

AMENDMENTS SUBMITTED

THE DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1998WELLSTONE AMENDMENTS NOS.
1087-1089

Mr. WELLSTONE proposed three amendments to the bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

AMENDMENT NO. 1087

On page 61, after line 25, insert the following:

SEC. . If the amount appropriated to carry out the B-2 bomber program for fiscal year 1998 is more than \$579,800,000, then notwithstanding any other provision of law—

(1) the total amount appropriated under this Act to carry out the Head Start Act shall be \$4,636,000,000, and such amount shall not be subject to the nondefense discretionary cap provided in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) the amount appropriated for purposes of the B-2 bomber program for fiscal year 1998 is hereby reduced by \$331,000,000.

AMENDMENT NO. 1088

On page 61, after line 25, insert the following:

SEC. . If the amount appropriated to carry out the B-2 bomber program for fiscal year 1998 is more than \$579,800,000, then notwithstanding any other provision of law—

(1) the total amount appropriated under this Act to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 shall be \$7,241,334,000, and such amount shall not be subject to the nondefense discretionary cap provided in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) the amount appropriated for purposes of the B-2 bomber program for fiscal year 1998 is hereby reduced by \$331,000,000.

AMENDMENT NO. 1089

On page 61, after line 25, insert the following:

SEC. . If the amount appropriated to carry out the B-2 bomber program for fiscal year 1998 is more than \$579,800,000, then notwithstanding any other provision of law—

(1) the total amount appropriated under this Act to carry out the Education Infrastructure Act of 1994 shall be \$371,000,000, and such amount shall not be subject to the nondefense discretionary cap provided in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) the amount appropriated for purposes of the B-2 bomber program for fiscal year 1998 is hereby reduced by \$331,000,000.

MACK (AND GRAHAM)
AMENDMENT NO. 1090

Mr. MACK (for himself and Mr. GRAHAM) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 57, line 24, strike "\$929,752,000, of which" and insert "\$934,972,000, of which \$6,620,000 shall be expended to carry out Public Law 102-423 and of which".

On page 85, line 19, strike "\$30,500,000" and insert "\$35,720,000".

MCCAIN (AND GRAMM)
AMENDMENT NO. 1091

Mr. MCCAIN (for himself and Mr. GRAMM) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:
SEC. . (a) Section 4626 of the Balanced Budget Act of 1997 (Public Law 105-33) is repealed.

(b) For any fiscal year (beginning with fiscal year 1998), the Secretary of Health and Human Services may not enter into an agreement with any institution to provide incentive payments to the institution for the reduction of medical residents in the approved medical education training programs (as defined in section 1886(h)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(A)) of that institution.

(c) The repeal made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105-33).

MCCAIN (AND OTHERS)
AMENDMENT NO. 1092

Mr. MCCAIN (for himself, Mr. KERRY, and Mr. REID) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:

SEC. . (a) Notwithstanding any other provision of law, the payments described in subsection (b) shall not be considered income or resources in determining eligibility for, or the amount of benefits under, a program or State plan under title XVI or XIX of the Social Security Act.

(b) The payments described in this subsection are payments made by the Secretary of Defense pursuant to section 657 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2584).

CRAIG (AND OTHERS) AMENDMENT
NO. 1093

Mr. CRAIG (for himself, Mr. BINGAMAN, and Mr. DOMENICI) proposed an amendment to the bill, S. 1061, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Section 13(b)(12) of the Fair Labor Standards Act of 1938 (39 U.S.C. 213(b)(12)) is amended by inserting after "water" the following: ", at least 90 percent of which is ultimately delivered".

REID (AND BOXER) AMENDMENT
NO. 1094

Mr. REID (for himself and Mrs. BOXER) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:
SEC. . (a) STUDY.—From amounts appropriated under this title, the National Institutes of Health shall conduct a study on the health effects of perchlorate on humans with particular emphasis on the health risks to vulnerable subpopulations including pregnant women, children, and the elderly.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, and annually thereafter, the National Institutes of Health shall prepare and submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report concerning the results of the study conducted under

subsection (a), including whether further health effects research is necessary.

LANDRIEU (AND MCCAIN)
AMENDMENT NO. 1095

Ms. LANDRIEU (for herself and Mr. MCCAIN) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 44, line 2, strike "\$5,606,094,000" and insert "\$5,611,094,000".

On page 85, line 19, strike "\$70,500,000" and insert "\$75,500,000".

REED (AND OTHERS) AMENDMENT
NO. 1096

Ms. COLLINS, Mr. LEVIN, Mr. CONRAD, Mr. KENNEDY, Mr. WYDEN, Mr. KOHL, Mr. DODD, Mr. CHAFEE, Mr. LAUTENBERG, Mr. REID, Mr. FEINGOLD, Mr. DORGAN, Mr. TORRICELLI, Mr. KERREY, Mr. JOHNSON, Mr. WELLSTONE, Mr. BINGAMAN, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. HARKIN, and Ms. LANDRIEU proposed an amendment to the bill, S. 1061, supra; as follows:

On page 56, line 19, strike "and 3" and insert ", 3 and 4".

