and

''(3) any gain by reason of a deemed sale under subsection (a) of an interest in a corporation, partnership, trust, or estate is reduced to reflect that portion of such gain which is attributable to an interest in a trust which a shareholder, partner, or beneficiary is treated as holding directly under subsection (f)(1)(C).

''(k) CROSS REFERENCE.—

''For income tax treatment of individuals who terminate United States citizenship, see section 7701(a)(47).''

(b) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(47) TERMINATION OF UNITED STATES CITIZENSHIP.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).''

(c) CONFORMING AMENDMENTS.—

(1) Section 877 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) APPLICATION.—This section shall not apply to any individual who relinquishes (within the meaning of section 877A(e)(3)) United States citizenship on or after February 6, 1995.''

(2) Section 2107(c) of such Code is amended by adding at the end the following new paragraph:

''(3) CROSS REFERENCE.—For credit against the tax imposed by subsection (a) for expatriation tax, see section 877A(i).''

(3) Section 2501(a)(3) of such Code is amended by adding at the end the following new flush sentence:

''For credit against the tax imposed under this section by reason of this paragraph, see section 877A(i).''

(4) Section 6851 of such Code is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(5) Paragraph (10) of section 7701(b) of such Code is amended by adding at the end the

following new sentence: ''This paragraph shall not apply to any long-term resident of the United States who is an expatriate (as defined in section 877A(e)(1)).''

(d) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after February 6, 1995.

(2) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(1)(B) of such Code shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 2. BASIS OF ASSETS OF NONRESIDENT ALIEN INDIVIDUALS BECOMING CITIZENS OR RESIDENTS.

(a) IN GENERAL.—Part IV of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to special rules for gain or loss on disposition of property) is amended by redesignating section 1061 as section 1062 and by inserting after section 1060 the following new section:

''SEC. 1061. BASIS OF ASSETS OF NONRESIDENT ALIEN INDIVIDUALS BECOMING CITIZENS OR RESIDENTS.

''(a) GENERAL RULE.—If a nonresident alien individual becomes a citizen or resident of the United States, gain or loss on the disposition of any property held on the date the individual becomes such a citizen or resident shall be determined by substituting, as of the applicable date, the fair market value of such property (on the applicable date) for its cost basis.

''(b) EXCEPTION FOR DEPRECIATION.—Any deduction under this chapter for depreciation, depletion, or amortization shall be determined without regard to the application of this section.

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE DATE.—The term 'applicable date' means, with respect to any property to which subsection (a) applies, the earlier of—

''(A) the date the individual becomes a citizen or resident of the United States, or

''(B) the date the property first becomes subject to tax under this subtitle by reason of being used in a United States trade or business or by reason of becoming a United States real property interest (within the meaning of section 897(c)(1)).

''(2) RESIDENT.—The term 'resident' does not include an individual who is treated as a resident of a foreign country under the provisions of a tax treaty between the United States and a foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

''(3) TRUSTS.—A trust shall not be treated as an individual.

''(4) ELECTION NOT TO HAVE SECTION APPLY.—An individual may elect not to have this section apply solely for purposes of determining gain with respect to any property. Such election shall apply only to property specified in the election and, once made, shall be irrevocable.

''(5) SECTION ONLY TO APPLY ONCE.—This section shall apply only with respect to the first time the individual becomes either a citizen or resident of the United States.

''(d) REGULATIONS.—The Secretary shall prescribe regulations for purposes of this section, including regulations—

''(1) for application of this section in the case of property which consists of a direct or indirect interest in a trust, and

''(2) providing look-thru rules in the case of any indirect interest in any United States real property interest (within the meaning of section 897(c)(1)) or property used in a United States trade or business.''

(b) CONFORMING AMENDMENT.—The table of sections for part IV of subchapter O of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 1061 and inserting the following new items:

''Sec. 1061. Basis of assets of nonresident alien individuals becoming citizens or residents.

''Sec. 1062. Cross references.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions after the date of the enactment of this Act, and to any disposition occurring on or before such date to which section 877A of the Internal Revenue Code of 1986 (as added by section 1) applies.

EXPLANATION OF REVISIONS TO H.R. 831 AS PASSED BY THE SENATE

1. APPLICATION TO LONG-TERM RESIDENTS.

The tax on expatriation would apply to ''long-term residents.'' A long-term resident would be an individual who has been a lawful permanent resident of the United States (i.e., a green card holder) in at least 8 of the prior 15 taxable years. For purposes of satisfying the 8-year threshold, taxable years for which such individual was a resident of another country under a treaty tie-breaker rule would be disregarded. The tax on expatriation would apply to a long-term resident when (a) the individual is no longer treated as a lawful permanent resident of the United States as that term is defined in section 7701(b)(6), or (b) the individual is treated as a resident of another country under the tie-breaking provisions of a U.S. income tax treaty (and the individual does not elect to waive treaty benefits). Long-term residents would be considered domiciled in the United States for purposes of calculating the tax on expatriation.

2. FAIR MARKET VALUE BASIS ADJUSTMENT.

An individual who has been a nonresident alien would be considered to have a fair market value basis in property owned by the individual as of the earlier of: (1) the date the individual first became a U.S. citizen or resident, or (2) the date the property first became subject to U.S. tax because it was used in a U.S. trade or business or it was a U.S. real property interest. The fair market value basis would apply for all purposes of computing gain or loss on actual or deemed dispositions (not just the tax on expatriation), but would not apply for purposes of computing depreciation.

