SPECTER, Ms. LANDRIEU, Mr. WELLSTONE, Mr. BAUCUS, Mr. KERRY, Mr. DEWINE, Mr. LIEBERMAN, Mr. WYDEN, Mr. ENZI, Mr. BINGAMAN, Mr. ROBB, Mr. INOUYE, Mrs. BOXER, Mrs. LINCOLN, Mr. DODD, Mr. TORRICELLI, Mr. SCHUMER, Mr. GRAHAM, Mr. FEINGOLD, and Mrs. FEINSTEIN):

S. Res. 234. A resolution recognizing the contribution of older persons to their communities and commending the work of organizations that participate in programs assisting older persons and that promote the goals of the International Year of Older Persons; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 235. A resolution to authorize the printing of a revised edition of the Senate Election Law Guidebook; considered and agreed to.

S. Res. 236. A resolution to authorize the printing of a revised edition of the Nomination and Election of the President and Vice President of the United States; considered and agreed to.

By Mrs. BOXER (for herself, Mrs. MURRAY, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. FEINSTEIN, Ms. COLLINS, Ms. LANDRIEU, and Ms. SNOWE):

S. Res. 237. A resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 238. A resolution to authorize representation of Member of the Senate in the case of Brett Kimberlin v. Orrin Hatch, et al; considered and agreed to.

By Mr. ROBB:

S. Res. 239. A resolution expressing the sense of the Senate that Nadia Dabbagh, who was abducted from the United States, should be returned home to her mother, Ms. Maureen Dabbagh; to the Committee on Foreign Relations.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 240. A resolution commending Stephen G. Bale, Keeper of the Stationery, United States Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 241. A resolution to direct the Senate Commission on Art to recommend to the Senate two outstanding individuals whose paintings shall be placed in two of the remaining unfilled spaces in the Senate reception room; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Con. Res. 77. A concurrent resolution making technical corrections to the enrollment of H.R. 3194; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself and Mr. BREAUX):

S. 1975. A bill to amend the Internal Revenue Code of 1986 to modify the tax on generation-skipping transfers to eliminate certain traps for the unwary and otherwise improve the fairness of such tax; to the Committee on Finance.

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

THE GENERATION-SKIPPING TRANSFER TAX AMENDMENTS ACT

Mr. MACK: Mr. President, today Senator BREAUX and I join in introducing legislation to correct serious problems in the allocation of generation-skipping transfer tax (GST) exemptions. This legislation would provide relief to taxpayers for missed allocations of the GST exemption and would make the exemption allocation automatic, in place of the current law requirement that the taxpayers take an affirmative step to claim the exemption. This proposed change was included in the Taxpayer Refund and Relief Act of 1999, but failed to become law due to the President's veto of that bill.

Under this legislation, the GST exemption is automatically allocated to ''indirect skip'' transfers made while the donor is alive. An indirect skip is a transfer of property subject to the gift tax that is made to a GST trust. Direct skips (generally, transfers solely for the benefit of grandchildren) are already covered by an automatic allocation rule. An individual may elect not to have the automatic allocation rule apply to an indirect skip. Also, under this legislation, the GST exemption may be allocated retroactively when there is an unnatural order of death. If a lineal descendant of the transferor predeceased the transferor, then the transferor may allocate the unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

This legislation also provides authorization and direction to the Treasury Secretary to grant extensions of time to make the election to allocate the GST exemption and to grant exceptions to the time requirement. If such relief is granted, then the value on the date of transfer to the trust would be used for determining GST exemption allocation.

Mr. President, this is important legislation which deserves enactment at the earliest possible date. 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. 1975

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 ''Generation-Skipping Transfer Tax Amendments Act of 1999''.

SEC. 2. DEEMED ALLOCATION OF GST EXEMPTION TO LIFETIME TRANSFERS TO TRUSTS; RETROACTIVE ALLOCATIONS.

(a) IN GENERAL.—Section 2632 of the Internal Revenue Code of 1986 (relating to special rules for allocation of GST exemption) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

''(c) DEEMED ALLOCATION TO CERTAIN LIFETIME TRANSFERS TO GST TRUSTS.—

''(1) IN GENERAL.—If any individual makes an indirect skip during such individual's lifetime, any unused portion of such individual's GST exemption shall be allocated to the property transferred to the extent necessary to make the inclusion ratio for such property zero. If the amount of the indirect skip exceeds such unused portion, the entire unused portion shall be allocated to the property transferred.

''(2) UNUSED PORTION.—For purposes of paragraph (1), the unused portion of an individual's GST exemption is that portion of such exemption which has not previously been—

''(A) allocated by such individual,

''(B) treated as allocated under subsection (b) with respect to a direct skip occurring during or before the calendar year in which the indirect skip is made, or

''(C) treated as allocated under paragraph (1) with respect to a prior indirect skip.

''(3) DEFINITIONS.—

''(A) INDIRECT SKIP.—For purposes of this subsection, the term 'indirect skip' means any transfer of property subject to the tax imposed by chapter 12 made to a GST trust.

''(B) GST TRUST.—The term 'GST trust' means a trust that could have a generation-skipping transfer with respect to the transferor unless—

''(i) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by 1 or more individuals who are non-skip persons—

''(I) before the date that the individual attains age 46,

''(II) on or before 1 or more dates specified in the trust instrument that will occur before the date that such individual attains age 46, or

''(III) upon the occurrence of an event that, in accordance with regulations prescribed by the Secretary, may reasonably be expected to occur before the date that such individual attains age 46;

''(ii) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by 1 or more individuals who are non-skip persons and who are living on the date of death of another person identified in the instrument (by name or by class) who is more than 10 years older than such individuals;

''(iii) the trust instrument provides that, if 1 or more individuals who are non-skip persons die on or before a date or event described in clause (i) or (ii), more than 25 percent of the trust corpus either must be distributed to the estate or estates of 1 or more of such individuals or is subject to a general power of appointment exercisable by 1 or more of such individuals;

''(iv) the trust is a trust any portion of which would be included in the gross estate of a non-skip person (other than the transferor) if such person died immediately after the transfer;

''(v) the trust is a charitable lead annuity trust (within the meaning of section 2642(e)(3)(A)) or a charitable remainder annuity trust or a charitable remainder unitrust (within the meaning of section 664(d)); or

''(vi) the trust is a trust with respect to which a deduction was allowed under section 2522 for the amount of an interest in the form of the right to receive annual payments of a fixed percentage of the net fair market value of the trust property (determined yearly) and which is required to pay principal to a non-skip person if such person is alive when the yearly payments for which the deduction was allowed terminate.

For purposes of this subparagraph, the value of transferred property shall not be considered to be includible in the gross estate of a non-skip person or subject to a right of withdrawal by reason of such person holding a right to withdraw so much of such property as does not exceed the amount referred to in

section 2503(b) with respect to any transferor, and it shall be assumed that powers of appointment held by non-skip persons will not be exercised.

''(4) AUTOMATIC ALLOCATIONS TO CERTAIN GST TRUSTS.—For purposes of this subsection, an indirect skip to which section 2642(f) applies shall be deemed to have been made only at the close of the estate tax inclusion period. The fair market value of such transfer shall be the fair market value of the trust property at the close of the estate tax inclusion period.

''(5) APPLICABILITY AND EFFECT.—

''(A) IN GENERAL.—An individual—

''(i) may elect to have this subsection not apply to—

''(I) an indirect skip, or

''(II) any or all transfers made by such individual to a particular trust, and

''(ii) may elect to treat any trust as a GST trust for purposes of this subsection with respect to any or all transfers made by such individual to such trust.

''(B) ELECTIONS.—

''(i) ELECTIONS WITH RESPECT TO INDIRECT SKIPS.—An election under subparagraph (A)(i)(I) shall be deemed to be timely if filed on a timely filed gift tax return for the calendar year in which the transfer was made or deemed to have been made pursuant to paragraph (4) or on such later date or dates as may be prescribed by the Secretary.

''(ii) OTHER ELECTIONS.—An election under clause (i)(II) or (ii) of subparagraph (A) may be made on a timely filed gift tax return for the calendar year for which the election is to become effective.

''(d) RETROACTIVE ALLOCATIONS.—

''(1) IN GENERAL.—If—

''(A) a non-skip person has an interest or a future interest in a trust to which any transfer has been made,

''(B) such person—

''(i) is a lineal descendant of a grandparent of the transferor or of a grandparent of the transferor's spouse or former spouse, and

''(ii) is assigned to a generation below the generation assignment of the transferor, and

''(C) such person predeceases the transferor,

then the transferor may make an allocation of any of such transferor's unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

''(2) SPECIAL RULES.—If the allocation under paragraph (1) by the transferor is made on a gift tax return filed on or before the date prescribed by section 6075(b) for gifts made within the calendar year within which the non-skip person's death occurred—

''(A) the value of such transfer or transfers for purposes of section 2642(a) shall be determined as if such allocation had been made on a timely filed gift tax return for each calendar year within which each transfer was made,

''(B) such allocation shall be effective immediately before such death, and

''(C) the amount of the transferor's unused GST exemption available to be allocated shall be determined immediately before such death.

''(3) FUTURE INTEREST.—For purposes of this subsection, a person has a future interest in a trust if the trust may permit income or corpus to be paid to such person on a date or dates in the future.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 2632(b) of such Code is amended by striking ''with respect to a direct skip'' and inserting ''or subsection (c)(1)''.

(c) EFFECTIVE DATES.—

(1) DEEMED ALLOCATION.—Section 2632(c) of the Internal Revenue Code of 1986 (as added by subsection (a)), and the amendment made by subsection (b), shall apply to transfers subject to chapter 11 or 12 of such Code made after December 31, 1999, and to estate tax inclusion periods ending after December 31, 1999.

(2) RETROACTIVE ALLOCATIONS.—Section 2632(d) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to deaths of non-skip persons occurring after the date of the enactment of this Act.

SEC. 3. SEVERING OF TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 2642 of the Internal Revenue Code of 1986 (relating to inclusion ratio) is amended by adding at the end the following new paragraph:

''(3) SEVERING OF TRUSTS.—

''(A) IN GENERAL.—If a trust is severed in a qualified severance, the trusts resulting from such severance shall be treated as separate trusts thereafter for purposes of this chapter.

''(B) QUALIFIED SEVERANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The term 'qualified severance' means the division of a single trust and the creation (by any means available under the governing instrument or under local law) of 2 or more trusts if—

''(I) the single trust was divided on a fractional basis, and

''(II) the terms of the new trusts, in the aggregate, provide for the same succession of interests of beneficiaries as are provided in the original trust.

''(ii) TRUSTS WITH INCLUSION RATIO GREATER THAN ZERO.—If a trust has an inclusion ratio of greater than zero and less than 1, a severance is a qualified severance only if the single trust is divided into 2 trusts, one of which receives a fractional share of the total value of all trust assets equal to the applicable fraction of the single trust immediately before the severance. In such case, the trust receiving such fractional share shall have an inclusion ratio of zero and the other trust shall have an inclusion ratio of 1.

''(iii) REGULATIONS.—The term 'qualified severance' includes any other severance permitted under regulations prescribed by the Secretary.

''(C) TIMING AND MANNER OF SEVERANCES.—A severance pursuant to this paragraph may be made at any time. The Secretary shall prescribe by forms or regulations the manner in which the qualified severance shall be reported to the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to severances after the date of the enactment of this Act.

SEC. 4. MODIFICATION OF CERTAIN VALUATION RULES.

(a) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—Paragraph (1) of section 2642(b) of the Internal Revenue Code of 1986 (relating to valuation rules, etc.) is amended to read as follows:

''(1) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—If the allocation of the GST exemption to any transfers of property is made on a gift tax return filed on or before the date prescribed by section 6075(b) for such transfer or is deemed to be made under section 2632 (b)(1) or (c)(1)—

''(A) the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 12 (within the meaning of section 2001(f)(2)), or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, its value at the time of the close of the estate tax inclusion period, and

''(B) such allocation shall be effective on and after the date of such transfer, or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, on and after the close of such estate tax inclusion period.''.

(b) TRANSFERS AT DEATH.—Subparagraph (A) of section 2642(b)(2) of such Code is amended to read as follows:

''(A) TRANSFERS AT DEATH.—If property is transferred as a result of the death of the transferor, the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 11; except that, if the requirements prescribed by the Secretary respecting allocation of post-death changes in value are not met, the value of such property shall be determined as of the time of the distribution concerned.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 1431 of the Tax Reform Act of 1986.

SEC. 5. RELIEF PROVISIONS.

(a) IN GENERAL.—Section 2642 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(g) RELIEF PROVISIONS.—

''(1) RELIEF FOR LATE ELECTIONS.—

''(A) IN GENERAL.—The Secretary shall by regulation prescribe such circumstances and procedures under which extensions of time will be granted to make—

''(i) an allocation of GST exemption described in paragraph (1) or (2) of subsection (b), and

''(ii) an election under subsection (b)(3) or (c)(5) of section 2632.

Such regulations shall include procedures for requesting comparable relief with respect to transfers made before the date of enactment of this paragraph.

''(B) BASIS FOR DETERMINATIONS.—In determining whether to grant relief under this paragraph, the Secretary shall take into account all relevant circumstances, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant. For purposes of determining whether to grant relief under this paragraph, the time for making the allocation (or election) shall be treated as if not expressly prescribed by statute.

''(2) SUBSTANTIAL COMPLIANCE.—An allocation of GST exemption under section 2632 that demonstrates an intent to have a zero inclusion ratio with respect to a transfer or a trust shall be deemed to be an allocation of so much of the transferor's unused GST exemption as produces, to the extent possible, a zero inclusion ratio. In determining whether there has been substantial compliance, all relevant circumstances shall be taken into account, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant.''.

(b) EFFECTIVE DATES.—

(1) RELIEF FOR LATE ELECTIONS.—Section 2642(g)(1) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to requests pending on, or filed after, the date of the enactment of this Act.

(2) SUBSTANTIAL COMPLIANCE.—Section 2642(g)(2) of such Code (as so added) shall take effect on the date of the enactment of this Act and shall apply to allocations made prior to such date for purposes of determining the tax consequences of generation-skipping transfers with respect to which the period of time for filing claims for refund has not expired. No negative implication is intended with respect to the availability of relief for late elections or the application of a rule of substantial compliance prior to the enactment of this amendment.

● Mr. BREAUX. Mr. President, I am pleased to join my colleague from the Senate Finance Committee, Senator MACK, in introducing legislation designated to address past problems with

the allocation of the generation-skipping transfer (GST) exemption, and to provide for automatic allocations going forward.

Under current law, taxpayers must make affirmative allocations of the GST exemption for transfers to a trust. As a result, many taxpayers have not made timely allocations and face the prospect of losing a significant portion of the exemption's benefit. This legislation is designed to assure that taxpayers get the full benefit of the law by making GST exemption allocations automatic for transfers to a trust and to give taxpayers the opportunity to cure past allocations which were not made on a timely basis.

This legislation was included in the tax bill that was sent to the President earlier this summer. It enjoys Republican and Democratic support on both sides of the hill. I urge its inclusion in the next tax bill sent to the White House.●

By Mr. MCCAIN (for himself, Mr. THOMPSON, Mr. LIEBERMAN, and Mr. ABRAHAM):

S. 1977. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Governmental Affairs.

CORPORATE SUBSIDY REFORM COMMISSION ACT OF 1999

● Mr. MCCAIN. Mr. President, I rise today to introduce legislation to establish a process to eliminate and reform federal subsidies and tax advantages received by corporations. This bill, ''The Corporate Subsidy Reform Commission Act'' is identical to a bill that was reported out of the Senate Governmental Affairs Committee in May, 1997. I am pleased to have as cosponsors Senators THOMPSON, LIEBERMAN, and ABRAHAM.

I would like to briefly describe the major provisions of the Corporate Subsidy Reform Commission Act. It defines inequitable subsidies as those provided to corporations without a reasonable expectation that they will return a commensurate benefit to the public.

The Act excludes any subsidies that are primarily for research and development, education, public health, safety, or the environment. Also excluded are subsidies or tax advantages necessary to comply with international trade or treaty obligations.

The Act would create a nine-member commission nominated by the President and the Congressional leadership. Federal agencies would be required to submit to the Commission, at the time of the Administration's next budget, a list of subsidies and tax advantages that it believes are inequitable. The Commission will provide recommendations to either terminate or reduce the corporate subsidies. The President has the authority under the Act to either terminate the process, or submit the Commission's recommendations to the Congress as a legislative initiative.

The Congress would then have four months to review the Commission's recommendations which have been endorsed by the President. At that time, the actions of all involved committees in each respective body would be sent to the floor for debate, under expedited procedures.

Many federal subsidies and special-interest tax breaks for corporations are unnecessary, and do not provide a fair return to the taxpayers who bear the heavy burden of their cost. If a corporation is receiving taxpayer-funded subsidies or tax breaks that are unsupported by a compelling benefit to the public, the subsidy should be ended.

Our nation is just now beginning to pay down a national debt of over $5 trillion. Every American shoulders an unconscionable amount of debt—somewhere in the range of $19,000 each—not due to any profligate spending of their own, but because of the fiscal irresponsibility of their elected officials in Congress. The citizens who expect leadership and accountability from their representatives have gotten special interest pandering in return. This is devastating to our nation's fiscal stability, and crippling to the ability of the Congress to respond to truly urgent social needs such as health care, education, and national security.