On page 56, line 22, before the period insert ", provided that, \$35,000,000 shall be available for State Student Incentive grants derived from unobligated balances".

COVERDELL AMENDMENT NO. 1097

Mr. COVERDELL proposed an amendment to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:

SEC. . (a) TRANSFER.—Using \$5,000,000 of the amounts appropriated under this title, the Secretary of Health and Human Services shall carry out activities under subsection (b) to address urgent health threats posed by E. coli:0157H7.

(b) USE OF FUNDS.—From amounts transferred under subsection (a) the Secretary of Health and Human Services shall—

(1) provide \$1,000,000 for the development of improved medical treatments for patients infected with E. coli:0157H7-related disease (HUS);

(2) provide \$1,000,000 to fund ongoing research to detect or prevent colonization of E. coli:0157H7 in live cattle;

(3) provide, through the existing partnership between the Federal Government, industry, and consumer groups, \$1,000,000 for the National Consumer Education Campaign on Food Safety as part of the activities to address safe food handling practices;

(4) provide \$1,000,000 for a study to determine the feasibility of the use of electronic pasteurization on red meats to eliminate pathogens and to carry out activities to educate the public on the safety of that process; and

(5) provide \$1,000,000 for a contract to be entered into with the National Academy of Sciences to assess the effectiveness of testing to ensure zero tolerance of E. coli:0157H7 in raw ground beef products.

COVERDELL AMENDMENT NO. 1098

Mr. COVERDELL proposed an amendment to the amendment No. 1097 proposed by him to the bill, S. 1061, supra; as follows:

Strike all after the first word and add the following:

(a) TRANSFER.—Using \$5,000,000 of the amounts appropriated under this title, the

Secretary of Health and Human Services shall carry out activities under subsection (b) to address urgent health threats posed by *E. coli*:0157H7.

(b) USE OF FUNDS.—From amounts transferred under subsection (a) the Secretary of Health and Human Services shall—

(1) provide \$1,000,000 for the development of improved medical treatments for patients infected with *E. coli*:0157H7-related disease (HUS);

(2) provide \$550,000 to fund ongoing research to detect or prevent colonization of *E. coli*:0157H7 in live cattle;

(3) provide, through the existing partnership between the Federal Government, industry, and consumer groups, \$1,000,000 for the National Consumer Education Campaign on Food Safety as part of the activities to address safe food handling practices;

(4) provide \$1,000,000 for a study to determine the feasibility of the use of electronic pasteurization on red meats to eliminate pathogens and to carry out activities to educate the public on the safety of that process; and

(5) provide \$1,000,000 for a contract to be entered into with the National Academy of Sciences to assess the effectiveness of testing to ensure zero tolerance of *E. coli*:0157H7 in raw ground beef products.

CHAFEE AMENDMENT NO. 1099

Mr. SPECTER (for Mr. CHAFEE) proposed an amendment to the bill, S. 1061, *supra*; as follows:

On page 67, line 4, strike “\$3,258,000” and insert in lieu thereof: \$3,508,000

On page 67, line 10, strike “\$3,257,000” and insert in lieu thereof: \$3,507,000

On page 67, line 18, strike “\$206,000,000” and insert in lieu thereof: \$205,500,000

On page 67, line 24, strike “\$206,000,000” and insert in lieu thereof: \$205,500,000

COVERDELL AMENDMENT NO. 1100

Mr. SPECTER (for Mr. COVERDELL) proposed an amendment to the bill, S. 1061, *supra*; as follows:

On page 61, after line 25, insert the following:

SEC. . Of the funds made available under this title, the Secretary of Education shall establish a program to provide training and technical assistance to State educational agencies and local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) in developing, establishing, and implementing procedures and programs designed to protect victims of and witnesses to incidents of elementary school and secondary school violence, including procedures and programs designed to protect witnesses testifying in school disciplinary proceedings.

SEC. . Of the funds made available under this title, \$450,000 shall be awarded by the Secretary of Education for grants for the establishment, operation, and evaluation of pilot student safety toll-free hotlines to provide elementary school and secondary school students with confidential assistance regarding school crime, violence, drug dealing, and threats to the personal safety of the students.

DASCHLE AMENDMENT NO. 1101

Mr. SPECTER (for Mr. DASCHLE) proposed an amendment to the bill, S. 1061, *supra*; as follows:

At the appropriate place, insert the following:

SEC. . COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION.

(a) FINDINGS.—This section may be cited as the “Comprehensive Fetal Alcohol Syndrome Prevention Act”.

