(ii) the date of such authorization to be the date of the original authorization; and

(5) if, by the end of the 1-year period beginning on the date of the termination, the Secretary has not found a qualified entity (or entities) described in paragraph (3), shall—

(A) terminate the project; and

(B) from the amount remaining in the Reserve Fund established as part of the project, remit to each source that provided funds under section 5(b)(4) to the entity originally authorized to conduct the project, an amount that bears the same ratio to the amount so remaining as the amount provided by the source under section 5(b)(4) bears to the amount provided by all such sources under that section.

SEC. 14. EVALUATIONS.

(a) IN GENERAL.—Not later than 10 months after the date of enactment of this Act, the Secretary shall enter into a contract with an independent research organization to evaluate, individually and as a group, all qualified entities and sources participating in the demonstration projects conducted under this Act.

(b) FACTORS TO EVALUATE.—In evaluating any demonstration project conducted under this Act, the research organization shall address the following factors:

(1) The savings account characteristics (such as threshold amounts and match rates) required to stimulate participation in the demonstration project, and how such characteristics vary among different populations or communities.

(2) What service configurations of the qualified entity (such as peer support, structured planning exercises, mentoring, and case management) increase the rate and consistency of participation in the demonstration project and how such configurations vary among different populations or communities.

(3) The economic, civic, psychological, and social effects of asset accumulation, and how such effects vary among different populations or communities.

(4) The effects of individual development accounts on savings rates, homeownership, level of education attained, and self-employment, and how such effects vary among different populations or communities.

(5) The potential financial returns to the Federal Government and to other public sector and private sector investors in individual development accounts over a 5-year and 10-year period of time.

(6) The lessons to be learned from the demonstration projects conducted under this Act and if a permanent program of individual development accounts should be established.

(7) Such other factors as may be prescribed by the Secretary.

(c) METHODOLOGICAL REQUIREMENTS.—In evaluating any demonstration project conducted under this Act, the research organization shall—

(1) to the extent possible, use control groups to compare participants with nonparticipants;

(2) before, during, and after the project, obtain such quantitative data as are necessary to evaluate the project thoroughly; and

(3) develop a qualitative assessment, derived from sources such as in-depth interviews, of how asset accumulation affects individuals and families.

(d) REPORTS BY THE SECRETARY.—

(1) INTERIM REPORTS.—Not later than 90 days after the end of the calendar year in which the Secretary first authorizes a qualified entity to conduct a demonstration project under this Act, and every 12 months thereafter until all demonstration projects conducted under this Act are completed, the Secretary shall submit to Congress an interim report setting forth the results of the reports submitted pursuant to section 12(b).

(2) FINAL REPORTS.—Not later than 12 months after the conclusion of all demonstration projects conducted under this Act, the Secretary shall submit to Congress a final report setting forth the results and findings of all reports and evaluations conducted pursuant to this Act.

(e) EVALUATION EXPENSES.—The Secretary shall expend such sums as may be necessary to carry out the purposes of this section.

SEC. 15. AUTHORIZATIONS OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act, $25,000,000 for each of fiscal years 1998, 1999, 2000, and 2001, to remain available until expended.

SEC. 16. FUNDS IN INDIVIDUAL DEVELOPMENT ACCOUNTS OF DEMONSTRATION PROJECT PARTICIPANTS DISREGARDED FOR PURPOSES OF ALL MEANS-TESTED FEDERAL PROGRAMS.

Notwithstanding any other provision of law that requires consideration of 1 or more financial circumstances of an individual, for the purpose of determining eligibility to receive, or the amount of, any assistance or benefit authorized by such law to be provided to or for the benefit of such individual, funds (including interest accruing) in an individual development account (as defined in section 4(4)) shall be disregarded for such purpose with respect to any period during which the individual participates in a demonstration project conducted under this Act (or would be participating in such a project but for the suspension of the project).

By Mr. COVERDELL:

S. 1107. A bill to protect consumers by eliminating the double postage rule under which the Postal Service requires competitors of the Postal Service to charge above market prices; to the Committee on Governmental Affairs.

DOUBLE POSTAGE RULE ELIMINATION ACT

Mr. COVERDELL. Mr. President, I am today introducing the Double Postage Rule Elimination Act of 1997. This legislation will protect consumers by eliminating the double postage rule under which the Postal Service requires its competitors to charge above market prices.

We have in effect today laws known as the Private Express Statutes or PES. These laws make it generally unlawful for any person other than the Postal Service to send or carry letters over postal routes for compensation, with some exceptions. Under the PES, private delivery companies must set their two-day delivery rates at twice those of the Postal Service for similarly sized items.

In addition, the PES gives the Postal Service the right to impose fines on businesses that use private delivery companies to deliver time-sensitive mail rather than using the Postal Service. Current regulations permit a business to choose a private carrier—such as UPS, Federal Express, or others—if the business feels that the message is urgent. The catch is that the Postal Service feels it alone can determine if a message is truly urgent, not the consumer.

Currently, the Postal Service charges $3.00 per item for its Priority Mail, which is advertised as reaching the recipient in two days, though that isn't guaranteed. This means the lowest price a private competitor can offer for two-day delivery is $6.00. If the Postal Service raised its rate by $1.00 to $4.00 an item, a private delivery company offering $6.00 service would have no choice but to impose a $2.00 increase, to $8.00.

As you can see, the law gives the Postal Service great power to control the rates charged by its private competitors and limit competition. Combine that with the Postal Service's ability to second-guess a consumer's decision to use a private carrier and you have a very uneven playing field.

The Postal Service has displayed a willingness to use its governmental powers for competitive advantage. In 1993 it was reported that the Postal Service had audited corporations and fined them as much as $500,000 in back postage fees for using UPS and Federal Express when the Postal Service inspectors thought those choices were not warranted.

More recently, the Postal Service spent over $200 million on an advertising campaign for Priority Mail. The campaign was based on the Postal Service's lower price—$3.00 for Priority Mail versus $6.00 for UPS and $8.00 for Federal Express. Of course, the ads left out the fact that the private companies were prohibited by law from matching the Postal Service price—or charging anything less than $6.00 a letter.

Mr. President, the bill I am introducing today does one simple thing to level the field of competition. It replaces the double postage rule with a ''two-dollar'' rule. Under my bill, private companies will be able to legally charge any rate above $2.00 for their second-day products. If they want to match the Postal Service at $3.00, they may. The law will no longer impose an artificial ''double postage'' rule forcing private companies to charge above market rates.

This legislation will stop government intrusions into private consumer decisions and will increase competition in the area of delivering urgent letters. I urge support for the Double Postage Rule Elimination Act of 1997.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1108. A bill to designate the Federal building located at 290 Broadway in New York, New York, as the ''Ronald H. Brown Federal Building''; to the Committee on Environment and Public Works.

THE RONALD H. BROWN FEDERAL BUILDING DESIGNATION ACT OF 1997

Mr. MOYNIHAN. Mr. President, I rise to introduce a bill to honor and remember a truly exceptional American, Ronald H. Brown. The bill would designate the newly constructed Federal

building located at 290 Broadway in the heart of lower Manhattan as the ''Ronald H. Brown Federal Building.''

It is a fitting gesture to recognize the passing of this remarkable American, and I would ask for my colleagues' support for this legislation to place one more marker in history on Ron Brown's behalf.

Ron Brown had a great love for enterprise and industry as reflected in his achievements as the first African-American to hold the office of U.S. Secretary of Commerce. His was also a life of outstanding achievement and public service: Army captain; vice president of the National Urban League; partner in a prestigious law firm; chairman of the National Democratic Committee; husband and father. And these are but a few of the achievements that demonstrated Ron Brown's spirited and sweeping pursuit of life.

To have held any one of these posts in the government, and in the private sector, is extraordinary. To have held all of the positions he did and prevail as he did, is unique. Ron Brown was tragically taken from us too soon; we are diminished by his loss. I cannot think of a more fitting tribute to this uncommon man.

I ask unanimous consent that the text of the Ronald H. Brown Federal Building Designation Act of 1997 be printed in the RECORD.

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

S. 1108

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

SECTION 1. DESIGNATION.

The Federal building located at 290 Broadway in New York, New York, shall be known and designated as the ''Ronald H. Brown Federal Building''.

SEC. 2. REFERENCES.

Any reference in any law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Ronald H. Brown Federal Building.

By Mr. SPECTER:

S. 1110. A bill to amend title 28, United States Code, to place a limitation on habeas corpus relief that prevents retrial of an accused; to the Committee on the Judiciary.

THE VICTIM PROTECTION ACT OF 1997

Mr. SPECTER. Mr. President, I seek recognition to introduce the Victim Protection Act of 1997.

I commend my colleague, Representative JOSEPH PITTS, for his leadership in preparing this legislation which he is introducing today in the House of Representatives.

This legislation arises from the case of Commonwealth versus Lisa Michelle Lambert where the U.S. District Court for the Eastern District of Pennsylvania found a violation of the defendant's constitutional rights and issued an order barring the defendant from a retrial.

The Congress has the authority to legislate under Article V of the 14th amendment which provides:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

This legislation is designed to prevent the U.S. District Courts from ordering a remedy to bar a new trial.

This legislation respects the authority of the Federal courts to uphold a defendant's constitutional rights in State court criminal proceedings. It may well be that the Court of Appeals for the Third Circuit will act to reverse the order barring a retrial.

Whatever action is taken in the case of Commonwealth versus Lisa Michelle Lambert, the Federal habeas corpus law should be clear that U.S. District Courts do not have the authority to bar a retrial.