Let me note a couple of estimates of this scope of unjustified federal subsidies to corporations that illustrates how expensive this burden is. When I first introduced this legislation, the CATO Institute had identified 125 federal programs that provided over $85 billion in industry subsidies. The Progressive Policy Institute identified an additional $30 billion in tax loopholes for major industries.

Unfortunately, the pervasive system of pork-barreling and special interest legislating is speeding along unabated in Washington. Instead of pursuing our nation's priorities in a bipartisan manner, both parties continue to legislate, posture, and spend for partisan advantage. I have worked hard during my service in the Senate to eliminate wasteful earmarks in appropriations bills. Yet this year alone, more than $13 billion in pork barrel spending was approved by the Senate. I was also dismayed at the inclusion of numerous special-interest tax breaks contained in the comprehensive tax bill passed by the Congress this year, then vetoed.

Mr. President, I want to state openly that I would strongly prefer to eliminate corporate subsidies and inequitable tax subsidies without resorting to a commission. I would rather have every committee in the House and Senate open the next session of Congress by expeditiously examining their areas of jurisdiction for unwarranted corporate pork. Then, each respective body could engage in a full and thorough debate on the merits of each subsidy, and vote on their termination or modification. However, I regret that approach is unlikely to occur, because of the difficulty in resisting the requests of the special interests. The bill I am introducing today represents a practical approach to establishing not only a credible process to identify corporate pork, but to then take the important next step of achieving real reductions on behalf of over-taxed constituents.

I look forward to this bill being brought before the Senate Governmental Affairs Committee early next year. To ensure that the Senate Committee on Finance has an opportunity to evaluate any tax policy modifications contained in this Act, I have agreed to a sequential referral consent request with the leadership of those two committees. I am hopeful that this bill represents the beginning of a serious and productive process to alleviate the public burden of unnecessary corporate subsidies and tax breaks.

By Mr. DOMENICI:

S. 1978. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Albuquerque, New Mexico, metropolitan area; to the Committee on Veterans' Affairs.

ALBUQUERQUE NATIONAL CEMETERY LEGISLATION

Mr. DOMENICI. Mr. President, it is with great pleasure and honor that I rise today to introduce a bill to create a National Veterans Cemetery in Albuquerque, New Mexico.

The men and women who have served in the United States Armed Forces have made immeasurable sacrifices for the principles of freedom and liberty that make this Nation unique throughout civilization. The service of veterans has been vital to the history of the Nation, and the sacrifices made by veterans and their families should not be forgotten.

These veterans at the very least deserve every opportunity to be buried at a National Cemetery with their fellow comrades. However, the Santa Fe National Cemetery, which serves the Northern two thirds of New Mexico, is rapidly approaching maximum capacity.

Unfortunately, even though the Senate has already passed my legislation to extend the useful life of the Santa Fe National Cemetery by authorizing the use of flat grave markers the life of the Cemetery will only be extended to 2008. Consequently, I would submit that it is not too soon to being planning or the day when Santa Fe will no longer be available.

Before I continue, I would like to take a moment to talk about the Santa Fe National Cemetery. I believe all New Mexicans can be proud of the Santa Fe National Cemetery that has grow from 39/100 of an acre to its current 77 acres.

The cemetery first opened in 1868 and within several years was designated a National Cemetery in April of 1875. Men and women who have fought in all of nation's wars hold an honored spot within the hallowed ground of the cemetery.

With that said, I believe now is the right time to begin looking for another

suitable site to serve as the last resting place for those New Mexico veterans who gave of themselves to protect the American ideals of liberty and freedom. The need to begin planning becomes even more pressing by virtue of the fact that more than half of New Mexico's 180,000 veterans live in the Albuquerque/Santa Fe area and interments are expected to peak in 2008.

Consequently, I am introducing legislation today to create a National Veterans Cemetery in Albuquerque, New Mexico. I also want to compliment Congresswoman Heather Wilson who offered this far-sighted legislation in the House of Representatives last week with the knowledge that there is only a finite amount of space available over the long term at the existing national cemetery in Santa Fe.

The Bill simply directs the Secretary of Veterans Affairs to establish a national cemetery in the Albuquerque metropolitan area and to submit a report to Congress setting forth a schedule for establishing the cemetery.

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

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

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

SECTION 1. ESTABLISHMENT OF NATIONAL CEMETERY.

(A) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 124 of title 38, United States Code, a national cemetery in the Albuquerque, New Mexico, metropolitan area to serve the needs of veterans and their families.

(b) REPORT.—As soon as practicable after the date of the enactment of this Act. The Secretary shall submit to Congress a report that sets forth a schedule for the establishment of the national cemetery under subsection (a) and an estimate of the costs associated with the establishment of the national cemetery.

By Mr. CONRAD (for himself and Mr. MOYNIHAN):

S. 1979. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide that restrictions on application of State laws to pension benefits shall not apply to State laws prohibiting individuals from benefitting from crimes involving the death of pension plan participants; to the Committee on Finance.

THE SLAYER STATUTE ACT

● Mr. CONRAD. Mr. President, I rise to address an oversight in the Employment Retirement Income Security Act (ERISA) brought to my attention by a constituent of mine in Grand Forks, North Dakota.

On October 14, 1997, Betty Rambel disappeared. Two days later, the burnt-out shell of her car was found. Inside the trunk was an unrecognizable body. On October 24, 1997, using dental records, the body was identified as Betty. That day, her husband, Steve, was arrested for her murder.

Steve Rambel's trial took place in November of 1998, roughly a year ago. After a week-long trial the jury found him guilty of murder in the second degree, assault with a deadly weapon, and arson. Steve was sentenced to life in prison on March 5, 1999.

Even once is too often, yet this sort of situation occurs more frequently than that: people are killed by people they trust. We read the headlines, are bombarded with the lurid details, and our thoughts move to other matters when the killer is convicted and sentenced. However, for the other victims of these crimes—the family and friends of the victim—the nightmare drags on. In the midst of the shock, the anger, the inconsolable sorrow of their loss, these victims have to pick up the pieces of their lives and go through the business of getting back on their feet. I rise today to speak about the ''business'' of moving on.

With her sister gone and her brother-in-law in jail, Phyllis Marden assumed responsibility for the care of her minor niece and nephew. In the midst of settling her deceased sister's estate, Phyllis was notified that she was named as the second beneficiary to Betty's pension benefits. When coming to agreement with her sister's employer on the award of benefits, Ms. Marden was upset to find that, although it is prohibited by state law, under ERISA her sister's killer can lay future claim to her pension benefits. Justifiably disturbed by this oversight in federal law, Phyllis contacted my office.

ERISA preempts state laws that govern the award of pension benefits, even clear-cut rulings like those made against Steven Ramble. To correct this situation and others like it, we have drafted a bill which would waive the ERISA preemption in cases where a state's ''slayer statute'' applies to the application of benefits. This bill simply provides that individuals will not have access to ERISA benefits as a result of crimes they commit causing the death of pension plan participants. While many insurance plans already have language to this effect, ERISA does not. The aim of the bill is to codify the direction of the court in recent decisions of this issue and the Internal Revenue Service decision made on this matter in February 24, 1999, private letter ruling.

While no one thinks that killers should benefit from their victims' pension plans, some suggest that waiving the ERISA preemption in these cases might start us down a ''slippery slope,'' where we begin waiving the ERISA preemption to support and enforce social policy. They would prefer to deal with these matters on a case-by-case basis. I understand this line of reasoning; however, I strenuously disagree. I side with the Phyllis Mardens of America.

Individuals subjected to these tragic, uncommon circumstances have been through enough both emotionally and financially; they should not be responsible for added legal costs on a clear-cut issue. At a time like this, they should not be expected to realize that they need a lawyer familiar with the intricacies of ERISA.

I have alluded to the fact that not all lawyers are familiar with the available legal remedies to these problems; ERISA is notoriously complex. A bright line should be drawn that—without affecting the ERISA preemption on the whole—allows survivors of this specific sort of crime relief from further emotional and financial hardship at the hands of the perpetrator. I feel that this bill makes that sort of clear distinction.

A day does not pass that Betty is not on Phyllis's mind. Phyllis understands that this bill will not affect her situation—she is already paying her legal bills. However, she knows that someone else will have to go through the legal process she has been through. This bill will remove an obstacle from their path and get them on their way home.●

By Mr. BAUCUS (for himself, Mr. HARKIN, Mr. DASCHLE, Mr. KERREY, Mr. DURBIN, Mr. JOHNSON, Mr. WELLSTONE, Mr. CONRAD, Mr. ROCKEFELLER, Mr. BRYAN, Mr. REID, Mr. LEAHY, Mr. WYDEN, and Mrs. MURRAY):

S. 1980. A bill to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

21ST CENTURY RURAL UTILITY SERVICE RURAL DEVELOPMENT ENHANCEMENT THROUGH LOCAL INFORMATION ACT

● Mr. BAUCUS. Mr. President, along with Senators HARKIN, DASCHLE, KERREY, DURBIN, JOHNSON, WELLSTONE, CONRAD, ROCKEFELLER, BRYAN, REID, LEAHY, WYDEN, and MURRAY, I am pleased to introduce a bill today on behalf of our country's rural satellite consumers. This is a bill to amend the Rural Electrification Act of 1936, appropriately entitled, ''the 21st Century Rural Utility Service Rural Development Enhancement Through Local Information Act.''

We all know that modern technology has made it possible to broadcast TV programming directly from satellites. Nationwide, over 11 million households subscribe to satellite TV, and that number increases by over 2 million households a year.

Rural areas have come to depend on the network coverage that satellites provide. In Montana, where over 35 percent of homes depend on satellite broadcasting for their TV reception, this development has been a real boon.

While satellite broadcasting has improved the quality of life for folks in rural America, it hasn't been perfect. Satellite systems haven't been able to carry local broadcast stations. So local viewers haven't always been able to get local broadcasting.

And this is not just a problem for satellite subscribers. It's a problem for the local TV broadcasters and for the fabric of local communities. Local broadcasters play a key role in our communities.

They provide local news, local weather, and public service programs. Viewers depend on these broadcasts to find out about what's going on in their community. When the school board, PTA, and city council are meeting. Or when there's a parade or a fund-raiser for their church or civic groups.

Local broadcasters are vital to our local economies. They provide jobs, and they allow local businesses to grow through advertising. In short, the importance of local broadcasting is evident in all parts of community life.

And they also provide network programming: NBC, ABC, CBS, and FOX. Nineteen of the twenty TV stations in Montana are affiliated with one of these networks, or with the Public Broadcasting System.

These stations air national news, sports and entertainment at times of the day when people with jobs and kids can watch.

Without these local broadcasts, you might miss the evening network news because it comes on before you get home from work, or because it airs late at night. People want local network coverage because it works in their lives.

Until now, technology has not provided for rebroadcast of local signals by satellites. Many rural residents haven't been able to get decent reception over the air.

Of course, we in the Senate cannot change technology or geography. What we can do is change the law. We can make local into local broadcasting a reality, and we should.

Last spring, we passed H.R. 1554. At the time, we neglected an important responsibility. The language we passed would have required the turn-off of network programming to many rural satellite viewers.

It would have done nothing to help the many local broadcasts in smaller cities and towns. A big oversight.

Following the vote, I wrote a letter to the conference asking that it pay attention to the needs of the many viewers, communities, businesses and stations that had been ignored. Twenty-three of my colleagues, from both sides of the aisle, signed the letter.

As you know, Mr. President, yesterday the House passed the omnibus appropriations bill, and the Senate is slated to take the same vote this evening. Mr. President, I was very disheartened when I learned that the ever important loan guarantee provision was pulled out of the Conference Report on the Satellite bill at the last minute. That is why I'm introducing this bill today, because this loan guarantee will help America's 11 million rural satellite consumers. It's time for us as lawmakers to say ''we care about those folks up in 2 Dot that simply want to watch local news.'' This is our chance to expand rural access so that no matter how large or small your town is, you're going to be able to enjoy the benefits of Satellite TV.

This bill includes a loan guarantee that will make it possible for all local stations to be broadcast on satellite. Not just those in the very largest cities and towns. Without this, the other ''local into local'' provisions of the Satellite Home Viewer Act are an empty promise to the rural and small town Americans who depend on satellites.

Mr. President, I look forward to holding hearings on this bill during our adjournment and coming back to see a swift resolution to this issue in January. It is time, no, it's overtime, for us to act on this important issue.●

By Mr. KENNEDY:

S. 1981. A bill to amend title XI of the Public Health Service Act to provide for the use of new genetic technologies to meet the health care needs of the public; to the Committee on Health, Education, Labor, and Pensions.

GENETICS AND PUBLIC HEALTH SERVICES ACT

Mr. KENNEDY. Mr. President, advances in biomedical science and technology in this century have given us many tools to improve our understanding of the causes of disease, and to develop better strategies to prevent and treat human illness. The recent explosion of knowledge in genetics offers us the newest and most powerful weapons in the war against disease and suffering.

The legislation I am introducing, the Genetics and Public Health Services Act, will increase the federal, state and local public health resources needed to translate genetic information and technology into strategies to improve public health.

Our national investment in science, and in particular in the National Institutes of Health, is reaping important dividends for the entire country. As a result of the Human Genome Project and other public and private sector research, we soon may have access to the entire human genetic code. From work accomplished so far, scientists have begun to develop a greater understanding of how genes contribute to the development of common diseases, such as cancer, diabetes, hypertension, depression, heart disease and many other illnesses. Genetic information and technology have enormous potential for improving our efforts to promote health and combat disease.

Based on current understanding of genes and human disease, we know that at least 65 percent of Americans have or will have a health problem for which there is a clear genetic contribution. Some have rare, but serious, conditions—such as cystic fibrosis, sickle cell disease or phenylketonuria. Many more have common disorders—asthma, diabetes, cancer, heart disease, stroke and depression—in which genetic predisposition plays an important role.

Genetic information can help us to understand and identify those at risk for serious diseases and conditions, and help doctors monitor their health in order to diagnose and treat the diseases before they cause irreversible injury or death.

Advancing our understand of genetics will revolutionize the treatment of disease. For example, understanding the genetic factors that contribute to Alzheimer's disease will help us to understand why some patients seem to respond to a new treatment, while others do not. Genetic information may soon be able to predict the types of individuals who have intolerable side effects from certain therapies. Doctors will be able to use genetic information to choose safer and more effective treatments that are tailored to each individual.

Medical scientists are now beginning to think about genetic-based strategies to prevent illness, too. Understanding how genes contribute to the development of disease will give us new ways to intervene before disease develops. We will be able to use new therapies to prevent stroke, heart disease and many other conditions that cause disability and premature death.

We have an unprecedented opportunity to use the expanding knowledge in genetics to improve health care. Scientific discoveries based on genetic information will change the face of health care in the future. But we lack the resources and systems needed today to translate that information into effective steps to diagnose, treat, and ultimately prevented disease.

In order to realize the potential benefits of genetic information and technology, we must invest the resources needed to translate this knowledge into practical approaches to health care. We must do this quickly, to keep pace with the explosion of knowledge coming from public and private sector scientists.

This legislation accomplishes these goals by creating two new grant programs in the Department of Health and Human Services. The first provides grants to states to develop and maintain ways to safely and effectively use genetic information in their state and local public health programs. The second grant program focuses on the translation of new genetic information and technologies to practical public health strategies that can be used in public and private health care.

The grant program for states will support methods to incorporate genetics at every level of state and local public health systems. Each state and territory has a unique population and a unique public health program. This proposal provides states with the support and flexibility to design approaches tailored to their specific needs and existing resources. States may use funds to establish and maintain essential resources, such as information systems, service programs, and other fundamental elements. States

will be required to monitor, evaluate and report on the impact of programs and systems funded by the Act.

Responsible use of genetic information must be based on scientific data. The second grant program created by this legislation addresses the need for ongoing development and evaluation of public health strategies that use genetic information and technology. The bill creates a demonstration program for public and private non-profit organizations to test innovative approaches for using genetic information to improve people's health, and to evaluate the suitability of such approaches for incorporation into state and local public health programs.

Broad input from all parties is a key ingredient for successful and safe use of genetic information to improve public health. Individuals must not be coerced to participate in genetic testing. It is important to involve the public in local, state and federal decisions about how to use genetic information in developing public health policy.

Evidence suggests that many people are afraid to take advantage of available genetic tests because they fear discrimination in the workplace or in the health insurance market. Until we pass legislation to stop such discrimination, those fears are grounded in reality. We know that steps can be taken to protect the confidentiality of genetic information and to better educate the public about the issues surrounding genetic testing. This legislation requires each state to show how it plans to involve the public in the design and implementation of its proposal. The legislation also establishes a federal advisory committee to assist the Secretary of Health and Human Services in the implementation and oversight of programs under this Act.

Public participation is essential. Our system has failed if we offer population-wide testing for predisposition to stroke, but fail to educate individuals who must decide whether to be tested. Our system has failed if we implement population-wide testing for predisposition to breast cancer, but fail to provide access to the care that is needed to reduce the risk of developing disease.

