STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 2190. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to require the Internal Revenue Service to collect child support through wage withholding and to eliminate State enforcment of child support obligations other than medical support obligations; to the Committee on Finance.

THE UNIFORM CHILD SUPPORT ENFORCEMENT ACT OF 1996

Mr. KERRY. Mr. President, I am introducing legislation today to help ensure that children across this country get the economic support they need and deserve from both parents in order to have a wholesome childhood, grow up healthy, and thrive.

Mr. President, child support reform is an urgent public issue because it affects so many children. In 1994, one out of every four children lived in a family with only one parent present in the home. Half of all the 18.7 million children living in single-parent families in 1994 were poor, compared with only slightly more than one out of every 10 children in two-parent families. Clearly the payment of child support by the absent parent is an important determinant of the economic status of these children.

Unfortunately, the failure to pay child support is extraordinarily widespread, cutting across income and racial lines. Of the 10 million women raising children with an absent parent, over 4 million had no support awarded. Of those 5.4 million women who were due support, slightly over half received the full amount due, while a quarter received partial payment, and a quarter received nothing at all. Let me repeat that, Mr. President—more than half of the women with child support orders received no support or less than the full amount.

Mr. President, common sense will tell you that children are hurt when parents do not pay support. But perhaps some evidence will make the point even clearer. A recent survey of single parents in Georgia, Oregon, Ohio, and New York documents the real harm children suffer when child support is not paid: During the first year after the parent left the home, more than half the families surveyed faced a serious housing crisis. Nearly a third reported that their children went hungry at some point during the year. And over a third reported that their children lacked appropriate clothing such as a winter coat.

Mr. President, it is also clear that better child support enforcement can produce a lot more money for children. A 1994 study by the Urban Institute estimates that if child support orders were established for all children with a living noncustodial father and these orders were fully enforced, aggregate child support payments would have been $47.6 billion dollars in 1990—nearly three times the amount of child support actually paid in this country.

Unfortunately, this country has made all too little progress in tackling the child support problem, and this has been true under both Democratic and Republican administrations. For all women over the past decade, the average child support payment due, the average amount received, as well as the percentage of women with awards, have remained virtually unchanged—adjusting for inflation. Similarly, the State child support enforcement system that serves welfare families and nonwelfare families who ask for help has made progress in paternity establishment, but little progress overall. Over 500,000 children had their paternity established by State agencies in fiscal year 1994—a 50 percent increase over the last 5 years. But fewer than one out of every five cases served by State agencies had any child support paid in fiscal year 1994—a figure that has risen only slightly since fiscal year 1990. Mr. President, it is an intolerable situation for our Nation's children when State child support agencies are making absolutely no collection in 80 percent of their cases.

My bill will help make sure that we achieve real progress for children. During this session, Congress passed some important improvements in the child support system in the welfare bill that recently became law. My bill would give States a chance to implement these new changes and then assess their success or failure. If these reforms succeed in dramatically improving the performance of State child support offices, then this bill would not tinker with success. If, however, we do not see dramatic improvement in collections within the next 3 years, this bill would ensure that we take bold steps to help children. This bill would leave establishment of paternity and child support orders at the State level but move collection of support to the national level where we can more aggressively pursue interstate cases and send a message to all parents obligated to pay support that making full and timely support payments is an obligation as serious as making full and timely payment of taxes. If more than half the States do not achieve a 75-percent collection rate in their child support cases, then the system of collection would be federalized to ensure that children get the support they need and deserve.

Mr. President, it has been 12 years since this Congress passed the first major child support legislation. However, despite this legislative effort and additional reforms in 1988, according to a recent study there is a higher default rate on child support payments than on used car loans. I do not believe a single Member of this body will argue with me that this is wrong. If, under the newly revised Federal law, States can rectify this situation, we can all take pleasure and satisfaction from watching them do it. If they cannot, we must no longer stand idly by wringing our hands. I urge my colleagues to support this bill so that America's children of every income level will be assured of the support they need and deserve.

I ask unanimous consent that the full 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. 2190

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 ''Uniform Child Support Enforcement Act of 1996''.

SEC. 2. EFFECTIVE DATE; AMENDMENTS.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect on the 1st day of the 1st calendar month that begins after the 3-year period that begins with the date of the enactment of this Act, if the Secretary of Health and Human Services certifies to the Congress that on such 1st day more than 50 percent of the States have not achieved a 75 percent collection rate in child support cases in which child support is awarded and due under the jurisdiction of such States pursuant to part D of title IV of the Social Security Act.

(b) ELIMINATION OF PROVISIONS OF LAW RELATING TO STATE ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS OTHER THAN MEDICAL SUPPORT OBLIGATIONS.—Not later than 90 days after the effective date of this Act and the amendments made by this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of the Congress a legislative proposal proposing such technical and conforming amendments as are necessary to eliminate State enforcement of child support obligations other than medical support obligations and to bring the law into conformity with the policy embodied in this Act.

SEC. 3. NATIONAL CHILD SUPPORT ORDER REGISTRY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of the Treasury shall establish in the Internal Revenue Service a national registry of abstracts of child support orders.

(2) CHILD SUPPORT ORDER DEFINED.—As used in this section, the term ''child support order'' means an order, issued or modified by a State court or an administrative process established under State law, that requires an individual to make payments for support and maintenance of a child or of a child and the parent with whom the child is living.

(b) CONTENTS OF ABSTRACTS.—The abstract of a child support order shall contain the following information:

(1) The names, addresses, and social security account numbers of each individual with rights or obligations under the order, to the extent that the authority that issued the order has not prohibited the release of such information.

(2) The name and date of birth of any child with respect to whom payments are to be made under the order.

(3) The dollar amount of child support required to be paid on a monthly basis under the order.

(4) The date the order was issued or most recently modified, and each date the order is required or scheduled to be reviewed by a court or an administrative process established under State law.

(5) Any orders superseded by the order.

(6) Such other information as the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall, by regulation require.

SEC. 4. CERTAIN STATUTORILY PRESCRIBED PROCEDURES REQUIRED AS A CONDITION OF RECEIVING FEDERAL CHILD SUPPORT FUNDS.

Section 466(a) of the Social Security Act (42 U.S.C. 666(a)), as amended by section 382 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, is amended by inserting after paragraph (19) the following:

''(20)(A) Procedures which require any State court or administrative agency that issues or modifies (or has issued or modified) a child support order to transmit an abstract of the order to the Internal Revenue Service on the later of—

''(i) the date the order is issued or modified; or

''(ii) the effective date of this paragraph.