(b) FINDINGS.—Congress finds that—

(1) Fetal Alcohol Syndrome is the leading known cause of mental retardation, and it is 100 percent preventable;

(2) each year, up to 12,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) thousands more infants are born each year with Fetal Alcohol Effects, which are lesser, though still serious, alcohol-related birth defects;

(4) children of women who use alcohol while pregnant have a significantly higher infant mortality rate (13.3 per 1000) than children of those women who do not use alcohol (8.6 per 1000);

(5) Fetal Alcohol Syndrome and Fetal Alcohol Effects are national problems which can impact any child, family, or community, but their threat to American Indians and Alaska Natives is especially alarming;

(6) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effects are up to 30 times greater than national averages;

(7) in addition to the immeasurable toll on children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effects pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(8) the total cost to the economy of Fetal Alcohol Syndrome was approximately \$2,700,000,000 in 1995, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated to be at least \$1,400,000;

(9) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effects increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the emotional, physical, and mental consequences of alcohol exposure to the baby; and

(10) though approximately 1 out of every 5 pregnant women drink alcohol during their pregnancy, we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

(c) PURPOSE.—It is the purpose of this section to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects nationwide. Such program shall—

(1) coordinate, support, and conduct basic and applied epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

(2) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

(3) foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

(d) ESTABLISHMENT OF PROGRAM.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

“PART O—FETAL ALCOHOL SYNDROME PREVENTION PROGRAM

“SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.

“(a) FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effects prevention program that shall include—

“(1) an education and public awareness program to—

“(A) support, conduct, and evaluate the effectiveness of—

“(i) training programs concerning the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

“(ii) prevention and education programs, including school health education and school-based clinic programs for school-age children, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

“(iii) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

“(B) provide technical and consultative assistance to States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations concerning the programs referred to in subparagraph (A); and

“(C) award grants to, and enter into cooperative agreements and contracts with, States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of—

“(i) evaluating the effectiveness, with particular emphasis on the cultural competency and age-appropriateness, of programs referred to in subparagraph (A);

“(ii) providing training in the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

“(iii) educating school-age children, including pregnant and high-risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects, with priority given to programs that are part of a sequential, comprehensive school health education program; and

“(iv) increasing public and community awareness concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects through culturally competent projects, programs, and campaigns, and improving the understanding of the general public and targeted groups concerning the most effective intervention methods to prevent fetal exposure to alcohol;

“(2) an applied epidemiologic research and prevention program to—

“(A) support and conduct research on the causes, mechanisms, diagnostic methods, treatment, and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

“(B) provide technical and consultative assistance and training to States, Tribal governments, local governments, scientific and academic institutions, and nonprofit organizations engaged in the conduct of—

“(i) Fetal Alcohol Syndrome prevention and early intervention programs; and

“(ii) research relating to the causes, mechanisms, diagnosis methods, treatment, and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

“(C) award grants to, and enter into cooperative agreements and contracts with, States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of—

"(i) conducting innovative demonstration and evaluation projects designed to determine effective strategies, including community-based prevention programs and multicultural education campaigns, for preventing and intervening in fetal exposure to alcohol;

"(ii) improving and coordinating the surveillance and ongoing assessment methods implemented by such entities and the Federal Government with respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(iii) developing and evaluating effective age-appropriate and culturally competent prevention programs for children, adolescents, and adults identified as being at-risk of becoming chemically dependent on alcohol and associated with or developing Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(iv) facilitating coordination and collaboration among Federal, State, local government, Indian tribal, and community-based Fetal Alcohol Syndrome prevention programs;

"(3) a basic research program to support and conduct basic research on services and effective prevention treatments and interventions for pregnant alcohol-dependent women and individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(4) a procedure for disseminating the Fetal Alcohol Syndrome and Fetal Alcohol Effects diagnostic criteria developed pursuant to section 705 of the ADAMHA Reorganization Act (42 U.S.C. 485n note) to health care providers, educators, social workers, child welfare workers, and other individuals; and

"(5) the establishment, in accordance with subsection (b), of an inter-agency task force on Fetal Alcohol Syndrome and Fetal Alcohol Effects to foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

"(b) INTER-AGENCY TASK FORCE.—

"(1) MEMBERSHIP.—The Task Force established pursuant to paragraph (5) of subsection (a) shall—

"(A) be chaired by the Secretary or a designee of the Secretary; and

"(B) include representatives from all relevant agencies within the Department of Health and Human Services, including the Centers for Disease Control and Prevention, the National Institutes of Health, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, and any other relevant agencies of the Department of Health and Human Services.

"(2) FUNCTIONS.—The Task Force shall—

"(A) coordinate all relevant programs and research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects, including programs that—

"(i) target individuals, families, and populations identified as being at risk of acquiring Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(ii) provide health, education, treatment, and social services to infants, children, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(B) coordinate its efforts with existing Department of Health and Human Services task forces on substance abuse prevention and maternal and child health; and

"(C) report on a biennial basis to the Secretary and relevant committees of Congress on the current and planned activities of the participating agencies, including a proposal for a Federal Interagency Task Force to include representatives from all relevant agen-

cies and offices within the Department of Health and Human Services, the Department of Agriculture, the Department of Education, the Department of Defense, the Department of the Interior, the Department of Justice, the Department of Veterans Affairs, the Bureau of Alcohol, Tobacco and Firearms, the Federal Trade Commission, and any other relevant Federal agency.

