

subparagraph (A) in an amount that equals 90 percent of the costs incurred by the State for the provision of consultation services under such agreement.

"(ii) A State shall be reimbursed by the Secretary for 90 percent of the costs incurred by the State for the provision of—

"(I) training approved by the Secretary for State personnel operating under a cooperative agreement; and

"(II) specified out-of-State travel expenses incurred by such personnel.

"(iii) A reimbursement paid to a State under this subparagraph shall be limited to costs incurred by such State for the provision of consultation services under this paragraph and the costs described in clause (ii).

"(C) Notwithstanding any other provisions of law, not less than 15 percent of the total amount of funds appropriated for the Occupational Safety and Health Administration for a fiscal year shall be used for education, consultation, and outreach efforts."

(b) PILOT PROGRAM.—Section 21 (29 U.S.C. 670) is amended by adding at the end the following:

"(d)(1) Not later than 90 days after the date of enactment of this subsection, the Secretary shall establish and carry out a pilot program in 3 States to provide expedited consultation services, with respect to the provision of safe and healthful working conditions, to employers that are small businesses (as the term is defined by the Administrator of the Small Business Administration). The Secretary shall carry out the program for a period not to exceed 2 years.

"(2) The Secretary shall provide consultation services under paragraph (1) not later than 4 weeks after the date on which the Secretary receives a request from an employer.

"(3) The Secretary may impose a nominal fee to an employer requesting consultation services under paragraph (1). The fee shall be in an amount determined by the Secretary. Employers paying a fee shall receive priority consultation services by the Secretary.

"(4) In lieu of issuing a citation under section 9 to an employer for a violation found by the Secretary during a consultation under paragraph (1), the Secretary shall permit the employer to carry out corrective measures to correct the conditions causing the violation. The Secretary shall conduct not more than 2 visits to the workplace of the employer to determine if the employer has carried out the corrective measures. The Secretary shall issue a citation as prescribed under section 5 if, after such visits, the employer has failed to carry out the corrective measures.

"(5) Not later than 90 days after the termination of the program under paragraph (1), the Secretary shall prepare and submit a report to the appropriate committees of Congress that contains an evaluation of the implementation of the pilot program."

SEC. 13. VOLUNTARY PROTECTION PROGRAMS.

(a) COOPERATIVE AGREEMENTS.—The Secretary of Labor shall establish cooperative agreements with employers to encourage the establishment of comprehensive safety and health management systems that include—

(1) requirements for systematic assessment of hazards;

(2) comprehensive hazard prevention, mitigation, and control programs;

(3) active and meaningful management and employee participation in the voluntary program described in subsection (b); and

(4) employee safety and health training.

(b) VOLUNTARY PROTECTION PROGRAM.—

(1) IN GENERAL.—The Secretary of Labor shall establish and carry out a voluntary protection program (consistent with subsection (a)) to encourage and recognize the

achievement of excellence in both the technical and managerial protection of employees from occupational hazards. The Secretary of Labor shall encourage small businesses (as the term is defined by the Administrator of the Small Business Administration) to participate in the voluntary protection program by carrying out outreach and assistance initiatives and developing program requirements that address the needs of small businesses.

(2) PROGRAM REQUIREMENT.—The voluntary protection program shall include the following:

(A) APPLICATION.—Employers who volunteer under the program shall be required to submit an application to the Secretary of Labor demonstrating that the worksite with respect to which the application is made meets such requirements as the Secretary of Labor may require for participation in the program.

(B) ONSITE EVALUATIONS.—There shall be onsite evaluations by representatives of the Secretary of Labor to ensure a high level of protection of employees. The onsite visits shall not result in enforcement of citations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(C) INFORMATION.—Employers who are approved by the Secretary of Labor for participation in the program shall assure the Secretary of Labor that information about the safety and health program of the employers shall be made readily available to the Secretary of Labor to share with employees.

(D) REEVALUATIONS.—Periodic reevaluations by the Secretary of Labor of the employers shall be required for continued participation in the program.

(3) EXEMPTIONS.—A site with respect to which a program has been approved shall, during participation in the program be exempt from inspections or investigations and certain paperwork requirements to be determined by the Secretary of Labor, except that this paragraph shall not apply to inspections or investigations arising from employee complaints, fatalities, catastrophes, or significant toxic releases.

SEC. 14. PREVENTION OF ALCOHOL AND SUBSTANCE ABUSE.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) is amended—

(1) by striking sections 29, 30, and 31;

(2) by redesignating sections 32, 33, and 34 as sections 30, 31, and 32, respectively; and

(3) by inserting after section 28 (29 U.S.C. 676) the following:

"SEC. 29. ALCOHOL AND SUBSTANCE ABUSE TESTING.