Under our Federal system, it should be—and this bill will establish the statutory authority—for the district attorney in Lancaster County to make the judgment whether the unsuppressed evidence is sufficient for a retrial. It would then be up to the court of Common Pleas of Lancaster County to make the first judicial judgment on the retrial issues with appropriate appellate procedures in the Superior and Supreme Courts of Pennsylvania.

This principled approach respects judicial independence.

When the District Court issued its opinion, there was an immediate public outcry for impeachment. At that time, I said and I repeat today, impeachment is not an appropriate response.

The appropropriate response is an appeal to the United States Court of Appeals for the Third Circuit which will review the matter. A further appropriate response is legislation to make the statute explicit that the district court may not impose a remedy to bar a new trial.

This bill would not affect the otherwise extensive authority of the U.S. District Courts to protect rights where constitutional issues are raised. Obviously, a statute could not deal with the defendant's constitutional rights. That would require a constitutional amendment.

However, this bill on the issue of retrial is within the purview of appropriate legislation pursuant to Article V of the 14th amendment.

By Mr. LAUTENBERG:

S. 1111. A bill to establish a youth mentoring program; to the Committee on the Judiciary.

JUMP AHEAD ACT OF 1997

Mr. LAUTENBERG. Mr. President, millions of young people in America live in areas where drug use, violent and property crimes are a way of life. Unfortunately, many of these same young people come from one-parent homes, or from environments where there is no responsible, caring adult supervision. These at-risk children are on the brink—their lives could go in either a positive or destructive direction. There is indisputable evidence, however, that at-risk children who have responsible adult mentors choose the right path.

Mr. President, that is why today I am introducing legislation, the JUMP Ahead Act of 1997, that will take mentoring in this country to the next level to meet the needs of millions of at-risk youths and their families.

All children and adolescents need caring adults in their lives, and mentoring is one effective way to fill this special need for at-risk children. The special bond of commitment fostered by the mutual respect inherent in effective mentoring can be the tie that binds a young person to a better future. Through a mentoring experience, adult volunteers and participating youth make a significant commitment of time and energy to develop relationships devoted to personal, academic, or career development and social, artistic, or athletic growth.

Although in recent years there has been an increasing understanding of the importance and benefits of mentoring, too few at-risk children are being reached. It is reported that between 5 and 15 million children in the U.S. could benefit from being matched with a mentor. The status quo cannot meet this need.

As I rise today to talk about the value and importance of mentoring to at-risk youth, we are in the midst of a crisis in the form of a growing tide of juvenile crime. While overall crime rates have been stabilizing and even decreasing in some areas, crime among our youth has been on the rise. If trends continue, juvenile arrests for violent crime will double by the year 2010.

In addition to juvenile crime, today's youth faces other serious problems. Every day in America 2,795 teens get pregnant, 1,512 teenagers drop out of school, and 211 children are arrested for drug use.

If we don't act quickly and decisively, we risk losing a whole generation of young people. We need to save our kids.

Mr. President, that is why in 1992 I authored the Juvenile Mentoring Program (JUMP). JUMP is administered by the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP). JUMP is targeted specifically at reducing juvenile delinquency and gang participation, improving academic performance, and reducing the dropout rate by introducing adult mentors as role models, counselors, and friends for at-risk youth. Both local education agencies and public/private non-profit organizations receive JUMP grants.

Since its enactment, JUMP has funded 93 separate mentoring programs in over half the States in the Union. The competition for these JUMP awards is great: Over 479 communities submitted applications for the recent round of grants. JUMP grantees use a variety of program designs. Mentors are law enforcement and fire department personnel, college students, senior citizens, Federal employees, businessmen, and other private citizens. The mentees are

of all races they come from urban, suburban, and rural communities, and range in age from 5 to 20. Some are incarcerated or on probation, some are in school, and some are dropouts. In its first year, JUMP helped to keep thousands of at-risk young people in 25 States in school and off the streets through one-to-one mentoring.

Mr. President, now is the time to take mentoring to the next level. The JUMP Ahead Act enhances the basic successful structure of JUMP, and increases awards to up to $200,000. It also increases authorized funding to $50 million per year for 4 years, for a total of $200 million. This initiative will not only vastly increase the number of mentoring programs able to receive grants, but it also creates a new category of grants that will enable experienced national organizations to provide needed technical assistance to emerging mentoring programs nationwide. Also, the legislation mandates the Justice Department to rigorously evaluate the program to document what is effective, and what does not produce results. The increased funding allows the DOJ to award grants to a wider group of applicants, allowing for greater diversity and creativity. However, the high standards set by the JUMP program still must be met by all grantees.

Mr. President, mentoring works. Not only is this confirmed by common sense and life experience, but also by scientific study. Perhaps the most well-known mentoring program is the world-renowned Big Brothers/Big Sisters of America, a federation of more than 500 agencies that serve children and adolescents. About one quarter of all JUMP grantees are Big Brothers/Big Sisters affiliates. They have been providing mentors to young people for over 90 years with wonderful results. And now those results have been scientifically validated.

A carefully designed independent evaluation of mentoring programs found tremendously positive results and that mentoring programs offer great promise. Most noteworthy among those findings was that mentored youth were 46 percent less likely to initiate drug use. An even stronger effect was found for minority Little Brothers and Little Sisters, who were 70 percent less likely to initiate drug use than similar minority youth.

Additionally, Mr. President, mentored youth were 27 percent less likely to initiate alcohol use, and minority Little Sisters were only about one-half as likely to initiate alcohol use. The study also found that mentored youth skipped half as many days of school, felt more competent about doing schoolwork, skipped fewer classes, and showed modest gains in their grade point averages. These gains were strongest among Little Sisters, particularly minority Little Sisters.

Mr. President, effective mentoring programs require agencies that take substantial care in recruiting, screening, matching, and supporting volunteers. These are critical functions for an effective mentoring program. The investment in comparison to the benefits to individual kids and society as a whole is minimal; approximately $1,000 per child. Such a small price for such an enormous payoff.

Mr. President, experience and now research tells us that there is a desperate need for a new, more positive approach to developing youth policy and discouraging juvenile crime and violence. Mentoring has proven to be one of the best way to get to kids before they get into trouble. We have been talking for years about the need to provide our children with a better future, to give our kids something to say ''yes'' to. JUMP was a great, but small, first step in the right direction. Now it is time to take a giant leap—a JUMP Ahead.

In Washington, we talk easily about investing in our kids' future. Whenever we want to build a highway or a bridge, we call it an investment for the future. If we want to ratify trade treaties, we call it an investment in our future. The same goes for everything from cutting the deficit to building sophisticated defense systems to sending probes to Mars.

Mr. President, there cannot be a more important investment in the future of our country and our people than directly investing in saving our kids. And that is what mentoring is all about. Mentoring works. Effective mentoring programs can significantly reduce and prevent the use of alcohol and drugs by young people, improve school attendance and performance, improve peer and family relationships, and curb violent behavior.

Mr. President, what greater investment can we make?

I hope my colleagues will support the bill, and ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 1111

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 ''JUMP Ahead Act of 1997''.

SEC. 2. FINDINGS.

Congress finds that—

(1) millions of young people in America live in areas in which drug use and violent and property crimes are pervasive;

(2) unfortunately, many of these same young people come from single parent homes, or from environments in which there is no responsible, caring adult supervision;

(3) all children and adolescents need caring adults in their lives, and mentoring is an effective way to fill this special need for at-risk children. The special bond of commitment fostered by the mutual respect inherent in effective mentoring can be the tie that binds a young person to a better future;

(4) through a mentoring relationship, adult volunteers and participating youth make a significant commitment of time and energy to develop relationships devoted to personal, academic, or career development and social, artistic, or athletic growth;

(5) rigorous independent studies have confirmed that effective mentoring programs can significantly reduce and prevent the use of alcohol and drugs by young people, improve school attendance and performance, improve peer and family and peer relationships, and reduce violent behavior;

(6) since the inception of the Federal JUMP program, dozens of innovative, effective mentoring programs have received funding grants;

(7) unfortunately, despite the recent growth in public and private mentoring initiatives, it is reported that between 5,000,000 and 15,000,000 additional children in the United States could benefit from being matched with a mentor; and

(8) although great strides have been made in reaching at-risk youth since the inception of the JUMP program, millions of vulnerable American children are not being reached, and without an increased commitment to connect these young people to responsible adult role models, our country risks losing an entire generation to drugs, crime, and unproductive lives.

SEC. 3. JUVENILE MENTORING GRANTS.

(a) IN GENERAL.—Section 288B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Administrator shall'';

(2) by striking paragraph (2) and inserting the following:

''(2) are intended to achieve 1 or more of the following goals:

''(A) Discourage at-risk youth from—

''(i) using illegal drugs and alcohol;

''(ii) engaging in violence;

''(iii) using guns and other dangerous weapons;

''(iv) engaging in other criminal and antisocial behavior; and

''(v) becoming involved in gangs.

''(B) Promote personal and social responsibility among at-risk youth.

''(C) Increase at-risk youth's participation in, and enhance the ability of those youth to benefit from, elementary and secondary education.

''(D) Encourage at-risk youth participation in community service and community activities.

''(E) Provide general guidance to at-risk youth.''; and

(3) by adding at the end the following:

''(b) AMOUNT AND DURATION.—Each grant under this part shall be awarded in an amount not to exceed a total of $200,000 over a period of not more than 3 years.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $50,000,000 for each of fiscal years 1999, 2000, 2001, and 2002 to carry out this part.''.