"(c) SCIENTIFIC RESEARCH AND TRAINING.—The Director of the National Institute on Alcohol Abuse and Alcoholism, with the cooperation of members of the interagency task force established under subsection (b), shall establish a collaborative program to provide for the conduct and support of research, training, and dissemination of information to researchers, clinicians, health professionals and the public, with respect to the cause, prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and the related condition known as Fetal Alcohol Effects.

"SEC. 399H. ELIGIBILITY.

"To be eligible to receive a grant, or enter into a cooperative agreement or contract under this part, an entity shall—

"(1) be a State, Indian tribal government, local government, scientific or academic institution, or nonprofit organization; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under this part.

"SEC. 399I. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, such sums as are necessary for each of the fiscal years 1998 through 2002."

FAIRCLOTH (AND CRAIG) AMENDMENT NO. 1102

Mr. SPECTER (for Mr. FAIRCLOTH, for himself and Mr. CRAIG) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 61, after line 25, add the following:
SEC. . The Secretary of Education shall annually provide to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives a certification that not less than 95 percent of the amount appropriated for a fiscal year for the activities of the Department of Education is being used directly for teachers and students. If the Secretary determines that less than 95 percent of such amount appropriated for a fiscal year is being used directly for teachers and students, the Secretary shall certify the percentage of such amount that is being directly used for teachers and students.

FEINGOLD AMENDMENT NO. 1103

Mr. SPECTER (for Mr. FEINGOLD) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 61, after line 25, insert the following:

SEC. . (a) The Secretary of Education shall conduct a study that examines—

(1) the economic, educational, and societal costs of—

(A) the increase in enrollments of secondary school students during the period 1998 through 2008;

(B) the creation of smaller class sizes for students enrolled in grades 1 through 3; and

(C) the increase in enrollments described in subparagraph (A) in relation to the cre-

ation of smaller class sizes described in subparagraph (B); and

(2) the costs to States and local school districts for taking no action with respect to such increase in enrollments and smaller class sizes.

(b) The Secretary of Education shall report to Congress within 9 months of the date of enactment of this Act regarding the results of the study conducted under subsection (a). Such report shall include recommendations regarding what local school districts, States and the Federal Government can do to address the issue of the increase in enrollments of secondary school students and the need for smaller class sizes in grades 1 through 3.

HOLLINGS AMENDMENT NO. 1104

Mr. SPECTER (for Mr. HOLLINGS) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 3, line 3 strike "\$8,000,000" and insert in lieu thereof: "\$10,000,000."

INHOFE AMENDMENT NO. 1105

Mr. SPECTER (for Mr. INHOFE) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 70, line 1, strike "\$16,160,300,000" and insert in lieu thereof: "\$16,162,525,000".

On page 70, before the period on line 4, insert the following: "Provided further, That not less than \$2,225,000 shall be available for conducting a disability return to work demonstration initiative, which focuses on providing persons who have lost limbs with an integrated program of prosthetic and rehabilitative care and job placement assistance".

SPECTER AMENDMENT NO. 1106

Mr. SPECTER proposed an amendment to the bill, S. 1061, supra; as follows:

On page 71, line 23, strike "\$245,000,000" and insert in lieu thereof: "\$290,000,000".

On page 71, line 25, after "Public Law 104-121" insert: ", section 10203 of Public Law 105-33,".

WARNER (AND KENNEDY) AMENDMENT NO. 1107

Mr. SPECTER (for Mr. WARNER, for himself and Mr. KENNEDY) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 60, line 7, strike "\$338,964,000" and insert in lieu thereof "\$340,064,000: *Provided*, That \$1,100,000 shall be used for the Millennium 2000 project".

On page 56, line 21, strike "\$8,557,741,000" and insert in lieu thereof "\$8,556,641,000".

HARKIN AMENDMENT NO. 1108

Mr. SPECTER (for Mr. HARKIN) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 39, line 17, after the word "expended" insert: ", and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended".

NICKLES (AND OTHERS) AMENDMENT NO. 1109

Mr. SPECTER (for Mr. NICKLES, for himself, Mr. HAGEL, and Mr. GRAMS) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:
SEC. . Subparagraphs (B) and (C) of section 1143(a)(2) of the Social Security Act (42 U.S.C. 1320b-13(a)(2) (B), (C)) are each amended by striking "employee" and inserting "employer, employee,".

SPECTER AMENDMENT NO. 1110

Mr. SPECTER proposed an amendment to the bill, S. 1061, supra; as follows:

On page 9, line 11, strike "\$3,292,476,000" and insert in lieu thereof: "\$3,286,276,000".

On page 10, line 18, strike "\$216,333,000" and insert in lieu thereof: "\$210,133,000".

On page 12, line 11, strike "\$84,308,000" and insert in lieu thereof: "\$90,508,000".

ROTH (AND MOYNIHAN) AMENDMENT NO. 1111

Mr. SPECTER (for Mr. ROTH, for himself and Mr. MOYNIHAN) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 39, line 21, after the word "appropriation" insert: "Provided further, That \$900,000 shall be for carrying out section 4021 of Public Law 105-33".

On page 39, line 22, strike "\$55,000,000" and insert in lieu thereof: "\$54,100,000".