"(a) PROGRAM PURPOSE.—In order to secure a safe workplace, employers may establish and carry out an alcohol and substance abuse testing program in accordance with subsection (b).

"(b) FEDERAL GUIDELINES.—An alcohol and substance abuse testing program described in subsection (a) shall meet the following requirements:

"(1) SUBSTANCE ABUSE.—A substance abuse testing program shall permit the use of an onsite or offsite urine screening or other recognized screening methods, so long as the confirmation tests are performed in accordance with the mandatory guidelines for Federal workplace testing programs published by the Secretary of Health and Human Services on April 11, 1988, at section 11979 of title 53, Code of Federal Regulations (including any amendments to such guidelines), in a lab that is subject to the requirements of subpart B of such mandatory guidelines.

"(2) ALCOHOL.—The alcohol testing component of the program shall take the form of alcohol breath analysis and shall conform to any guidelines developed by the Secretary of

Transportation for alcohol testing of mass transit employees under the Department of Transportation and Related Agencies Appropriations Act, 1992.

"(c) TEST REQUIREMENTS.—This section shall not be construed to prohibit an employer from requiring—

"(1) an applicant for employment to submit to and pass an alcohol or substance abuse test before employment by the employer; or

"(2) an employee, including managerial personnel, to submit to and pass an alcohol or substance abuse test—

"(A) on a for-cause basis or where the employer has reasonable suspicion to believe that such employee is using or is under the influence of alcohol or a controlled substance;

"(B) where such test is administered as part of a scheduled medical examination;

"(C) in the case of an accident or incident, involving the actual or potential loss of human life, bodily injury, or property damage;

"(D) during the participation of an employee in an alcohol or substance abuse treatment program, and for a reasonable period of time (not to exceed 5 years) after the conclusion of such program; or

"(E) on a random selection basis in work units, locations, or facilities.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to require an employer to establish an alcohol and substance abuse testing program for applicants or employees or make employment decisions based on such test results.

"(e) PREEMPTION.—The provisions of this section shall preempt any provision of State law to the extent that such State law is inconsistent with this section.

"(f) INVESTIGATIONS.—The Secretary is authorized to conduct testing of employees (including managerial personnel) of an employer for use of alcohol or controlled substances during any investigations of a work-related fatality or serious injury."

SEC. 15. CONSULTATION ALTERNATIVES.

Subsection (a) of section 9 (29 U.S.C. 658(a)) is amended to read as follows:

"(a)(1) Nothing in this Act shall be construed as prohibiting the Secretary or the authorized representative of the Secretary from providing technical or compliance assistance to an employer in correcting a violation discovered during an inspection or investigation under this Act without issuing a citation.

"(2) Except as provided in paragraph (3), if, upon an inspection or investigation, the Secretary or an authorized representative of the Secretary believes that an employer has violated a requirement of section 5, of any regulation, rule, or order promulgated pursuant to section 6, or of any regulations prescribed pursuant to this Act, the Secretary may with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of a violation, including a reference to the provision of the Act, regulation, rule, or order alleged to have been violated. The citation shall fix a reasonable time for the abatement of the violation.

"(3) The Secretary or the authorized representative of the Secretary—

"(A) may issue a warning in lieu of a citation with respect to a violation that has no significant relationship to employee safety or health; and

"(B) may issue a warning in lieu of a citation in cases in which an employer in good faith acts promptly to abate a violation if the violation is not a willful or repeated violation."

By Mr. SMITH of Oregon:

S. 1238. A bill to amend section 1926 of the Public Health Service Act to encourage States to strengthen their efforts to prevent the sale and distribution of tobacco products to individuals under the age of 18 and for other purposes; to the Committee on Labor and Human Resources.

THE TOBACCO USE BY MINORS DETERRENCE ACT
OF 1997

Mr. SMITH of Oregon. Mr. President, today in America, too many teenagers have access to too much tobacco at too many stores and retail outlets. The result? Each day 3,000 more young people start smoking and get addicted to lethal tobacco products.

As Congress considers legislation to reduce teenage smoking and to address the growing public health concerns associated with the use of tobacco, I want to propose a concept that goes to the heart of the problem—keeping tobacco products out of the hands of kids. While there are numerous well-intentioned suggestions as to how to best achieve this goal, I believe that the proposal I am introducing today goes to the heart of the problem—holding both those who sell tobacco accountable and those who illegally purchase tobacco responsible. It demands the participation by store owners, clerks, parents, kids, and local law enforcement.

The proposal is a simple, direct approach: require those who sell tobacco to be licensed and trained, and hold children who illegally purchase tobacco responsible for their actions—by notifying their parents, imposing fines and community service, and restricting access to driving privileges.