''(B) Procedures which—

''(i) require any individual with the right to collect child support pursuant to an order issued or modified in the State (whether before or after the effective date of this paragraph) to be presumed to have assigned to the Internal Revenue Service the right to collect such support, unless the individual affirmatively elects to retain such right at any time; and

''(ii) allow any individual who has made the election referred to in clause (i) to rescind or revive such election at any time.''.

SEC. 5. COLLECTION OF CHILD SUPPORT BY INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions), as amended by section 1204(a) of the Taxpayer Bill of Rights 2, is amended by adding at the end the following new section:

''SEC. 7525. COLLECTION OF CHILD SUPPORT.

''(a) EMPLOYEE TO NOTIFY EMPLOYER OF CHILD SUPPORT OBLIGATION.—

''(1) IN GENERAL.—Each employee shall specify, on each withholding certificate furnished to such employee's employer—

''(A) the monthly amount (if any) of each child support obligation of such employee, and

''(B) the TIN of the individual to whom each such obligation is owed.

''(2) WHEN CERTIFICATE FILED.—In addition to the other required times for filing a withholding certificate, a new withholding certificate shall be filed within 30 days after the date of any change in the information specified under paragraph (1).

''(3) PERIOD CERTIFICATE IN EFFECT.—Any specification under paragraph (1) shall continue in effect until another withholding certificate takes effect which specifies a change in the information specified under paragraph (1).

''(4) AUTHORITY TO SPECIFY SMALLER CHILD SUPPORT AMOUNT.—In the case of an employee who is employed by more than 1 employer for any period, such employee may specify less than the monthly amount described in paragraph (1)(A) to each such employer so long as the total of the amounts specified to all such employers is not less than such monthly amount.

''(b) CERTAIN OBLIGATIONS EXEMPT.—This section shall not apply to a child support obligation for any month if the individual to whom such obligation is owned has so notified the Secretary and the individual owing such obligation more than 30 business days before the beginning of such month.

''(c) EMPLOYER OBLIGATIONS.—

''(1) REQUIREMENT TO DEDUCT AND WITHHOLD.—

''(A) IN GENERAL.—Every employer who receives a certificate under subsection (a) that specifies that the employee has a child support obligation for any month shall deduct and withhold from the wages (as defined in section 3401(a)) paid by such employer to such employee during each month that such certificate is in effect an additional amount equal to the amount of such obligation or such other amount as may be specified by the Secretary under subsection (d).

''(B) LIMITATION ON AGGREGATE WITHHOLDING.—In no event shall an employer deduct and withhold under this section from a payment of wages an amount in excess of the amount of such payment which would be permitted to be garnished under section 303(b) of the Consumer Credit Protection Act.

''(2) NOTICE TO SECRETARY.—

''(A) IN GENERAL.—Every employer who receives a withholding certificate shall, within 30 business days after such receipt, submit a copy of such certificate to the Secretary.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to any withholding certificate if—

''(i) a previous withholding certificate is in effect with the employer, and

''(ii) the information shown on the new certificate with respect to child support is the same as the information with respect to child support shown on the certificate in effect.

''(3) WHEN WITHHOLDING OBLIGATION TAKES EFFECT.—Any withholding obligation with respect to a child support obligation of an employee shall commence with the first payment of wages after the certificate is furnished.

''(d) SECRETARY TO VERIFY AMOUNT OF CHILD SUPPORT OBLIGATION.—

''(1) VERIFICATION OF INFORMATION SPECIFIED ON WITHHOLDING CERTIFICATES.—Within 45 business days after receiving a withholding certificate of any employee, or a notice from any person claiming that an employee is delinquent in making any payment pursuant to a child support obligation, the Secretary shall determine whether the information available to the Secretary under section 3 of the Uniform Child Support Enforcement Act of 1996 indicates that such employee has a child support obligation.

''(2) EMPLOYER NOTIFIED IF INCREASED WITHHOLDING IS REQUIRED.—If the Secretary determines that an employee's child support obligation is greater than the amount (if any) shown on the withholding certificate in effect with respect to such employee, the Secretary shall, within 45 business days after such determination, notify the employer to whom such certificate was furnished of the correct amount of such obligation, and such amount shall apply in lieu of the amount (if any) specified by the employee with respect to payments of wages by the employer after the date the employer receives such notice.

''(3) DETERMINATION OF CORRECT AMOUNT.—In making the determination under paragraph (2), the Secretary shall take into account whether the employee is an employee of more than 1 employer and shall appropriately adjust the amount of the required withholding from each such employer.

''(e) CHILD SUPPORT OBLIGATIONS REQUIRED TO BE PAID WITH INCOME TAX RETURN.—

''(1) IN GENERAL.—The child support obligation of any individual for months ending with or within any taxable year shall be paid—

''(A) not later than the last date (determined without regard to extensions) prescribed for filing his return of tax imposed by chapter 1 for such taxable year, and

''(B)(i) if such return is filed not later than such date, with such return, or

''(ii) in any case not described in clause (i), in such manner as the Secretary may by regulations prescribe.

''(2) CREDIT FOR AMOUNT PREVIOUSLY PAID.—The amount required to be paid by an individual under paragraph (1) shall be reduced by the sum of—

''(A) the amount collected under this section with respect to periods during the taxable year, plus

''(B) the amount (if any) paid by such individual under section 6654 by reason of subsection (f)(3) thereof for such taxable year.

''(f) FAILURE TO PAY AMOUNT OWING.—If an individual fails to pay the full amount required to be paid under subsection (e) on or before due date for such payment, the Secretary shall assess and collect the unpaid amount in the same manner, with the same powers, and subject to the same limitations applicable to a tax imposed by subtitle C the collection of which would be jeopardized by delay.

''(g) CREDIT OR REFUND FOR WITHHELD CHILD SUPPORT IN EXCESS OF ACTUAL OBLIGATION.—There shall be allowed as a credit against the taxes imposed by subtitle A for the taxable year an amount equal to the excess (if any) of—

''(1) the aggregate of the amounts described in subparagraphs (A) and (B) of subsection (e)(2), over

''(2) the actual child support obligation of the taxpayer for such taxable year.

The credit allowed by this subsection shall be treated for purposes of this title as allowed by subpart C of part IV of subchapter A of chapter 1.

''(h) CHILD SUPPORT TREATED AS TAXES.—

''(1) IN GENERAL.—For purposes of penalties and interest related to failure to deduct and withhold taxes, amounts required to be deducted and withheld under this section shall be treated as taxes imposed by chapter 24.