Under this provision, the taxpayer would have the burden of proving fair market value. However, in determining whether the individual has satisfied his burden of proof, the Secretary will take into account the difficulty of establishing fair market value (especially for years prior to the enactment of this rule). If adequate evidence regarding the fair market value of a piece of property is not available, a taxpayer may elect to use historical cost to determine any gain on the disposition of the property; the historical cost election would not be available to claim a loss on the disposition of the property. No fair market value basis would be given to the assets of a foreign trust that becomes a domestic trust. This provision would be effective to calculate the tax under section 877A for expatriations occurring on or after February 6, 1995, or for any other dispositions after the enactment date.

3. ELECTION TO BE TREATED AS A U.S. CITIZEN

Each taxpayer would be allowed to irrevocably elect, on an asset-by-asset basis, to continue to be taxed as a U.S. citizen with respect to assets designated by the taxpayer. The taxpayer would therefore continue to pay U.S. income taxes following expatriation on any income generated by a designated asset and on any gain from the disposition of the asset, as well as any excise tax imposed with respect to the asset (see *e.g.*, section 1491). In addition, the asset would continue to be subject to gift, estate, and generation-skipping transfer taxes.

However, the amount of any transfer tax so imposed would be limited to the amount of income tax that would be due if the property were sold for its fair market value immediately before the transfer or death, taking into account any remaining portion of the expatriate's $600,000 exclusion. To make this election, the taxpayer would be required to waive treaty benefits with respect to designated assets. An expatriating individual would be required to provide security to ensure payment of the tax under this election in such form, manner, and amount as the Secretary may require.

4. ADMINISTRATION OF TAX ON EXPATRIATION

The current ''sailing permit'' requirement of section 6851(d) would be replaced with a new requirement to file a tax return and pay a tentative tax for the portion of the tax year through the date of expatriation. Section 6851(d) and the regulations thereunder currently require any alien who physically leaves the country—regardless of the duration of the trip—to obtain a certificate from the IRS District Director that he has complied with all U.S. income tax obligations. This provision would be modified to require any citizen or resident alien of the United States who becomes a nonresident to file a tax return within 90 days of the date that he ceases to be a U.S. citizen or resident, and pay the relevant tentative tax. No tax return would be required of a departing alien who intends to maintain U.S. residence.

5. TECHNICAL CORRECTIONS

A. Allow deferral of tax on expatriation where estate taxes would be deferred

Payment of the tax on expatriation should be extended in circumstances that are similar to situations in which payment of estate taxes may be extended under current law. Therefore, the time for the payment of the tax on expatriation could be extended for any period at the request of the taxpayer, as provided by section 6161 (without regard to the ten-year limitation of that section). In addition, the tax on expatriation could be deferred on interests in closely-held businesses as provided in section 6166. The tax on expatriation could also be extended for reversionary or remainder interests in property as provided in section 6163. Payment of tax liabilities could also be extended under section 6159 to facilitate the collection of tax liabilities.

B. Method of providing security

If a taxpayer is required to provide security under this section, it is anticipated that in many cases adequate security could be provided by contributing assets to a trust with a responsible U.S. trustee (see section 2056A). Other mechanisms determined to be effective by the Secretary could be used, such as providing a bond or letter of credit. If an expatriating individual is a beneficiary of a trust, and the beneficiary elects to defer payment of the tax on expatriation with respect to the trust interest, a U.S. trustee of that trust will be required to provide security if the beneficiary provides actual notice of such requirement to the domestic trustee.

C. Exceptions for relinquishment of citizenship by certain minors

The tax on expatriation would not apply to an individual who resided in the United States under the substantial presence test of section 7701(b)(1)(A)(ii) for less than five years and relinquishes U.S. citizenship by the age of 18 years and 6 months.

D. Ownership of interests in trusts

The ownership of any interest in a trust which is not determined under the general facts and circumstances rule of section 877A(f)(1)(A) will be allocated to the grantor if the grantor is a beneficiary of the trust. Otherwise, the ownership of the trust interest will be based on the rules of intestate succession. Unless otherwise prescribed by the Secretary, the applicable rules of intestate succession will be the rules under the Uniform Probate Code as promulgated by the American College of Trust and Estate Counsel.

E. Coordination with estate and gift tax rules

The tax on expatriation would be allowed as a credit against U.S. estate or gift taxes to the extent that the property subject to the tax on expatriation is subsequently subject to additional U.S. estate or gift taxes solely by reason of the estate or gift tax expatriation rules (sections 2107 and 2501(a)(3)).

Mr. BRADLEY. Mr. President, I rise this afternoon to introduce, along with Senator MOYNIHAN, a bill that a would close a tax loophole that allows wealthy citizens who renounce their American citizenships to avoid paying their fair share of U.S. taxes. As a member of the Finance Committee, I offered a similar amendment to H.R. 831 that would have closed this loophole. My amendment would have dedicated all of the savings from closing this loophole to deficit reduction. According to estimates of the Joint Committee on Taxation, my amendment would have reduced the deficit by approximately $3.6 billion over the next 10 years.

Unfortunately, although the Finance Committee adopted this amendment on an undivided voice vote and the Senate approved it as part of H.R. 831, the joint House-Senate conference committee re-opened this loophole. The bill that we are introducing today would close this loophole once and for all.

Mr. President, this bill is fundamentally about fairness. Not only is it fair to those who enjoyed the benefits of U.S. citizenship to make billions and are now attempting to avoid paying tax on such gain, it is also fair to those Americans who stay behind to shoulder the burdens of citizenship. All this bill would do is treat those who renounce their citizenship on par with Americans who stay and pay their share of the tax burden.