Effective integration of genetics into public health systems must build on current efforts of the private and the public sector, including the work of many federal agencies. These include the achievements of the Human Genome Project at the National Institutes of Health, the Food and Drug Administration's oversight of certain aspects of genetic testing, the ongoing work of the Secretary's Advisory Committee on Genetic Testing, and the contributions of the project on the Ethical Legal and Social Implications of the Human Genome Project at the Department of Energy. Our new Federal commitment to safe and effective use of new genetic information and technology in the public health system will also draw significantly upon the expertise of the Health Resources and Services Administration. Translating genetic information and technology into practice will benefit as well from the expertise of the Centers for Disease Control and Prevention in disease surveillance and in developing and testing new public health strategies.

This legislation emphasizes the need to educate both health care providers and the general public. It also provides the structure and resources to include genetics in all aspects of public health—from the development of policy to the delivery of services. We must ensure that our entire public health system is ready and able to respond to the challenge of using genetic information for improving health.

The Genetics and Public Health Services Act is supported by leading public health and genetics organizations, including the American Public Health Association, the American College of Medical Genetics, the National, Society of Genetic Counselors, and the American Society of Human Genetics. The Alliance of Genetic Support Groups—representing those who live with genetic diseases—has written eloquently about the need to improve the resources dedicated to integrating genetics into public health. I am confident this support will grow in the coming months.

Genetics research has brought us to an era of limitless possibility. The 21st century will be the century of life sciences. I hope my colleagues will join me in this effort to take advantage of this unprecedented opportunity to improve America's health. I ask unanimous consent that a summary of the bill and letters of support be printed in the RECORD.

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

THE GENETICS AND PUBLIC HEALTH SERVICES ACT

Amends the Public Health Service Act to (1) establish, expand and maintain resources and expertise needed for safe and effective use of genetic information and technology in state and local public health programs and (2) support essential applied research and systems development to translate new and emerging genetic information into practical public health strategies.

BLOCK GRANTS, APPLIED RESEARCH AND DEMONSTRATION PROJECTS

Creates a new federal-state matching block grant program to (1) develop systems that promote access to quality genetic services regardless of race, ethnicity, and ability to pay; (2) establish, maintain, or supervise programs to reduce the mortality and morbidity for heritable disorders in the population of the state; (3) identify and develop a network of experts within state and county health agencies to assess the need for and assure the referral to or provision of quality genetic services; (4) promote understanding among the public and health care professionals of genetic disorders; and (5) provide a mechanism for public input on state-designed genetic policies and programs.

Establishes new authority to develop and evaluate strategies to use emerging genetic information and technology to improve the public health.

Application requirements and procedures

Block grants: In general, individual states will apply for and receive the block grants; however, two or more states may submit a joint multi-state application.

Applied research/demonstration projects: Eligible entities are states and public or private non-profit organizations, which may partner with other entities in the private sector.

ESTABLISHES AN ADVISORY COMMITTEE

Members include representatives from other appropriate federal agencies, the clinical genetics community, research community, private sector, the public, and state health agencies. The Committee shall (1) assist the Secretary in the implementation of the Act, (2) assist with coordination among participating agencies and (3) maintain involvement of the broader health community in the development and oversight of related Public Health and Genetics programs.

AUTHORIZATION AND ALLOCATIONS

Authorizes $100,000,000 for each of fiscal years 2000 through 2009. Seventy percent is dedicated to state block grant programs, evaluation activities and the Advisory Committee. Thirty percent of the total allocation is set-aside for funding demonstration projects. States are eligible for a minimum of up to $400,000 annually from the block grant; allocations in excess of $400,000 are determined by a formula based upon population. Funds may be expended for two fiscal years after initial award; unspent funds may be reallocated. States must provide $2 for every $3 federal dollars.

REPORTS

States report annually to HHS on the activities supported by the block grant. HRSA and CDC submit an annual report to the Advisory Committee on activities supported by the Act; this report is transmitted by the Advisory Committee with comments to the Secretary and to Congress.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, November 9, 1999.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: The American Public Health Association (APHA), representing over 50,000 public health professionals dedicated to advancing the nation's health is pleased with your introduction of the Genetics and Public Health Services Act.

This legislation would amend the Public Health Service Act to expand public health resources needed to translate genetic information and technology into practical strategies to improve the public health. APHA strongly supports the safe and effective integration of genetic information and technology into public health practice.

Specifically, the legislation would provide funding to states to develop and maintain resources needed to use genetic information and technology at all levels of public health systems. The bill would support the development of expertise within state and county health agencies to evaluate the potential impact of public health strategies based on genetic information, to assess the need for genetic services, to provide expert input for policy development, and to assure appropriate referral to or provision of quality genetic services regardless of race, ethnicity or ability to pay.

APHA looks forward to working with you in moving this important legislation forward. Thank you again for your leadership on this important public health matter.

Sincerely,

MOHAMMAD N. AKHER,
Executive Director.

ALLIANCE OF GENETIC SUPPORT GROUPS,
Washington, DC, November 10, 1999.
Senator EDWARD KENNEDY,
U.S. Senate, Washington DC.

DEAR SENATOR KENNEDY: On behalf of the members of the Alliance of Genetic Support Groups, I am writing to express our strong interest in increasing resources for the necessary expansion of genetic services within state, federal and local public health systems.

The Alliance of Genetic Support Groups is a national coalition of individuals, families and professionals working together to enhance the lives of everyone with genetic conditions. The Alliance mission is to bring the ''people perspective'' to the forefront of discussions about access to quality healthcare, privacy, discrimination and research. Representing 280 support groups of individuals and families with genetic conditions and professional organizations, the Alliance acts on behalf of over three million individuals and families.

We know, through our membership network and callers to our Genetics Helpline, that resources are desperately needed to address the disparities across the state and federal public health systems.

We want to emphasize that genetics, from a public health perspective, is much more than simply genetic testing. Vastly increased resources are needed to prepare public health systems to deliver comprehensive and quality genetic services. We need to train public health professionals, educate the public, create family-centered public policies and develop a comprehensive care system that links people to all the services they need—before, after and as a result of genetic testing.

We applaud your commitment to address these concerns, as well as others close to our members' hearts, about genetic discrimination, privacy and access to quality health care. The Alliance of Genetic Support Groups deeply appreciates all that you have done and are continuing to do to ensure the translation of genetic knowledge into improved public health.

Sincerely,

MARY E. DAVIDSON,
Executive Director.

AMERICAN COLLEGE
OF MEDICAL GENETICS
Bethesda, MD, November 10, 1999.
Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: As President of the American College of Medical Genetics (ACMG), I am writing to express our deep appreciation and support for your efforts to address the need for more extensive resources and services for public health genetics at the state and federal levels.

The ACMG is a professional organization representing board-certified clinical and laboratory geneticists. We are the newest specialty to be recognized by the American Board of Medical Specialties, and we have full representation in the House of Delegates of the American Medical Association.

As I recently testified before the Secretary's Advisory Committee on Genetic Testing, knowledge of genetics has expanded rapidly thanks to the enormous international investment in the Human Genome Project. However, little attention has been paid to the crucial issue of integrating it into health care delivery. Medical geneticists are uniquely aware of the need for a thoughtful and organized approach to the translation of achievements in research so that all physicians can more effectively address the problems of individuals who suffer from or have a predisposition toward diseases caused by genetic defects. It is increasingly clear that virtually every common (or rare) disease has a genetic component, thereby making every American citizen a potential beneficiary of medical genetic services. Thus the tools to prevent and to effectively treat diabetes, cancer, hypertension, heart disease, Alzheimer's, asthma, and so many others, will depend not only on knowledge and technology, but also on a systematic integration of these into our health care system at all levels.

The bill you have introduced (Genetic and Public Health Services Act) provides the resources and organization that can unite the expertise of geneticists and public health officials and help us enter the next century with tools to dramatically improve the public health.

Sincerely,

R. RODNEY HOWELL,
President.

NATIONAL SOCIETY OF
GENETIC COUNSELORS, INC.,
Wallingford, PA, November 16, 1999.
Senator EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: The National Society of Genetic Counselors (NSGC) is pleased to write this letter of support for a bill you are introducing to establish ''The Genetics and Public Health Services Act.''

The National Society of Genetic Counselors is the leading voice, authority and advocate for the genetic counseling profession and represents over 1700 genetic counselors. Genetic counselors are master's degree level trained healthcare professionals. We work with patients to help them understand the genetics of their condition and implications for other family members, coordinate evaluations, testing and care and link patients with supportive resources. In our work with patients, we translate complex genetic information into understandable terms and promote autonomous decision-making about their healthcare. Additional information about the NSGC can be found on our website (*http://www.nsgc.org*).

Advances are rapidly being made on the identification of gene mutations that cause diseases and genetic conditions. The Human Genome Project, which was initiated in 1990, is mapping the location of all genes. The wealth of genetic information generated by the Human Genome Project will require wide dissemination. Strategies must be developed to translate this genetic information into quality healthcare. Clearly, there is a great need for the development of programs that will ensure that patients are appropriately referred and have access to quality genetic services regardless of race, ethnicity and ability to pay. It will also be important to develop programs that will ease the physical burden associated with genetic conditions and improve treatment.

We would like to express our appreciation for your past efforts on healthcare issues, particularly your efforts with the Kennedy-Kassebaum bill to address the risk of genetic discrimination. With the introduction of ''The Genetics and Public Health Services Act,'' you demonstrate foresight in anticipating the greater need for genetic services, once again showing your commitment to quality healthcare for all of us.

Sincerely,

WENDY R. UHLMANN,
President.

THE AMERICAN SOCIETY
OF HUMAN GENETICS,
Bethesda, MD, November 10, 1999.
Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: As President of the American Society of Human Genetics (ASHG), I am writing to express our deep appreciation and support for your efforts to address the need for more extensive resources and services for public health genetics at the state and local levels.

The ASHG is a professional organization representing a wide spectrum of human genetics professionals including clinical and laboratory geneticists, genetic counselors, nurses and others interested in the many phases of human genetics studies.

As was recently stated before the Secretary's Advisory Committee on Genetic Testing, knowledge of genetics has expanded rapidly thanks to the enormous international investment in the Human Genome Project. However, little attention has been paid to the crucial issue of integrating this knowledge into health care delivery. Medical geneticists are uniquely aware of the need for a thoughtful and organized approach to the translation of achievements in research, so that all physicians can more effectively address the problems of individuals who suffer from or have a predisposition to diseases caused by genetic defects. It is increasingly clear that genetic factors are important for virtually every common condition that affects large segments of the population. Thus, the capability to prevent and effectively treat diabetes, cancer, hypertension, heart disease, Alzheimer's, asthma, and many others, will depend not only on expanding knowledge and technology, but also on a systematic integration of these advances into our health care system at all levels.

The bill you have introduced (Genetic and Public Health Services Act) provides the resources and organization that can unite the expertise of geneticists and public health officials and provide the means to dramatically improve the health of the people by the provision of quality genetic services.

Sincerely,

UTA FRANCKE,
President.

By Mrs. MURRAY (for herself, Mr. CRAIG, Mr. SMITH of Oregon, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 1983. a bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs; to the Committee on Agriculture, Nutrition, and Forestry.

THE AGRICULTURAL MARKET ACCESS AND DEVELOPMENT ACT

Mrs. MURRAY. Mr. President, I rise today with Senators CRAIG, SMITH of Oregon, BOXER, and FEINSTEIN to introduce the Agricultural Market Access and Development Act.

Mr. President, farmers and ranchers in our nation are hurting. Rural communities in my home state of Washington have been severely impacted by the current crisis in agriculture. The causes are complex and diverse, and have been discussed at great length on the floor of the United States Senate. Low prices, the loss of markets in Asia, foreign trade barriers, dumping, and industry concentration are just a few of the difficulties farmers and ranchers, the Administration, and Members of Congress are struggling to overcome.

I am pleased Congress acted to provide emergency assistance as part of the fiscal year 2000 agriculture appropriations act. However, while this package was desperately needed, it left

our many so-called ''minor crop'' producers across the country. It failed to reform our nation's plicy on unilateral sanctions. And it didn't compel us to dedicate time to really resolve long-term issues that will put American agriculture on a more solid foundation. One long-term issue that deserves attention is federal support for market access and development.

Today, I am introducing the Agricultural Market Access and Development Act to ensure our producers have the resources they need to expand their overseas markets. My bill would authorize the Secretary of Agriculture to spend up to $200 million—but not less than the current $90 million—for the Market Access Program. And it would set a floor of $35 million for spending on the foreign Market Development ''Cooperator'' Program.

While many Members of Congress and producers have advocated increased funding for MAP and the Cooperator Program, these efforts have been complicated by our work to balance the budget and meet other important national commitments. At the same time, the agricultural community is frustrated over the use—or lack of use—of the Export Enhancement Program.

Debate will continue on the merits of using the Export Enhancement Program. Nevertheless, I believe we cannot afford to continue wasting the precious dollars we target toward agricultural trade. That is exactly what is happening now: hundreds of millions of dollars in the Export Enhancement Program remain unspent and unused while foreign governments heavily subsidize and protect their agricultural economies to the detriment of American producers.

My bill seeks to recover some of our lost trade resources and convert them into new opportunities for our farmers and ranchers. My bill would give the Secretary of Agriculture the authority to direct a percentage of unspent Export Enhancement Program dollars to market access and development programs within the Commodity Credit Corporation. If less than 20 percent of funds authorized for the Export Enhancement Program are spent by July 1 of a given fiscal year, the Secretary could direct up to 50 percent of unspent EEP funds to other programs. If less than 50 percent—but more than 20 percent—of funds authorized for EEP are spent by July 1 of a given fiscal year, the Secretary could direct up to 20 percent of unspent EEP funds to other programs.

Mr. President, I am introducing this legislation today to advance the discussion on using all of our trade resources. The numbers included in my bill will be subject to further discussion and I welcome it. However, I believe this legislation represents a serious effort to use our scarce resources wisely.

Our current trade negotiations on agriculture show that we must be willing and able to use federal resources to promote trade. If we do not, our negotiations and our producers cannot succeed.

As we head into the Seattle Round of the World Trade Organization this fall, we need to commit ourselves to promoting trade and expanding market access. Without this commitment, we will lose opportunities to market our products overseas. Without this commitment, the changes we made to our farm policy in 1996 will not have a chance in the world of succeeding.

As I said before, Mr. President, agricultural producers in my state of Washington are hurting. My state is home to more than 200 ''minor'' crops. Washington state is known for its productive apple industry. Unfortunately, that industry is in the midst of a terrible economic crisis. The loss of markets in Asia, non-frozen apple juice concentrate dumping by China, oversupply, poor weather conditions in 1998, and generally low prices are driving hundreds of family farms out of business.

This Congress needs to do a better job of addressing the plight of all commodity producers, not just those who grow major commodities. My legislation is a step in the right direction. It seeks to increase funding for the Market Access Program, which is popular among fruit and vegetable growers. In fact, it is one of the few federal programs that benefit fruit and vegetable producers. Since this Congress has shown its reluctance to target meaningful federal aid to minor crop producers, the least we can do is strengthen the voluntary programs that work for these producers. If we do not, we will be failing to promote economic stability in many rural communities.

However, my bill is not just intended to help fruit and vegetable producers. It also encourages transferring unused trade dollars to the Foreign Market Development Program, which is used by program commodities. Both MAP and FMD represent the kind of federal-industry partnerships we should be encouraging at a time of limited government resources.

Mr. President, let me briefly address one criticism of the Market Access Program: the issue of whether it is primarily a program that benefits large corporations. Congress reformed MAP—known before the 1996 farm bill as the Market Promotion Program—in 1996 to ensure that large corporations with no connections to producers could not access MAP funds. I strongly supported that change.

The new law did allow for the program's continued use by farmers' cooperatives, some of which are major industry players. However, it is clear to me, and to others who follow the farm economy, that encouraging the development of farmers' cooperatives is one of the few bright spots in our efforts to keep family farms on the land. Therefore, while opponents will continue to point to a few examples of entities they believe in no way should be involved in the program, I believe my colleagues should keep the broader picture in mind. MAP deserves our support.

Next year, Congress should address long-term agricultural issues. And one of those issues should be the transfer of unused Export Enhancement Program funds to market access and development programs. I urge my colleagues to join me in this effort.

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

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

S. 1983

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 ''Agricultural Market Access and Development Act of 1999''.

SEC. 2. MARKET ACCESS PROGRAM.

Section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended by striking ''and not more than $90,000,000 for each of fiscal years 1996 through 2002,'' and inserting ''not more than $90,000,000 for each of fiscal years 1996 through 1999, and not less than $90,000,000 nor more than $200,000,000 for each of fiscal years 2000 through 2002,''.

SEC. 3. USE OF EXPORT ENHANCEMENT PROGRAM FUNDS FOR MARKET ACCESS OR DEVELOPMENT PROGRAMS.

Section 301(e) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is amended by adding at the end the following:

''(3) USE OF EXPORT ENHANCEMENT PROGRAM FUNDS FOR MARKET ACCESS OR DEVELOPMENT PROGRAMS.—

''(A) LESS THAN 20 PERCENT USE.—If on July 1 of a fiscal year less than 20 percent of the maximum amount of funds authorized to carry out the program established under this section have been expended during that fiscal year to carry out the program established under this section, the Commodity Credit Corporation may use not more than 50 percent of the unexpended amount to carry out market access and development programs of the Commodity Credit Corporation during that fiscal year.