HARKIN AMENDMENT NO. 1112

Mr. HARKIN proposed an amendment to the bill, S. 1061, supra; as follows:

On page 56, line 22, before the period, insert the following: "Provided further, That \$60,000,000 shall be for education infrastructure authorized under Title XII of the Elementary and Secondary Education Act to be derived from unobligated balances".

HARKIN (AND GRAHAM) AMENDMENT NO. 1113

Mr. HARKIN (for himself and Mr. GRAHAM) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 39, at the end of line 25 before the period insert the following: "Provided further, that no less than \$50,000,000 appropriated under this heading in fiscal year 1997 shall be obligated in fiscal year 1997 to increase Medicare provider audits and implement the Department's corrective action plan to the Chief Financial Officer's audit of the Health Care Financing Administration's oversight of Medicare".

GRAHAM (AND OTHERS) AMENDMENT NO. 1114

Mr. HARKIN (for Mr. GRAHAM, for himself, Mr. KENNEDY, and Mr. ABRAHAM) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 49, after line 26, insert the following:

SEC. . (a) That section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking "fiscal year 1995, fiscal year 1996, and fiscal year 1997" and inserting "each of fiscal years 1998, and 1999".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1997.

BINGAMAN (AND OTHERS) AMENDMENT NO. 1115

Mr. HARKIN (for Mr. BINGAMAN, for himself, Mr. HARKIN, and Mr. KENNEDY)

proposed an amendment to the bill, S. 1061, supra; as follows:

At the appropriate place, insert the following:

SEC. . (a) Notwithstanding any other provision of law, the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011), using funds appropriated under section 413(c) of that Act (20 U.S.C. 9012(c)), shall formulate policy guidelines for voluntary national tests of reading or mathematics for which the Secretary of Education uses funds appropriated to the Department of Education.

(b) In carrying out subsection (a), the National Assessment Governing Board shall—

(1) develop test objectives and specifications; test methodology; guidelines for test administration, including guidelines for inclusion of, and accommodations for, students with disabilities and students with limited English proficiency; guidelines for reporting test results, including the use of performance levels; and guidelines for test use;

(2) have final authority over the appropriateness of cognitive items; and

(3) ensure that all items selected for use on the tests are free from racial, cultural, or gender bias.

DASCHLE (AND KENNEDY) AMENDMENT NO. 1116

Mr. HARKIN (for Mr. DASCHLE, for himself and Mr. KENNEDY) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 61, after line 25, insert the following:

SEC. . (a) The Senate finds that—

(1) Federal Pell Grants are a crucial source of college aid for low- and middle-income students;

(2) in addition to the increase in the maximum Federal Pell Grant from \$2,700 to \$3,000, which will increase aid to more than 3,600,000 low- and middle-income students, our Nation should provide an additional \$700,000,000 to help more than 250,000 independent and dependent students obtain crucial aid in order to help the students obtain the education, training, or retraining the students need to obtain good jobs;

(3) our Nation needs to help children learn to read well in fiscal year 1998, as 40 percent of the Nation's young children cannot read at the basic level; and

(4) the Bipartisan Budget Agreement includes a total funding level for fiscal year 1998 of \$7,600,000,000 for Federal Pell Grants, and of \$260,000,000 for a child literacy initiative.

(b) It is the sense of the Senate that the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998, should—

(1) provide \$700,000,000 to fund the change in the needs analysis for Federal Pell Grants for independent and for dependent students;

(2) add \$260,000,000 in fiscal year 1998 for a child literacy initiative; and

(3) pay for the increase in the Federal Pell Grant funding and the child literacy initiative from funds that are available for fiscal year 1998 and not yet appropriated.

FORD (AND OTHERS) AMENDMENT NO. 1117

Mr. FORD (for himself, Mr. FAIRCLOTH, Mr. MCCONNELL, Mr. HELMS, Mr. ROBB, and Mr. HOLLINGS) proposed an amendment to amendment No. 1078 proposed by Mr. DURBIN to the bill S. 1061, supra; as follows:

At the end of the matter proposed to be inserted, add the following new section:

"SEC. . SENSE OF THE SENATE ON COMPENSATION FOR TOBACCO GROWERS AS PART OF LEGISLATION ON THE NATIONAL TOBACCO SETTLEMENT.