While U.S. citizenship confers tremendous benefit, it also requires responsibility. Although we may not always be happy about the amount, most of us willingly pay our fair share of the tax burden. However, for many Americans it becomes just too much when they have to pay not only their share of taxes, but also an additional share for those few, wealthy individuals who made their money in this country, but are now trying to skip town without paying their portion of the tab.

Significantly, this bill would exclude pension income, real estate assets, and the first $600,000 in gain. As a result, of the roughly 850 U.S. citizens who renounced their citizenships in 1994, only a handful would be effected by the elimination of this loophole. In fact, representatives from the Treasury Department testified that provisions similar to those contained in this bill would affect only 24 Americans each year.

Mr. President, significant deficit reduction will be necessary to put our country back on the right track. However, until we close these special-interest tax loopholes for the few, we cannot ask for the shared sacrifice from the many that will be necessary to reduce the deficit.

By Mr. SIMON:

S. 701. A bill to amend the Internal Revenue Code of 1986 to limit the interest deduction allowed corporations and to allow a deduction for dividends paid by corporations; to the Committee on Finance.

THE EQUITY INCENTIVE ACT OF 1995

● Mr. SIMON. Mr. President, today I am introducing a bill to amend the Internal Revenue Code to limit the interest deduction allowed corporations and to allow a deduction for dividends paid by corporations.

Our current system of taxation encourages American businesses to use debt, rather than equity, to provide needed financing. My bill would encourage firms to shift from greater debt financing to more equity financing by limiting the interest deduction allowed corporations and allowing a deduction for dividends paid by corporations.

My proposal would be revenue neutral, although in the long run it should add to revenue because it would help the economy.

I propose that, while 80 percent of interest payments remain deductible, 20 percent of the interest payments of all but the smallest corporations (including farm corporations) should be disallowed. And 50 percent of dividends should be deductible.

If a corporation borrows money to acquire another company or to buy equipment or for any other purpose, the interest on that debt is deductible, even though the debt can—and often does—put the corporation in a precarious position. But if the same corporation issues stock, and then pays dividends, there is no deduction. The tax laws favor debt.

That same corporation, if it cannot meet the payments of principal and interest, will have to sell itself or go bankrupt, neither of which are desirable goals. But if that corporation issues stock, and there is a downsizing in the economy, the only penalty the corporation must pay is that it cannot issue dividends. It can continue to thrive, employ people, and be a productive part of our society.

Our tax laws have encouraged corporations and banks and law firms to make ''the fast buck'', rather than take the slow, constructive steps that are necessary to build their businesses and the economy of this Nation. I favor tax laws that give corporations deductions for research, for creating jobs, for adding to the productivity of the Nation.

My proposal would provide the incentive corporations need. It would encourage investment and help the growth of productivity. It would also help eliminate the excessive debt our country has accumulated, and it would go a long way toward strengthening the economy.

I urge my colleagues to support this legislation, Mr. President. It may need to be refined, but the idea is sound. I hope we can make it a part of the Tax Code.●

By Mr. SIMON:

S. 704. A bill to establish the Gambling Impact Study Commission; to the Committee on Governmental Affairs.

THE NATIONAL GAMBLING STUDY COMMISSION ACT

● Mr. SIMON. Mr. President, today I am introducing legislation that would establish an 18 month commission to review the impact gambling has had on State and local governments, and native American tribes. As these entities find themselves strapped for financial resources, many public officials and residents believe gambling can be an economic panacea.

Gambling is now one of the largest growth industries in the country. Legal wagering now totals almost $400 billion compared to $17.3 billion in 1974, according to the last—and only—national gambling study released in 1976 by the Commission on the Review of the National Policy Toward Gambling.

Federal policy on gaming should not be a moral one, rather it should be a practical one. Gambling is a matter of personal choice, and I have no problem with individuals who enjoy and are able to play the lottery or the slots. But I am concerned with the substantial costs to individuals, families, and society. Legalized gambling can lead to problem and pathological gambling, deterioration of family relationships, lost work productivity, unpaid taxes, bankruptcies, higher crime rates, and increased costs to the criminal justice system.

On the other hand, legalized gambling offers the promise of economic development, tourism, increased jobs and tax revenues, which is extremely appealing to State, local and tribal governments that compete with one another for financial resources.

While State governments have primary responsibility for regulating gambling, the scope of gaming has broadened to a national level in recent years. I am introducing the Gambling

Impact Study Commission Act to address these issues of national concern, so State, local and tribal governments can make fully informed decisions about future economic development investments.●

By Mrs. KASSEBAUM (for herself and Mr. BROWN):

S. 707. A bill to shift financial responsibility for providing welfare assistance and medical care to welfare-related medicaid individuals to the States in exchange for the Federal Government assuming financial responsibility for providing certain elderly low-income individuals and nonelderly low-income disabled individuals with benefits under the medicare program under title XVIII of the Social Security Act and long-term care benefits under a new Federal program established under title XIX of such act, and for other purposes; to the Committee on Finance.

THE WELFARE AND MEDICAID RESPONSIBILITY EXCHANGE ACT OF 1995

Mrs. KASSEBAUM. Mr. President, I rise today to introduce a revision of the ''Welfare and Medicaid Responsibility Exchange Act of 1995'' with my colleague Senator BROWN. This legislation incorporates the changes which I indicated would be forthcoming when we introduced the ''swap'' legislation earlier this year.

The basic principle embodied in both this and the earlier proposal is that true reform will occur only when there is a clear delineation of responsibilities between the federal and state governments.

The legislation we are introducing today shifts to the states responsibility for the nation's largest welfare programs—Aid to Families with Dependent Children (AFDC), Supplemental Food Program for Women, Infants and Children (WIC), Food Stamps, and the AFDC portion of Medicaid. In exchange, the Federal Government will assume responsibility for that portion of the Medicaid program designed to provide acute care and long-term care to elderly and disabled Americans.