''(B) LESS THAN 50 PERCENT USE.—If on July 1 of a fiscal year less than 50 percent, but more than 20 percent, of the maximum amount of funds authorized to carry out the program established under this section have been expended during that fiscal year to carry out the program established under this section, the Commodity Credit Corporation may use not more than 20 percent of the unexpended amount to carry out market access and development programs of the Commodity Credit Corporation during that fiscal year.''.

SEC. 4. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

Section 703 of the Agricultural Trade Act of 1978 (7 U.S.C. 5723) is amended to read as follows:

''SEC. 703. FUNDING.

''The Secretary shall use to carry out this title for each of fiscal years 2000 through 2002 not less than $35,000,000 of the funds of the Commodity Credit Corporation.''.

● Mr. SMITH of Oregon. Mr. President, I rise before the Senate today to express my support for legislation, introduced by Senator MURRAY and others, that would allow the U.S. Department

of Agriculture to allocate to the Market Access Program unused Export Enhancement Program funds.

I have long been a supporter of the Market Access Program, which was designed to promote American agricultural products in foreign markets. Since its inception, it has proven to be a model program and has successfully fostered the growth of American agriculture producers through the expansion of exports. For smaller states like Oregon, the Market Access Program has played a critical role in getting the word out on an array of agricultural goods that otherwise have difficulty penetrating overseas markets. Many Oregon commodities, such as grass seed, tree fruits, and potatoes have benefitted greatly in recent years from the Market Access Program funding. For example, last year the Market Access Program enabled a delegation of Oregon grass seed growers to travel to China to meet with government officials interested in finding quality grass seed to stabilize river banks near the Three Gorges Dam project on the Yangtze River. There are numerous other examples where Oregon commodities have been able to make good use of these federal dollars.

Despite the achievements of the Market Access Program in recent years, funding for the program has been capped at $90 million. I am pleased today to cosponsor this bill which authorizes the Secretary of Agriculture to increase the Market Access Program funding up to a total of $200 million using unapportioned Export Enhancement Program funds.

This proposal has widespread support in my state from farmers and the agricultural groups that represent them. they recognize, as I do, that expanding markets overseas will be key to restoring the farm economy.

Mr. President, I am hopeful that the Senate will take up this issue early in the next session. I urge my colleagues to join in support of this legislation to enhance American agricultural export efforts and the family farms that depend upon them.●

By Mr. TORRICELLI:

S. 1985. A bill to amend the Internal Revenue Code of 1986 to lower the adjusted gross income threshold for deductible disaster casualty losses to 5 percent, to make such deduction an above-the-line deduction, and to allow an election to take such deduction for the preceding or succeeding year; to the Committee on Finance.

● Mr. TORRICELLI. Mr. President, I rise today to introduce the Disaster Victims Tax Relief Act. This legislation will help mitigate the losses that hundreds of thousands of Americans incur each year as a result of natural disasters, and helps clear the path towards full recovery.

My home state of New Jersey is not known as a place which suffers tropical storms or hurricanes with great frequency. However, this past September, many of my constituent witnessed nature's fury first hand. Hurricane Floyd, one of the largest storms in recent history, battered much of New Jersey, along with the several other Eastern states, with winds in excess of 140 miles per hour and flash downpours which caused extensive flooding. To date, the flooding caused by this disaster has inflicted more than $500 million in damages in New Jersey alone, and it is estimated that this figure may exceed more than $1 billion when the final costs are calculated. In terms of economic damages, New Jersey was the second most heavily damaged state as a result of Floyd.

Natural disasters, such as the one we recently witnessed, too often cause people to lose their homes and the businesses that were made successful through a lifetime of hard work. This pain is exacerbated by the fact that they are still required to meet a heavy tax burden for that year. It is unreasonable to expect these unfortunate Americans to meet their full tax responsibilities after suffering a cataclysmic disaster such as a hurricane such as a hurricane or flood. While our current tax code includes a provision that addresses this situation, qualification requirements ensure that the overwhelming majority of victims cannot utilize the provision to their benefit.

Under current law, an individual may deduct uninsured damages or ''casualty losses'' incurred from a natural disaster so long as those losses exceed 10 percent of their adjusted gross income (AGI). Unfortunately, many victims of disasters have found that this threshold is too high for them to qualify. Compounding this situation is the fact that only the small percentage of taxpayers who itemize their deductions are effectively eligible to claim their disaster losses as a deduction. This is troubling because 75 percent of taxpayers who do not itemize, comprised mostly of lower and middle class families who need this benefit most, cannot participate.

The bill I introduce today is straight forward. First it would reduce the current AGI threshold from 10 percent to 5 percent. Second, it would make the deductions available an ''above the line'' deduction. These two provisions would enable the majority of American taxpayers, who do not itemize their returns, to benefit. Third, my bill would institute a 2-year ''carry back or forward'' provision which would allow people who incur casualty losses to claim the deductions on either the previous year's return, or they can defer and claim the losses either the following year or the year after. Finally this bill is narrowly tailored to provide relief to those people who need it most; those who live in a federally declared disaster area. This will help avoid abuse of the provision.

Mr. President, people who have emerged from earthquakes, tornadoes, hurricanes and floods are confronted with the daunting task of rebuilding their lives in the face of overwhelming economic loss and the emotional trauma of losing everything they own. Their tax burden should not be one of the obstacles that they must overcome in order to embark on the road to recovery. This bill will help ensure that this is not the case. I would urge my colleagues in the Senate to fully support this legislation.●

By Mr. DASCHLE (for himself, Mr. HATCH, Mr. BROWNBACK, Mr. HARKIN, Mr. JOHNSON, Mr. DORGAN, Mr. BAUCUS, Mr. CONRAD, Mr. BINGAMAN, Mr. VOINOVICH, and Mr. BURNS):

S. 1988. A bill to reform the State inspection of meat and poultry in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NEW MARKETS FOR STATE-INSPECTED MEAT ACT OF 1999

Mr. DASCHLE. 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. 1988

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''New Markets for State-Inspected Meat Act of 1999''.

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

SEC. 2. REVIEW OF STATE MEAT AND POULTRY INSPECTION PROGRAMS.

(a) IN GENERAL.—Not later than September 30, 2001, the Secretary of Agriculture shall conduct a comprehensive review of each State meat and poultry inspection program, which shall include—

(1) a determination of the effectiveness of the State program; and

(2) identification of changes that are necessary to enable future transition to a State program of enforcing Federal inspection requirements as described in the amendments made by sections 102 and 202.

(b) COMMENT FROM INTERESTED PARTIES.—In designing the review described in subsection (a), the Secretary of Agriculture shall, to the maximum extent practicable, obtain comment from interested parties.

(c) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) AVAILABLE FUNDS.—Notwithstanding any other provision of law, only funds specifically appropriated under paragraph (1) may be used to carry out this section.

TITLE I—MEAT INSPECTION

SEC. 101. FEDERAL AND STATE COOPERATION ON MEAT INSPECTION FOR INTRASTATE DISTRIBUTION.

(a) REDESIGNATION.—

(1) IN GENERAL.—The Federal Meat Inspection Act is amended—

(A) by redesignating title III (21 U.S.C. 661 et seq.) as title V and moving that title to the end of that Act;

(B) by redesignating section 301 (21 U.S.C. 661) as section 501;

(C) in title V (as redesignated by subparagraph (A)), by striking the title heading and inserting the following:

"TITLE V—FEDERAL AND STATE COOPERATION ON MEAT INSPECTION FOR INTRASTATE DISTRIBUTION";

and

(D) in the fourth sentence of section 501(c)(1) (as redesignated by subparagraph (B)), by striking ''section 301 of the Act'' and inserting ''subsection (a)(4)''.

(2) CONFORMING AMENDMENTS.—

(A) Section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c)) is amended in the second sentence by striking ''section 301 of this Act'' and inserting ''section 501(a)(4)''.

(B) Section 24 of the Federal Meat Inspection Act (21 U.S.C. 624) is amended in the last sentence by striking ''section 301 of this Act'' and inserting ''section 501(a)(4)''.

(C) Section 205 of the Federal Meat Inspection Act (21 U.S.C. 645) is amended by striking ''section 301 of this Act'' and inserting ''section 501(a)(4)''.

(3) EFFECTIVE DATE.—This subsection takes effect on October 1, 2001.

(b) REPEAL.—

(1) IN GENERAL.—Title V of the Federal Meat Inspection Act (as amended by subsection (a)(1)) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c)) (as amended by subsection (a)(2)(A)) is amended in the second sentence by striking ''section 501(a)(4)'' and inserting ''section 413''.

(B) Section 24 of the Federal Meat Inspection Act (21 U.S.C. 624) (as amended by subsection (a)(2)(B)) is amended in the last sentence by striking ''section 501(a)(4)'' and inserting ''section 413''.

(C) Section 205 of the Federal Meat Inspection Act (21 U.S.C. 645) (as amended by subsection (a)(2)(C)) is amended by striking ''section 501(a)(4)'' and inserting ''section 413''.

(3) EFFECTIVE DATE.—Except as provided in section 302, this subsection takes effect on October 1, 2002.

SEC. 102. STATE MEAT INSPECTION PROGRAMS.

(a) IN GENERAL.—The Federal Meat Inspection Act (as amended by section 101(a)(1)(A)) is amended by inserting after title II (21 U.S.C. 641 et seq.) the following:

"TITLE III—STATE MEAT INSPECTION PROGRAMS

"SEC. 301. POLICY AND FINDINGS.

''(a) POLICY.—It is the policy of Congress to protect the public from meat and meat food products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish that policy.

''(b) FINDINGS.—Congress finds that—

''(1) the goal of a safe and wholesome supply of meat and meat food products throughout the United States would be better served if a consistent set of requirements, established by the Federal Government, were applied to all meat and meat food products, whether produced under State inspection or Federal inspection;

''(2) under such a system, State and Federal meat inspection programs would function together to create a seamless inspection system to ensure food safety and inspire consumer confidence in the food supply in interstate commerce; and

''(3) such a system would ensure the viability of State meat inspection programs, which should help to foster the viability of small establishments.

"SEC. 302. APPROVAL OF STATE MEAT INSPECTION PROGRAMS.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may approve a State meat inspection program and allow the shipment in commerce of carcasses, parts of carcasses, meat, and meat food products inspected under the State meat inspection program in accordance with this title.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—To receive or maintain approval from the Secretary for a State meat inspection program in accordance with subsection (a), a State shall—

''(A) implement a State meat inspection program that enforces the mandatory antemortem and postmortem inspection, reinspection, sanitation, and related Federal requirements of titles I, II, and IV (including the regulations issued under those titles); and

''(B) enter into a cooperative agreement with the Secretary in accordance with subsection (c).

''(2) ADDITIONAL REQUIREMENTS.—

''(A) IN GENERAL.—In addition to the requirements specified in paragraph (1), a State meat inspection program reviewed in accordance with section 2 of the Federal Meat and Poultry State Inspection Requirements Act of 1999 shall implement, not later than October 1, 2002, all recommendations from the review, in a manner approved by the Secretary.

''(B) REVIEW OF NEW STATE MEAT INSPECTION PROGRAMS.—

''(i) DEFINITION OF NEW STATE MEAT INSPECTION PROGRAM.—In this subparagraph, the term 'new State meat inspection program' means a State meat inspection program that is not approved in accordance with subsection (a) between October 1, 2001, and September 30, 2002.

''(ii) REVIEW REQUIREMENT.—Not later than 1 year after the date on which the Secretary approves a new State meat inspection program, the Secretary shall conduct a comprehensive review of the new State meat inspection program, which shall include—

''(I) a determination of the effectiveness of the new State meat inspection program; and

''(II) identification of changes necessary to ensure enforcement of Federal inspection requirements.

''(iii) IMPLEMENTATION REQUIREMENTS.—In addition to the requirements specified in paragraph (1), to continue to be an approved State meat inspection program, a new State meat inspection program shall implement all recommendations from the review conducted in accordance with this subparagraph, in a manner approved by the Secretary.

''(c) COOPERATIVE AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a cooperative agreement with a State that establishes the terms governing the relationship between the Secretary and the State meat inspection program and provides for the following:

''(1) PROVISIONS CONSISTENT WITH THIS ACT.—The State will adopt (including adoption by reference) provisions identical to titles I, II, and IV (including the regulations issued under those titles).

''(2) MARKING OF PRODUCT.—

''(A) OFFICIAL MARKS.—State-inspected and passed meat and meat food products will be marked under the supervision of a State inspector with the official mark and be deemed to have been inspected by the Secretary for the purposes of this Act and to have passed the inspection.

''(B) ADDITIONAL MARKS.—In addition to the official mark, State-inspected and passed meat and meat food products may be marked with the mark of State inspection, in accordance with requirements issued by the Secretary.

''(3) LABELING REQUIREMENTS.—The State will comply with all labeling requirements issued by the Secretary governing meat and meat food products inspected under the State meat inspection program.

''(4) AUTHORITY OF THE SECRETARY.—The Secretary shall have authority—

''(A) to detain and seize livestock, carcasses, parts of carcasses, meat, and meat food products under the State meat inspection program;

''(B) to obtain access to facilities, records, livestock, carcasses, parts of carcasses, meat, and meat food products of any person, firm, or corporation that slaughters, processes, handles, stores, transports, or sells meat or meat food products inspected under the State meat inspection program to determine compliance with this Act (including the regulations issued under this Act); and

''(C) to direct the State to conduct any activity authorized to be conducted by the Secretary under this Act (including the regulations issued under this Act).

''(5) OTHER TERMS.—The cooperative agreement shall include such other terms as the Secretary determines to be necessary to ensure that the actions of the State and the State meat inspection program are consistent with this Act (including the regulations issued under this Act).

''(d) ADDITIONAL REQUIREMENTS.—

''(1) IN GENERAL.—A State may impose additional requirements on establishments under the State meat inspection program, as approved by the Secretary.

''(2) RESTRICTION ON ESTABLISHMENT SIZE.—The Secretary shall authorize a State to establish the maximum size of establishments that the State will accept into the State meat inspection program.

''(e) REIMBURSEMENT OF STATE COSTS.—The Secretary may reimburse the State for not more than 60 percent of the State's costs of meeting the Federal requirements for the State meat inspection program.

''(f) SAMPLING.—

''(1) SALMONELLA SAMPLING AND TESTING.—To the extent that the Secretary requires establishments to meet microbiological performance standards for Salmonella, the Secretary shall sample and test for Salmonella in establishments subject to inspection under the State meat inspection program.

''(2) OTHER SAMPLING AND TESTING.—In addition to the activities described in paragraph (1), the Secretary may perform other sampling and testing of meat and meat food products in establishments described in that paragraph.

''(g) NONCOMPLIANCE.—If the Secretary determines that a State meat inspection program does not comply with this title or the cooperative agreement under subsection (c), the Secretary shall take such action as the Secretary determines to be necessary to ensure that the carcasses, parts of carcasses, meat, and meat food products in the State are inspected in a manner that effectuates this Act (including the regulations issued under this Act).

"SEC. 303. AUTHORITY TO TAKE OVER STATE MEAT INSPECTION PROGRAMS.

"(a) NOTIFICATION.—If the Secretary has reason to believe that a State is not in compliance with this Act (including the regulations issued under this Act) or the cooperative agreement under section 302(c) and is considering the revocation or temporary suspension of the approval of the State meat inspection program, the Secretary shall promptly notify and consult with the Governor of the State.

"(b) SUSPENSION AND REVOCATION.—

"(1) IN GENERAL.—The Secretary may revoke or temporarily suspend the approval of a State meat inspection program and take over a State meat inspection program if the Secretary determines that the State meat inspection program is not in compliance with this Act (including the regulations issued under this Act) or the cooperative agreement.

"(2) PROCEDURES FOR REINSTATEMENT.—A State meat inspection program that has been the subject of a revocation may be reinstated as an approved State meat inspection program under this Act only in accordance with the procedures under section 302(b)(2)(B).

"(c) PUBLICATION.—If the Secretary revokes or temporarily suspends the approval of a State meat inspection program in accordance with subsection (b), the Secretary shall publish the determination under that subsection in the Federal Register.

"(d) INSPECTION OF ESTABLISHMENTS.—Upon the expiration of 30 days after the date of publication of a determination under subsection (c), an establishment subject to a State meat inspection program with respect to which the Secretary makes a determination under subsection (b) shall be inspected by the Secretary.

"SEC. 304. EXPEDITED AUTHORITY TO TAKE OVER INSPECTION OF STATE-INSPECTED ESTABLISHMENTS.

"Notwithstanding any other provision of this title, if the Secretary determines that an establishment operating under a State meat inspection program is not operating in accordance with this Act (including the regulations issued under this Act) or the cooperative agreement under section 302(c), and the State, after notification by the Secretary to the Governor, has not taken appropriate action within a reasonable time as determined by the Secretary, the Secretary may immediately determine that the establishment is an establishment that shall be inspected by the Secretary, until such time as the Secretary determines that the State will meet the requirements of this Act (including the regulations) and the cooperative agreement with respect to the establishment.

"SEC. 305. ANNUAL REVIEW.

"(a) IN GENERAL.—The Secretary shall develop and implement a process to review annually each State meat inspection program approved under this title and to certify the State meat inspection programs that comply with the cooperative agreement entered into with the State under section 302(c).