With this legislation, we have an opportunity to take some incremental and immediate action today, to empower our communities in the fight against teenage tobacco use. The Tobacco Use by Minors Deterrence Act elicits cooperation among families, communities, the retailers, and law enforcement officials in the fight against tobacco use by children. Importantly, this legislation gives retailers a new leadership role and places greater responsibility on parents and minors.

First, this bill establishes a self-funding State license program for retailers to sell tobacco products, similar to liquor licenses. Second, it imposes strict penalties on store owners and employees for selling tobacco products to minors. Third, it requires employee training on all tobacco laws. Fourth, it subjects minors who are caught purchasing or using tobacco products to punishments that are meaningful to them, including the option of fines, parental notification, community service, and possible loss of driving privileges.

In my State of Oregon, restrictions on the distribution and sale of tobacco products are some of the strongest in the nation. This legislation echoes Oregon's commitment by making it more difficult for retailers across the Nation to make a profit from the illegal sale of tobacco products to children.

Just how important is it that we take immediate action? Each day that we wait for the pending FDA lawsuits, and each day that we spend talking about doing something to reduce tobacco use by our Nation's children, 3,000 more young people begin smoking. I want you to think about that for a moment. Each day, 3,000 children start smoking—that's more than 1 million children each year. To put this into perspective, the Centers for Disease Control [CDC] estimates that 16.6 million of our children today will become regular smokers, and almost one-third, approximately 5 million children, will die from tobacco-related illness. In my State of Oregon, 191,688 children under 18 are projected to become smokers; 61,340 of those youth will die. It is time to recognize teen tobacco use for what it is—a public health epidemic.

In addition to the loss of life associated with tobacco use, there is a significant cost to our public health system. Currently, health care costs caused directly by smoking total more than \$50 billion each year. We cannot afford to wait any longer. Because the longer we postpone empowering communities, families, and law enforcement officials, we do so by sacrificing the health and life of our children.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. THURMOND, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 61

At the request of Mr. LOTT, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 766

At the request of Ms. SNOWE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 773

At the request of Mr. DURBIN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 773, a bill to designate certain Federal lands in the State of Utah as wilderness, and for other purposes.

S. 852

At the request of Mr. LOTT, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the ti-

tling and registration of salvage, non-repairable, and rebuilt vehicles.

S. 943

At the request of Mr. SPECTER, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation accidents.

S. 1096

At the request of Mr. KERREY, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1133

At the request of Mr. COVERDELL, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 1133, a bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses and to increase the maximum annual amount of contributions to such accounts.

S. 1141

At the request of Mr. JOHNSON, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1141, a bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

S. 1180

At the request of Mr. KEMPTHORNE, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1180, a bill to reauthorize the Endangered Species Act.

S. 1205

At the request of Mrs. MURRAY, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1205, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify that records of arrival or departure are not required to be collected for purposes of the automated entry-exit control system developed under section 110 of such Act for Canadians who are not otherwise required to possess a visa, passport, or border crossing identification card.

SENATE CONCURRENT RESOLUTION 42

At the request of Mr. D'AMATO, the names of the Senator from Kansas [Mr. BROWNBACK], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Concurrent Resolution 42, a concurrent resolution to authorize the use of the rotunda of the Capitol for a congressional ceremony honoring Ecu-menical Patriarch Bartholomew.

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. HUTCHINSON, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of Senate Concurrent Resolution 50, a concurrent resolution condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997.

SENATE RESOLUTION 116

At the request of Mr. LEVIN, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Resolution 116, a resolution designating November 15, 1997, and November 15, 1998, as "America Recycles Day."

SENATE RESOLUTION 124

At the request of Mr. ROTH, the names of the Senator from Ohio [Mr. DEWINE] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Resolution 124, a resolution to state the sense of the Senate that members of the Khmer Rouge who participated in the Cambodian genocide should be brought to justice before an international tribunal for crimes against humanity.

AMENDMENT NO. 1253

At the request of Mr. MACK the names of the Senator from Rhode Island [Mr. REED] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of amendment No. 1253 proposed to S. 1156, an original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENTS SUBMITTED

THE DISTRICT OF COLUMBIA
APPROPRIATIONS ACT, 1998

JEFFORDS AMENDMENT NO. 1226

Mr. JEFFORDS proposed an amendment to the bill (S. 1156) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the end of the bill, add the following:

DIVISION 2—METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING IMPROVEMENT ACT OF 1997**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This division may be cited as the "Metropolitan Washington Education and Workforce Training Improvement Act of 1997".

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

- Sec. 1. Short title and table of contents.
Sec. 2. Findings and purpose.

TITLE I—METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING GRANTS

Sec. 101. Definitions.

Sec. 102. Grants.