Currently, the overlapping regulation and dual administration of the AFDC and Medicaid programs, in particular, has resulted in a significant lack of accountability. In contrast, this legislation makes a clear-cut decision about who will run the welfare programs, who will finance them, who will make key decisions, and who will be responsible for the outcomes.

This legislation will allow both the States and the Federal Government to build a more cohesive safety net for the populations each sector is serving. At the end of a five-year transition period during which the States will be freed from the vast majority of restrictive Federal regulations, the States will have complete autonomy for designing welfare and medical programs for low-income individuals—without Federal mandates, but with their own money at stake.

The Federal Government will be able to improve the efficiency and effectiveness of the Supplemental Security Income (SSI) Medicaid program—a program which now consumes 70 percent of Medicaid costs yet serves only 30 percent of the Medicaid population—by better coordinating choronic care services for elderly and disabled Medicaid recipients, by promoting competition, and by allowing these individuals to have a broader choice of private health plans. To reduce the reliance on Medicaid, the revised legislation also includes tax incentives for the purchase of private long-term-care insurance and long-term care services, and standards for long-term care insurance. These provisions are similar to those contained in legislation which was introduced earlier this year by Senator COHEN.

I would like to highlight some of the other key components of this revised swap legislation:

State responsibilities: As in the earlier swap legislation (S. 140), the states will assume full costs for the AFDC, WIC, and Food Stamp programs. In addition, however, the states also will assume responsibility for providing health care for ''AFDC-related'' Medicaid recipients (non-elderly and nondisabled individuals). This population represents about 30 percent of current Medicaid expenditures.

Federal responsibilities: Instead of assuming the full costs of the Medicaid program, under the revised legislation the federal government will assume financial responsibility for the ''SSI-related Medicaid'' program (elderly and disabled individuals). This group represents the remaining 70 percent of Medicaid costs.

Five-year transition period: The revised legislation still contains a five-year transition period during which states will have freedom to design low-income assistance programs and time to build the infrastructure to support these programs. During this period, an independent Commission will work with Congress to develop the specific provisions of the federal Medicaid program for elderly and disabled individuals. Also, the federal government will continue to provide funding to states during this period so that no state will suffer significant losses of funding.

State maintenance-of-effort: During the transition period, the states must spend the funds made available by the swap and any money previously used as a state match for AFDC, food stamps, WIC, and AFDC-related Medicaid, to provide cash and non-cash assistance to low-income individuals and families. Unlike S. 140, however, the states may direct up to 15 percent of these funds annually to savings or other uses.

Medicaid during the transition: Under the revised legislation, federal Medicaid benefit and coverage requirements for children will be frozen at 1995 levels during the transition. Beyond that, however, the states will be given significant freedom to redesign the AFDC-related Medicaid program without applying for federal waivers.

At the end of the transition period: Under the revised legislation, Congress must determine at the end of five years whether to continue this arrangement or, instead, to grant the states complete autonomy to design welfare and low-income medical care programs. If this complete swap goes into effect, states that experience a significant loss of federal funds and have the greatest need for public services will be eligible for a targeted grant program.

Mr. President, if we are serious about returning substantial authority, autonomy, and responsibility to state and local governments; if we are serious about rejecting the ''one-size-fits-all'' approach to income support programs which has frustrated those who have sought innovative solutions; and if we are serious about breaking the cycle of dependence that has frayed the current social welfare system; then I believe we must make systemic changes that will have a profound and long-lasting impact on the way services are delivered to needy Americans. We must cross the threshold from a Washington that simply shares power with the states to a Washington that actually surrenders power.

This legislation goes a long way toward achieving that goal. I hope my colleagues will join me in working toward its passage.

By Mr. NICKLES:

S. 708. A bill to repeal section 210 of the Public Utility Regulatory Policies Act of 1978; to the Committee on Energy and Natural Resources.

THE ELECTRIC UTILITY RATEPAYER ACT

● Mr. NICKLES. Mr. President, I introduce legislation to repeal section 210 of the Public Utility Regulatory Policies Act of 1978 (''PURPA'').

Section 210 of PURPA is no longer in the public interest. It is costing consumers billions of dollars in higher electric bills. It is interfering with the increasingly competitive wholesale market for electricity. It has been overtaken by changes in energy policy, particularly the transmission access and PUHCA reform provisions of the Energy Policy Act of 1992. It is no longer needed to promote a once-fledgling independent power industry. In short, it is time to repeal section 210 of PURPA.

Enacted in 1978, PURPA was one of several laws created by President Carter to address the energy crisis. All involved heavy government interference in the marketplace; all but PURPA have since been repealed.

PURPA was created to stimulate the construction of non-conventional electric powerplants, referred to by PURPA as a qualifying facility [QF]. A QF can be a cogeneration powerplant of unlimited size, or a small power production facility of less than 80 megawatts. A cogeneration powerplant is a facility which produces heat along

with electric power. A small power production facility is as a renewable driven electric power generator, such as a windmill, a biomass or waste-fueled powerplant, a geothermal generator, a solar power facility, or a hydroelectric dam.

Section 210 of PURPA encourages QFs in two ways. First it requires electric utilities to purchase the power they produce—whether or not it is needed. Second, it requires electric utilities to pay an avoided cost price for the electricity purchased from the QF—which may or may not bear any relationship to actual market price.