"(b) COMMENT FROM INTERESTED PARTIES.—In designing the review process described in subsection (a), the Secretary shall solicit comment from interested parties.

"SEC. 306. FEDERAL INSPECTION OPTION.

"(a) IN GENERAL.—An establishment that operates in a State with an approved State meat inspection program may apply for inspection under the State meat inspection program or for Federal inspection.

"(b) LIMITATION.—An establishment shall not make an application under subsection (a) more than once every 4 years.".

(b) RESTAURANTS AND RETAIL STORES.—Title IV of the Federal Meat Inspection Act is amended—

(1) by redesignating section 411 (21 U.S.C. 681) as section 414; and

(2) by inserting after section 410 (21 U.S.C. 680) the following:

"SEC. 411. RESTAURANTS AND RETAIL STORES.

"(a) LIMITATION ON APPLICABILITY OF INSPECTION REQUIREMENTS.—The provisions of this Act requiring inspection of the slaughter of animals and the preparation of carcasses, parts of carcasses, meat, and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, if the operations are conducted at a retail store, restaurant, or similar retail establishment for sale of such prepared articles in normal retail quantities or for service of the articles to consumers at such an establishment.

"(b) CENTRAL KITCHEN FACILITIES.—

"(1) IN GENERAL.—For the purposes of this section, operations conducted at a central kitchen facility of a restaurant shall be considered to be conducted at a restaurant if the central kitchen of the restaurant prepares meat or meat food products that are ready to eat when they leave the facility and are served in meals or as entrees only to customers at restaurants owned or operated by the same person, firm, or corporation that owns or operates the facility.

"(2) EXCEPTION.—A facility described in paragraph (1) shall be subject to section 202 and may be subject to the inspection requirements of title I for as long as the Secretary determines to be necessary, if the Secretary determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any of the meat or meat food products of the facility are rendered adulterated.

"SEC. 412. ACCEPTANCE OF INTERSTATE SHIPMENTS OF MEAT AND MEAT FOOD PRODUCTS.

"Notwithstanding any provision of State law, a State or local government shall not prohibit or restrict the movement or sale of meat or meat food products that have been inspected and passed in accordance with this Act for interstate commerce.

"SEC. 413. ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.

"The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with the Secretary concerning State and Federal programs with respect to meat inspection and other matters within the scope of this Act.".

(c) EFFECTIVE DATE.—This section takes effect on October 1, 2001.

TITLE II—POULTRY INSPECTION

SEC. 201. FEDERAL AND STATE COOPERATION ON POULTRY INSPECTION FOR INTRASTATE DISTRIBUTION.

(a) REDESIGNATION.—

(1) IN GENERAL.—Section 5 of the Poultry Products Inspection Act (21 U.S.C. 454) is redesignated as section 34 and moved to the end of that Act.

(2) INTRASTATE PROGRAM.—Section 34 of the Poultry Products Inspection Act (as redesignated by paragraph (1)) is amended by striking the section heading and inserting the following:

"SEC. 34. FEDERAL AND STATE COOPERATION ON POULTRY INSPECTION FOR INTRASTATE DISTRIBUTION.".

(3) CONFORMING AMENDMENTS.—

(A) Section 8(b) of the Poultry Products Inspection Act (21 U.S.C. 457(b)) is amended in the second sentence by striking "section 5 of this Act" and inserting "section 34(a)(4)".

(B) Section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 460(e)) is amended by striking "section 5 of this Act" and inserting "section 34(a)(4)".

(4) EFFECTIVE DATE.—This subsection takes effect on October 1, 2001.

(b) REPEAL.—

(1) IN GENERAL.—Section 34 of the Poultry Products Inspection Act (as redesignated by subsection (a)(1)) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 8(b) of the Poultry Products Inspection Act (21 U.S.C. 457(b)) (as amended by subsection (a)(3)(A)) is amended in the second sentence by striking "section 34(a)(4)" and inserting "section 33".

(B) Section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 460(e)) (as amended by subsection (a)(3)(B)) is amended by striking "section 34(a)(4)" and inserting "section 33".

(3) EFFECTIVE DATE.—Except as provided in section 302, this subsection takes effect on October 1, 2002.

SEC. 202. STATE POULTRY INSPECTION PROGRAMS.

(a) IN GENERAL.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) (as amended by section 201(a)(1)) is amended by inserting after section 4 the following:

"SEC. 5. STATE POULTRY INSPECTION PROGRAMS.

"(a) POLICY.—It is the policy of Congress to protect the public from poultry products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish that policy.

"(b) FINDINGS.—Congress finds that—

"(1) the goal of a safe and wholesome supply of poultry products throughout the United States would be better served if a consistent set of requirements, established by the Federal Government, were applied to all poultry products, whether produced under State inspection or Federal inspection;

"(2) under such a system, State and Federal poultry inspection programs would function together to create a seamless inspection system to ensure food safety and inspire consumer confidence in the food supply in interstate commerce; and

"(3) such a system would ensure the viability of State poultry inspection programs, which should help to foster the viability of small official establishments.

"(c) APPROVAL OF STATE POULTRY INSPECTION PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may approve a State poultry inspection program and allow the shipment in commerce of poultry products inspected under the State poultry inspection program in accordance with this section and section 5A.

"(2) ELIGIBILITY.—

"(A) IN GENERAL.—To receive or maintain approval from the Secretary for a State poultry inspection program in accordance with paragraph (1), a State shall—

"(i) implement a State poultry inspection program that enforces the mandatory antemortem and postmortem inspection, reinspection, sanitation, and related Federal requirements of sections 1 through 4 and 6 through 33 (including the regulations issued under those sections); and

"(ii) enter into a cooperative agreement with the Secretary in accordance with paragraph (3).

"(B) ADDITIONAL REQUIREMENTS.—

"(i) IN GENERAL.—In addition to the requirements specified in subparagraph (A), a State poultry inspection program reviewed in accordance with section 2 of the Federal Meat and Poultry State Inspection Requirements Act of 1999 shall implement, not later than October 1, 2002, all recommendations from the review, in a manner approved by the Secretary.

"(ii) REVIEW OF NEW STATE POULTRY INSPECTION PROGRAMS.—

''(I) DEFINITION OF NEW STATE POULTRY INSPECTION PROGRAM.—In this clause, the term 'new State poultry inspection program' means a State poultry inspection program that is not approved in accordance with paragraph (1) between October 1, 2001, and September 30, 2002.

''(II) REVIEW REQUIREMENT.—Not later than 1 year after the date on which the Secretary approves a new State poultry inspection program, the Secretary shall conduct a comprehensive review of the new State poultry inspection program, which shall include—

''(aa) a determination of the effectiveness of the new State poultry inspection program; and

''(bb) identification of changes necessary to ensure enforcement under the new State poultry inspection program of Federal inspection requirements.

''(III) IMPLEMENTATION REQUIREMENTS.—In addition to the requirements specified in subparagraph (A), to continue to be an approved State poultry inspection program, a new State poultry inspection program shall implement all recommendations from the review conducted in accordance with this clause, in a manner approved by the Secretary.

''(3) COOPERATIVE AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a cooperative agreement with a State that establishes the terms governing the relationship between the Secretary and the State poultry inspection program and provides for the following:

''(A) PROVISIONS CONSISTENT WITH THIS ACT.—The State will adopt (including adoption by reference) provisions identical to sections 1 through 4 and 6 through 33 (including the regulations issued under those sections).

''(B) MARKING OF PRODUCT.—

''(i) OFFICIAL MARKS.—State-inspected and passed poultry products will be marked under the supervision of a State inspector with the official mark and be deemed to have been inspected by the Secretary for the purposes of this Act and to have passed the inspection.

''(ii) ADDITIONAL MARKS.—In addition to the official mark, State-inspected and passed poultry products may be marked with the mark of State inspection, in accordance with requirements issued by the Secretary.

''(C) LABELING REQUIREMENTS.—The State will comply with all labeling requirements issued by the Secretary governing poultry products inspected under the State poultry inspection program.

''(D) AUTHORITY OF THE SECRETARY.—The Secretary shall have authority—

''(i) to detain and seize poultry and poultry products under the State poultry inspection program;

''(ii) to obtain access to facilities, records, and poultry products of any person that slaughters, processes, handles, stores, transports, or sells poultry products inspected under the State poultry inspection program to determine compliance with this Act (including the regulations issued under this Act); and

''(iii) to direct the State to conduct any activity authorized to be conducted by the Secretary under this Act (including the regulations issued under this Act).

''(E) OTHER TERMS.—The cooperative agreement shall include such other terms as the Secretary determines to be necessary to ensure that the actions of the State and the State poultry inspection program are consistent with this Act (including the regulations issued under this Act).

''(4) ADDITIONAL REQUIREMENTS.—

''(A) IN GENERAL.—A State may impose additional requirements on official establishments under the State poultry inspection program, as approved by the Secretary.

''(B) RESTRICTION ON ESTABLISHMENT SIZE.—The Secretary shall authorize a State to establish the maximum size of official establishments that the State will accept into the State poultry inspection program.

''(5) REIMBURSEMENT OF STATE COSTS.—The Secretary may reimburse the State for not more than 60 percent of the State's costs of meeting the Federal requirements for the State poultry inspection program.

''(6) SAMPLING.—

''(A) SALMONELLA SAMPLING AND TESTING.—To the extent that the Secretary requires official establishments to meet microbiological performance standards for Salmonella, the Secretary shall sample and test for Salmonella in official establishments subject to inspection under the State poultry inspection program.

''(B) OTHER SAMPLING AND TESTING.—In addition to the activities described in subparagraph (A), the Secretary may perform other sampling and testing of poultry products in official establishments described in that subparagraph.

''(7) NONCOMPLIANCE.—If the Secretary determines that a State poultry inspection program does not comply with this section, section 5A, or the cooperative agreement under paragraph (3), the Secretary shall take such action as the Secretary determines to be necessary to ensure that the poultry products in the State are inspected in a manner that effectuates this Act (including the regulations issued under this Act).

''(d) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary shall develop and implement a process to review annually each State poultry inspection program approved under this section and to certify the State poultry inspection programs that comply with the cooperative agreement entered into with the State under subsection (c)(3).

''(2) COMMENT FROM INTERESTED PARTIES.—In designing the review process described in paragraph (1), the Secretary shall solicit comment from interested parties.

''(e) FEDERAL INSPECTION OPTION.—

''(1) IN GENERAL.—An official establishment that operates in a State with an approved State poultry inspection program may apply for inspection under the State poultry inspection program or for Federal inspection.

''(2) LIMITATION.—An official establishment shall not make an application under paragraph (1) more than once every 4 years.

''SEC. 5A. AUTHORITY TO TAKE OVER STATE POULTRY INSPECTION ACTIVITIES.

''(a) AUTHORITY TO TAKE OVER STATE POULTRY INSPECTION PROGRAMS.—

''(1) NOTIFICATION.—If the Secretary has reason to believe that a State is not in compliance with this Act (including the regulations issued under this Act) or the cooperative agreement under section 5(c)(3) and is considering the revocation or temporary suspension of the approval of the State poultry inspection program, the Secretary shall promptly notify and consult with the Governor of the State.

''(2) SUSPENSION AND REVOCATION.—

''(A) IN GENERAL.—The Secretary may revoke or temporarily suspend the approval of a State poultry inspection program and take over a State poultry inspection program if the Secretary determines that the State poultry inspection program is not in compliance with this Act (including the regulations issued under this Act) or the cooperative agreement.

''(B) PROCEDURES FOR REINSTATEMENT.—A State poultry inspection program that has been the subject of a revocation may be reinstated as an approved State poultry inspection program under this Act only in accordance with the procedures under section 5(c)(2)(B)(ii).

''(3) PUBLICATION.—If the Secretary revokes or temporarily suspends the approval of a State poultry inspection program in accordance with paragraph (2), the Secretary shall publish the determination under that paragraph in the Federal Register.

''(4) INSPECTION OF ESTABLISHMENTS.—Upon the expiration of 30 days after the date of publication of a determination under paragraph (3), an official establishment subject to a State poultry inspection program with respect to which the Secretary makes a determination under paragraph (2) shall be inspected by the Secretary.

''(b) EXPEDITED AUTHORITY TO TAKE OVER INSPECTION OF STATE-INSPECTED OFFICIAL ESTABLISHMENTS.—Notwithstanding any other provision of this title, if the Secretary determines that an official establishment operating under a State poultry inspection program is not operating in accordance with this Act (including the regulations issued under this Act) or the cooperative agreement under section 5(c)(3), and the State, after notification by the Secretary to the Governor, has not taken appropriate action within a reasonable time as determined by the Secretary, the Secretary may immediately determine that the official establishment is an establishment that shall be inspected by the Secretary, until such time as the Secretary determines that the State will meet the requirements of this Act (including the regulations) and the cooperative agreement with respect to the official establishment.''.

(b) RESTAURANTS AND RETAIL STORES, ACCEPTANCE OF INTERSTATE SHIPMENTS OF POULTRY PRODUCTS, AND ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended by inserting after section 30 the following:

''SEC. 31. RESTAURANTS AND RETAIL STORES.

''(a) LIMITATION ON APPLICABILITY OF INSPECTION REQUIREMENTS.—The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, if the operations are conducted at a retail store, restaurant, or similar retail establishment for sale of such prepared articles in normal retail quantities or for service of the articles to consumers at such an establishment.

''(b) CENTRAL KITCHEN FACILITIES.—

''(1) IN GENERAL.—For the purposes of this section, operations conducted at a central kitchen facility of a restaurant shall be considered to be conducted at a restaurant if the central kitchen of the restaurant prepares poultry products that are ready to eat when they leave the facility and are served in meals or as entrees only to customers at restaurants owned or operated by the same person that owns or operates the facility.

''(2) EXCEPTION.—A facility described in paragraph (1) shall be subject to section 11(b) and may be subject to the inspection requirements of this Act for as long as the Secretary determines to be necessary, if the Secretary determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any of the poultry products of the facility are rendered adulterated.

''SEC. 32. ACCEPTANCE OF INTERSTATE SHIPMENTS OF POULTRY PRODUCTS.

''Notwithstanding any provision of State law, a State or local government shall not prohibit or restrict the movement or sale of poultry products that have been inspected and passed in accordance with this Act for interstate commerce.

''SEC. 33. ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.

''The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with the Secretary concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this Act.''.

(c) EFFECTIVE DATE.—This section takes effect on October 1, 2001.

TITLE III—GENERAL PROVISIONS

SEC. 301. REGULATIONS.

Not later than October 1, 2001, the Secretary of Agriculture may promulgate such regulations as are necessary to implement the amendments made by sections 102 and 202.

SEC. 302. TERMINATION OF AUTHORITY TO ESTABLISH AN INTERSTATE INSPECTION PROGRAMS.

If the Secretary of Agriculture has not approved any State meat inspection program or State poultry inspection program by entering into a cooperative agreement under title III of the Federal Meat Inspection Act and sections 5 and 5A of the Poultry Products Inspection Act (as amended by this Act) by September 30, 2002, sections 101(b), 102, 201(b), and 202, and the amendments made by those sections, are repealed effective as of that date.

By Mr. KOHL:

S. 1989. A bill to ensure that employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938 and under other provisions of law; to the Committee on Health, Education, Labor, and Pensions.

TRAVELING SALES CREW PROTECTION ACT

Mr. KOHL. Mr. President, today I have introduced legislation to crack down on abuses in the traveling sales crew industry. These companies employ crews who travel from city to city selling products door to door. Often times, however, these companies mistreat their workers and violate local, state, and federal labor law. Because they rapidly move from state to state, enforcement efforts are difficult if not impossible for local authorities.

The plight of the workers in this business came home to me, and the citizens of Wisconsin, as a result of a particularly tragic crash in March of this year. A van carrying 14 young people overturned due to reckless driving, killing seven and injuring the others, many seriously. The driver had a suspended license and a series of violations. Unfortunately this is not an isolated incident. Since 1992, forty-two sales people have been killed or injured in similar crashes. The company involved in the Wisconsin crash had 92 labor violations and 105 violations for soliciting without a license.

Regrettably, there is more to these companies than just bad driving records. In 1987 Senator ROTH, as part of the Permanent Subcommittee on Investigations looked into this industry, and was appalled at what he found. Incidents of verbal and physical abuse of workers were widespread. Young people were coerced into continuing to sell long after they wanted to leave through threats and taunts from their employees. When sellers were able to get free they were often unpaid or denied the bus ticket home they were promised when they signed up.

The compensation system for the workers was also rigged to ensure that workers could not leave. Prospective sellers were promised big bucks when they were recruited, but soon found that decent pay was difficult to come by. Sellers were paid on a commission basis according to their sales, but they were also charged by the company for their accommodations and fined for small infractions like showing up late to meetings or sleeping on the van. Salespeople were not paid in a timely manner, but their earnings were kept on ''paper'' and the employees only drew a daily allowance to pay for food. Employees were seldom allowed to see the paper work that tracked their earnings so they had little idea about how much they are entitled. Many found that they were not able to keep up with the sales and fell in debt to the company. After working 12 hours days, six days a week for months, employees actually owed the company money! These young people became indentured servants, working long hours for only room and board.

In the twelve years since Senator ROTH's investigation, nothing has changed. These abuses continue, and Congress should act.