SEC. 4. IMPLEMENTATION AND EVALUATION GRANTS.

(a) IN GENERAL.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice may make grants to national organizations or agencies serving youth, in order to enable those organizations or agencies—

(1) to conduct a multisite demonstration project, involving between 5 and 10 project sites, that—

(A) provides an opportunity to compare various mentoring models for the purpose of evaluating the effectiveness and efficiency of those models;

(B) allows for innovative programs designed under the oversight of a national organization or agency serving youth, which programs may include—

(i) technical assistance;

(ii) training; and

(iii) research and evaluation; and

(C) disseminates the results of such demonstration project to allow for the determination of the best practices for various mentoring programs;

(2) to develop and evaluate screening standards for mentoring programs; and

(3) to develop and evaluate volunteer recruitment techniques and activities for mentoring programs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 1999, 2000, 2001, and 2002 to carry out this section.

SEC. 5. EVALUATIONS; REPORTS.

(a) EVALUATIONS.—

(1) IN GENERAL.—The Attorney General shall enter into a contract with an evaluating organization that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the programs and activities assisted under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this Act).

(2) CRITERIA.—The Attorney General shall establish a minimum criteria for evaluating the programs and activities assisted under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this Act), which shall provide for a description of the implementation of the program or activity, and the effect of the program or activity on participants, schools, communities, and youth served by the program or activity.

(3) MENTORING PROGRAM OF THE YEAR.—The Attorney General shall, on an annual basis, based on the most recent evaluation under this subsection and such other criteria as the Attorney General shall establish by regulation—

(A) designate 1 program or activity assisted under this Act as the ''Juvenile Mentoring Program of the Year''; and

(B) publish notice of such designation in the Federal Register.

(b) REPORTS.—

(1) GRANT RECIPIENTS.—Each entity receiving a grant under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this Act) shall submit to the evaluating organization entering into the contract under subsection (a)(1), an annual report regarding any program or activity assisted under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this Act). Each report under this paragraph shall be submitted at such time, in such a manner, and shall be accompanied by such information, as the evaluating organization may reasonably require.

(2) COMPTROLLER GENERAL.—Not later than 4 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report evaluating the effectiveness of grants awarded under this Act and under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this Act), in—

(A) reducing juvenile delinquency and gang participation;

(B) reducing the school dropout rate; and

(C) improving academic performance of juveniles.

By Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. CONRAD, and Mr. WELLSTONE):

S. 1112. A bill to require the Secretary of the Treasury to mint coins in commemoration of native American history and culture; to the Committee on Banking, Housing, and Urban Affairs.

THE BUFFALO NICKEL COMMEMORATIVE COIN ACT OF 1997

Mr. CAMPBELL. Mr. President, it gives me great personal pleasure to introduce the Buffalo Nickel Commemorative Coin Act of 1997. I am also pleased to add Senators INOUYE, CONRAD, and WELLSTONE as cosponsors of this legislation.

For those of us old enough to remember or for those who have seen one, the buffalo nickel holds a special place in history. This coin was in general circulation from 1913 to 1938, and it featured an Indian head design on one side with a buffalo design on the reverse.

The coin's history is an interesting one, and I would like to share it with my colleagues. The artist who designed this coin, James Earle Fraser, wanted to produce a coin which was truly unique and American. I believe Mr. Fraser put it best himself when he said,

In designing the buffalo nickel, my first object was to produce a coin which was truly American, and that could not be confused with the currency of any other country. I made sure, therefore, to use none of the attributes that other nations had used in the past. And, in my search for symbols, I found no motif within the boundaries of the United States so distinctive as the American buffalo or bison.

According to historical sources, the Indian head on the nickel was created by Mr. Fraser based upon three models: Iron Tail, an Oglala Sioux; Two Moons, a Northern Cheyenne; and Big Tree, a Seneca Iroquois. Supposedly all three Indians were performers appearing in wild-west shows in New York City at the time they posed for Mr. Fraser.

As for the buffalo, historians generally agree that the model was Black Diamond, a bull bison residing in the Central Park Zoo. Unfortunately, after being immortalized on the buffalo nickel, Black Diamond was slaughtered.

The end result was a coin which was, indeed, truly unique. It has been roughly 60 years since the U.S. Bureau of the Mint ended production of the buffalo nickel. The bill I am offering today would direct the Secretary of the Treasury to mint a limited-edition commemorative buffalo nickel coin to begin in the year 2000. I believe it is fitting to reintroduce this beloved coin to new generations of Americans.

These coins will also serve another important purpose appropriate to its heritage. Profits from the sale of the coins will go to the endowment and educational funds of the National Museum of the American Indian. Authorized in 1989 by the National Museum of the American Indian Act, Public Law 101–185, the museum is set to begin construction in order to meet its scheduled opening date in the year 2002. The facility, to be located on the Mall here in Washington, DC, will house over 1 million artifacts and is expected to draw millions of visitors each year. By contributing funds to the endowment and educational programs of the museum, the buffalo nickel will be assisting with the preservation of native artifacts and offer visitors to the museum the opportunity to appreciate and learn more about native cultures.

The origins of this bill actually began some time ago when an individual contacted my office with this idea. Following that, my friend and former colleague, Tim Wirth, sent me a note saying he thought it was a great idea, and since then I have received hundreds of postcards from people across the country expressing their desire to see the return of the buffalo nickel. With that, I am pleased to be able to introduce this legislation, and I look forward to working with my colleagues, the Citizens Commemorative Coin Advisory Committee, and the U.S. Treasury in order to make the buffalo nickel a success.

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. 1112

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Buffalo Nickel Act of 1997''.

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—Notwithstanding any other provision of law, during the 3-year period beginning on January 1, 2000, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue each year not more than 1,000,000 5-cent coins, which shall—

(1) weigh 5 grams;

(2) have a diameter of 0.835 inches; and

(3) contain an alloy of 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act 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 Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

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

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be based on the original 5-cent coin designed by James Earle Fraser and minted from 1913 to 1938. Each coin shall have on the obverse side a profile representation of a Native American, and on the reverse side a representation of a buffalo.

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

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

(B) an inscription of the year; and

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

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate and the Commission of Fine Arts; and

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

SEC. 5. ISSUANCE OF COINS.

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

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

(c) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after December 31, 2000.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act 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 Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act 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 shall include a surcharge of $1.00 per coin.

SEC. 7. 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 Act.

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

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) PERMISSIBLE PURPOSES.—All surcharges received by the Secretary from the sale of coins issued under this Act shall be paid promptly by the Secretary to the National Museum of the American Indian for the purposes of—

(1) commemorating the tenth anniversary of the establishment of the Museum; and

(2) supplementing the endowment and educational outreach funds of the Museum.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the National Museum of the American Indian as may be related to the expenditures of amounts paid under subsection (a).

SEC. 9. 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 Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

By Mr. GRASSLEY (for himself, Mr. DURBIN, Mr. HATCH, Mr. DEWINE, Mr. HAGEL, and Mr. WARNER):

S. 1113. A bill to extend certain temporary judgeships in the Federal judiciary; to the Committee on the Judiciary.

TEMPORARY JUDGESHIP LEGISLATION

Mr. GRASSLEY. Mr. President, as Chairman of the Judiciary Subcommittee on Administrative Oversight and the Courts, I have studied the recommendations of the Judicial Conference regarding the extension of a number of temporary article III judgeships. I am offering this bill along with Senators DURBIN, HATCH, DEWINE, WARNER, and HAGEL in response to the Judicial Conference's recommendations.

Much anecdotal evidence and rhetorical commentary have been given, in both the press and from this body, regarding the burdened and overworked state of the Federal judiciary. My experiences do not bear this out. I have been a member of the Judiciary Subcommittee on Administrative Oversight and the Courts for a number of years. In past years, this committee was likely to take the Judicial Conference's recommendations as given. Recently, in my role as chairman, I have taken a more hands on approach to the appointment and extension of judgeships in the Federal system. As part of this approach, I have held hearings on this subject and I have made suggestions to the Judicial Conference on ways to improve their surveys. In part, as a result of my input, the Judicial Conference added a question to its Biennial Judicial Survey that asks not only if the circuit or district has need of additional judgeships, but also whether the circuit or district might have too many judgeships for its current caseload. Because caseloads in some districts will inevitably decline, this question addresses a problem not previously considered. The purpose of the question is to help the Judicial Conference decide, when faced with a district that has a declining caseload, whether to reallocate resources to another district or eliminate an unnecessary judgeship.

As I noted, I have studied various judiciary issues and have worked with the judiciary to address some of these issues. From my studies and from conversations I've had with those on the bench, it is obvious that there is no judicial crisis looming on the horizon. However, changing circumstances in some judicial districts do need to be addressed. That is why I am proposing this bill. It addresses the needs of some of these districts in a substantive, rational manner.

Biennially, the Judicial Conference makes judgeship recommendations to Congress regarding the needs of the Federal courts. The Conference sends the chief judge of each district a Biennial Judicial Survey that they are to submit with the caseloads and weighted caseloads of the district and report on the status of the district. This survey includes information on how the district makes use of its senior and magistrate judges and any recommendations that the chief judge may have regarding additional judgeships or extension of judgeships in their district. The Judicial Conference reviews this information and passes its recommendations on to Congress for review.