"(a) FINDINGS.—

"(1) On June 20, 1997, representatives of tobacco manufacturers, public health organizations, and Attorneys General from a majority of the States announced that an agreement had been reached on a national tobacco settlement;

"(2) The national tobacco settlement was intended to provide a comprehensive framework for dealing with several issues relevant to the tobacco industry, including youth smoking prevention, legal liabilities, and the sales and marketing practices of the industry;

"(3) Implementation of the national tobacco settlement requires the enactment of federal legislation by the Congress and the President;

"(4) There are more than 125,000 farms in the United States which derive a substantial portion of their income from the cultivation and sale of tobacco;

"(5) Representatives of tobacco growers were completely excluded from the negotiations on the national tobacco settlement, and were poorly informed, or not informed at all, of any details of the settlement negotiations by any participants in those negotiations;

"(6) The national tobacco settlement includes compensation for several adversely affected groups, including NASCAR, rodeo, and other event sponsors, but includes absolutely no compensation whatsoever or other provisions relating to the impact of the settlement on tobacco growers;

"(7) No other group has their livelihoods affected by the national tobacco settlement as adversely as tobacco growers;

"(8) The local economies of tobacco growing communities will be adversely affected by implementation of the national tobacco settlement;

"(9) The national tobacco settlement contemplates \$368.5 billion in payments from tobacco manufacturers over the next 25 years, and not all of this amount has been specifically earmarked by the agreement; and

"(10) The federal tobacco program was designed to operate at no net cost to the federal taxpayer, the national tobacco settlement does not contemplate any changes to the operation of this program, and even many critics of the national tobacco settlement, including representatives from the public health community, have expressed support for the continued operation of a federal tobacco program which operates at no net cost to taxpayers."

"(b) SENSE OF THE SENATE.—It is the Sense of the Senate that—

"(1) Tobacco growers should be fairly compensated as part of any federal legislation for the adverse impact which will follow from the enactment of the national tobacco settlement;

"(2) Tobacco growing communities should be provided sufficient resources to adequately adjust to the impact on their local economies which will result from the enactment of the national tobacco settlement;

"(3) Any compensation provided to tobacco growers and tobacco growing communities as part of federal legislation to implement the national tobacco settlement should be included within the \$368.5 billion in payments which are to be provided over the next 25 years; and

"(4) No provisions should be included in any federal legislation to implement the national tobacco settlement which would restrict or adversely affect the continued administration of a viable federal tobacco program

which operates at no net cost to the taxpayer."

**MURRAY (AND WELLSTONE)
AMENDMENT NO. 1118**

Mrs. MURRAY (for herself and Mr. WELLSTONE) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:
SEC. . PROTECTING VICTIMS OF FAMILY VIOLENCE.

(a) FINDINGS.—Congress finds that—

(1) the intent of Congress in amending part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat 2112) was to allow States to take into account the effects of the epidemic of domestic violence in establishing their welfare programs, by giving States the flexibility to grant individual, temporary waivers for good cause to victims of domestic violence who meet the criteria set forth in section 402(a)(7)(B) of the Social Security Act (42 U.S.C. 602(a)(7)(B));

(2) the allowance of waivers under such sections was not intended to be limited by other, separate, and independent provisions of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(3) under section 402(a)(7)(A)(iii) of such Act (42 U.S.C. 602(a)(7)(A)(iii)), requirements under the temporary assistance for needy families program under part A of title IV of such Act may, for good cause, be waived for so long as necessary; and

(4) good cause waivers granted pursuant to section 402(a)(7)(A)(iii) of such Act (42 U.S.C. 602(a)(7)(A)(iii)) are intended to be temporary and directed only at particular program requirements when needed on an individual case-by-case basis, and are intended to facilitate the ability of victims of domestic violence to move forward and meet program requirements when safe and feasible without interference by domestic violence.

(b) CLARIFICATION OF WAIVER PROVISIONS.—

(1) IN GENERAL.—Section 402(a)(7) of the Social Security Act (41 U.S.C. 602(a)(7)) is amended by adding at the end the following:

"(C) NO NUMERICAL LIMITS.—In implementing this paragraph, a State shall not be subject to any numerical limitation in the granting of good cause waivers under subparagraph (A)(iii).

"(D) WAIVERED INDIVIDUALS NOT INCLUDED FOR PURPOSES OF CERTAIN OTHER PROVISIONS OF THIS PART.—Any individual to whom a good cause waiver of compliance with this Act has been granted in accordance with subparagraph (A)(iii) shall not be included for purposes of determining a State's compliance with the participation rate requirements set forth in section 407, for purposes of applying the limitation described in section 408(a)(7)(C)(ii), or for purposes of determining whether to impose a penalty under paragraph (3), (5), or (9) of section 409(a)."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect as if it has been included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2112).

(c) FEDERAL PARENT LOCATOR SERVICE.—

(1) IN GENERAL.—Section 453 of the Social Security Act (42 U.S.C. 653), as amended by section 5534 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 627), is amended—

(A) in subsection (b)(2)—

(i) in the matter preceding subparagraph (A), by inserting "or that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information," before "provided that";

(ii) in subparagraph (A), by inserting "that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information," before "and that information"; and

(iii) in subparagraph (B)(i), by striking "be harmful to the parent or the child" and inserting "place the health, safety, or liberty of a parent or child unreasonably at risk"; and

(B) in subsection (c)(2), by inserting "or to serve as the initiating court in an action to seek and order," before "against a non-custodial".