In the Wisconsin case the company's record of disregard for local and state laws was a signal of their disdain for the safety of their workers. This company should not have been allowed to continue to operate with this kind of record. Government needed to step in earlier, before this tragedy occurred, instead of picking up the pieces afterward.

I am not one to frivolously engage in regulating business, but in this case the need for federal involvement is clear. Because of the mobility of these companies, states cannot crack down on these groups alone. They need federal help to eliminate the unscrupulous actors in the industry.

The Traveling Sales Crew Protection Act would take important steps to eliminate employers who abuse their workers. First, it would no longer allow minors to be employed in this line of work. Door to door sales can be dangerous work and combined with the long hours and hazardous travel, creates a job too dangerous for children. Second, the bill would narrowly eliminate the exemption under the Fair Labor Standards Act for these specific kinds of operations. Covering these employees with minimum wages laws and overtime requirements protects them from becoming indentured servants to their employers through complex compensation systems. This provision is carefully crafted to cover only traveling sales crews, individuals who sell over the road, or at trade shows would be unaffected. Lastly the bill creates a licensing procedure through the Department of Labor to monitor those engaged in supervising and running these operations.

These measures are important steps forward in a nationwide effort to eliminate this particularly abusive form of worker exploitation. I hope I will have my colleagues support as I try to make the painful crash in Janesville, the last chapter in this shameful story.

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

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

S. 1989

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 ''Traveling Sales Crew Protection Act''.

TITLE I—FAIR LABOR STANDARDS ACT OF 1938

SEC. 101. APPLICATION OF PROVISIONS TO CERTAIN OUTSIDE SALESMAN.

(a) IN GENERAL.—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

''(k) For purposes of subsection (a)(1), and notwithstanding any other provision of law, the term 'outside salesman' shall not include any individual employed in the position of a salesman where the individual travels with a group of salespeople, including a supervisor, team leader or crew leader, and the employees in the group do not return to their permanent residences at the end of the work day.''.

(b) LIMITATION ON CHILD LABOR.—Section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212) is amended by adding at the end the following:

''(e) No individual under 18 years of age may be employed in a position requiring the individual to engaged in door to door sales or in related support work in a manner that requires the individual to remain away from his or her permanent residence for more than 24 hours.''.

(c) RULES AND REGULATIONS.—The Secretary of Labor may issue such rules and regulations as are necessary to carry out the amendments made by this section, consistent with the requirements of chapter 5 of title 5, United States Code.

TITLE II—PROTECTION OF TRAVELING SALES CREWS

SEC. 201. PURPOSE.

It is the purpose of this title—

(1) to remove the restraints on interstate commerce caused by activities detrimental to traveling sales crew workers;

(2) to require the employers of such workers to register under this Act; and

(3) to assure necessary protections for such employees.

SEC. 202. DEFINITIONS.

In this title:

(1) CERTIFICATE OF REGISTRATION.—The term ''Certificate of Registration'' means a Certificate issued by the Secretary under section 203(c)(1).

(2) EMPLOY.—The term ''employ'' has the meaning given such term by section 3(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 201(g)).

(3) GOODS.—The term ''goods'' means wares, products, commodities, merchandise, or articles or subjects of interstate commerce of any character, or any part or ingredient thereof.

(4) PERSON.—The term ''person'' means any individual, partnership, association, joint

stock company, trust, cooperative, or corporation.

(5) SALE, SELL.—The terms ''sale'' or ''sell'' include any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition of goods.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(7) TRAVELING SALES CREW WORKER.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''traveling sales crew worker'' means an individual who—

(i) is employed as a salesperson or in related support work;

(ii) travels with a group of salespersons, including a supervisor; and

(iii) is required to be absent overnight from his or her permanent place of residence.

(B) LIMITATION.—The term ''traveling sales crew worker'' does not include—

(i) any individual who meets the requirements of subparagraph (A) if such individual is traveling to a trade show or convention; or

(ii) any immediate family member of a traveling sales crew employer.

SEC. 203. REGISTRATION OF EMPLOYERS AND SUPERVISORS OF TRAVELING SALES CREW WORKERS.

(a) REGISTRATION REQUIREMENT.—

(1) IN GENERAL.—No person shall engage in any form of employment of traveling sales crew workers, unless such person has a certificate of registration from the Secretary.

(2) SUPERVISORS.—A traveling sales crew employer shall not hire, employ, or use any individual as a supervisor of a traveling sales crew, unless such individual has a certificate of registration from the Secretary.

(3) DISPLAY OF CERTIFICATE OF REGISTRATION.—Each registered traveling sales crew employer and each registered traveling sales crew supervisor shall carry at all times while engaging in traveling sales crew activities a certificate of registration from the Secretary and, upon request, shall exhibit that certificate to all persons with whom they intend to deal.

(b) APPLICATION FOR REGISTRATION.—Any person desiring to be issued a certificate of registration from the Secretary, as either a traveling sales crew employer or traveling sales crew supervisor, shall file with the Secretary a written application that contains the following:

(1) A declaration, subscribed and sworn to by the applicant, stating the applicant's permanent place of residence, the type or types of sales activities to be performed, and such other relevant information as the Secretary may require.

(2) A statement identifying each vehicle to be used to transport any member of any traveling sales crew and, if the vehicle is or will be owned or controlled by the applicant, documentation showing that the applicant is in compliance with the requirements of section 204(d) with respect to each such vehicle.

(3) A statement identifying, with as much specificity as the Secretary may require, each facility or real property to be used to house any member of any traveling sales crew and, if the facility or real property is or will be owned or controlled by the applicant, documentation showing that the applicant is in compliance with section 204(e) with respect to each such facility or real property.

(4) A set of fingerprints of the applicant.

(5) A declaration, subscribed and sworn to by the applicant, consenting to the designation by a court of the Secretary as an agent available to accept service of summons in any action against the applicant, if the applicant has left the jurisdiction in which the action is commenced or otherwise has become unavailable to accept service.

(c) ISSUANCE OF CERTIFICATE OF REGISTRATION.—

(1) IN GENERAL.—In accordance with regulations, and after any investigation which the Secretary may deem appropriate, the Secretary shall issue a Certificate of Registration, as either a traveling sales crew employer or traveling sales crew supervisor, to any person who meets the standards for such registration.

(2) REFUSAL TO ISSUE OR RENEW, SUSPENSION AND REVOCATION.—The Secretary may refuse to issue or renew, or may suspend or revoke, a Certificate of Registration if the applicant for or holder or the Certificate—

(1) has knowingly made any misrepresentation in the application for such Certificate of Registration;

(2) is not the real party in interest with respect to the application or Certificate of Registration and the real party in interest is a person who—

(A) has been refused issuance or renewal of a Certificate;

(B) has had a Certificate suspended or revoked; or

(C) does not qualify for a Certificate under this section;

(3) has failed to comply with this title or any regulation promulgated under this title;

(4) has failed—

(A) to pay any court judgment obtained by the Secretary or any other person under this title or any regulation promulgated under this title; or

(B) to comply with any final order issued by the Secretary as a result of a violation of this title or any regulation promulgated under this title;

(5) has been convicted within the 5 years preceding the date on which the application was filed or the Certificate was issued—

(A) of any crime under Federal or State law relating to the sale, distribution or possession of alcoholic beverages or narcotics, in connection with or incident to any traveling sales crew activities;

(B) of any crime under Federal or State law relating to child abuse, neglect, or endangerment; or

(C) of any felony under Federal or State law involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, prostitution, peonage, or smuggling or harboring individuals who have entered the United States illegally;

(6) has been found to have violated paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(1) or (2));

(7) has failed to comply with any bonding or security requirements as the Secretary may establish; or

(8) has failed to satisfy any other requirement which the Secretary may by regulation establish.

(d) ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW.—

(1) IN GENERAL.—A person who is refused the issuance or renewal of a Certificate or Registration, or whose Certificate of Registration is suspended or revoked, shall be afforded an opportunity for an agency hearing, upon a request made within 30 days after the date of issuance of the notice of refusal, suspension, or revocation. If no hearing is requested as provided for in this subsection, the refusal, suspension, or revocation shall constitute a final and unappealable order.

(2) HEARING.—If a hearing is requested under paragraph (1), the initial agency decision shall be made by an administrative law judge, with all issues to be determined on the record pursuant to section 554 of title 5, United States Code, and such decision shall become the final order unless the Secretary modifies or vacates the decision. Notice of intent to modify or vacate the decision of the administrative law judge shall be issued to the parties within 90 days after the decision of the administrative law judge. A final order which takes effect under this paragraph shall be subject to review only as provided under paragraph (3).

(3) REVIEW BY COURT.—Any person against whom an order has been entered after an agency hearing under this subsection may obtain review by the United States district court for any district in which the person is located, or the United States District Court for the District of Columbia, by filing a notice of appeal in such court within 30 days from the date of such agency order, and simultaneously sending a copy of such notice by registered mail to the Secretary. The Secretary shall promptly certify and file in such court the record upon which the agency order was based. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence as provided by section 706(2)(E) of title 5, United States code. Any final decision, order, or judgment of such District Court concerning such review shall be subject to appeal as provided for in chapter 83 of title 28, United States Code.

(e) TRANSFER OR ASSIGNMENT OF CERTIFICATE; EXPIRATION; RENEWAL.—

(1) LIMITATION.—A Certificate of Registration may not be transferred or assigned.

(2) EXPIRATION AND EXTENSION.—

(A) EXPIRATION.—Unless earlier suspended or revoked, a Certificate of Registration shall expire 12 months from the date of issuance.

(B) EXTENSION.—A Certificate of Registration may be temporarily extended, at the Secretary's discretion, by the filing of an application with the Secretary at least 30 days prior to the Certificate's expiration date.

(3) RENEWAL.—A Certificate of Registration may be renewed through the application process provided for in subsections (b) and (c).

(f) NOTICE OF ADDRESS CHANGE; AMENDMENT OF CERTIFICATE OF REGISTRATION.—During the period for which a Certificate of Registration is in effect, the traveling sales crew employer or supervisor named on the Certificate shall—

(1) provide to the Secretary within 30 days a notice of each change of permanent place of residence; and

(2) apply to the Secretary to amend the Certificate of Registration whenever the person intends to—

(A) engage in any form of traveling sales crew activity not identified on the Certificate;

(B) use or cause to be used any vehicle not covered by the Certificate to transport any traveling sales crew worker; or

(C) use or cause to be used any facility or real property not covered by the Certificate to house any traveling sales crew worker.

(g) FILING FEE.—The Secretary shall require the payment of a fee by an employer filing an application for the issuance or renewal of a Certificate of Registration. The amount of the fee shall be $500 for a Certificate for an employer and $50 for a Certificate for a supervisor. Sums collected pursuant to this section shall be applied by the Secretary toward reimbursement of the costs of administering this title.

SEC. 204. OBLIGATIONS OF EMPLOYERS OF TRAVELING SALES CREW WORKERS.

(a) DISCLOSURE OF TERMS AND CONDITIONS OF EMPLOYMENT.—

(1) WRITTEN DISCLOSURE.—At the time of recruitment, each traveling sales crew worker shall be provided with a written disclosure of the following information, which shall be accurate and complete to the best of the employer's knowledge:

(A) The place or places of employment, stated with as much specificity as possible.

(B) The wage rate or rates to be paid.

(C) The type or types of work on which the worker may be employed.

(D) The period of employment.

(E) The transportation, housing, and any other employee benefit to be provided, and any costs to be charged to the worker for each such benefit.

(F) The existence of any strike or other concerted work stoppage, slowdown, or interruption of operations by employees at the place of employment.

(G) Whether State workers' compensation insurance is provided and, if so, the name of the State workers' compensation insurance carrier, the name of the policyholder of such insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

(2) RECORDS AND STATEMENTS.—Each employer of traveling sales crew workers shall—

(A) with respect to each such worker, make, keep, and preserve records for 3 years of the—

(i) basis on which wages are paid;

(ii) number of piecework units earned, if paid on a piecework basis;

(iii) number of hours worked;

(iv) total pay period earnings;

(v) specific sums withheld and the purpose of each sum withheld; and

(vi) net pay; and

(B) provide to each worker for each pay period, an itemized written statement of the information required under subparagraph (A).

(b) PAYMENT OF WAGES WHEN DUE.—Each traveling sales crew worker shall be paid the wages owed that worker when due. The payment of wages shall be in United States currency or in a negotiable instrument such as a bank check. The payment of wages shall be accompanied by the written disclosure required by subsection (a)(2)(B).

(c) COSTS OF GOODS, SERVICES, AND BUSINESS EXPENSES.—

(1) PROHIBITION.—No employer of traveling sales crew workers shall—

(A) require any worker to purchase any goods or services solely from such employer; or

(B) impose on any worker any of the employer's business expenses, such as the cost of maintaining and operating a vehicle used to transport the traveling sales crew.

(2) INCLUSION AS PART OF WAGES.—An employer may include as part of the wages paid to a traveling sales crew worker the reasonable cost to the employer of furnishing board, lodging, or other facilities to such worker, so long as—

(A) such facilities are customarily furnished by such employer to the employees of the employer; and

(B) such cost does not exceed the fair market value of such facility and does not include any profit to the employer.

(d) SAFETY AND HEALTH IN TRANSPORTATION.—

(1) STANDARDS.—An employer of traveling sales crew workers shall provide transportation for such workers in a manner that is consistent with the following standards:

(A) The employer shall ensure that each vehicle which the employer uses or causes to be used for such transportation conforms to the standards prescribed by the Secretary under paragraph (2) and conforms to other applicable Federal and State safety standards.

(B) The employer shall ensure that each driver of each such vehicle has a valid and appropriate license, as provided by State law, to operate the vehicle.

(C) The employer shall have an insurance policy or fidelity bond in accordance with subsection (c).

(2) PROMULGATION BY SECRETARY.—The Secretary shall prescribe, by regulation, such safety and health standards as may be appropriate for vehicles used to transport traveling sales crew workers. In establishing such standards, the Secretary shall consider—

(A) the type of vehicle used;

(B) the passenger capacity of the vehicle;

(C) the distance which such workers will be carried in the vehicle;

(D) the type of roads and highways on which such workers will be carried in the vehicle;

(E) the extent to which a proposed standard would cause an undue burden on an employer of traveling sales crew workers; and

(F) any standard prescribed by the Secretary of Transportation under part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) or any successor provision of subtitle IV of title 49, United States Code.

(e) SAFETY AND HEALTH IN HOUSING.—An employer of traveling sales crew workers shall provide housing for such workers in a manner that is consistent with the following standards:

(1) If the employer owns or controls the facility or real property which is used for housing traveling sales crew workers, the employer shall be responsible for ensuring that the facility or real property complies with substantive Federal and State safety and health standards applicable to that housing. Prior to occupancy by such workers, the facility or real property shall be certified by a State or local health authority or other appropriate agency as meeting applicable safety and health standards. Written notice shall be posted in the facility or real property, prior to and throughout the occupancy by such workers, informing such workers that the applicable safety and health standards are met.

(2) If the employer does not own or control the facility or real property which is used for housing traveling sales crew workers, the employer shall be responsible for ensuring that the owner or operator of such facility or real property complies with substantive Federal and State safety and health standards applicable to that housing. Such assurance by the employer shall include the verification that the owner or operator of such facility or real property is licensed and insured in accordance with all applicable State and local laws. The employer shall obtain such assurance prior to housing any workers in the facility or real property.

(f) INSURANCE OF VEHICLES; WORKERS' COMPENSATION INSURANCE.—

(1) INSURANCE.—An employer of traveling sales crew workers shall ensure that there is in effect, for each vehicle used to transport such workers, an insurance policy or a liability bond which insures the employer against liability for damage to persons and property arising from the ownership, operation, or the causing to be operated of such vehicle for such purpose. The level of insurance or liability bond required shall be determined by the Secretary considering at least the factors set forth in subsection (d)(2) and any relevant State law.

(2) WORKERS' COMPENSATION.—If an employer of traveling sales crew workers is the employer of such workers for purposes of a State workers' compensation law and such employer provides workers' compensation coverage for such workers as provided for by such State law, the following modifications to the requirements of paragraph (1) shall apply:

(A) No insurance policy or liability bond shall be required of the employer if such workers are transported only under circumstances for which there is workers' compensation coverage under such State law.

(B) An insurance policy or liability bond shall be required of the employer for all circumstances under which workers' compensation coverage for the transportation of such workers is not provided under such State law.

SEC. 205. ENFORCEMENT PROVISIONS.

(a) CRIMINAL SANCTIONS.—An employer who willfully and knowingly violates this title, or any regulation promulgated under this title, shall be fined not more than $10,000 or imprisoned for not to exceed 1 year, or both. Upon conviction for any subsequent violation of this title, or any such regulation, an employer shall be fined not more than $50,000 or imprisoned for not to exceed 3 years, or both.

(b) JUDICIAL ENFORCEMENT.—

(1) INJUNCTIVE RELIEF.—The Secretary may petition any appropriate district court of the United States for temporary or permanent injunctive relief if the Secretary determines that this title, or any regulation promulgated under this title, has been violated.

(2) SOLICITOR OF LABOR.—Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this title, but all such litigation shall be subject to the direction and control of the Attorney General.