''(2) OTHER RULES.—Rules similar to the rules of sections 3403, 3404, 3501, 3502, 3504, and 3505 shall apply with respect to child support obligations required to be deducted and withheld.

''(3) SPECIAL RULE FOR COLLECTIONS.—For purposes of collecting any unpaid amount which is required to be paid under this section—

''(A) paragraphs (4), (6), and (8) of section 6334(a) (relating to property exempt from levy) shall not apply, and

''(B) there shall be exempt from levy so much of the salary, wages, or other income of an individual as is being withheld therefrom in garnishment pursuant to a judgment entered by a court of competent jurisdiction for the support of his minor children.

''(i) COLLECTIONS DISPERSED TO INDIVIDUAL OWED OBLIGATION.—

''(1) IN GENERAL.—Payments received by the Secretary pursuant to this section or by reason of section 6654(f)(3) which are attributable to a child support obligation payable for any month shall be paid (to the extent such payments do not exceed the amount of such obligation for such month) to the individual to whom such obligation is owed as quickly as possible. Any penalties and interest collected with respect to such payments also shall be paid to such individual.

''(2) SHORTFALLS IN PAYMENTS MADE BY OTHER WITHHELD AMOUNTS.—If the amount payable under a child support obligation for any month exceeds the payments (referred in paragraph (1)) received with respect to such obligation for such month, such excess shall be paid from other amounts received under subtitle C or section 6654 with respect to the individual owing such obligation. The treasury of the United States shall be reimbursed for such other amounts from collections from the individual owing such obligation.

''(3) FAMILIES RECEIVING STATE ASSISTANCE.—In the case of an individual with respect to whom an assignment of child support payments to a State is in effect—

''(A) of the amounts collected which represent monthly support payments, the first $50 of any payments for a month shall be

paid to such individual and shall not be considered as income for purposes of calculating amounts of State assistance, and

''(B) all other amounts shall be paid to such State pursuant to such assignment.

''(j) TREATMENT OF ARREARAGES UNDER CHILD SUPPORT OBLIGATIONS NOT SUBJECT TO SECTION FOR PRIOR PERIOD.—If—

''(1) this section did not apply to any child support obligation by reason of subsection (b) for any prior period, and

''(2) there is a legally enforceable past-due amount under such obligation for such period,

then such past-due amount shall be treated for purposes of this section as owed (until paid) for each month that this section applies to such obligation.

''(k) DEFINITIONS AND SPECIAL RULES.—

''(1) DEFINITIONS.—For purposes of this section—

''(A) WITHHOLDING CERTIFICATE.—The term 'withholding certificate' means the withholding exemption certificate used for purposes of chapter 24.

''(B) BUSINESS DAY.—The term 'business day' means any day other than a Saturday, Sunday, or legal holiday (as defined in section 7503).

''(2) TIMELY MAILING.—Any notice under subsection (c)(2) or (d)(2) which is delivered by United States mail shall be treated as given on the date of the United States postmark stamped on the cover in which such notice is mailed.

''(l) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''

(b) WITHHELD CHILD SUPPORT TO BE SHOWN ON W–2.—Subsection (a) of section 6051 of such Code, as amended by section 310(c)(3) of the Health Insurance Portability and Accountability Act of 1996, is amended by striking ''and'' at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting '', and'', and by inserting after paragraph (11) the following new paragraph:

''(12) the total amount deducted and withheld as a child support obligation under section 7525(c).''

(c) APPLICATION OF ESTIMATED TAX.—

(1) IN GENERAL.—Subsection (f) of section 6654 of such Code (relating to failure by individual to pay estimated income tax) is amended by striking ''minus'' at the end of paragraph (2) and inserting ''plus'', by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

''(3) the aggregate amount of the child support obligations of the taxpayer for months ending with or within the taxable year (other than such an obligation for any month for which section 7525 does not apply to such obligation), minus''.

(2) Paragraph (1) of section 6654(d) of such Code is amended by adding at the end the following new subparagraph:

''(D) DETERMINATION OF REQUIRED ANNUAL PAYMENT FOR TAXPAYERS REQUIRED TO PAY CHILD SUPPORT.—In the case of a taxpayer who is required under section 7525 to pay a child support obligation (as defined in section 7525) for any month ending with or within the taxable year, the required annual payment shall be the sum of—

''(i) the amount determined under subparagraph (B) without regard to subsection (f)(3), plus

''(ii) the aggregate amount described in subsection (f)(3).''

(3) CREDIT FOR WITHHELD AMOUNTS, ETC.—Subsection (g) of section 6654 of such Code is amended by adding at the end the following new paragraph:

''(3) CHILD SUPPORT OBLIGATIONS.—For purposes of applying this section, the amounts collected under section 7525 shall be deemed to be a payment of the amount described in subsection (f)(3) on the date such amounts were actually withheld or paid, as the case may be.''

(d) PENALTY FOR FALSE INFORMATION ON WITHHOLDING CERTIFICATE.—Section 7205 of such Code (relating to fraudulent withholding exemption certificate or failure to supply information) is amended by adding at the end the following new subsection:

''(c) WITHHOLDING OF CHILD SUPPORT OBLIGATIONS.—If any individual willfully makes a false statement under section 7525(a), then such individual shall, in addition to any other penalty provided by law, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than 1 year, or both.''

(e) NEW WITHHOLDING CERTIFICATE REQUIRED.—Not later than 90 days after the date this Act takes effect, each employee who has a child support obligation to which section 7525 of the Internal Revenue Code of 1986 (as added by this section) applies shall furnish a new withholding certificate to each of such employee's employers. An certificate required under the preceding sentence shall be treated as required under such section 7525.

(f) REPEAL OF OFFSET OF PAST-DUE SUPPORT AGAINST OVERPAYMENTS.—

(1) Section 6402 of such Code, as amended by section 110(*l*)(7) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, is amended by striking subsections (c) and (h) and by redesignating subsections (d), (e), (f), (g), (i), and (j) as subsections (c), (d), (e), (f), (g), and (h), respectively.

(2) Subsection (a) of section 6402 of such Code, as so amended, is amended by striking ''(c), (d), and (e)'' and inserting ''(c) and (d)''.

(3) Subsection (c) of section 6402 of such Code (as redesignated by paragraph (1)) is amended—

(A) by striking ''(other than past-due support subject to the provisions of subsection (c))'' in paragraph (1),

(B) by striking ''after such overpayment is reduced pursuant to subsection (c) with respect to past-due support collected pursuant to an assignment under section 402(a)(26) of the Social Security Act and'' in paragraph (2).