When PURPA was enacted, everyone thought that it would benefit primarily unconventional power generating facilities, such as solar, geothermal, wind, and waste. These were unproven technologies at the time, and even with the host of benefits provided by PURPA plus tax incentives, it was not clear that they could ever be profitable. Instead, PURPA has primarily benefitted the more traditional turbine-powered cogenerators. According to data provided by the Edison Electric Institute, more than three-fourths of installed QF generation capacity are cogenerators. Small power producers—solar, geothermal, wind and waste—account for less than one-forth of installed QF generation capacity.

PURPA was also enacted on the assumption that it would not increase the price of electricity to consumers. Congress thought that it had guarded against this by limiting the price of QF electricity to the avoided cost—the price that the electric utility would have incurred had it generated the electricity itself or had it purchased it from someone else. But it did not work out that way. The Edison Electric Institute estimates that nationwide PURPA will add $38 billion to the future price of electricity, calculated in net present value. This continues to occur for several reasons.

First, in many instances PURPA's avoided cost rate is being based on fuel price projections which often prove to be wildly wrong. Second, several States are setting the avoided cost rate above true avoided cost in order to encourage QFs. QFs are viewed as being socially desirable, even if not the cheapest source of power. The FERC has recently acknowledged that over the years it has given State public utility commissions wide latitude in implementing PURPA in order to maximize the development of QFs. Third, environmental adders continue to be included in the avoided cost rate to promote certain types of QF facilities. This further increases the price of QF power above true avoided cost. Fourth, because PURPA requires QF power to be purchased whether or not it is needed, utility-owned generation will continue to be idled, which someone has to pay for. Thus, unless we repeal PURPA section 210, this will continue for new QF contracts.

Mr. President, some will argue that section 210 ought to be retained because it fosters competition in the wholesale power marketplace, but that is not true. The essence of competition is allowing choice, not mandating what must be purchased. Moreover, there are other key reasons why the wholesale electric power market has become competitive. They include the following: First, state public utility commissions have required their utilities to become more competitive. Second, Congress opened the wholesale market to all electric generators through transmission access and PUHCA reform. Third, and most importantly, the market itself denies everyone the luxury of avoiding competition. Thus, the repeal of PURPA section 210 will not adversely affect competition.

Mr. President, while everyone agrees that renewable energy can and should play a role in the future energy mix, that should not be accomplished through PURPA's mandated purchase requirement. In this connection, I might note that there are other programs on the books to promote renewables. For example, section 1212 of the Energy Policy Act of 1992 provides a renewable energy production incentive of 1.5 cents per kilowatt hour, subject to appropriations, for solar, wind, biomass, and geothermal powerplants. Section 1914 provides a tax credit of 1.5 cents per kilowatt hour for wind and closed-loop biomass. This is not subject to appropriations. Section 1916 provides a permanent extension of the energy investment credit for solar and geothermal properties.

Mr. President, I am a strong believer in contract sanctity. The bill I am introducing does not abrogate existing contracts; they will continue to operate by their own terms. Section 4 of the bill specifically states that ''Nothing in this Act abrogates any existing contract.''

Mr. President, it is clear the time has come to repeal section 210 of PURPA. It is distorting competition and it is hurting consumers. It is time to substitute the discipline of the marketplace for the judgment of regulators. In short, it is time for PURPA section 210 to go. I urge may colleagues to join me in my efforts to update our energy policy to benefit consumers and our economy.

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

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

S. 708

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

SECTION 1. SHORT TITLE.

This Act may be cited as ''The Electric Utility Ratepayer Act.''

SEC. 2. FINDINGS.

The Congress findings that—

(1) implementation of section 210 of the Public Utility Regulatory Policies Act of 1978 results in many consumers paying excessive rates for electricity;

(2) the Energy Policy Act of 1992 gives producers of electricity additional access to the wholesale electric market through transmission access and exemption from the Public Utility Holding Company Act; and

(3) in light of the increasingly competitive wholesale electric marketplace being brought about by the Energy Policy Act of 1992, there no longer is any justification for section 210 of the Public Utility Regulatory Policies Act of 1978.

SEC. 3. REPEAL.

Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3) is hereby repealed.

SEC. 4. TRANSITION.

Nothing in this Act abrogates any existing contract.

SEC. 5. EFFECTIVE DATE.

The provisions of this act are effective April 7, 1995.●

By Mr. BOND (for himself and Mr. BRYAN):

S. 709. A bill to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONSUMER REPORTING REFORM ACT

Mr. BOND. Mr. President, I join my colleague, Senator BRYAN, in introducing the Consumer Reporting Reform Act of 1995. We have spent several sessions of Congress in perfecting this legislation, and I expect this bill to enjoy wide bipartisan support. In particular, this legislation balances the needs of the consumer to have accurate credit information, while ensuring that the credit industry provides such information without the imposition of unreasonable regulatory burdens.

The Fair Credit Reporting Act is overdue for revision and reform. I know that we have all heard too many horror stories about inaccurate credit information and the inability of consumers to get the information corrected. The Fair Credit Reporting Act was written long before computer technology was as sophisticated as it is today. These technological advances have meant a drastic increase in the amount of information that can be kept and is kept on individuals. Current law simply does not adequately protect consumers.

For example, currently the law only requires that credit bureaus reinvestigate within a reasonable period of time. It was not uncommon for it to take months, even years, to get a credit report corrected and cleaned up. And even in cases where a consumer does succeed in getting the incorrect information removed or corrected, there is nothing to prevent the incorrect information from being put back on the credit report.

I believe that the single most important consumer protection provision in this legislation is the 30-day limit on the reinvestigation procedure. If the disputed information cannot be verified or is found to be inaccurate within 30 days, then it is corrected or removed from the credit report and cannot be reinserted without a notice to the consumer.