(c) ADMINISTRATIVE SANCTIONS; PROCEEDINGS.—

(1) CIVIL MONEY PENALTY.—Subject to paragraph (2), an employer that violates this title, or any regulation promulgated under this title, may be assessed a civil money penalty of not more than $10,000 for each such violation.

(2) DETERMINATION OF PENALTY.—In determining the amount of any penalty to be assessed under paragraph (1), the Secretary shall take into account—

(A) the previous record of the employer in terms of compliance with this title and the regulations promulgated under this title; and

(B) the gravity of the violation.

(3) PROCEEDINGS.—

(A) IN GENERAL.—An employer that is assessed a civil money penalty under this subsection shall be afforded an opportunity for an agency hearing, upon request made within 30 days after the date of issuance of the notice of assessment. In such hearing, all issues shall be determined on the record pursuant to section 554 of title 5, United States Code. If no hearing is requested as provided for in this paragraph, the assessment shall constitute a final and unappealable order.

(B) ADMINISTRATIVE LAW JUDGE.—If a hearing is requested under subparagraph (A), the initial agency decision shall be made by an administrative law judge, and such decision shall become the final order unless the Secretary modifies or vacates this decision. Notice of intent to modify or vacate the decision of the administrative law judge shall be issued to the parties within 90 days after the decision of the administrative law judge. A final order which takes effect under this paragraph shall be subject to review only as provided for under subparagraph (C).

(C) REVIEW.—An employer against whom an order imposing a civil money penalty has been entered after an agency hearing under this section may obtain review by the United States district court for any district in which the employer is located, or the United States District Court for the District of Columbia, by filing a notice of appeal in such court within 30 days from the date of such

order and simultaneously sending a copy of such notice by registered mail to the Secretary. The Secretary shall promptly certify and file in such court the record upon which the penalty was imposed. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence as provided by section 706(2)(E) of title 5, United States Code. Any final decision, order, or judgment of such District Court concerning such review shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

(D) FAILURE TO PAY.—If any person fails to pay an assessment after it has become a final and unappealable order under this paragraph, or after the court has entered final judgment in favor of the agency, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed by action in the appropriate United States district court. In such action, the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

(E) PAYMENT OF PENALTIES.—All penalties collected under authority of this section shall be paid into the Treasury of the United States.

(d) PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—Any traveling sales crew worker aggrieved by a violation of this title, or any regulation promulgated under this title, by an employer may file suit in any district court of the United States having jurisdiction over the parties, without respect to the amount in controversy and without regard to exhaustion of any alternative administrative remedies provided for in this title.

(2) DAMAGES.—

(A) IN GENERAL.—If the court in an action under paragraph (1) finds that the defendant intentionally violated a provision of this Act, or a regulation promulgated under this Act, the court may award—

(i) damages up to and including an amount equal to the amount of actual damages;

(ii) statutory damages of not more than $1,000 per plaintiff per violation or, if such complaint is certified as a class action, not more than $1,000,000 for all plaintiffs in the class; or

(iii) other equitable relief.

(B) DETERMINATION OF AMOUNT.—In determining the amount of damages to be awarded under subparagraph (A), the court may consider whether an attempt was made to resolve the issues in dispute before the resort to litigation.

(C) WORKERS' COMPENSATION.—

(i) IN GENERAL.—Notwithstanding any other provision of this title, where a State workers' compensation law is applicable and coverage is provided for a traveling sales crew worker, the workers' compensation benefits shall be the exclusive remedy for loss of such worker under this title in the case of bodily injury or death in accordance with such State's workers' compensation law.

(ii) LIMITATION.—The exclusive remedy provided for under clause (i) precludes the recovery under subparagraph (A) of actual damages for loss from an injury or death but does not preclude recovery under such subparagraph for statutory damages (as provided for in clause (iii)) or equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

(I) a recovery under a State workers' compensation law; or

(II) rights conferred under a State workers' compensation law.

(iii) STATUTORY DAMAGES.—In an action in which a claim for actual damages is precluded as provided for in clause (ii), the court shall award statutory damages of not more than $20,000 per plaintiff per violation or, in the case of a class action, not more than $1,000,000 for all plaintiffs in the class, if the court finds any of the following:

(I) The defendant violated section 204(d) by knowingly requiring or permitting a driver to drive a vehicle for the transportation of the plaintiff or plaintiffs while under the influence of alcohol or a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), the defendant had actual knowledge of the driver's condition, such violation resulted in the injury or death of the plaintiff or plaintiffs, and such injury or death arose out of and in the course of employment as defined under the State worker's compensation law.

(II) The defendant was found by the court or was determined in a previous administrative or judicial proceeding to have violated a safety standard prescribed by the Secretary under section 204 and such violation resulted in the injury or death of the plaintiff or plaintiffs.

(III) The defendant willfully disabled or removed a safety device prescribed by the Secretary under section 204, or the defendant in conscious disregard of the requirements of such section failed to provide a safety device required by the Secretary, and such disablement, removal, or failure to provide a safety device resulted in the injury or death of the plaintiff or plaintiffs.

(IV) At the time of the violation of section 204, which resulted in the injury or death of the plaintiff or plaintiffs, the employer or the supervisor of the traveling sales crew did not have a Certificate of Registration in accordance with section 203.

(iv) DETERMINATION OF AMOUNT.—For purposes of determining the amount of statutory damages due to a plaintiff under this subparagraph, multiple infractions of a single provision of this title, or of regulations promulgated under this title, shall constitute a single violation.

(D) ATTORNEY'S FEE.—The court shall, in addition to any judgment awarded to the plaintiff or plaintiffs under this paragraph, allow a reasonable attorney's fee to be paid by the defendant or defendants, and costs of the action.

(E) APPEALS.—Any civil action brought under this subsection shall be subject to appeal as provided for in chapter 83 of title 28, United States Code.

(e) DISCRIMINATION PROHIBITED.—

(1) IN GENERAL.—No person shall intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against any traveling sales crew worker because such worker has, with just cause, filed any complaint or instituted, or caused to be instituted, any proceeding under or related to this title, or has testified or is about to testify in any such proceedings, or because of the exercise, with just cause, by such worker on behalf of the worker or others of any right or protection afforded by this title.

(2) COMPLAINT.—

(A) IN GENERAL.—A traveling sales crew worker who believes, with just cause, that such worker has been discriminated against in violation of this subsection may, within 12 months of the date of such violation, file a complaint with the Secretary alleging such discrimination.

(B) INVESTIGATION.—Upon receipt of a complaint under subparagraph (A), the Secretary shall cause such investigation to be made as the determines to be appropriate.

(C) ACTIONS.—If upon an investigation under subparagraph (B), the Secretary determines that the provisions of this subsection have been violated, the Secretary shall bring an action in any appropriate United States district court against the person involved.

(D) RELIEF.—In any action under subparagraph (C), the United States district court shall have jurisdiction, for cause shown, to restrain violations of this subsection and order all appropriate relief, including rehiring or reinstatement of the worker, with back pay, or damages.

(f) WAIVER OF RIGHTS.—Agreements by workers purporting to waive or to modify their rights under this title shall be void as contrary to public policy, except that a waiver or modification of rights in favor of the Secretary shall be valid for purposes of enforcement of this title.

(g) AUTHORITY TO OBTAIN INFORMATION.—

(1) IN GENERAL.—To carry out this title, the Secretary, either pursuant to a complaint or otherwise, shall, as may be appropriate, investigate and, in connection with such investigation, enter and inspect such places (including housing and vehicles) and such records (and make transcriptions thereof), question such persons and gather such information to determine compliance with this title, or regulations promulgated under this title.

(2) PRODUCTION AND RECEIPT OF EVIDENCE.—The Secretary may issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence in connection with investigations under paragraph (1). The Secretary may administer oaths, examine witnesses, and receive evidence. For the purpose of any hearing or investigation provided for in this title, the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary.

(3) CONFIDENTIALITY.—The Secretary shall conduct investigations under paragraph (1) in a manner which protects the confidentiality of any complainant or other party who provides information to the Secretary in good faith.

(4) VIOLATION.—It shall be violation of this title for any person to unlawfully resist, oppose, impede, intimidate, or interfere with any official of the Department of Labor assigned to perform any investigation, inspection, or law enforcement function pursuant to this title during the performance of such duties.

(h) STATE LAWS AND REGULATIONS; GOVERNMENT AGENCIES.—

(1) RELATION TO STATE LAWS.—This title is intended to supplement State law, and compliance with this title shall not be construed to excuse any person from compliance with appropriate State laws and regulations.

(2) AGREEMENTS.—The Secretary may enter into agreements with Federal and State agencies—

(A) to use their facilities and services;

(B) to delegate to Federal and State agencies such authority, other than rulemaking, as may be useful in carrying out this title; and

(C) to allocate or transfer funds to, or otherwise pay or reimburse, such agencies for expenses incurred pursuant to agreements under this paragraph.

(i) RULES AND REGULATIONS.—The Secretary may issue such rules and regulations as may be necessary to carry out this title, consistent with the requirements of chapter 5 of title 5, United States Code.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1990. A bill to designate the Federal building located at 501 I Street in Sacramento, California, as the ''Joe

Serna, Jr. United States Courthouse and Federal Building''; to the Committee on Environment and Public Works.

JOE SERNA, JR. UNITED STATES COURTHOUSE AND FEDERAL BUILDING

● Mrs. BOXER. Mr. President, today I am introducing legislation to honor one of the finest mayors to serve in California. My state, particularly my constituents in Sacramento lost a great Californian this fall with the passing of Sacramento Mayor Joe Serna.

My bill will name the new Federal Courthouse at 501 I Street the ''Joe Serna, Jr. United States Courthouse and Federal Building'' in honor of his contributions to Sacramento and the working men and women of California. Joe Serna was a man of great vision, courage, energy, warmth, and humor.

He was also a living embodiment of the American Dream: a first-generation American who helped to reshape the capital of our nation's largest state.

Mayor Serna was born in 1939, the son of Mexican immigrants. As the oldest of four children, Joe grew up in a bunkhouse and worked with his family in the beet fields around Lodi.

Mayor Serna never forgot his roots. After attending Sacramento City College and graduating from California State University, Sacramento, he served in the Peace Corps and went to work for the United Farm Workers, where Cesar Chavez became his mentor and role model.

After serving on the city's redevelopment agency in the 1970s, Mayor Serna was elected to the Council himself in 1981. He was elected mayor in 1992 and re-elected in 1996, winning both races by wide margins. Throughout his terms in office, he continued to work as a professor of government and ethnic studies at his alma mater, Cal State Sacramento.

Mayor Serna virtually rebuilt the city of Sacramento. He forged public-private partnerships to redevelop the downtown, revitalize the neighborhoods, and reform the public school system. He presided over an urban renaissance that transformed Sacramento into a dynamic modern metropolis. The new Sacramento Federal Building is a visible reminder of the redevelopment of Sacramento. Naming this building after Mayor Serna would be a fitting tribute.

Mayor Serna died as he lived: with great strength and dignity. Last month, as he publicly discussed his impending death from cancer, he said, ''I was supposed to live and die as a farm worker, not as a mayor and a college professor. I have everything to be thankful for. I have the people to thank for allowing me to be their mayor. I have society to thank for the opportunity it has given me.''

Mr. President, it is we who are thankful today for having had such a man serve the people of California, and I ask my colleagues to support this legislation to honor the legacy of Joe Serna, Jr.

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

The bill follows:

S. 1990

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

SECTION 1. DESIGNATION OF JOE SERNA, JR. UNITED STATES COURTHOUSE AND FEDERAL BUILDING.

The Federal building located at 501 I Street in Sacramento, California, shall be known and designated as the ''Joe Serna, Jr. United States Courthouse and Federal Building''.

SEC. 2. REFERENCES.

Any reference in a 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 Joe Serna, Jr. United States Courthouse and Federal Building.●

By Ms. SNOWE:

S. 1992. A bill to provide States with loans to enable State entities or local governments within the States to make interest payments on qualified school construction bonds issued by the State entities or local governments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

BUILDING, RENOVATING, IMPROVING, AND CONSTRUCTING KIDS' SCHOOLS ACT

Ms. SNOWE. Mr. President, I rise today to introduce the ''Building, Renovating, Improving, and Constructing Kids' Schools (BRICKS) Act''—legislation that would address our nation's burgeoning need for K–12 school construction, renovation, and repair. The legislation would accomplish this in a fiscally-responsible manner while seeking to find the middle ground between those who support a very direct, active federal role in school construction, and those who are concerned about an expanded federal role in what has been—and remains—a state and local responsibility.

Mr. President, the condition of many of our nation's existing public schools is abysmal even as the need for additional schools and classroom space grows. Specifically, according to reports issued by the General Accounting Office (GAO) in 1995 and 1996, fully one-third of all public schools needing extensive repair or replacement.

As further evidence of this problem, an issue brief prepared by the National Center for Education Statistics (NCES) in 1999 stated that the average public school in America is 42 years old, with school buildings beginning rapid deterioration after 40 years. In addition, the NCES brief found that 29 percent of all public schools are in the ''oldest condition,'' which means that they were built prior to 1970 and have either never been renovated or were renovated prior to 1980.

Not only are our nation's schools in need of repair and renovation, but there is a growing demand for additional schools and classrooms due to an ongoing surge in student enrollment. Specifically, according to the NCES, at least 2,400 new public schools will need to be built by the year 2003 to accommodate our nation's burgeoning school rolls, which will grow from a record 52.7 million children today to 54.3 million by 2008.

Needless to say, the cost of addressing our nation's need for school renovations and construction is enormous. In fact, according to the General Accounting Office (GAO), it will cost $112 billion just to bring our nation's schools into good overall condition. Nowhere is this cost better understood than in my home state of Maine, where a recently-completed study by the Maine Department of Education and the State Board of Education determined that the cost of addressing the state's school building and construction needs stood at $637 million.

Mr. President, we simply cannot allow our nation's schools to fall into utter disrepair and obsolescence with children sitting in classrooms that have leaky ceilings or rotting walls. We cannot ignore the need for new schools as the record number of children enrolled in K–12 schools continues to grow.

Accordingly, because the cost of repairing and building these facilities may prove to be more than many state and local governments can bear in a short period of time, I believe the federal government can and should assist Maine and other state and local governments in addressing this growing national crisis.

Admittedly, not all members support strong federal intervention in what has been historically a state and local responsibility. In fact, many argue with merit that the best form of federal assistance for school construction or other local educational needs would be for the federal government to fulfill its commitment to fund 40 percent of the cost of special education. This long-standing commitment was made when the Individuals with Disabilities Education (IDEA) Act was signed into law more than 20 years ago, but the federal government has fallen woefully short in upholding its end of the bargain, only recently increasing its share to approximately 10 percent.

Needless to say, I strongly agree with those who argue that the federal government's failure to fulfill this mandate represents nothing less than a raid on the pocketbook of every state and local government. Accordingly, I am pleased that recent efforts in the Congress have increased federal funding for IDEA by a full 85 percent over the past three years, and I support ongoing efforts to achieve the 40 percent federal commitment in the near future.

Yet, even as we work to fulfill this long-standing commitment and thereby free up local resources to address local needs, I believe the federal government can do more to assist state and local governments in addressing their school construction needs without infringing on local control.

Mr. President, the legislation I am offering today—the ''BRICKS Act''—will do just that . Specifically, it addresses our nation's school construction needs in a responsible fiscal manner while bridging the gap between those who advocate a more activist federal role in school construction and those who do not.

First, my legislation will provide $20 billion in federal loans to support school construction, renovation, and repair at the local level. By designating that these loans may only be used to pay the interests owed to bondholders on new, 15-year school construction bonds that are issued by state and local governments through the year 2002, the federal government will leverage the issuing of new bonds by states and localities that would not otherwise be made.

Of importance, these loan moneys—which will be distributed on an annual basis using the Title I distribution formula—will become available to each state at the request of a Governor. While the federal loans can only be used to support bond issues that will supplement, and not supplant, the amount of school construction that would have occurred in the absence of the loans, there will be no requirement that states engage in a lengthy application process that does not even assure them of their rightful share of the $20 billion pot.

Second, my bill ensures that these loans are made by the federal government in a fiscally responsible manner that does not cut into the Social Security surplus or claim a portion of non-Social Security surpluses that may prove ephemeral in the future.

Specifically, my bill would make these loans to states from the Exchange Stabilization Fund (ESF)—a fund that was created through the Gold Reserve Act of 1934 and has grown to hold more than $40 billion in assets. The principal activity of the fund—which is controlled solely by the Secretary of the Treasury—is foreign exchange intervention that is intended to limit fluctuations in exchange rates. However, the fund has also been used to provide stabilization loans to foreign countries, including a $20 billion line of credit to Mexico in 1995 to support the peso.

In light of the controversial manner in which the ESF has been used, some have argued that additional constraints should be placed on the fund. Still others—including former Federal Reserve Board Governor Lawrence B. Lindsey—have stated that, for various reasons, the fund should be liquidated.

Regardless of how one feels about exercising greater constraint over the ESF or liquidating it, I believe that if this $40 billion fund can be used to bail-out foreign currencies, it certainly can be used to help America's schools.

Accordingly, I believe it is appropriate that the $20 billion in loans provided by my legislation will be made from the ESF—an amount identical to the line of credit that was extended to Mexico by the Secretary of the Treasury in 1995. Of importance, these loans will be made from the ESF on a progressive, annual basis—not in a sudden or immediate manner. Furthermore, these monies will be repaid to the fund with interest, to ensure that the ESF is compensated for the loans it makes.