For the 1996 survey, the Judicial Conference recommended that 12 districts with current or expired temporary judgeships either make or add permanent positions or extend the temporary judgeships for an additional 5 years. The Judicial Conference only made recommendations for those districts which would have weighted caseloads in excess of the 430 maximum recommended caseload per article III judge, should the temporary position expire.

Weighted caseloads are the actual caseloads per district, weighted or altered to reflect the difference in time and attention needed for certain types of cases. For example, criminal cases, in general, are more time consuming and thus are more heavily weighted. However, prisoner petitions are generally easier to resolve because the petition usually addresses issues previously addressed and resolved by the court.

Based on this survey, the Judicial Conference recommended a permanent judgeship position be added to the northern district of Alabama to replace the temporary judgeship Congress allowed to expire last year. In addition, the Conference would like to make the temporary judgeships in the eastern district of California, northern district of New York, eastern district of Virginia, and the southern district of Illinois permanent. The survey indicated that the weighted caseload per article III judge exceeded the recommended 430 maximum caseload per judge. The Judicial Conference also recommended, based on this survey, that the temporary judgeships in the districts of Hawaii, Kansas, Nebraska, eastern Missouri, central Illinois, and southern Ohio be extended for another 5 years. The Biennial Judicial Survey indicated that these districts would be above the recommended 430 weighted cases per article III judge if the temporary judgeships were eliminated.

Based on my studies, most of the districts that currently have temporary judgeships are able to show the need for the extension of these judgeships. I used additional factors, not used in the Biennial Judicial Survey, to arrive at my recommendations for the districts. My investigation takes into consideration the cases handled by magistrate and senior judges. These studies show that when these cases are factored out, some districts fall below the recommended maximum caseload of 430 cases per article III judge, even after expiration of the temporary judgeships. In deference to the Judicial Conference, I have given those districts the

benefit of the doubt on their need for an extension and have recommended an extension of their temporary judgeships. My willingness to accommodate the Judicial Conference recommendations underlines my willingness to work with the judiciary to reach a reasonable compromise when possible.

The Judicial Conference's recommendation for permanent status in the districts of eastern California, northern New York, eastern Virginia, and southern Illinois differs from my recommendation. After my review, I do not believe the Conference's recommendation can be justified. Among the factors I considered for extending permanent status for these districts is whether the district showed a consistent increase in its per judge caseload over the past several years. When plotted, caseloads from most of these districts, show a roller coaster ride regarding the number of cases filed per article III judge. Over the period tracked, caseload increases were inconsistent and filings frequently decreased compared to previous years. Additionally, the Judicial Conference does not take into consideration, in the caseload statistics of each article III judge, how many cases are performed or could be performed by magistrate judges or senior judges. Cases, such as prisoner petitions and Social Security cases could, in most instances, be performed by magistrate judges. When prisoner petitions and Social Security cases are weighted and removed from the weighted caseload total per article III judge, the districts have a lower and much more representative calculation of the actual caseload per article III judge. And these figures don't even adjust for the consent cases the magistrate's handle.

The data I have indicates that prisoner petitions and Social Security cases are included in computing the judicial caseload figures used by the Judicial Conference to calculate each article III judge's caseload. For example, the eastern district of California commenced 1,747 cases dealing purely with prisoner petitions in the fiscal year ending September 30, 1996. In that district, magistrate judges resolved 1828 prisoner petition cases during that period. The difference in the number of cases resolved during that period would be those cases commenced in the prior year, but resolved in the current year.

Additionally, my study indicates that some of the district's surveyed are not utilizing magistrate judges as effectively or efficiently as other districts in the survey. This factor needs to be taken into account prior to granting any additional or permanent article III judgeships to these districts. It is, in part, such considerations that led me not to recommend an additional permanent judgeship in Alabama, contrary to the recommendation of the Judicial Conference. In addition, Congress chose not to extend the temporary judgeship in that district before it expired last year.

In calculating if districts are overburdened, weight must also be given to the effective use of senior judges in those districts. My studies took into consideration the district's use of senior judges. Several districts surveyed make effective use of their senior judges and this was taken into account when drafting this bill. Based on all of the factors I have outlined, I believe this bill will keep the judges in these districts from being overburdened and makes effective use of the taxpayer's money.

Therefore, I recommend that the temporary judgeships in the eastern district of California, the northern district of New York, the eastern district of Virginia, the southern and central districts of Illinois, the eastern district of Missouri, the northern district of Ohio, and the districts of Hawaii, Nebraska, and Kansas be extended for another 5-year period.

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

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

S. 1113

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

SECTION 1. EXTENSION OF CERTAIN TEMPORARY JUDGESHIPS.

Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 104 Stat. 5101; 28 U.S.C. 133 note), as amended by Public Law 104–60 (109 Stat. 635; 28 U.S.C. 133 note), is amended—

(1) by striking paragraph (1); and

(2) by striking the last 2 sentences and inserting ''Except with respect to the western district of Michigan and the eastern district of Pennsylvania, the first vacancy in the office of district judge in each of the judicial districts named in this subsection, occurring 10 years or more after the confirmation date of the judge named to fill the temporary judgeship created by this subsection, shall not be filled. The first vacancy in the office of district judge in the western district of Michigan, occurring after December 1, 1995, shall not be filed. The first vacancy in the office of district judge in the eastern district of Pennsylvania, occurring 5 years or more after the confirmation date of the judge named to fill the temporary judgeship created for such district under this subsection, shall not be filled.''.

By Mr. JEFFORDS (for himself, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. INOUYE, Mr. DASCHLE, Mr. KERRY, Mrs. BOXER, Mrs. FEINSTEIN, Mr. DODD, Mr. WELLSTONE, Mr. HARKIN, and Mr. HOLLINGS):

S. 1114. A bill to impose a limitation on lifetime aggregate limits imposed by health plans; to the Committee on Labor and Human Resources.

THE LIFETIME CAPS DISCRIMINATION PREVENTION ACT

Mr. JEFFORDS. Mr. President, I am pleased to introduce legislation with Senator ROCKEFELLER that will ensure that health insurance policies cover at least $10 million in lifetime benefits. This bill, the Lifetime Caps Discrimination Prevention Act, will help fulfill the promise of real health security and is an appropriate sequel to last year's Kassebaum-Kennedy health insurance reform legislation. Through our reform legislation, families can be spared the loss of their health insurance when they need it the most.

All of us are at risk of incurring high-cost injuries or illnesses—the very kind of situations that most people want covered by their health insurance polices. A $1 million cap was adequate when it was established by the insurance industry in the early 1970's. Since then, however, inflation has sent medical costs skyrocketing, and today, thousands of Americans have hit their payment ceiling. A majority of those who exceed their lifetime limits must turn to public assistance. While waiting for a determination of eligibility, many individuals are forced to go without medical treatment. This legislation would keep within the private sector those who most need health coverage and would keep them off Medicaid.

Most of us assume that our health insurance will be there when we need it most—when we are very sick. Unfortunately, many people do not read the fine print in their insurance policies. The average lifetime cost of care for a person who has a spinal cord injury and is ventilator dependent—just like Christopher Reeve—is over $5 million. For someone like Jim Brady, who had a severe head trauma injury, the average cost is about $4 million, and that is in 1990 dollars. As Christopher Reeve said, ''I didn't think it could happen to Superman.''

The Lifetime Caps Discrimination Prevention Act fulfills a promise of real health security by raising the lifetime cap from the typical limit of $1 million—a dollar figure selected in the 1970's—to $5 million in 1998, and then in 2002 to $10 million, which is the real dollar equivalent today. Currently, the vast majority of health maintenance organizations and approximately one-quarter of employer-sponsored health plans have no aggregate lifetime limit. The Federal Employee Health Benefit plans removed lifetime maximums in 1995. According to a Price Waterhouse study, employers with a workforce of 250 employees would experience a mere 1 percent increase in premiums. This is a small price to pay for real health insurance security for people covered in the group market. Our legislation excludes employers with fewer than 20 employees.

The Lifetime Caps Discrimination Prevention Act was originally introduced as an amendment to the Kassebaum-Kennedy health insurance legislation passed during the 104th Congress. The amendment enjoyed strong bipartisan support, but it was defeated due to the strategy of opposing amendments to that bill. We believe that this legislation is worthy of reintroduction in the 105th Congress, and we are hopeful that it will attract even broader

support as another step that can be taken in strengthening Americans' health security. Over 150 national health-related groups, including the American Medical Association, the American Cancer Society, the United Cerebral Palsy Association, and the National Association of Professional Insurance Agents, have expressed their support for our efforts to increase lifetime limits on health insurance benefits.

The insurance industry standard of $1 million, adopted in 1970, was right for those times but today is financially unrealistic. Today, the time has come to protect thousands of individuals from suffering the emotional, medical, and financial consequences of exceeding their caps by adopting a new lifetime limit for health insurance coverage.

Mr. ROCKEFELLER. Mr. President, I rise today with my friend, Senator JIM JEFFORDS, of Vermont to introduce a bill that will help families avoid an additional tragedy in their already traumatized lives. We are introducing a bill to raise lifetime limits on insurance policies to $10 million. But, first, I want to recognize and applaud Chairman JEFFORDS' extraordinary leadership on this issue—last Congress and this year. With his leadership, we will succeed in raising the lifetime cap on health benefits to $10 million.

People buy health insurance to protect themselves and their families when they get sick. They spend their lives paying for it. They count on it. But each year, 1,500 people have their insurance taken away, just when they need it most and for the very reason why they bought the insurance in the first place, because they are gravely ill or in need to extensive medical care or some other extraordinary reason.