(4) Subsection (d) of section 6402 of such Code (as redesignated by paragraph (1)) is amended by striking ''or (d)''.

(g) REPEAL OF COLLECTION OF PAST-DUE SUPPORT.—Section 6305 of such Code is hereby repealed.

(h) CLERICAL AMENDMENTS.—

(1) The table of sections for subchapter A of chapter 64 of such Code is amended by striking the item relating to section 6305.

(2) The table of sections for chapter 77 of such Code is amended by adding at the end thereof the following new item:

''Sec. 7525. Collection of child support.''

(h) USE OF PARENT LOCATOR SERVICE.—Section 453(a) of the Social Security Act (42 U.S.C. 653(a)) is amended by inserting ''or the Internal Revenue Service'' before ''information as''.

By Mr. SIMPSON (for himself and Mr. KYL):

S. 2191. A bill to amend the Immigration and Nationality Act, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, to modify provisions of law relating to public assistance and benefits for aliens; to the Committee on the Judiciary.

THE ALIEN PUBLIC ASSISTANCE BENEFITS AMENDMENTS OF 1996

Mr. SIMPSON. Mr. President, this legislation is necessary to put into law those very important provisions of the recent immigration bill which were deleted at the insistence of the White House.

The taxpayers of the United States, and particularly those in the most heavily immigration-impacted States such as California, deserve our protection of the public treasury as contained in this measure.

Without the provisions included in this bill, persons who are eligible to receive food stamps and other public assistance will now be permitted to bring to the United States their immigrant relatives whose income is also below the threshold for many of the Nation's welfare programs. And this, despite, our professed tradition of not allowing any person ''likely, at any time, to become a public charge'' to immigrate to this country.

Without the provisions of this bill, illegal aliens will continue to receive drivers' licenses, and under the ''motor-voter'' law provisions, these illegal aliens with drivers' licenses could well wind up voting in U.S. elections.

Without the protections contained in this bill, illegal aliens could continue to receive treatment for AIDS at taxpayers' expense. Please hear that—persons who should not even be in the country—who are here in violation of our laws—could receive treatment for AIDS at a current average cost of $119,000 per person.

Without this legislation, illegal aliens will be permitted to remain in public housing for up to 18 months, even after they have been identified and are determined to be ineligible for this taxpayer-funded assistance. An unconscionable result.

Without the provisions of this bill, immigrants who have become dependent on taxpayer-funded welfare will now be able to evade deportation because of a previous court decisionmaking immigrants on public assistance immune from deportation. This bill will clearly define the term ''public charge'' and make that important provision enforceable once again.

Without the provisions herein, illegal aliens will continue to receive Social Security credit for performing unauthorized work in the United States. A startling result.

Without the procedures provided in the measure for verifying an immigrant's eligibility for welfare, we will continue to have illegal aliens who obtain welfare merely by claiming they are a U.S. citizen.

And, without the authorization provided in this bill, States will not have the authority to establish their own verification systems in order to prevent illegal aliens from obtaining State and local welfare benefits.

Mr. President, the provisions in this bill were included in the illegal immigration bills that passed by overwhelming majorities in both Houses of Congress. However, by holding the sword of a Government shutdown over the head of the Congress, President Clinton forced the Senate to delete these important provisions. This legislation will swiftly restore them.

Most immigrants are hard working and self-sufficient. Many of those who do use welfare use it only because our laws and processes make it available to them. If it is not available, they will continue to work hard, succeed, and obtain the American dream without welfare—just as immigrants to this country have for most of our history.

However, this administration not only resists sensible controls on the use of welfare by legal immigrants, it also insists on provisions that will result in illegal aliens accessing the welfare system—for example, by falsely claiming to be U.S. citizens. The American people should be appalled by that.

Mr. President, the efforts of this administration to so dramatically change a vital part of title V of the illegal immigration bill at the last minute ill-serves the taxpayers of this country. Both its policies and its tactics are dead wrong. This bill will remedy that cunning manipulation of the legislation process, and I urge my colleagues to support it.

By Mr. LUGAR:

S. 2193. A bill to establish a program for the disposition of donated private sector and United States Government nonlethal personal property needed by eligible foreign countries; to the Committee on Foreign Relations.

THE U.S. VOLUNTARY AND MATERIAL ASSISTANCE ACT OF 1996

● Mr. LUGAR. Mr. President, I introduce the ''United States Voluntary and Material Assistance Act of 1996.''

This bill establishes a program for the voluntary transfer of nonlethal equipment and goods donated by the private sector and made available as surplus personal property by Federal agencies. The recipients of these donations are eligible foreign countries who make legitimate requests through the program.

My bill combines the surpluses generated from our wealth, the innate generosity of the American people, our entrepreneurial dynamism, and our humanitarianism into a cost-effective program of public-private assistance to serve our foreign policy and commercial interests.

The bill I am introducing today would look to both Federal agencies and the private sector for donations of usable goods and equipment for shipment abroad. The disposition of surplus personal property from the Federal Government is managed and regulated under the Federal Property and Administrative Services Act of 1949, and amendments thereto. The system of priorities that now exists for disposing surplus Federal property would not be altered by this new program. My bill would simply add foreign recipients to the list of eligible domestic recipients. It would place foreign countries at the end of the current pecking order of eligibility behind domestic claimants for receiving surplus Federal property.

U.S. private organizations and individuals presently donate surplus property to virtually any recipient they want. Many prefer to donate their goods to domestic groups or to private voluntary organizations. However some wish to ship their donated goods to foreign recipients. Nothing in my proposed bill would mandate any change in the manner private sector organizations now donate their surplus properties. In fact, private organizations wishing to donate charitable goods abroad now find the process difficult, time consuming, and expensive. This bill would make it easier, faster, and less costly to do so.

Mr. President, this legislation will bring benefits to many participants. It will provide us with another tool to conduct American foreign policy. It will benefit private enterprises such as businesses, farms, associations, schools, and others who make charitable donations to the program. It will strengthen private voluntary groups and non-governmental organizations who receive and transfer donated items, and it will bring help to recipient countries and requesting organizations in those countries. The bill is, I believe, a winner for all parties involved.

If enacted, this bill would add another cost-effective tool for carrying out U.S. foreign policy. It will help fill some of the gap created by the steady reductions in our official foreign assistance program.