This is the cornerstone of the legislation—the most significant improvement over current law.

In addition, I realize that the credit bureaus have voluntarily instituted a 30-day standard in recent years, but there is no force of law behind it to hold them to it. I congratulate the credit bureaus for taking steps to make the system more accurate, but I feel that legislation is still needed. It was the threat of this legislation that has cleaned up the system, and I think we have an obligation to finish the job. This legislation, in particular, will address concerns about accuracy in the system and the need for consumer privacy.

I emphasize that I have met with many of my constituents to listen to their horror stories of trying to fix mistakes on their credit reports. They have met with many of the same obstacles that millions of other consumers have faced—months of waiting for their credit reports to be fixed, credit grantors who are unresponsive, and no one to talk to who will listen to their complaints. As you know, these problems are not new. I have been hearing about these problems for years and trying to find a way to address them. This legislation is designed to address these problems.

Because it traditionally takes a long time for the credit bureaus to respond and fix credit reports, the bill requires the process to be completed in 30 days. As I have said, if the information in the report cannot be verified by the creditor who submitted it within 30 days, it will be removed from the report. In addition, it cannot be reinserted later unless the consumer is notified.

When a consumer goes through the reinvestigation process with the credit bureau and the problem is still not fixed, our bill gives the consumer the right to sue the creditor who will not fix the information it submitted to the credit bureau.

This bill also contains limited Federal preemption to ensure that there are uniform Federal standards to govern a number of procedural issues which are part of credit reporting and which will reduce the burdens on the credit industry from having to comply with a variety of different State requirements. For example, the bill preempts requirements regarding prescreening, information shared among affiliates, reinvestigation timetables, obsolescence time periods and certain disclosure forms.

In addition, the civil liability section makes it absolutely clear that there are only private causes of action against a furnisher after that furnisher has had an opportunity to reinvestigate and fix any mistakes.

I believe that this legislation is a well-balanced bill. All interested parties benefit from this bill. The free flow of accurate information will help all sides by promoting good economic decisions in our free market economy. Consumers get increased disclosure and a 30-day reinvestigation time period and the credit industry gets a limited Federal preemption, the ability to share information among affiliates, and broader prescreening abilities.

Mr. BRYAN. Mr. President, I join Senator BOND today in introducing amendments to the Fair Credit Reporting Act. I want to again express my appreciation for the efforts of Senator BOND. I have enjoyed teaming up with him on a number of issues and look forward to continuing this friendship and productive working relationship.

As those who follow this issue know, Senator BOND and I came extremely close to getting similar legislation enacted into law last Congress. Versions of this bill passed the Senate 87 to 10 and passed the House of Representatives on several occasions. Unfortunately because this came up at the of the session, one Senator was able to block this bill's enactment into law. I am confidant we can get this legislation to the President's desk this year.

This legislation is similar to the version that passed the Senate and House of Representatives last year. Senator BOND and I have made some refinements but the guts of the bill are intact.

The heart of this legislation is the investigation process which is undertaken when a consumer discovers a mistake on his or her credit report. We all know that mistakes will occur when you are entering billions of pieces of data in computer banks every month. That is inevitable.

What is not inevitable is the frustration consumers experience getting these mistakes removed from their files. This bill requires credit bureaus and the businesses which supply information to verify it within 30 days or remove it from a consumer's file. Thereby, the burden of proof is transferred from consumers to businesses to verify the accuracy of the information in a file.

I was struck by the testimony of Nevadans who were forced to jump through a serious of hoops to prove that the information in their file was faulty. They spent countless hours on the telephone trying to track down information and to explain to credit bureau representatives what mistakes have been made. Through no fault of their own, these people were put through the ringer. This legislation should rectify this situation.

The bill also brings businesses who furnish information into the regulatory process. Without such a provision, bad actors can wreak havoc on the credit reporting system and on consumers. I would have preferred a higher standard of liability for these businesses but believe this is a good first step.

On this point, I must express my total disgust at the behavior of the J.C. Penney Co. In my entire career of public service, I have never seen a more disingenuous lobbying effort by any organization, and I will not soon forget it.

This legislation tries to craft a delicate balance on the issue of State preemption. Senator BOND and I are both former Governors so we take States' rights very seriously. We have tried to only preempt those areas of this law which affect the operational efficiencies of businesses but do not harm consumers. Setting a national uniform standard for disclosure forms or timetables, does not set the consumer movement back, yet should help the business community operate more efficiently.

I would like to put everyone on notice that I feel very strongly that we should not preempt States' rights in the area of liability—particularly if we set a low-liability standard as we do in this bill. Certain members of the business community have and will continue to push to preempt this area of State law, but I will fight such efforts and will have to reconsider the merits of this bill, should I lose on this issue.

I believe the issues in this bill have been compromised and refined over several years of consideration and do not need much more massaging. They represent an equitable balance with benefits to both the consumers and businesses. I hope we can move this along swiftly. I urge my colleagues support.

By Mr. KERREY:

S. 710. A bill to promote interoperability in the evolving information infrastructure maximum competition, innovation, and consumer choice, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS INTEROPERABILITY ACT

Mr. KERREY. Mr. President, earlier this week I came to the floor of the Senate to discuss my concerns relating to the pending Telecommunications Competition and Deregulation Act of 1995, S.652. I have been concerned that this bill does not do enough to promote competition and consumer choice. As we on Capitol Hill work to revamp the regulatory regimes governing the telephone and cable television companies of today, a much larger dynamic is taking hold in our country.