These 1,500 people run into the lifetime limit on their health insurance policy. When that happens, the insurance company won't spend a single cent to help that person cope with his or her health care costs. But the need for medical care continues. And the bills keep coming.

The $1 million limit, first used by insurance companies to give their customers peace of mind and security in the 1970's, is widely out-of-date and hugely insufficient. According to Price Waterhouse, had the limit kept pace with medical inflation, it would be more than $10 million today. In fact, a $1 million health insurance policy in 1970 would buy you about $100,000 in health benefits in 1997.

When a family runs into the lifetime limit, they have no choice but to spend themselves into poverty in order to qualify for Medicaid. This drains families of their assets, their self-esteem and costs Medicaid several billion dollars in additional health care costs. Many people have to give up everything—their house, their savings, and their kids' education in order to get the medical care they need through Medicaid.

In my home State of West Virginia, Mike Davis hit his $1 million lifetime cap in 1994. That was 14 years after his son Todd was hit by a drunk driver, causing severe brain injury. Before Todd qualified for Medicaid, his father received a $90,000 bill for his son's care—a bill he's still struggling to pay.

This can happen to anyone. Catastrophic injury, chronic illness or significant disability are arbitrary. They hit young and old, rich and poor. You plan for routine illness, but no one plans for this kind of illness or injury. At least if you have a health insurance policy without a $1 million cap, you can get the medical treatment you need.

Most people don't even know if their insurance policy has a lifetime cap. The insurance companies don't talk about them. The caps are stuck in the fine print. People assume that if you buy insurance, you're covered. Unfortunately, that's not the case. About 60 percent of employer-sponsored health plans have lifetime caps.

Several modifications were made to this year's bill. We include an exemption for small businesses. We give all businesses 2 years to comply. We phase the cap in—first raising it to $5 million and then lifting it to $10 million by the year 2002. We're talking about a roughly 1 percent increase in premiums, according to Price-Waterhouse. That's it.

The Federal Employees Health Benefits Program doesn't allow participating insurers to set lifetime limits on their basic health insurance polices for Federal employees. Members of Congress don't have lifetime caps. We know our health insurance will be there when we need it. All Americans should have that same security.

Raising the cap is something we can and should do. It's the right thing to do. It's good policy and it can save Medicaid up to $7 billion over the next 7 years. Mr. President, the idea behind insurance is simple: no matter how sick you are, you're covered. It's about basic decency and fairness.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. SHELBY, Mr. ROCKEFELLER, Mr. WARNER, Mr. ROBB, Mr. INHOFE, Mr. INOUYE, Mr. COCHRAN, and Mr. CONRAD):

S. 1115. A bill to amend title 49, United States Code, to improve one-call notification process, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMPREHENSIVE ONE-CALL NOTIFICATION ACT

Mr. LOTT. Mr. President, I stand here today with my friend and colleague Senator DASCHLE, the minority leader, to introduce an important public safety bill. I am also joined by initial cosponsors Senators SHELBY, ROCKEFELLER, WARNER, ROBB, INHOFE, INOUYE, COCHRAN, and CONRAD.

The Comprehensive One-Call Notification Act is designed to protect a very important component of America's infrastructure—our underground infrastructure. With roots going back several Congresses, this legislation enjoys widespread bipartisan support and is supported by several members of the Senate's Committee for Commerce, Science and Transportation—the committee of jurisdiction. This legislation provides a public policy statement which is long overdue. The legislation is still a work in progress and I look forward to working with my colleagues across the aisle and on the Commerce Committee to further fine-tune this bill as the process moves forward.

America's underground infrastructures contain many buried communication and fiber optic cables, water and sewer pipes, electric lines, and oil and gas pipelines. All too often people inadvertently damage these facilities causing harmful consequences. Often a nick or a bump which goes unreported can, over time, become a problem and have a delayed harmful effect.

Mr. President, this bill is important because it will prevent some of the damage to underground facilities that causes accidents across America. These accidents often are caused by excavation without notice or by inaccurate markings of our underground facilities. This damage to the infrastructure may cause environmental harm and disrupt essential services and even cause injuries and fatalities.

I am not here today to condemn those who excavate. I am here today to say that one-call safety legislation is necessary because many excavation accidents are preventable.

Mr. President, America needs a single, nationwide system to forward excavators' toll free calls to the appropriate State or local one-call center. To delay further is to unnecessarily jeopardize America's underground infrastructure.

Let me make it clear this is not a new idea. It is a concept that has been embraced by many States. Already 49 States have some form of a one-call system on the State level. I am proud to say my State of Mississippi has a one-call system; however, many of these systems can be improved with Federal assistance. Our bill does that.

This bill uses an approach that will create uniform national standards and provide grants to establish or improve State one-call systems. This bill does not dictate how a one-call system should operate or how a State's law should be written. On the contrary, it requires input from States and stakeholders before developing operational best practices and gives States the latitude to continue to determine the details of its one-call statute. This analysis will serve as the catalyst for a national effort to improve State one-call programs.

Mr. President, the administration also recognizes the necessity for a one-call safety statute. When the President introduced his method for the reauthorization of America's Intermodal Surface Transportation Efficiency Act, he included a one-call provision. Our bill is different, but it is compatible. In addition to working with my initial cosponsors during the drafting phase, I

have worked with the administration to address their concerns. We are not done yet, but we are committed to continuing the dialog. The introduction of our bill is the Senate's first step.

By introducing the legislation today, we hope the congressional recess will be used by organizations and stakeholders who have an interest in this policy to enter into the discussion. It is the desire of the initial sponsors to include those with an interest in this public safety policy in preparing the legislation for a committee hearing.

This bill sets out broad minimum standards for State one-call programs. There is flexibility for States to determine who will participate and how enforcement will occur. The legislation is not proscriptive. Rather, it identifies the goals. The foundation for our approach is the understanding that the level of risk varies with each type of excavation activity as well as the type of organization which conducts the excavation work. The bill will offer State grants for those States who want to participate. A study will also be conducted to identify the best practices for one-call centers and to promote adoption of the most successful solutions.

Mr. President, this bill is neither a mandate nor unfunded. I want to repeat this. There is no mandate that every State must participate. We are simply proposing the authorization of sufficient funds to study State activities and to administer assistance to States wanting to participate.

I expect those industries which place a premium on operational convenience will recognize that one-call is responsible and a small price to pay for ensuring safety of the public and environment. I am optimistic that all affected parties will work in genuine partnership with us to finalize the legislation rather than sit on the sidelines and criticize.

Mr. President, the information highway offers many opportunities and challenges for our society and culture but, it too can be put in a peril by simple events. Just 2 weeks ago an article in the Washington Post reported that for half a day the Internet and long distance communications on one carrier were disrupted by a backhoe cutting through a fiber optic cable.

Let us also not forget the death of an 84-year-old woman in Indianapolis, IN last week where a blast leveled seven homes. The Indianapolis Star/News said the explosion turned the quiet subdivision ''into a living Hell. The blast turned trees and utility poles into impromptu candles and sent chunks of earth raining down as people ran for their lives.'' I believe our legislation will play a part in preventing this type of disaster.

Finally let's not forget the 1994 accident in Edison, NJ where there was a much larger explosion. Significant property damage occurred and again there was loss of life. This event prompted one of our former colleagues and the senior Senator from New Jersey to actively work for tougher laws governing America's infrastructure. Former New Jersey Senator, Bill Bradley and Senator FRANK LAUTENBERG were actively involved in seeking a legislative solution and today's bill is a direct result of their efforts.

I am convinced that this Congress will champion meaningful safety reforms and leadership for America's underground infrastructure. It will not be a traditional big government approach. It will help provide adaptable, convenient, accountable, meaningful and overdue protection for citizens.

I want to thank my colleagues for their attention, and I hope they will join us as cosponsors.

Mr. President, I request unanimous consent that the text and summary of the Comprehensive One-Call Notification Act be entered into the RECORD.

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

S. 1115

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 ''Comprehensive One-Call Notification Act of 1997''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) unintentional damage to underground facilities during excavation is a significant cause of disruptions in telecommunications, water supply, electric power, and other vital public services, such as hospital and air traffic control operations, and is a leading cause of natural gas and hazardous liquid pipeline accidents;

(2) excavation that is performed without prior notification to an underground facility operator or with inaccurate marking of such a facility prior to excavation can cause damage that results in fatalities, serious injuries, harm to the environment, and disruption of vital services to the public; and

(3) protection of the public and the environment from the consequences of underground facility damage caused by excavations will be enhanced by a coordinated national effort to improve one-call notification programs in each State and the effectiveness and efficiency of one-call notification systems that operate under such programs.

SEC. 3. ESTABLISHMENT OF ONE-CALL PROGRAM.

(a) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by adding at the end thereof the following:

''CHAPTER 61. ONE-CALL NOTIFICATION PROGRAM

''§ 6101. Purposes

''The purposes of this chapter are—

''(1) to enhance public safety;

''(2) to protect the environment;

''(3) to minimize risks to excavators; and

''(4) to prevent disruption of vital public services,

by reducing the incidence of damage to underground facilities during excavation through the adoption and efficient implementation by all States of State one-call notification programs that meet the minimum standards set forth under section 6103.

''§ 6102. Definitions

''For purposes of this chapter—

''(1) ONE-CALL NOTIFICATION SYSTEM.—The term 'one-call notification system' means a system operated by an organization that has as one of its purposes to receive notification from excavators of intended excavation in a specified area in order to disseminate such notification to underground facility operators that are members of the system so that such operators can locate and mark their facilities in order to prevent damage to underground facilities in the course of such excavation.