My bill would provide donated equipment and goods at much lower costs than official foreign assistance, thereby further reducing the burden on American taxpayers. Because the goods are donated and not procured, because the shipping costs can be negotiated downward through competitive bidding, because the program requires very little management and bureaucratic infrastructure, and because it will rely heavily on volunteers and nongovernmental organizations, the cost of providing foreign assistance will be significantly reduced.

Mr. President, some small-scale model programs now providing donated humanitarian goods abroad claim they provide more than ten dollars' worth of items for every one dollar invested. In cases where transportation costs are low and the value of the donated goods are high, there can be a better than 100 to 1 ratio in the value of donations supplied to the cost of the program.

In addition to the cost effectiveness, this program inspires and reinforces the generosity and volunteer spirit of the American people. It encourages extensive grassroots involvement to make the program a success.

There are numerous private groups and individuals already lending voluntary assistance overseas. Many are supported by the Federal Government, others operate on their own funds or with funds privately raised. A modestly funded program providing humanitarian assistance to the Newly Independent States of the former Soviet Union, for example, involves charitable contributions and shipments of donated goods from more than 700 cities in all 50 States and from virtually every congressional district. Thousands of American citizens willing to give of their time, talents, and resources make this program work. The program I am proposing will involve less bureaucracy, less redtape, less funding, and more voluntarism. Because of this, spare equipment and disposable goods can be provided more quickly and at lower costs than traditional official foreign assistance.

Participation in international assistance efforts by the private sector is generally limited to collecting and making donations or preparing goods for shipment. My bill seeks to expand and strengthen their participation by creating a viable second track for assistance alongside the government-to-government track.

While overall responsibility for management of the program will reside with a program coordinator in the Department of State, several provisions in my bill strengthen and encourage the role of the private sector. The coordinator is authorized to enlist the services of private organizations and voluntary organizations to collaborate in all phases of the program. Finally, the bill enhances the role of private organizations and voluntary groups by authorizing their involvement in identifying and verifying requests from abroad, receiving donations, and distributing and monitoring items once they are delivered.

Donations of excess goods to eligible countries can bring many tangible and nontangible benefits to American business. Many American firms already donate large quantities of usable medical, agricultural, educational, pharmaceutical, and other equipment and consumables to foreign countries. This is testimony to the generosity and pragmatism of American business.

The practicality of donating surplus goods is extensive. Apart from the positive public relations that voluntary donations can bring, the disposal of surplus goods can reap other concrete advantages for American business. Donations of goods can help open valuable storage space and reduce related costs for both the Federal Government and private donors who wish to upgrade, restructure, or reinventory their stocks of equipment and products. It can generate financial benefits to private businesses by reducing tax liabilities derived from charitable donations not fully depreciated.

American businesses can also enjoy market advantages by making donations to countries where they have little or no market presence. This can be a considerable advantage for companies wishing to establish an international market presence, to learn about foreign markets, establish or expand business networks, or generate interest in their products. Acts of good will can have a self-serving motive.

Let me spell out some of the major features of this bill. First, my bill would establish a program coordinator in the Department of State who would be responsible for the overall management of the program. The coordinator will be more than a recycler of surplus property. He will have the responsibility for responding to legitimate requests from abroad by developing a system for identifying, receiving, and shipping donations. He will be charged with overseeing the receipt, classification, storage, shipment, and use of donated properties to the program. Finally, he will be charged with ensuring quality control of the donations and surplus properties so that the program does not become a repository for unwanted goods. He would be charged with assisting private voluntary organizations and nongovernmental organizations in the implementation of the program.

My bill will permit only non-lethal property donations or surplus items under the program. No item designed for military, religious, or political use will be allowed.

The program will not generate needs but would attempt to satisfy those requests which have been authenticated through our overseas missions, Peace Corps, or private voluntary organizations. The search for usable items in the United States will take place only after the coordinator has received a legitimate request from abroad and entered it into the program. Once identified, a donation must be certified as acceptable for their intended use. This program must not and will not be an outlet for damaged goods which only add to the cost of the program and undermine its objectives.

In addition to quality assurances, the bill requires that the coordinator develop a policy to ensure that the donations and Federal surpluses be used, operated, and maintained by the recipient in a manner that was intended when requested and transferred.

Only those countries now eligible for U.S. foreign assistance can participate. Additional requirements to enhance the integrity of the program are built into the program. The transferred items cannot be resold for profit by or in the recipient country and no transfer will be permitted to countries which impose special import duties on the donated properties.

The bill suggests that the President and the coordinator test the efficacy of the program in pilot programs in sub-Saharan Africa. While there are needs around the world, the needs of sub-Saharan Africa countries are most serious and extensive. It is my hope that a significant effort can be devoted to this underdeveloped region of the world.

Finally, the bill authorizes a modest appropriations for fiscal years 1997 and 1998 of $20 and $25 million respectively. These funds will be used to establish the program, and pay for personnel, related infrastructure, and transportation costs involved in shipping donations abroad.

I hope the United States Voluntary and Material Assistance Act of 1996 will draw the support of the U.S. Senate and the Congress.●

By Mr. CRAIG:

S. 2194. A bill to provide the public with access to quality outfitter and guide services on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

THE OUTFITTER AND GUIDE POLICY ACT OF 1996

● Mr. CRAIG. Mr. President, I am introducing today legislation to provide the public with access to high quality outfitter and guide services on Federal lands.

The public served are visitors to the remote and challenging backcountry of our national forests, public lands, wildlife refuges, national parks, and in a dew instances, lands managed by the Bureau of Reclamation. Many people lack the skills, equipment, and experience to visit the rugged areas found on our public lands. They depend upon the services of professional outfitters and guides for traveling into these areas, for their comfort and safety, and for gaining the memorable experiences that keep millions of people returning to these special places each year.

The 374 small outiftter and guide businesses spread across my State of Idaho are stable businesses and substantial contributors to Idaho's economy. The total gross economic effect attributed to outfitting and guiding activities in Idaho is in excess of $100 million annually, benefiting many local motels, restaurants, retail stores, and a backcountry transportation network of charter air and bus companies.

Because Idaho is a prime destination for American and international visitors, the typical Idaho outfitter does reasonably well in his or her business, with a net return of 10 percent of gross revenue, according to a study in 1993 by the University of Idaho's Department of Resource Recreation and Tourism.

Nationally, the statistics are not as rosy. Studies indicate the outfitter and guide industry as a whole expect to net only 4.1 percent of their gross revenue. Nonetheless, these outfitter and guide services will attract a significant economic benefit—new money, if you will—to the rural communities and counties in which they operate.