(2) STATE PLAN.—Section 454(26) of the Social Security Act (42 U.S.C. 654), as amended by section 5552 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 635), is amended—

(A) in subparagraph (C), by striking "result in physical or emotional harm to the party or the child" and inserting "place the health, safety, or liberty of a parent or child unreasonably at risk";

(B) in subparagraph (D), by striking "of domestic violence or child abuse against a party or the child and that the disclosure of such information could be harmful to the party or the child" and inserting "that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information"; and

(C) in subparagraph (E), by striking "of domestic violence" and all that follows through the semicolon and inserting "that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information pursuant to section 453(b)(2), the court shall determine whether disclosure to any other person or persons of information received from the Secretary could place the health, safety, or liberty of a parent or child unreasonably at risk (if the court determines that disclosure to any other person could be harmful, the court and its agents shall not make any such disclosure)."

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 day after the effective date described in section 5557(a) of the Balanced Budget Act of 1997 (Public Law 105-33).

MURRAY AMENDMENT NO. 1119

Mrs. MURRAY proposed an amendment to the bill, S. 1061, supra; as follows:

On page 55, line 26, strike "\$1,486,698,000" and insert "\$1,487,698,000".

On page 56, line 1, strike "\$1,483,598,000" and insert "\$1,484,598,000".

On page 56, line 3, strike "\$4,491,000" and insert "\$5,491,000".

On page 56, line 5, after Sec. 384(c) insert the following: "which shall be derived from unobligated . . .".

BENNETT AMENDMENT NO. 1120

Mr. HARKIN (for Mr. BENNETT) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 53, line 16, after "Act" insert "Provided further, That—

"(1) of the amount appropriated under this heading and notwithstanding any other provision of law, the Secretary of Education may award \$1,000,000 to a State educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) to pay for appraisals, resource studies, and other expenses associated with the exchange of State school trust lands within the boundaries of a national monument for Federal lands outside the boundaries of the monument; and

"(2) the State educational agency is eligible to receive a grant under paragraph (1) only if the agency serves a State that—

"(A) has a national monument declared within the State under the authority of the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906 (16 U.S.C. 431 et seq.) (commonly known as the Antiquities Act of 1906) that incorporates more than 100,000 acres of State school trust lands within the boundaries of the national monument; and

"(B) ranks in the lowest 25 percent of all States when comparing the average per pupil expenditure (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) in the State to the average per pupil expenditure for each State in the United States."

**KERREY (AND OTHERS)
AMENDMENT NO. 1121**

Mr. FORD (for Mr. KERREY, for himself, Mr. HAGEL, Mr. BINGAMAN, Mr. JEFFORDS, Mr. LAUTENBERG, and Ms. MOSELEY-BRAUN) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 40, line 24, strike the period and insert "Provided further, That, notwithstanding section 418(a) of the Social Security Act, for fiscal year 1997 only, the amount of payment under section 418(a)(1) to which each State is entitled shall equal the amount specified as mandatory funds with respect to such State for such fiscal year in the table transmitted by the Administration for Children and Families to State Child Care and Development Block Grant Lead Agencies on August 27, 1996, and the amount of State expenditures in fiscal year 1994 or 1995 (whichever is greater) that equals the non-Federal share for the programs described in section 418(a)(1)(A) shall be deemed to equal the amount specified as maintenance of effort with respect to such State for fiscal year 1997 in such table."

**GORTON (AND DOMENICI)
AMENDMENT NO. 1122**

Mr. DOMENICI (for Mr. GORTON, for himself and Mr. DOMENICI) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 85, after line 23, insert the following:

SEC. . (a) Notwithstanding any other provision of law, the Secretary of Education shall award the total amount of funds described in subsection (b) directly to local educational agencies in accordance with subsection (d) to enable the local educational agencies to support programs or activities for kindergarten through grade 12 students that the local educational agencies deem appropriate.

(b) The total amount of funds referred to in subsection (a) are all funds that are appropriated for the Department of Education, the Department of Labor, and the Department of Health and Human Services under this Act to support programs or activities for kindergarten through grade 12 students, other than—

(1) amounts appropriated under this Act—

(A) to carry out title VIII of the Elementary and Secondary Education Act of 1965;

(B) to carry out the Individuals with Disabilities Education Act;

(C) to carry out the Adult Education Act;

(D) to carry out the Museum and Library Services Act;

(E) for departmental management expenses of the Department of Education; or

(F) to carry out the Educational Research, Development, Dissemination, and Improvement Act;

(G) to carry out the National Education Statistics Act of 1994;

(H) to carry out section 10601 of the Elementary and Secondary Education Act of 1965;

(I) to carry out section 2102 of the Elementary and Secondary Education Act of 1965; or

(J) to carry out part K of the Elementary and Secondary Education Act of 1965; or

(2) 50 percent of the amount appropriated under title III under the headings "Rehabilitation Services and Disability Research" and "Vocational and Adult Education".

(c) Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students served by the local educational agency not later than 21 days after the beginning of the school year. Each local educational agency shall submit the number to the Secretary.

(d) The Secretary shall determine the amount awarded to each local educational agency under this section as follows:

(1) First, the Secretary, using the information provided under subsection (c), shall determine a per child amount by dividing the total amount of funds described in subsection (b), by the total number of kindergarten through grade 12 students in all States.