''(2) STATE ONE-CALL NOTIFICATION PROGRAM.—The term 'State one-call notification program' means the State statutes, regulations, orders, judicial decisions, and other elements of law and policy in effect in a State that establish the requirements for the operation of one-call notification systems in such State.

''(3) STATE.—The term 'State' means a State, the District of Columbia, and Puerto Rico.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''§ 6103. Minimum standards for State one-call notification programs

''(a) MINIMUM STANDARDS.—A State one-call notification program shall, at a minimum, provide for—

''(1) appropriate participation by all underground operators;

''(2) appropriate participation by all excavators; and

''(3) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

''(b) APPROPRIATE PARTICIPATION.—In determining the appropriate extent of participation required for types of underground facilities or excavators under subsection (a), a State shall assess, rank, and take into consideration the risks to the public safety, the environment, excavators, and vital public services associated with

''(1) damage to types of underground facilities; and

''(2) activities of types of excavators.

''(c) IMPLEMENTATION.—A State one-call notification program also shall, at a minimum, provide for

''(1) consideration of the ranking of risks under subsection (b) in the enforcement of its provisions;

''(2) a reasonable relationship between the benefits of one-call notification and the cost of implementing and complying with the requirements of the State one-call notification program; and

''(3) voluntary participation where the State determines that a type of underground facility or an activity of a type of excavator poses a de minimis risk to public safety or the environment.

''(d) PENALTIES.—To the extent the State determines appropriate and necessary to achieve the purposes of this chapter, a State one-call notification program shall, at a minimum, provide for

''(1) administrative or civil penalties commensurate with the seriousness of a violation by an excavator or facility owner of a State one-call notification program;

''(2) increased penalties for parties that repeatedly damage underground facilities because they fail to use one-call notification systems or for parties that repeatedly fail to provide timely and accurate marking after

the required call has been made to a one-call notification system;

''(3) reduced or waived penalties for a violation of a requirement of a State one-call notification program that results in, or could result in, damage that is promptly reported by the violator;

''(4) equitable relief; and

''(5) citation of violations.

''§ 6104. Compliance with minimum standards

''(a) REQUIREMENT.—In order to qualify for a grant under section 6106, each State shall, within 2 years after the date of the enactment of the Comprehensive One-Call Notification Act of 1997, submit to the Secretary a grant application under subsection (b).

''(b) APPLICATION.—

''(1) Upon application by a State, the Secretary shall review that State's one-call notification program, including the provisions for implementation of the program and the record of compliance and enforcement under the program.

''(2) Based on the review under paragraph (1), the Secretary shall determine whether the State's one-call notification program meets the minimum standards for such a program set forth in section 6103 in order to qualify for a grant under section 6106.

''(3) In order to expedite compliance under this section, the Secretary may consult with the State as to whether an existing State one-call notification program, a specific modification thereof, or a proposed State program would result in a positive determination under paragraph (2).

''(4) The Secretary shall prescribe the form of, and manner of filing, an application under this section that shall provide sufficient information about a State's one-call notification program for the Secretary to evaluate its overall effectiveness. Such information may include the nature and reasons for exceptions from required participation, the types of enforcement available, and such other information as the Secretary deems necessary.

''(5) The application of a State under paragraph (1) and the record of actions of the Secretary under this section shall be available to the public.

''(c) ALTERNATIVE PROGRAM.—A State may maintain an alternative one-call notification program if that program provides protection for public safety, the environment, or excavators that is equivalent to, or greater than, protection under a program that meets the minimum standards set forth in section 6103.

''(d) REPORT—Within 3 years after the date of the enactment of the Comprehensive One-call Notification Act of 1997, the Secretary shall begin to include the following information in reports submitted under section 60124 of this title—

''(1) a description of the extent to which each State has adopted and implemented the minimum Federal standards under section 6103 or maintains an alternative program under subsection (c);

''(2) an analysis by the Secretary of the overall effectiveness of the State's one-call notification program and the one-call notification systems operating under such program in achieving the purposes of his chapter;

''(3) the impact of the State's decisions on the extent of required participation in one-call notification systems on prevention of damage to underground facilities; and

''(4) areas where improvements are needed in one-call notification systems in operation in the State.

The report shall also include any recommendations the Secretary determines appropriate. If the Secretary determines that the purpose of this chapter have been substantially achieved, no further report under this section shall be required.

''§ 6105. Review of one-call system best practices

''(a) STUDY OF EXISTING ONE-CALL SYSTEMS.—Except as provided in subsection (d), the Secretary, in consultation with other appropriate Federal agencies, State agencies, one-call notification system operators, underground facility operators, excavators,and other interested parties, shall undertake a study of damage prevention practices associated with existing one-call notification systems.

''(b) PURPOSE OF STUDY OF DAMAGE PREVENTION PRACTICES.—The purpose of the study is to assemble information in order to determine which existing one-call notification systems practices appear to be the most effective in preventing damage to underground facilities and in protecting the public, the environment, excavators, and public service disruption. As part of the study, the Secretary shall at a minimum consider—

''(1) the methods used by one-call notification systems and others to encourage participation by excavators and owners of underground facilities;

''(2) the methods by which one-call notification systems promote awareness of their programs, including use of public service announcements and educational materials and programs;

''(3) the methods by which one-call notification systems receive and distribute information from excavators and underground facility owners;

''(4) the use of any performance and service standards to verify the effectiveness of a one-call notification system;

''(5) the effectiveness and accuracy of mapping used by one-call notification systems;

''(6) the relationship between one-call notification systems and preventing intentional damage to underground facilities;

''(7) how one-call notification systems address the need for rapid response to situations where the need to excavate is urgent;

''(8) the extent to which accidents occur due to errors in marking of underground facilities, untimely marketing or errors in the excavation process after a one-call notification system has been notified of an excavation;

''(9) the extent to which personnel engaged in marking underground facilities may be endangered;

''(10) the characteristics of damage prevention programs the Secretary believes could be relevant to the effectiveness of State one-call notification programs; and

''(11) the effectiveness of penalties and enforcement activities under State one-call notification programs in obtaining compliance with program requirements.

''(c) REPORT—Within 1 year after the date of the enactment of the Comprehensive One-Call Notification Act of 1997, the Secretary shall publish a report identifying those practices of one-call notification systems that are the most and least successful in—

''(1) preventing damage to underground facilities; and

''(2) providing effective and efficient service to excavators and underground facility operators.

The Secretary shall encourage States and operators of one-call notification programs to adopt and implement the most successful practices identified in the report.

''(d) SECRETARIAL DISCRETION—Prior to undertaking the study described in subsection (a), the Secretary shall determine whether timely information described in subsection (b) is readily available. If the Secretary determines that such information is readily available, the Secretary is not required to carry out the study.

''§ 6106. Grants to States

''(a) IN GENERAL.—The Secretary may make a grant of financial assistance to a State that qualifies under section 6104(b) to assist in improving—

''(1) the overall quality and effectiveness of one-call notification systems in the State;

''(2) communications systems linking one-call notification systems;

''(3) location capabilities, including training personnel and developing and using location technology;

''(4) record retention and recording capabilities for one-call notification systems;

''(5) public information and education;

''(6) participation in one-call notification systems; or

''(7) compliance and enforcement under the State one-call notification program.

''(b) STATE ACTION TAKEN INTO ACCOUNT.—In making grants under this section the Secretary shall take into consideration the commitment of each State to improving its State one-call notification program, including legislative and regulatory actions taken by the State after the date of enactment of the Comprehensive One-Call Notification Act of 1997.

''(c) FUNDING FOR ONE-CALL NOTIFICATION SYSTEMS.—A State may provide funds received under this section directly to any one-call notification system in such State that substantially adopts the best practices identified under section 6105.

''6107. Authorization of appropriations

''(a) FOR GRANTS TO STATES.—There are authorized to be appropriated to the Secretary in fiscal year 1999 no more than $1,000,000 and in fiscal year 2000 no more than $5,000,000, to be available until expended, to provide grants to States under section 6106.

''(b) FOR ADMINISTRATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary during fiscal years 1998, 1999, and 2000 to carry out sections 6103, 6104, and 6105.

''(c) GENERAL REVENUE FUNDING.—Any sums appropriated under this section shall be derived from general revenues and may not be derived from amounts collected under section 60301 of this title.''.

(b) CONFORMING AMENDMENTS.—

(1) The analysis of chapters for subtitle III of title 49, United States Code, is amended by adding at the end thereof the following:

''CHAPTER 61—ONE-CALL NOTIFICATION PROGRAM''.

(2) Chapter 601 of title 49, United States Code, is amended

(A) by striking ''sections 60114 and'' in section 60105(a) of that chapter and inserting ''section'';

(B) by striking section 60114 and the item relating to that section in the table of sections for that chapter;

(C) by striking ''60114(c), 60118(a),'' in section 60122(a)(1) of that chapter and inserting ''60118(a),'';

(D) by striking ''60114(c) or'' in section 60123(a) of that chapter;

(E) by striking ''sections 60107 and 60114(b)'' in subsections (a) and (b) of section 60125 and inserting ''section 60107'' in each such subsection; and

(F) by striking subsection (d) of section 60125, and redesignating subsections (e) and (f) of that section as subsections (d) and (e).

SUMMARY OF THE COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1997

SEC. 1. SHORT TITLE

''Comprehensive One-Call Notification Act of 1997''.