With the exception of concessioner law governing hospitality services at national parks, this Congress has never addressed the practices of the outfitter and guide industry and the needs of the millions of visitors who use these services on Federal lands.

The outfitter and guide industry is a multifaceted venture. Idaho's cowboys are such an integral part of our culture that it's difficult to establish a date upon which they became part of the recreation industry. Idaho's whitewater industry traces back as an offshoot of surplus World War II rafts and has enjoyed booming growth since the end of the 1940's. Alongside these activities has developed a complex offering of hunting, fishing, hiking, llama packing, photography tours, outdoor skills training—anything needed to whet the appetite and meet the expectations of visitors to our State.

It wasn't until 1982 that the Forest Service and the Bureau of Land Management established a formal policy for the issuance and administration of outfitter and guide special use permits. But Bureau of Reclamation has only this year begun to develop such a policy with no input whatsoever from this Congress.

Most outfitters will tell you that they have an excellent relationship with their agency partners. There is a clear emphasis in this partnership on high quality service to the public, resource protection and a fair return to the government for the opportunity of doing business on public lands.

Over the past 4 years, however, an increasing number of outfitters and guides have witnessed steady deterioration of this professional relationship. That deterioration is occurring at the field level, undoubtedly as a consequence of agency reorganization, down-sizing, budget restraints, and decentralization of policy review. Individual problems are difficult to address in formal administrative procedures, because Congress has never created the fundamental principles to guide this relationship.

Outfitters in my State also believe—and they make a credible case—that there is an alarming surge of bias against commercial operations in congressionally designated wilderness and other backcountry management areas. As guiding services are eliminated or reduced in these areas, so go the opportunities for our own citizens and our international visitors to experience the American West in a manner reminiscent of the way Jim Bridger and Lewis and Clark once saw it.

I am introducing legislation today to address this deficiency. I am introducing this legislation so a discussion can begin on an outfitter and guide policy. I will pursue a policy in the coming Congress.

This bill begins a process of setting in place clear policy for agency managers to provide access to the Federal lands for that segment of the public that needs or desires the services of outfitters and guides. It expresses the intent of this Congress that those needs will be met through competition in the quality of services offered to the public, through responsible resource protection, and through a fair fee to the government.

This bill also raises the bar and sets a higher standard for outfitter and guide performance in the next century. We want and need their investment in the training and equipment and facilities required by the public to visit backcountry. That's not a job the agencies can or should be doing.

If outfitters are living up to their commitment to the public, their investment should be secured and good service rewarded by performance-based renewal of a right to operate.

But I think Congress has been very clear in debating proposed concessions policy reform that satisfactory is just no longer good enough. Congress needs to give the agencies a clear signal that the bad and the mediocre are to be removed from a system upon which the American public relies for its use and enjoyment of recreation resources.

Over the past 4 years, my colleague from Utah and my colleague from Arkansas have grappled with the unique and sometimes peculiar details of the outfitter and guide industry. Similarly my colleague from Alaska, who is also the author of concessions policy legislation, is very knowledgeable of the very large outfitter and guide industry in his State.

I would hope that in the next Congress we can combine our efforts to meet the needs of a public who confront a very diverse choice of recreation opportunities on Federal lands. I am convinced that we err in attempting to squeeze these diverse operations into the same mold. There is a uniqueness in the outfitters and guide industry that deserves to be addressed separately.

I want to assure my colleagues that my introduction of outfitter and guide legislation is not solely a reaction to their efforts. The possibility of this legislation has been a point of discussion among Idaho outfitters and myself for over 2 years.

In the meantime, the hunch that the agency relationship was disintegrating has become a reality. Some far-ranging problems have been developing and have taken on clarity for an industry that is critically important to the economy of my State and most other Western States. We were perhaps shortsighted in not addressing the overall structure and operations of this industry in a more formal fashion at the beginning of this decade.

I look forward in the coming months to detailed discussions of the steps to be taken in correcting these problems.●

By Mr. WYDEN (for himself, Mr. DODD, and Mr. SIMON):

S. 2195. A bill to provide for the regulation of human tissue for transplantation to ensure that such tissue is handled in a manner to preserve its safety and purity, and for other purposes; to the Committee on Labor and Human Resources.

THE HUMAN TISSUES SAFETY ACT OF 1996

● Mr. WYDEN. Mr. President, I introduce the Human Tissues Safety Act of 1996. I want to acknowledge at this time the hard work and cosponsorship of my colleagues, Senators DODD and SIMON, who have acted tirelessly in crafting this legislation which I believe enjoys broad support throughout the industry, and which offers patients receiving transplanted human tissues substantial new safety protection and assurance of quality.

This bill addresses regulation by the Food and Drug Administration of human tissue, including cells grown from a patient's own tissue, for transplantation. The bill also addresses the regulation of stem cells obtained from umbilical cord blood, which involves similar issues.

The purpose of this legislation is to ensure that human tissue is regulated in a manner that ensures its safety, while allowing efficacy to be demonstrated through the use of patient outcome registries rather than premarket approval mechanisms that would impede patient access and burden the development of important new tissue repair therapies.

Mr. President, I find it shocking that FDA does not even have a list of the hundreds of tissue banks in this country that process human tissue from cadavers. Without such a list, FDA cannot send inspectors to these tissue banks to ensure that they comply with the Agency's infectious disease screening requirements. We should not wait until a child get AIDS from infected tissue to empower FDA to ensure compliance with its infectious disease screening requirements.

At the same time, our bill would create reduced regulation for the safest type of human tissue—human cells that are taken from a patient biopsy, grown in cell culture, and then reimplanted into the same patient to repair or replace similar tissue. This type of tissue, known as autologous tissue, presents no risk of infectious disease. Although autologous tissue has historically been unregulated, both in the U.S. and throughout the world, the FDA recently announced that it would begin requiring premarket approval for this class of tissue in December 1997.

The FDA's policies for allogeneic, that is, from a donor source, and autologous, that is, from the same patient, tissue are inconsistent with the concept of regulating products based on risk. For instance, cartilage that is obtained from a cadaver presents a number of risks—infectious disease, rejection by the patient's body, graft-versus-host disease, and the risks associated with using immunosuppressive drugs—but is not subject to premarket approval. It does not make sense to require premarket approval for a patient's own cartilage, when alternative, and more risky, sources of cartilage are essentially unregulated.