(2) Second, the Secretary, using the information provided under subsection (c), shall determine the baseline amount for each local educational agency by multiplying the per child amount determined under paragraph (1) by the number of kindergarten through grade 12 students that are served by the local educational agency.

(3) Lastly, the Secretary shall compute the amount awarded to each local educational agency as follows:

(A) Multiply the baseline amount determined under paragraph (2) by a factor of 1.1 for local educational agencies serving States that are in the least wealthy quintile of all States as determined by the Secretary on the basis of the per capita income of individuals in the States.

(B) Multiply the baseline amount by a factor of 1.05 for local educational agencies serving States that are in the second least wealthy such quintile.

(C) Multiply the baseline amount by a factor of 1.00 for local educational agencies serving States that are in the third least wealthy such quintile.

(D) Multiply the baseline amount by a factor of .95 for local educational agencies serving States that are in the fourth least wealthy such quintile.

(E) Multiply the baseline amount by a factor of .90 for local educational agencies serving States that are in the wealthiest such quintile.

(e) If the total amount of funds made available to carry out this section is insufficient to pay in full all amounts awarded under subsection (d), then the Secretary shall ratably reduce each such amount.

(f) If the Secretary determines that a local educational agency has knowingly submitted false information under subsection (c) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under subsection (d), and the correct amount the local educational agency would have received if the agency had submitted accurate information under subsection (c).

(g) In this section—

(1) the term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965;

(2) the term "Secretary" means the Secretary of Education; and

(3) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

NOTICE OF POSTPONEMENT OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public the postponement of a hearing scheduled before the full Committee on Energy and Natural Resources.

The hearing was to take place Tuesday, September 16, 1997, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC. The purpose of the hearing was oversight of Federal outdoor recreation policy. The hearing will be rescheduled for a later date.

For further information, please call Kelly Johnson at (202) 224-3329.

ADDITIONAL STATEMENTS

INCOME AVERAGING FOR FARMERS

• Mr. FAIRCLOTH. Mr. President, I heard some good words about a provision of the tax bill from the folks back home during August recess, and I want to pass on their comments.

The subject was income averaging for farmers. The tax bill restored this important financial management tool. I commend Senator SHELBY and Senator BURNS for their fine leadership on this bill.

The American farmer is the most efficient food producer in the world. The average farmer grows food and fiber for close to 130 people. The people of the United States thus enjoy the most plentiful and affordable food supply in the world.

However, the American farmer faces numerous obstacles, from unpredictable weather to natural disasters, from outbreaks of insects and disease to excessive Government regulations.

As a farmer for more than 50 years, I know that there is one constant in farming, and that is unpredictability.

For many years, the American farmer was permitted to average his income over a 2-year period, and this brought some predictability to their Federal income taxes. It meant that farmers were allowed to moderate the tax effects of the natural boom and bust cycle that is so familiar to many farmers.

The 1986 Tax Reform Act, however, abolished income averaging for farmers. The tax bill reduced the number of tax brackets and cut the top rate to 28 percent. Of course, just 7 years later, the number of brackets jumped and the top rate soared to 39.6 percent.

Further, the American farmer faced another major change, the 1996 farm bill. The new farm bill abolished the traditional price deficiency payments—the price supports that guaranteed a certain farm income—and it set the farm programs on a market-oriented path.

The increased exposure of the farmer to the risks of the markets and the risks of the elements, coupled with tax rates that approach 40 percent, underscore the need to restore income averaging.

It is difficult for the small farmer to create a farm business plan that can anticipate the surges and dives in income that are part of farm life. It is tough to plan for tax management due to the uncertainties of farm operations.

The farmer struggles to pay his bills, much less save, in a bad year, and he faces high tax rates in his good years. As a result, compared to people who earn stable incomes, farmers pay taxes at a higher cumulative rate.

Mr. President, the farmer is the backbone of this Nation, and he keeps us fed. He is essential to our Nation and to the health of rural communities.

The current Tax Code and regulatory requirements are burdens that plague North Carolina farmers and all American farmers and ranchers.

The Tax Code needs to reflect their contributions to our health and our balance of trade. This provision will be a real help for farmers and farm communities across this Nation. It will save American farmers more than \$150 million, and, more important, it will save some farms and the families who work them from financial ruin in the rough years inherent in agriculture.

That's good for farmers and good for America. •

HONORING RICHARD B. MCCALL

• Mr. DODD. Mr. President, I rise today to recognize a remarkable public servant from my home State of Connecticut—Richard B. McCall, who this past month left the Connecticut Department of Motor Vehicles after 31 years of working as the head of its Handicapped Driver Training Program.

The Connecticut DMV's Handicapped Driver Training Program is the only one in the country where a licensed state agency provides free driver training for the handicapped. It began in 1945, in order to meet the needs of disabled World War II veterans, and for more than five decades this program has helped handicapped residents of Connecticut to function as independent and productive members of society. No individual is more closely linked to this program and its long-term success than Dick McCall.

Since taking charge of the program in 1966, Mr. McCall has personally helped to train more than 3,500 Connecticut residents with disabilities who now hold driver's licenses. He made