Sec. 103. Metropolitan Partnership.

Sec. 104. Metropolitan Board.

TITLE II—METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING TAX

Sec. 201. Tax on income of nonresidents.

Sec. 202. Repeal of unincorporated business tax.

Sec. 203. Withholding and returns.

Sec. 204. Credit for State income tax payments.

Sec. 205. Technical amendment.

Sec. 206. Reciprocal tax collection.

Sec. 207. Metropolitan Washington Education and Workforce Training Trust Fund.

Sec. 208. Effective date.

SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—The Congress finds that—

(1) the Greater Washington Metropolitan Area has an expanding regional economy but suffers from a serious regional labor market shortage that threatens economic growth;

(2) the region's education and training systems, particularly in the District of Columbia, fail to provide many youths and adults with the skills necessary to be competitive in the regional labor market;

(3) the need for a better skilled area workforce makes it imperative that the region's businesses, educational institutions, and governments work together to provide youth and adults with the education and training necessary to meet the needs of the 21st century;

(4) the condition of school facilities is a major impediment to improving the quality of education in the District of Columbia and their repair and modernization is a necessary step in making the District's public schools a full partner in preparing students for the regional labor market;

(5) the University of the District of Columbia, as well as other area institutions of post-secondary education, have an important role to play in providing skills training to meet the needs of the regional labor market;

(6) although the present revenues for the District of Columbia public school system provide sufficient operating funds, as with other public school systems in the metropolitan region, there are insufficient revenues for programs to prepare students to compete in the global economy and or to provide students with the skills demanded by the local market; and

(7) the Greater Washington Metropolitan Area has an opportunity to set a national example of regional cooperation in engaging in education reform and workforce training.

(b) **PURPOSE.**—

(1) **IN GENERAL.**—It is the purpose of this division to foster the development of a regional workforce investment system that will bring about improvements in education and workforce preparation by—

(A) creating a metropolitan partnership through which area businesses, school systems, postsecondary institutions, and governments can cooperate in charting a course for reforms and investments in education and workforce training; and

(B) providing the Greater Washington Metropolitan Area with the resources necessary to lead the Nation in improving its capacity to provide for a highly educated and skilled workforce.

(2) **NONRESIDENT TAX.**—The purpose of imposing the tax established by title II is to—

(A) fund the repair and modernization of District of Columbia public schools; and

(B) provide resources to carry out the activities of a Washington metropolitan partnership as described in title I.

TITLE I—METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING GRANTS**SEC. 101. DEFINITIONS.**

In this title:

(1) **ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL.**—The terms "elementary school", "local educational agency", and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) **METROPOLITAN REGION.**—The term "metropolitan region" means the Washington, D.C. metropolitan area, as defined by the Secretaries.

(3) **POSTSECONDARY INSTITUTION.**—The term "postsecondary institution" has the meaning given the term "institution of higher education" in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088).

(4) **PRINCIPAL.**—The term "principal" means an elementary school or secondary school principal.

(5) **SECRETARIES.**—The term "Secretaries" means the Secretary of Education and the Secretary of Labor, acting jointly.

(6) **TEACHER.**—The term "teacher" means an elementary school or secondary school teacher.

SEC. 102. GRANTS.

(a) **IN GENERAL.**—Using funds made available from the Metropolitan Washington Education and Workforce Training Trust Fund, established in section 208, the Secretaries shall make grants to agencies and organizations to assist the agencies and organizations in carrying out the education and workforce training activities described in subsection (c) in the metropolitan region.

(b) **ELIGIBILITY.**—

(1) **IN GENERAL.**—To be eligible to receive a grant under this section, an entity shall be a local educational agency, or a public or private organization with demonstrated ability and experience in carrying out the education and workforce training activities.

(2) **WORKFORCE TRAINING.**—To be eligible to receive a grant under this section to provide services described in subsection (c)(5), an entity shall—

(A) be an postsecondary institution, business, or another provider of workforce training, such as literacy services, in the metropolitan region; and

(B) have demonstrated ability and experience in providing workforce training.

(c) **USE OF FUNDS.**—An agency or organization that receives a grant under subsection (a) shall use funds made available through the grant to carry out activities in the metropolitan region that consist of—

(1) providing professional development activities, including access to model professional development programs, for teachers and principals;

(2) developing apprenticeships and other programs that provide business experience to teachers who are participating in vocational training or technology training;

(3) constructing, renovating, repairing, or improving elementary schools, secondary schools, or other educational facilities for workforce training programs;

(4) developing partnerships between businesses, and vocational education or vocational training providers, to carry out student internship programs;

(5) providing youth and adult workforce training with remedial help such as literacy services;

(6) establishing model benchmarks to be used in the development of rigorous education and workforce training curricula;