This bill approaches this field from a very different perspective. We begin with a recognition that transplantation of human tissue, whether allogeneic or autologous, has been an unregulated practice of medicine for over thirty year. During this time, the major problems with tissue and, for that matter, organ transplantation have been, first, the risk of infectious disease and, second, the lack of enough donated tissues and organs for all the patients who need them. There has never been any demonstrated need for a premarket approval mechanism for tissue transplantation. Indeed, the lack of premarket approval has permitted rapid progress to occur in this field, along with faster patient access to important new therapies.

This bill also recognizes that human cells and tissues are not drugs, biological products, or medical devices, and that it is inappropriate to regulate them as if they were. Drugs may be toxic or carcinogenic, while tissue is not. Drugs circulate in the bloodstream and have systemic effects, while tissue is typically transplanted into a localized area and does not circulate in the blood. For these, and many other reasons, tissue is generally less risky than the products that FDA traditionally regulates. The results of transplantation generally are much more predictable than are the effects of a synthetic chemical. It does not make sense to regulate human tissue under a regulatory regime designed for vastly different products. Nor does it make sense to regulate autologous tissue more stringently than allogeneic tissue.

We also recognize that, unlike the patented products that FDA regulates, human tissue transplantation typically involves nonproprietary substances, such as heart valves, bone marrow, corneas, and ligaments. As a result, it's difficult for physicians, tissue banks, and biotechnology companies that develop new ways to use tissue to financially justify the expenditures associated with meeting premarket approval requirements. It is unclear, for instance, that bone marrow transplantation would have been developed had FDA required premarket approval for this technology. And, indeed, when FDA decided to require premarket approval for human heart valves, two of the four tissue banks that supplied these heart valves to surgeons went out of business.

The bottom line is that FDA's plan to regulate many types of human tissue as if they were drugs, and to regulate autologous tissue more stringently than allogeneic tissue, is an exercise of trying to fit square pegs in round holes. It will significantly increase the costs of developing new tissue repair therapies, while delaying patient access for years.

This bill also addresses the regulation of umbilical cord blood, a related field with tremendous medical promise. Until recently, a baby's umbilical cord was considered to be a disposable medical waste. Now we know that umbilical cord blood is a rich source of stem cells, which like bone marrow can be used in transplantation to treat childhood leukemia and other cancers. In

fact, cord blood stem cells are even better than bone marrow stem cells because cord blood cells require less precise donor matching than bone marrow cells.

Bone marrow transplantation has been essentially unregulated for the past 30 years, and during that time the principal problem has not been a lack of safety or efficacy, but a lack of bone marrow. Only about 10 percent of transplant candidates are able to obtain a donor match in time to save their lives. So cord blood transplantation is an exciting and potentially lifesaving new development.

Unfortunately, while bone marrow transplantation was developed at a time when FDA did not feel the need to subject every new therapy to premarket approval, cord blood transplantation was not. As in the case of autologous cell therapies, FDA is proposing to regulate cord blood transplantation as if it were a drug, significantly hindering the development of this new therapy.

Mr. President, this bill does not answer all of the questions. For example, I believe that when we take up this legislation at the beginning of the next Congress we must address issues including safeguarding the confidentiality of proprietary company and patient information likely to be recorded during the registry process. Also, oversight will be needed to ensure that if and when FDA implements this process, an overriding theme drives the regulatory exercise . . . that being that the rigor of the FDA's requirements match, but not exceed, the degree of manipulation a particular human tissue product undergoes.

This is an exciting and potentially very important new field of biomedical research. It is my intention to focus on this issue early in the next Congress.●

By Mr. LAUTENBERG (for himself, Mr. LEVIN, Mr. DEWINE, and Mr. BRADLEY):

S. 2196. A bill to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison, to redesign the half dollar circulating coin for 1997 to commemorate Thomas Edison, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE THOMAS ALVA EDISON SESQUICENTENNIAL COMMEMORATIVE COIN ACT

Mr. LAUTENBERG. Mr. President, I rise on behalf of Senators BRADLEY, LEVIN, and myself, to submit a resolution that would direct the Secretary of the Treasury to mint coins in 1997 commemorating the 150th anniversary of Thomas Alva Edison's birth.

The genius behind more than 1,300 inventions, including the incandescent light bulb, the alkaline battery, the phonograph and motion pictures, Edison was awarded the Congressional gold medal in 1928 ''for development and application of inventions that have revolutionized civilization in the last century.'' We have the opportunity to again honor one of the world's greatest inventors by issuing both commemorative and circulating coins with Mr. Edison's likeness.

Mr. President, not only would these coins honor the memory of Thomas Edison, they would also raise revenue to support organizations that preserve his legacy. The two New Jersey Edison sites, the ''invention factory'' in West Orange, NJ, and the Edison Memorial Tower in Edison, NJ, are both in poor condition. Irreplaceable records and priceless memorabilia are in danger of being destroyed because of leaky roofs, defective electrical systems and faulty sprinkler systems. The profits raised from surcharges on the commemorative coins would provide funds to repair and preserve these and five other historical Edison sites across the country and to expand educational programs that teach us about this great American.

Let me emphasize that this legislation would have no net cost to the Government. In fact, because circulating coins are a source of Government revenue known as seigniorage, this bill will reduce Government borrowing requirements, thereby lowering the annual interest payments on the national debt. An Edison commemorative coin program also has strong support among America's numismatists whose interest is crucial to the success of any coin program.

Mr. President, I introduce this legislation at the end of the 104th Congress with the expectation that it will be reintroduced in the next Congress and passed next year during the sesquicentennial of the birth of Thomas Alva Edison. This legislation would honor a great American inventor, it would provide seigniorage to the Treasury to help service the national debt, it is popular among coin collectors, and it would provide sorely needed funds to important historical sites.

I urge my colleagues to support this legislation.

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

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

S. 2196

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 ''Thomas Alva Edison Sesquicentennial Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress hereby finds the following:

(1) Thomas Alva Edison, one of America's greatest inventors, was born on February 11, 1847, in Milan, Ohio.

(2) Thomas A. Edison's inexhaustible energy and genius produced more than 1,300 inventions in his lifetime, including the incandescent light bulb and the phonograph.

(3) In 1928, Thomas A. Edison received the Congressional gold medal ''for development and application of inventions that have revolutionized civilization in the last century''.

(4) 1997 will mark the sesquicentennial of Thomas A. Edison's birth.

TITLE I—COMMEMORATIVE COINS

SEC. 101. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the sesquicentennial of the birth of Thomas A. Edison, the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $1 SILVER COINS.—Not more than 350,000 1 dollar coins, each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(2) HALF DOLLAR SILVER COINS.—Not more than 350,000 half dollar coins, each of which shall—

(A) weigh 12.50 grams;

(B) have a diameter of 1.205 inches; and

(C) contain 90 percent silver and 10 percent copper.