SEC. 2. FINDINGS

Why the bill is important:

(1) damage to underground facilities is a leading cause of accidents;

(2) excavation without notice or inaccurate marking can cause injuries, environmental harm and disruption of services;

(3) a national effort to improve state one-call programs can enhance protection of the public and the environment.

SEC. 3. ESTABLISHMENT OF PROGRAM

Subsection (a)

Adds a new Chapter 61 (sections 6101–6107) to subtitle III of title 49, United States Code:

6101. Purposes

(1) enhance public safety;
(2) protect the environment;
(3) minimize risks to excavators; and
(4) prevent disruption of vital services;
by reducing damage to underground facilities.

6102. Definitions

Defines ''state one-call notification program'' and ''one-call notification system''.

6103. Minimum Standards for State One-Call Programs

(1) appropriate participation by all underground facility operators;
(2) appropriate participation by all excavators;
(3) flexible and effective enforcement.
''Appropriate'' determined taking into consideration the risk associated with the damage to types of facilities and the type of excavation.
State must consider risk in provisions for enforcement.
Reasonable relationship between benefits and costs of implementing and complying with one-call notification program requirements.
Voluntary participation possible for de minimum risks.
Penalties:
(1) liability for administrative or civil penalty;
(2) increased penalties for repeated damage or repeated inaccurate or untimely marking;
(3) reduced penalties for prompt reporting;
(4) equitable relief and mandamus actions;
(5) citation of violation.

6104. Compliance with Minimum Standards

A State may apply for a grant under section 6106 within two years after the date of enactment. The application must contain information specified by the Secretary of Transportation. Secretary reviews each application and determines whether the state one-call notification program meets the minimum standards in order to qualify for the grant. The grant application and the record of the Secretary's actions are available to the public.
State may provide greater protection than minimum federal standard.
Within three years the Secretary reports on State compliance with the Act.

6105. Review of One-Call Systems Best Practices

If needed, Secretary conducts a study of best practices of one-call notification systems in operation in the States. Secretary reports on best practices and promotes adoption of the most successful practices.

6106. Grants to States

The Secretary of Transportation may make a grant to a State if the State qualifies by having a one-call notification program meeting minimum standards. Secretary takes into consideration a State's commitment to improvement in its one-call notification program, including actions taken by the State after enactment of this legislation. State may provide funds directly to one-call notification systems that substantially adopt best practices identified under section 6105.

6107. Authorization of Appropriations

Authorizes $1 million in fiscal year 1999 and $5 million in fiscal year 2000 for grants to States to improve one-call notification systems. Funds available until expended. Such sums as are necessary may be appropriated for studies and administration of the Act.
All funding must come from general revenues only; no funding may be derived from pipeline user fees.

Subsection (b)

Strikes section 60114 of title 49, United States Code and makes resulting conforming changes. Section 60114 relates to one-call notification regulations of the Secretary of Transportation and would be superseded by enactment of this legislation.

By Mr. ROTH:

S. 1116. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for education; to the Committee on Finance.

EDUCATION LEGISLATION

Mr. ROTH. Mr. President, the budget reconciliation package we have passed—and again, I congratulate my colleagues on such a tremendous bipartisan effort—that reconciliation package contains important measures to promote education. A full 80 percent of the tax relief we offered goes to a $500 credit for children and provisions that will promote education.

As I mentioned in my statement, I strongly supported those measures to help our young people—to help our families—pay for college. These youth are our future, and investing in them is fundamental to keeping that future bright and prosperous.

However, as I also mentioned earlier, I had hoped that we could have gone further in promoting the educational aspects of the tax relief bill.

There were a number of very innovative and very effective provisions that were contained in the Senate Finance Committee bill, but that were excluded during the conference.

For example, there was a provision to offer tax-free treatment for State-sponsored prepaid tuition plans. There was a provision for a permanent extension of employer provided education assistance. And there was also a comprehensive education IRA. Unfortunately, these were knocked out of the reconciliation package by the White House.

What I want to do now, Mr. President, is introduce these measures as a bill—a bill that will expand education IRA's to permit families to invest up to $2,000 per year toward education. These IRA's would permit withdrawals for expenses incurred during elementary and secondary school.

Second, this bill will allow employers to assist their employees' in their graduate and undergraduate education without the employees having that assistance taxed as income.

It will expand State-sponsored prepaid tuition and savings programs to permit tax-free savings for educational needs. And finally, this bill will allow universities to develop prepaid tuition and savings programs that will permit tax-free savings for tuition, fees, book, school, supplies, room, and board.

These are much needed tools to promote education. Over the past 15 years, tuition at a 4-year college has increased by 234 percent. The average student loan has increased by 367 percent. In contrast, median household income rose only 82 percent during this period, and the consumer price index only rose 74 percent.

Our students—our families—need these resources to help them meet the costs and realize the opportunities of quality education. And I encourage my colleagues to support this effort.

By Ms. SNOWE:

S. 1117. A bill to amend Federal elections law to provide for campaign finance reform, and for other purposes; to the Committee on Rules and Administration.

CAMPAIGN FINANCE REFORM LEGISLATION

Ms. SNOWE. Mr. President, the American people are suffering a crisis of confidence when it comes to the way in which campaigns for Federal office are financed. They no longer feel that they are in control of who gets elected, or that those who do get elected are fully accountable. Today, I am introducing a bill that will restore Americans' confidence in their elected officials, and put elections back into the hands of average citizens.

Last year, for the first time since coming to Congress, I had the opportunity to watch Federal elections not as a candidate, but as a citizen and a voter. And what I saw confirmed all the reasons I have been a longtime proponent of campaign finance reform. What I saw was vast sums of money and very little accountability. I saw attack ads paid for with unlimited funds by out-of-State groups. And I saw contributions from PAC's to Federal candidates climb 12 percent higher than the record levels reached in the 1993–1994 election cycle.

And the 1996 elections were barely over when allegations of illegal and improper activities began flying, centered around the issues of so-called soft money and foreign influence peddling through campaign contributions. Subpoenas are being issued at a faster pace than Ken Griffey, Jr., hits home runs, and while it remains to be seen what the results of congressional investigations will yield, it is clear that these latest scandals only serve to further undermine public confidence and underscore the importance of enacting meaningful and achievable campaign finance reform this year.

It has often been said that perception is nine-tenths of reality, and I believe this is the case with campaign financing. I happen to believe that most elected officials are good people trying to do the people's business with America's interests at heart. At the same time, as in any walk of life, there are some people who abuse the system. And if there is even the perception that elections are being bought and sold, then the problem is serious and real—and the solution must be likewise.

And make no mistake, there is a pervasive perception that the system is out of hand and in need of fixing. A poll taken last year by a major newspaper in my home State, the Maine Sunday Telegram, showed that over 70 percent of respondents believe politicians listen more to special interests than to individual voters. Findings like this are endemic of a deep systemic problem, one that we cannot afford to ignore any longer.

I have voted for major changes in the campaign finance system throughout my career and introduced measures that I felt would make real and positive changes. Today, I am introducing the Restoration of America's Confidence in Elections Act, a comprehensive but realistic approach to fixing our broken system.

One of the chief aims of my bill is to increase the impact of the small, individual contributor in election campaigns so that we place the campaign process in the hands of average Americans—rather than in the hands of special interests. My bill will lower the amount of money a PAC could contribute from $5,000 to the limit for individual contributors, $1,000—a change which 70 percent of respondents to a recent New York Times poll say they support. It will also encourage small, individual contributors from a candidate's home State to participate by providing the incentive of a tax credit in the amount of the contribution, up to $100 for an individual or $200 in the case of a joint return.

Soft money has also become a major issue, and for good reason. It is money that skirts the intent of the law, and unaccounted for money which influences Federal campaigns above and beyond legal limits. My bill will close the soft money loophole by prohibiting national parties from raising or spending any soft money on behalf of any Federal candidates—and State parties could only spend hard money on behalf of Federal candidates. In order to keep parties healthy, individuals could contribute up to an aggregate amount of $20,000 to State party grassroots funds, and the existing limits on aggregate contributions to national parties by individuals and PAC's would be raised by $5,000 each. In that way, money is accounted for, parties can remain viable, and the soft money chase is ended.

My bill also addresses the issue of candidates facing independently wealthy opponents. As we all know, the amount of personal funds a candidate spends on his or her campaign cannot be constitutionally limited, but the playing field can and should be leveled. The perception that an individual of means can buy their way to the top of the American political arena certainly does nothing to inspire confidence in our Government.

My bill would make it easier for a candidate facing a wealthy opponent to compete by allowing that candidate to raise the necessary funding through increased contribution limits, depending on the amount the wealthy candidate spends of his or her own money. It would also require candidates to declare the amount of personal money they intend to spend, and encourage them to stick to their pledge by requiring disclosure should they violate that pledge.

Any successful campaign finance reform bill must address the realities of elections as we approach the new millennium. One of those realities is the so-called issue advocacy or voter education ads. We have all seen these ads: threatening music over provocative images blatantly designed to influence voters to vote against a candidate. But because these ads don't specifically say ''vote against candidate X'' there is currently no limit on how much can be spent on them, and no accountability.

It is obvious to anyone the purpose of these ads: to skirt current campaign finance laws that require that ads designed to influence Federal elections be paid for with hard money, and disclosed to, and regulated by, the Federal Election Commission. Under my bill, the law would be changed in such a way to include these types of ads under hard money limits and disclosure requirements. This would help limit the attack ads and give the public the information they need about who is paying for these ads and how much they are spending. An informed electorate is the key to any democratic system of government, and my bill will give people the information they need to make up their own minds.