The digital age is upon us, and we must try to take this larger picture into view if we are to be truly effective in our efforts to pass telecommunications reform that will serve our country, not only today, but tomorrow, and for the years to come. We need to take this opportunity, not only to address the regulatory issues currently being discussed, but to think about what kind of world we want this digital age to create.

Today, I am introducing legislation, the Communications Interoperability Act of 1995, that I hope will stimulate a vigorous public debate on how we can best achieve a truly ubiquitous National Information Superhighway. I am

introducing this bill as a discussion vehicle, and welcome reactions or comments on this legislation from interested parties.

The National Information Superhighway, or National Information Infrastructure (NII) as it is called, is evolving as we speak. This new digital age brings with a convergence of technology and vast new opportunities for Americans to gather and disseminate information. This NII pays no mind to the lines between industry sectors that have existed in the past. The NII is a conglomeration of pieces, including, various high-speed, interactive, narrow and broadband networks that exist today and will emerge tomorrow. It is the satellite, terrestrial, and wireless technologies that deliver content to homes, businesses, and other public and private institutions. The NII is a term that encompasses all the pieces and conveys a vision for a nationwide, invisible, seamless, dynamic web of transmission mechanisms, information appliances, content and people. This ubiquitous network of networks has the potential to improve the quality of life for all Americans—regardless of location, age, economic status, or physical handicap. However, this potential will only be realized if we have interoperability in our information infrastructure.

Interoperability is the ability of two or more systems to interact with one another. Interoperability allows diverse systems made by different vendors to communicate with each other so users do not have to make major adjustments to account for differences in products and services. Open interfaces at critical points of connection will allow interoperability to occur.

Interoperability will allow components of the NII to work together easily and transparently. A high school student in Nebraska will be able to use research resources located anywhere in the country, and discuss that research with students at distant schools. It will allow teachers in Nebraska to share information about experiences with other teachers around the country. If, while on vacation, a person becomes ill, a doctor in another State will be able to easily reach the family physician in Nebraska to consult and access complete medical records online.

Interoperability will make the NII accessible to the broadest number of people—both users and vendors. Users will not be limited to a particular vendor's products. Vendors will be able to make their services available to anyone who wants to use them. A small business or entrepreneur in Nebraska will be able to fully realize their potential because from their home office they will have the ability to easily reach customers across the Nation and around the world.

Interoperability allows all Americans to be both information consumers and information providers. This means that a citizen in Lincoln, NE, will not only be able to access the vast amount of information using an information appliance of her choice, at the same time, she will also be able to publish her newsletter on fishing in Nebraska to interested readers wherever they reside.

Interoperability promotes competition among technologies, providers, and media, leading to the greatest number of choices, the lowest prices, and maximum innovation. Interoperability based on open interfaces, will help promote a level playing field for the future of communications. Rather than attempting to create or adapt regulations to ever changing technologies, open interfaces, and interoperability will help ensure access and competition by allowing new entrants into the marketplace.

Interoperability must be led by industry, but Congress can help by promoting the vision of an interoperable information infrastructure. I am not suggesting that Government get involved setting standards or dictating what technologies the private sector should use. What I am suggesting is that we all have an interest in monitoring the private sector process and facilitating the development of a system that will best serve American business, and American citizens.

Without interoperability, we will simply have pockets of information and services that will not be nearly as valuable because they will not be easily linked to other parts of the infrastructure. Interoperability will allow information to be transmitted between different technologies, allowing for the most efficient distribution of services. In some areas, wire lines or fiber optic cable may be dominant, while in other more rural areas we may need to rely on satellite and wireless technologies. Unless all these divergent parts of the system are interoperable, the digital age will divide us into information haves and have nots. I am concerned about the potential for rural States like mine to be left behind as the digital age charges forward.

The distinguished Senator from Maine introduced legislation earlier this week to promote competition and consumer choice in consumer electronics used in conjunction with the current cable system. Certainly an important piece of the overall infrastructure, but as the distinguished Senator pointed out in his introductory statement, this bill is only focused on one particular area of telecommunications. The legislation I am introducing today focuses on the bigger picture, providing a broader, over-arching vision for our digital information age.

By looking ahead, and providing some policy objectives we can use this opportunity to address not only past and current regulatory issues, but to project some expectations for the future of communications. Expectations which include an information infrastructure that strengthens our educational system, expands commerce, improves the delivery of health care, and enhances participatory democracy.

I hope we will embrace this opportunity to herald the future.

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. 710

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 ''Communications Interoperability Act of 1995''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the rapid convergence of communications, computing and video technologies holds the promise of bringing revolutionary improvements in the delivery of a variety of information and other communications services to the American public;

(2) interoperability will promote competition among technologies, providers, and media, leading to the greatest choices, lowest prices, highest value, and maximum innovation;

(3) interoperability at key interfaces of the developing information infrastructure of the United States will ensure that existing and new components work together easily, quickly, and transparently as the components of today's telephone system;

(4) interoperability will help ensure that the information and communications infrastructure of the future will be accessible to the broadest number of people, both users and vendors of products and services;

(5) open interfaces at critical connection points are essential to achieving interoperability and the smooth transfer of information throughout the system; and

(6) the development of an interoperable information infrastructure based on open interfaces is in the interest of all Americans, and the Federal Government should act as a facilitator to achieve this goal.

SEC. 3. DEFINITIONS.

As used in this Act:

''(1) INTEROPERABILITY.—The term ''interoperability'' means—

''(A) the ability of two or more systems (such as devices, databases, networks, or technologies) to interact in concert with one another, in accordance with a prescribed method, to achieve a predictable result;

''(B) the ability of diverse systems made by different vendors to communicate with each other so that users do not have to make major adjustments to account for differences in products or services; and

''(C) compatibility among systems at specified levels of interaction, including physical compatibility.