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

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

SEC. 102. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this title only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 103. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this title shall be emblematic of the many inventions made by Thomas A. Edison throughout his prolific life.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this title there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the years ''1847–1997''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(3) OBVERSE OF COIN.—The obverse of each coin minted under this title shall bear the likeness of Thomas A. Edison.

(b) DESIGN COMPETITION.—Before the end of the 3-month period beginning on the date of the enactment of this Act, the Secretary shall conduct an open design competition for the design of the obverse and the reverse of the coins minted under this title.

(c) SELECTION.—The design for the coins minted under this title shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

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

SEC. 104. ISSUANCE OF COINS.

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

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this title.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this title beginning January 1, 1997.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this title after December 31, 1997.

SEC. 105. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this title shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

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

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this title shall include a surcharge of—

(1) $14 per coin for the $1 coin; and

(2) $7 per coin for the half dollar coin.

SEC. 106. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

SEC. 107. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—The first $7,000,000 of the surcharges received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary as follows:

(1) 1/7 to the Museum of Arts and History, in the city of Port Huron, Michigan for the endowment and construction of a special museum on Thomas A. Edison's life in Port Huron.

(2) 1/7 to the Edison Birthplace Association, Incorporated, in Milan, Ohio, to assist in such association's efforts to raise an endowment as a permanent source of support for the repair and maintenance of the Thomas A. Edison birthplace, a national historic landmark.

(3) 1/7 to the National Park Service for use in protecting, restoring, and cataloguing historic documents and objects at Thomas A. Edison's ''invention factory'' in West Orange, New Jersey.

(4) 1/7 to the Edison Plaza Museum in Beaumont, Texas, for expanding educational programs on Thomas A. Edison and for the repair and maintenance of the museum.

(5) 1/7 to the Edison Winter Home and Museum in Fort Myers, Florida, for historic preservation, restoration, and maintenance of Thomas A. Edison's historic home and chemical laboratory.

(6) 1/7 to Greenfield Village in Dearborn, Michigan, for use in maintaining and expanding displays and educational programs associated with Thomas A. Edison.

(7) 1/7 to the Edison Memorial Tower in Edison, New Jersey, for the preservation, restoration, and expansion of the tower and museum.

(b) EXCESS PAYABLE TO THE NATIONAL NUMISMATIC COLLECTION.—After payment of the amount required under subsection (a), the Secretary shall pay the remaining surcharges to the National Museum of American History, Washington, D.C., for the support of the National Numismatic Collection at the museum.

(c) AUDITS.—The Comptroller General of the United States shall have the rights to examine such books, records, documents, and other data of any organization which receives any payment from the Secretary under this section, as may be related to the expenditures of amounts paid under this section.

SEC. 108. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

Mr. BRADLEY. Mr. President, I rise today to pay tribute to an extraordinary American and New Jerseyan. A hero of the imagination whose ingenuity and continuing output of technology profoundly changed the lives of people throughout the world. A genius who set a standard for American inventiveness that has keyed our progress as a nation.

Mr. President, it gives me great pleasure in my final floor statement to join my colleague from New Jersey, Senator LAUTENBERG, in introducing the THOMAS A. Edison Commemorative Coin Act.

In the spring of 1876, the young Thomas Alva Edison, not yet 30 years old, moved 15 of his workers to the small town of Menlo Park, NJ. This young man, who had decided to go into the ''invention business,'' did not see inventions as strokes of luck. Rather, Edison believed that inventions were the products of dedicated work and purpose.

Mr. President, before he had reached 21 years of age, Edison was granted his first patent for a telegraphic vote-recording machine. He had developed this machine while he was reporting the votes of Congress over the press wires from his job as a telegraph operator. With this invention, at each rollcall Members of Congress would simply press a button at their seats, immediately registering the vote at the Speaker's desk, where votes were counted automatically. Already at this early age, Edison showed that he was ahead of his time. In response to his invention, the House declared that it was not ready for automated voting, and the Senate today continues to go by voice vote. For this, at the very least, it is suitable that Congress recognize Thomas Edison.

At Menlo Park, Edison developed a string of remarkable new technologies that would shape human history. In 1876 he was instrumental in improving the telephone to reach marketability. In 1877, Edison sang ''Mary Had a Little Lamb'' and played it back to his astonished workers, having invented the first ''talking machine,'' or phonograph. On New Years' Eve in 1880, Edison illuminated Menlo Park at night with forty incandescent light bulbs, which he had developed 1 year earlier. In 1883, he extended the use of electricity to develop an electric railway that soon became the basis of an electric street car system. In 1891, he produced a Kinetoscope and 35 mm film using celluloid, two products which were the predecessors of all later motion-picture machines and film.

Despite his achievements, Edison was a man who held that there was no such thing as genius, and his many failed trials and efforts inspired him to say that his success was ''99 percent perspiration and 1 percent inspiration.'' For Thomas Edison, inventing was a passion, and he demanded as much from those who worked with him.

In authorizing the Secretary of the Treasury and the U.S. Mint to produce a commemorative coin in his memory, it is my hope that we will never forget to acknowledge Edison's contributions and inventive spirit. Once the costs of the production of the coin are recovered, proceeds from the sale of this coin will fund the renovation and upkeep of seven sites in five different States dedicated to preserving Edison's work, including the Invention Factory in West Orange, NJ, and the Edison Memorial Tower in Edison, NJ.

Mr. President, it is an honor for me to pay tribute to the Wizard of Menlo Park, whose inventions had a scope and effect which are truly awe-inspiring. We are duty-bound as a nation to preserve the memory of a man who developed technology that carried human speech and experience beyond time and space, and transformed night into day for millions of Americans.

I hope my colleagues will join me in strong support of this legislation.

ADDITIONAL COSPONSORS

S. 47

At the request of Mr. SARBANES, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 47, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 1385

At the request of Mr. BREAUX, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1385, a bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under part B of the Medicare Pprogram.

S. 1660

At the request of Mr. GLENN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1660, a bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

S. 1756

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1756, a bill to provide additional pension security for spouses and former spouses, and for other purposes.

S. 1951

At the request of Mr. FORD, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 1951, a bill to ensure the competitiveness of the United States textile and apparel industry.

S. 2061

At the request of Ms. SNOWE, the name of the Senator from Maine (Mr.