My bill also includes provisions to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization. These provisions mirror those of Senator NICKLES' Paycheck Protection Act. This measure will require prior authorization from workers before a corporation, national bank, or labor union finances political activities with any money from dues or from payments made as a condition of employment.

The legislation I am introducing will also close a conduit for campaign money that should have been closed a long time ago. It will ban contributions from all individuals not eligible to vote in U.S. elections. After all, if a person cannot legally participate in a Federal election by voting, why should they be able to participate with their wallet?

And finally, my bill will close the loopholes and ambiguities that exist about soliciting Federal soft money from Federal buildings or with Federal equipment. Because I think everyone agrees that it is not appropriate to raise political funds with taxpayer-financed equipment, or from the very office that might have influence over the interests of the potential donor.

These are all commonsense approaches to the problem—measures which I believe the majority of Americans feel are sensible and long overdue. The Restoration of Americans' Confidence in Elections Act addresses a range of issues and does so in a way that does not single out any one group, or any particular political affiliation. Because if we are to pass meaningful reform, it will require that we all take our hits.

I urge my colleagues to join me in passing this bill, and making a historic statement that the old ways of doing business must be relegated to the annals of history. Let's return elections to the American people—and let's restore confidence in our Government.

By Mr. MURKOWSKI:

S. 1118. A bill to amend the Land and Water Conservation Fund for purposes of establishing a Community Recreation and Conservation Endowment with certain escrowed oil and gas revenues; to the Committee on Energy and Natural Resources.

THE COMMUNITY RECREATION AND CONSERVATION ENDOWMENT ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise to introduce the Community Recreation and Conservation Endowment Act of 1997. My bill provides a long-term funding source for the State-side matching grant program of the Land and Water Conservation Fund Act.

Thank you to Senate appropriators for honoring my request to fund the LWCF matching grants. The 1998 Interior appropriation bill ensures the programs's short-term viability. I wish we could have earmarked more, but I understand the challenges members face and thank them for their accomplishment. Special thanks to Senators TED STEVENS and SLADE GORTON.

I am confident we can win on the Senate floor, in conference and with the administration because the program is truly worthy.

The LWCF matching grants have helped build thousands of miles of trails, protect thousands of acres of open space, and develop parks, campgrounds, and recreation facilities in every State.

Every Federal dollar has been matched—we get two for the price of one. Unfortunately, Congress and the administration defunded the program 2 years ago.

That's too bad, given what candidate Bill Clinton said: ''I would increase funding for several programs * * * and reinvigorate the Land and Water Conservation Fund to make more funds available for the acquisition of public outdoor open spaces''.

He also said, ''I would also make funds available from the Land and Water Conservation Fund to help address critical infrastructure needs in state and local facilities.''

The millions of Americans who benefit from the matching grants need more than promises. Thankfully, the Interior appropriations bill saves the program for the short term. I am here today to offer a long-term solution.

At a recent hearing before the Senate parks subcommittee, former Park Service Director Roger Kennedy said

that as long as there is competition between Federal and State programs for LWCF appropriations, the State matching grants will lose. He suggested a separate source of funds.

I am taking his advice to heart, and calling upon Congress to establish a separate and permanent fund for State matching grants.

My legislation creates an $800 million permanent endowment to provide LWCF matching grants to the States. Interest from that account will help provide parks, campgrounds, trails, and recreation facilities for millions of Americans. It will also help preserve open spaces for the future.

Where does that money come from? On June 19, 1997, the Supreme Court ruled the Federal Government retains title to lands underlying tidal waters off Alaska's North Slope. As the result, the government will receive $1.6 billion in escrowed oil and gas lease revenues.

This sum is twice the amount the Congressional Budget Office estimated for the concurrent budget resolution. My bill places this bonus $800 million in a permanent endowment account.

This new approach is consistent with the vision of the Land and Water Conservation Fund Act and a promise made to the American people 30 years ago.

Our Government promised us that a portion of proceeds from offshore oil and gas leases would fund outdoor recreation and conservation. My bill makes good on that promise—permanently. It makes sure the State grants are never forgotten again.

That sound we hear on the doors to this Chamber is opportunity knocking. We must seize the opportunity and use those funds to renew and reinvigorate the bipartisan vision of the LWCF.

I urge my colleagues to join me in this endeavor and support the Community Recreation and Conservation Endowment Act of 1997.

By Mr. ABRAHAM:

S. 1119. A bill to amend the Perishable Agricultural Commodities Act, 1930 to increase the penalty under certain circumstances for commission merchants, dealers, or brokers who misrepresent the country of origin or other characteristics of perishable agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD SAFETY LEGISLATION

Mr. ABRAHAM. Mr. President, in March of this year, over 200 schoolchildren in my State contracted the hepatitis A virus from food served by the school lunch program. As news of the outbreak began to pour in, the Michigan Department of Community Health and the Centers for Disease Control went into action to determine the cause. They soon found the culprit: Frozen strawberries sold to the school lunch program by a San Diego company named Andrews and Williamson. Investigators also discovered that some of the strawberries sold to the school lunch program had been illegally certified as domestically grown when, in fact, they had been grown in Mexico.

There does not currently exist a method for testing strawberries for the hepatitis A virus. Thus, we may never know whether the strawberries brought in from Mexico were the source of this pathogen. Given the growing conditions that USDA investigators found at the farm, however, the likelihood is strong.

And one thing we do know, Mr. President, is that these strawberries should never have been served in the school lunch program in the first place. By law, products sold to the school lunch program must be certified as being domestically grown. Unfortunately, because the USDA lacks the resources to effectively enforce this requirement, companies have typically been trusted to do the right thing. Andrews and Williamson chose to do something else. They chose to break the law by misrepresenting their product's country-of-origin, and over 200 people were poisoned as a result.

This dangerous incident, the poisoning of Michigan children by their own school lunch program, compelled and received my immediate involvement. Shortly after the outbreak, I called for, and was granted, a hearing on the matter. I arranged to have officials from the CDC come to my state to brief the families of those affected. During this process I learned of the similar efforts being made by a private organization called Safe Tables Our Priority [STOP]. Their assistance throughout this process has been invaluable.

One of the first things I learned while studying this issue was that a specific statute exists which states that misrepresenting the country-of-origin of a perishable good is a crime. Unfortunately, the penalty for such fraud is a $2,000 fine and possible loss of license; a rather small price to pay for poisoning over 200 people.

Of course, this does not mean that A&W will walk away from this incident without paying a price. After reviewing the case made by investigators from the USDA, the U.S. Attorneys Office filed 47 charges against A&W. The first charge is conspiracy to defraud the United States. Counts two, three and four are for making false statements, and counts five through forty-seven are for making false claims. For each of these counts, the maximum penalty is 5 years and/or $250,000 per count or $500,000 for a corporation.

I state these charges because they do not include any mention of the specific crime which A&W is accused of violating, namely, misrepresenting the country-of-origin for a perishable food. Well, Mr. President, I intend to rectify this oversight. Today I am introducing legislation which modifies current law such that an intentional misrepresentation of the origin, kind or character of any perishable commodity, the reckless disregard of the effects on the public safety of such action, or violations which result in serious injury, illness or death will constitute a felony with a maximum penalty of five years imprisonment and/or a fine of $250,000 per count.

This change in law will ensure that individuals who intentionally misrepresent their goods will now suffer the appropriate consequences of their actions. The recent outbreaks of hepatitis A, Cyclospora and E Coli demonstrate that a new commitment to food safety is sorely needed in this country. I will continue working to see that Congress takes the appropriate measures to assist the USDA, FDA and Centers for Disease Control in their efforts to keep America's food supply the safest in the world.

Mr. President, I ask 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. 1119

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

SECTION 1. MISREPRESENTATION OF COUNTRY OF ORIGIN OR OTHER CHARACTERISTICS OF PERISHABLE AGRICULTURAL COMMODITIES.

Section 2(5) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b(5)), is amended by adding at the end the following: ''If a court of competent jurisdiction finds that a person has intentionally, or with reckless disregard, engaged in a misrepresentation described in this paragraph and the misrepresentation resulted in a serious bodily injury (as defined in section 1365(g) of title 18, United States Code) to, or death of, an individual, the person shall be guilty of a Class D felony that is punishable under title 18, United States Code.''

By Mr. HATCH (for himself, Mr. LEAHY, Mr. THOMPSON, and Mr. KOHL):

S. 1121. A bill to amend Title 17 to implement the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty; to the Committee on the Judiciary.

THE WIPO COPYRIGHT AND PERFORMANCE AND PHONOGRAMS TREATY IMPLEMENTATION ACT OF 1997

Mr. HATCH. Mr. President, today I am introducing legislation proposed by the Clinton administration to implement two important treaties that were adopted last December by the World Intellectual Property Organization (WIPO). The distinguished Ranking Member of the Judiciary Committee, Sen. LEAHY, the distinguished Senator for Tennessee, Sen. THOMPSON, and the distinguished Senator from Wisconsin, Sen. KOHL, join me as original cosponsors. I strongly support adoption of the treaties, and I am introducing this bill on behalf of the Administration as an essential step in that process. I believe that the Administration's bill provides an excellent starting point for the debate on exactly what must be changed in U.S. law in order to comply with the treaties.

The WIPO Copyright Treaty and the WIPO performances and Phonograms