The compatibility described in subparagraph (C) should be achieved through open interface specifications.

''(2) INTERFACE SPECIFICATIONS.—The term ''interface specifications'' means the technical parameters for the manner in which systems, products, and services communicate with each other and may be limited to the information necessary to achieve interoperability, leaving the implementation and remaining product design to the creative abilities of competitive suppliers.

SEC. 4. PROMOTING INTEROPERABILITY.

The Federal Communications Commission, and other appropriate Federal Government agencies (such as the National Institute of Standards and Technology), shall monitor the voluntary industry standards processes,

and assist private sector standards bodies in the identification and promotion of open and interoperable interface specifications as needed.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. THURMOND, Mr. ABRAHAM, and Mr. GRASSLEY):

S.J. Res. 32. Joint resolution expressing the concern of the Congress regarding certain recent remarks that unfairly and inaccurately maligned the integrity of the Nation's law enforcement officers; to the Committee on the Judiciary.

LAW ENFORCEMENT OFFICERS JOINT RESOLUTION

Mr. HATCH. Mr. President, I rise today to introduce a joint resolution expressing the Nation's gratitude to its law enforcement officers, and ask that it be passed by unanimous consent.

Every day, the brave men and women of our Nation's police forces put their lives on the line as they patrol our streets to keep the rest of use safe. These fine public servants are far too often all that stands between the rule of law and the tyranny of crime and chaos.

The job of a law enforcement officer is increasingly dangerous. Across America, 70 law enforcement officers were murdered in the line of duty in 1993. Assaults on officers are commonplace. Yet these men and women go out every day and perform their jobs with courage and integrity.

Attacks from criminals, however, are not the only assaults out law enforcement officers are suffering from today. They are also being victimized by malicious, mean-spirited, and misleading verbal attacks from those who should know better.

Officers daily put their lives in jeopardy to prevent crime, and to investigate crimes that have been committed, in order to bring the guilty to justice. They are expected to act perfectly, with often imperfect information, and must ensure both the safety of the community and the integrity of the criminal justice process.

The Nation's police officers perform these tasks admirably. And On those rare and regrettable occasions when they falter, it is the police who are most aggrieved, seeking to redress the failure to uphold the public's trust. They recognize that without that trust, they cannot enforce the laws.

So we must never forget the faith with which the police attempt to discharge their duty. Whenever the public is led to believe without cause that their law enforcement officers are less than true to their oaths ''to serve and protect,'' the rule of law is endangered. For any society in which the law is in disrepute, or its fair enforcement in doubt, is only a shore step away from a society without law.

America owes a debt of gratitude to its police officers that it really cannot repay. However, Congress can and should take this opportunity to acknowledge that debt, and express the American People's thanks for the continuing service of its law enforcement heroes.

Mr. President, I urge my colleagues to join me in support of this joint resolution.

Mr. BIDEN. Mr. President, today, I and Senator HATCH are introducing a joint resolution to express the concern of the Congress regarding some recent remarks that inaccurately malign the integrity of the Nation's law enforcement officers.

It has been my privilege to work closely with our Nation's State and local police officers throughout my career. And, whether I have been dealing with officers who protect citizens in one of Delaware's smallest towns or those who patrol our Nation's largest cities, I have been impressed by the level of honor, commitment and integrity they have consistently upheld. Indeed, the evidence is that vast majority of our Nation's law enforcement officers are conscientious public servants who have a job where they must literally be willing to lay their life on the line everyday they go to work.

Let me be clear, I do not being to claim that there are no ''bad apples'' among the Nation's 540,000 police officers—as in every profession, there are ''bad apples'' who violate the law. But, this does not justify any sweeping indictment of the ethics of the entire police profession, any more than a case of malpractice by a doctor justifies sweeping criticism of the entire medical profession.

Because I believe it is simply unfair to make allegations about a whole profession based on the actions of a tiny minority and because I have enjoyed such a close and, I hope, mutually respectful relationship with our Nation's police officers, I am introducing this legislation so that the Congress is on record as recognizing the integrity of our Nation's police profession. I am happy to be joined by Senator HATCH on this measure, and I look forward to other Senators joining us in this effort.

The morale of our Nation's police officers is dependent upon the respect they feel from all of us, such is the case for any profession. This resolution is but one of many chances the Senate will have this year to indicate our confidence in our Nation's police. Later this year, I expect that the Senate will be faced with legislation that will nullify the provisions of the Violent Crime Control Act of 1994 that will add 100,000 more police to our streets. Those who believe that our Nation's police do not live up to the highest ethical standards may oppose this effort to add 100,000 officers to their ranks. But, those of us who know that the overwhelming majority of our police meet these high standards, must protect this effort to add 100,000 state and local police to America's neighborhoods.

I admit that the resolution I introduce today offers but some small measure of rhetorical support. The real support for our Nation's police will be shown by continuing our commitment to add 100,000 more officers to the ranks of those who protect us all. I urge my colleagues to support this resolution.

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 240

At the request of Mr. DOMENICI, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 248

At the request of Mr. GREGG, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 248, a bill to delay the required implementation date for enhanced vehicle inspection and maintenance programs under the Clean Air Act and to require the Administrator of the Environmental Protection Agency to reissue the regulations relating to the programs, and for other purposes.

S. 256

At the request of Mr. DOLE, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 256, supra.

S. 258

At the request of Mr. PRYOR, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 360

At the request of Mr. SMITH, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 360, a bill to amended title 23, United States Code, to eliminate the penalties imposed on States for noncompliance