Although the ESF will recoup all of the monies it lends plus interest, it should also be noted that my proposal ensures that state and local governments will not be forced to pay excessive interest—or that they will be forced to repay over an unreasonable time line. Specifically, my bill sets the interest rate for the loans at the average prime lending rate for the year in which the bonds are issued, with a cap of 4.5 percent—an amount that is lower than the prime lending rate in any of the previous 15 years. Furthermore, no payments will be owed—and no interest will accrue—until 2005, unless the federal government fulfills its commitment to fund 40 percent of the cost of special education prior to that time.

Combined, these provisions will minimize the cost of these loans to the states, and maximize the utilization of these loans for school construction, renovation, and repair.

Mr. President, by providing low-interest loans to states and local governments to support school construction, I believe that my bill represents a fiscally-responsible, centrist solution to a national problem.

For those who support a direct, active federal role in school construction, my bill provides substantial federal assistance by dedicating $20 billion to leverage a significant amount of new school construction bonds. For those who are concerned about the federal government becoming overly-engaged in an historically state and local responsibility—and thereby stepping on local control—my bill directs that the monies provided to states will be repaid with interest, and that no onerous applications or demands are placed on states to receive their share of these monies.

Mr. President, I urge that my colleagues support the ''BRICKS Act''—legislation that is intended to bridge the gap between competing philosophies on the federal role in school construction. Ultimately, if we work together, we can make a tangible difference in the condition of America's schools without turning it into a partisan or ideological battle that is better suited to sound bites than actual solutions.

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. 1992

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 ''Building, Renovating, Improving, and Constructing Kids' Schools Act''.

SEC. 2. FINDINGS.

Congress make the following findings:

(1) According to a 1999 issue brief prepared by the National Center for Education Statistics, the average public school in America is 42 years old, and school buildings begin rapid deterioration after 40 years. In addition, 29 percent of all public schools are in the oldest condition, meaning that the schools were built before 1970 and have either never been renovated or were renovated prior to 1980.

(2) According to reports issued by the General Accounting Office (GAO) in 1995 and 1996, it would cost $112,000,000,000 to bring the Nation's schools into good overall condition, and one-third of all public schools need extensive repair or replacement.

(3) Many schools do not have the appropriate infrastructure to support computers and other technologies that are necessary to prepare students for the jobs of the 21st century.

(4) Without impeding on local control, the Federal Government appropriately can assist State and local governments in addressing school construction, renovation, and repair needs by providing low-interest loans for purposes of paying interest on related bonds.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOND.—The term ''bond'' includes any obligation.

(2) GOVERNOR.—The term ''Governor'' includes the chief executive officer of a State.

(3) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given to such term by section 14101 of the Elementary and Secondary Education Act of 1965.

(4) PUBLIC SCHOOL FACILITY.—The term public school facility shall not include—

(A) any stadium or other facility primarily used for athletic contests or exhibitions, or other events for which admission is charged to the general public; or

(B) any facility which is not owned by a State or local government or any agency or instrumentality of a State or local government.

(5) QUALIFIED SCHOOL CONSTRUCTION BOND.—The term ''qualified school construction bond'' means any bond issued as part of an issue if—

(A) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue;

(B) the bond is issued by a State entity or local government;

(C) the issuer designates such bonds for purposes of this section; and

(D) the term of each bond which is part of such issue does not exceed 15 years.

(6) STABILIZATION FUND.—The term ''stabilization fund'' means the stabilization fund established under section 5302 of title 31, United States Code.

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

SEC. 4. LOANS FOR SCHOOL CONSTRUCTION BOND INTEREST PAYMENTS.

(a) LOAN AUTHORITY.—

(1) IN GENERAL.—From funds made available to a State under section 5(b) the State

shall make loans to State entities or local governments within the State to enable the entities and governments to make annual interest payments on qualified school construction bonds that are issued by the entities and governments not later than December 31, 2002.

(2) REQUESTS.—The Governor of each State desiring assistance under this Act shall submit a request to the Secretary of the Treasury at such time and in such manner as the Secretary of the Treasury may require.

(b) LOAN REPAYMENT.—

(1) IN GENERAL.—Subject to paragraph (2), a State entity or local government that receives a loan under this Act shall repay to the stabilization fund the amount of the loan, plus interest, at the average prime lending rate for the year in which the bond is issued, not to exceed 4.5 percent.

(2) EXCEPTION.—A State entity or local government shall not repay the amount of a loan made under this Act, plus interest, and the interest on a loan made under this Act shall not accrue, prior to January 1, 2005, unless the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for any fiscal year prior to fiscal year 2006 is sufficient to fully fund such part for the fiscal year at the originally promised level, which promised level would provide to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

(c) FEDERAL RESPONSIBILITIES.—The Secretary of the Treasury and the Secretary of Education—

(1) jointly shall be responsible for ensuring that funds provided under this Act are properly distributed;

(2) shall ensure that funds provided under this Act only are used to pay the interest on qualified school construction bonds; and

(3) shall not have authority to approve or disapprove school construction plans assisted pursuant to this Act, except to ensure that funds made available under this Act are used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair in the State that would have occurred in the absence of such funds.

SEC. 5. AMOUNTS AVAILABLE TO EACH STATE.

(a) RESERVATION FOR INDIANS.—From $20,000,000,000 of the funds in the stabilization fund, the Secretary of the Treasury shall make available $400,000,000 to Indian tribes for loans to enable the Indian tribes to make annual interest payments on qualified school construction bonds in accordance with the requirements of this Act that the Secretary of the Treasury determines appropriate.

(b) AMOUNTS AVAILABLE.—

(1) IN GENERAL.—From $20,000,000,000 of the funds in the stabilization fund that are not reserved under subsection (a), the Secretary of the Treasury shall make available to each State submitting a request under section 4(a)(2) an amount that bears the same relation to such remainder as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for fiscal year 2000 bears to the amount received by all States under such part for such year.

(2) DISBURSAL.—The Secretary of the Treasury shall disburse the amount made available to a State under paragraph (1), on an annual basis, during the period beginning on October 1, 2000, and ending September 30, 2017.

(c) NOTIFICATION.—The Secretary of the Treasury and the Secretary of Education jointly shall notify each State of the amount of funds the State may borrow under this Act.

By Mr. THOMPSON (for himself, and Mr. LIEBERMAN):

S. 1993. A bill to reform Government information security by strengthening information security practices throughout the Federal Government; to the Committee on Governmental Affairs.

GOVERNMENT INFORMATION SECURITY ACT OF 1999

Mr. THOMPSON. Mr. President, I rise today to introduce a bill on behalf of myself as chairman of the Governmental Affairs Committee and Senator Lieberman, the Committee's ranking minority member, on an issue of great importance to our committee and the nation—the security of Federal government computer systems.

Over the last decade, the Federal Government, like most private-sector organizations, has become enormously dependent on interconnected computer systems, including the Internet, to support its operations and account for its assets. This explosion in interconnectivity has resulted in many benefits. In particular, it has increased productivity, made enormous amounts of useful information instantly available to millions of people, and contributed to the economic boom of the 1990s.

However, the factors that generate these benefits—widely accessible data and instantaneous communication—also increase the risks that information will be misused, possibly to commit fraud or other crimes, or that sensitive information will be in appropriately disclosed. In addition, our government's, as well as our nation's, dependence on this computer support makes it susceptible to devastating disruptions in critical services, as well as in computer-based safety and financial controls. Such disruptions could be caused by sabotage, natural disasters, or widespread system faults, as illustrated by the Y2K date conversion concerns.

The Governmental Affairs Committee spent considerable time during the last Congress on this issue with a specific emphasis on information security and cyberterrorism. We uncovered and identified failures of information security affecting our international security and vulnerability to domestic and international terrorism. We highlighted our nation's vulnerability to computer attacks—from international and domestic terrorists to crime rings to everyday hackers. We directed GAO to prepare a ''best practices'' guide on computer security for Federal agencies to use, and we asked GAO to study computer security vulnerabilities at several Federal agencies including the Internal Revenue Service, the State Department, the Federal Aviation Administration, the Social Security Administration, and the Veterans' Administration.

As a result of its work, GAO identified many specific weaknesses in agency controls and concluded that the underlying cause was inadequate security program planning and management. In particular, agencies were addressing identified weaknesses on a piecemeal basis rather than proactively addressing systemic causes that diminished security effectiveness throughout the agency.

That is not to say that nothing is being done. Many in the executive branch recognize that action is needed to improve Federal information security, and several efforts have been initiated. For example, in May 1998, Presidential Decision Directive (PDD) 63 directed the National Security Council to lead a variety of efforts intended to improve critical infrastructure protection, including protection of Federal agency information infrastructures, and required major agencies to develop plans to protect their own critical computer-based systems.

But despite a flurry of activity in this area and a number of statutes already on the books which deal with the issues, we have concluded that a more complete and meaningful statutory foundation for improvement is needed. The primary objective of this legislation is to update existing information security statutory requirements to address the management challenges associated with operating in the current interconnected computing environment.

We begin where the Paperwork Reduction Act of 1995 and the Clinger-Cohen Act of 1996 left off. These laws, and the computer Security Act of 1987, provided the basic framework for managing information security. This legislation which we introduce today will update and clarify existing requirements and responsibilities of Federal agencies in dealing with information security.

The Government Information Security Act:

Strengthens the Office of Management and Budget's information security duties, consistent with its existing responsibilities under the Paperwork Reduction Act;

Establishes Federal agency accountability for information security as needed to cost-effectively protect the assets and operations of the agency by creating a set of management requirements derived from GAO ''Best Practices'' audit work;

Requires agencies to have an annual independent evaluation of their information security programs and practices to assess compliance with authorized requirements and to test effectiveness of information security control techniques;

Provides for the application of a unified and logical set of governmentwide controls by including national security systems within the application of the legislation; and

Focuses on the importance of training programs and governmentwide incident handling.

We recognize that these aren't the only things that need to be done. Some have suggested we provide specific standards in the legislation. Others

have recommended we establish a new position of a National Chief Information Officer. These and, no doubt, many other proposals will be considered as we debate this important issue. But this legislation is intended as a good first step to better define roles among Federal agencies in order to develop a fully secure government.

I ask unanimous consent that the full text of the bill we are introducing be printed in the RECORD.

S. 1993

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 ''Government Information Security Act of 1999''.

SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by inserting at the end the following:

''SUBCHAPTER II—INFORMATION SECURITY

''§ 3531. Purposes

''The purposes of this subchapter are to—

''(1) provide a comprehensive framework for establishing and ensuring the effectiveness of controls over information resources that support Federal operations and assets;

''(2)(A) recognize the highly networked nature of the Federal computing environment including the need for Federal Government interoperability and, in the implementation of improved security management measures, assure that opportunities for interoperability are not adversely affected; and

''(B) provide effective governmentwide management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities;

''(3) provide for development and maintenance of minimum controls required to protect Federal information and information systems; and

''(4) provide a mechanism for improved oversight of Federal agency information security programs.

''§ 3532. Definitions

''(a) Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

''(b) As used in this subchapter the term 'information technology' has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

''§ 3533. Authority and functions of the Director

''(a)(1) Consistent with subchapter I, the Director shall establish governmentwide policies for the management of programs that support the cost-effective security of Federal information systems by promoting security as an integral component of each agency's business operations.

''(2) Policies under this subsection shall—

''(A) be founded on a continuing risk management cycle that recognizes the need to—

''(i) identify, assess, and understand risk; and

''(ii) determine security needs commensurate with the level of risk;

''(B) implement controls that adequately address the risk;

''(C) promote continuing awareness of information security risk;

''(D) continually monitor and evaluate policy; and

''(E) control effectiveness of information security practices.

''(b) The authority under subsection (a) includes the authority to—

''(1) oversee and develop policies, principles, standards, and guidelines for the handling of Federal information and information resources to improve the efficiency and effectiveness of governmental operations, including principles, policies, and guidelines for the implementation of agency responsibilities under applicable law for ensuring the privacy, confidentiality, and security of Federal information;

''(2) consistent with the standards and guidelines promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note; Public Law 100–235; 101 Stat. 1729), require Federal agencies to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency;

''(3) direct the heads of agencies to coordinate such agencies and coordinate with industry to—

''(A) identify, use, and share best security practices; and

''(B) develop voluntary consensus-based standards for security controls, in a manner consistent with section 2(b)(13) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(13));

''(4) oversee the development and implementation of standards and guidelines relating to security controls for Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3);

''(5) oversee and coordinate compliance with this section in a manner consistent with—

''(A) sections 552 and 552a of title 5;

''(B) sections 20 and 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3 and 278g–4);

''(C) section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441);

''(D) sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note; Public Law 100–235; 101 Stat. 1729); and

''(E) related information management laws; and

''(6) take any authorized action that the Director considers appropriate, including any action involving the budgetary process or appropriations management process, to enforce accountability of the head of an agency for information resources management and for the investments made by the agency in information technology, including—

''(A) recommending a reduction or an increase in any amount for information resources that the head of the agency proposes for the budget submitted to Congress under section 1105(a) of title 31;

''(B) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources; and

''(C) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources.

''(c) The authority under this section may be delegated only to the Deputy Director for Management of the Office of Management and Budget.

''§ 3534. Federal agency responsibilities

''(a) The head of each agency shall—

''(1) be responsible for—

''(A) adequately protecting the integrity, confidentiality, and availability of information and information systems supporting agency operations and assets; and

''(B) developing and implementing information security policies, procedures, and control techniques sufficient to afford security protections commensurate with the risk and magnitude of the harm resulting from unauthorized disclosure, disruption, modification, or destruction of information collected or maintained by or for the agency;

''(2) ensure that each senior program manager is responsible for—

''(A) assessing the information security risk associated with the operations and assets of such manager;

''(B) determining the levels of information security appropriate to protect the operations and assets of such manager; and

''(C) periodically testing and evaluating information security controls and techniques;

''(3) delegate to the agency Chief Information Officer established under section 3506, or a comparable official in an agency not covered by such section, the authority to administer all functions under this subchapter including—

''(A) designating a senior agency information security officer;

''(B) developing and maintaining an agencywide information security program as required under subsection (b);

''(C) ensuring that the agency effectively implements and maintains information security policies, procedures, and control techniques;

''(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

''(E) assisting senior program managers concerning responsibilities under paragraph (2);

''(4) ensure that the agency has trained personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines; and

''(5) ensure that the agency Chief Information Officer, in coordination with senior program managers, periodically—

''(A)(i) evaluates the effectiveness of the agency information security program, including testing control techniques; and

''(ii) implements appropriate remedial actions based on that evaluation; and

''(B) reports to the agency head on—

''(i) the results of such tests and evaluations; and

''(ii) the progress of remedial actions.

''(b)(1) Each agency shall develop and implement an agencywide information security program to provide information security for the operations and assets of the agency, including information security provided or managed by another agency.

''(2) Each program under this subsection shall include—

''(A) periodic assessments of information security risks that consider internal and external threats to—

''(i) the integrity, confidentiality, and availability of systems; and

''(ii) data supporting critical operations and assets;

''(B) policies and procedures that—

''(i) are based on the risk assessments required under paragraph (1) that cost-effectively reduce information security risks to an acceptable level; and

''(ii) ensure compliance with—

''(I) the requirements of this subchapter;

''(II) policies and procedures as may be prescribed by the Director; and

''(III) any other applicable requirements;

''(C) security awareness training to inform personnel of—

''(i) information security risks associated with personnel activities; and

''(ii) responsibilities of personnel in complying with agency policies and procedures designed to reduce such risks;

''(D)(i) periodic management testing and evaluation of the effectiveness of information security policies and procedures; and

''(ii) a process for ensuring remedial action to address any deficiencies; and

''(E) procedures for detecting, reporting, and responding to security incidents, including—

''(i) mitigating risks associated with such incidents before substantial damage occurs;

''(ii) notifying and consulting with law enforcement officials and other offices and authorities; and

''(iii) notifying and consulting with an office designated by the Administrator of General Services within the General Services Administration.

''(3) Each program under this subsection is subject to the approval of the Director and is required to be reviewed at least annually by agency program officials in consultation with the Chief Information Officer.

''(c)(1) Each agency shall examine the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

''(A) annual agency budgets;

''(B) information resources management under the Paperwork Reduction Act of 1995 (44 U.S.C. 101 note);

''(C) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 through 2805 of title 39; and

''(D) financial management under—

''(i) chapter 9 of title 31, United States Code, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101–576) (and the amendments made by that Act);

''(ii) the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) (and the amendments made by that Act); and

''(iii) the internal controls conducted under section 3512 of title 31.

''(2) Any deficiency in a policy, procedure, or practice identified under paragraph (1) shall be reported as a material weakness in reporting required under the applicable provision of law under paragraph (1).

''§ 3535. Annual independent evaluation

''(a)(1) Each year each agency shall have an independent evaluation performed of the information security program and practices of that agency.

''(2) Each evaluation under this section shall include—

''(A) an assessment of compliance with—

''(i) the requirements of this subchapter; and

''(ii) related information security policies, procedures, standards, and guidelines; and

''(B) tests of the effectiveness of information security control techniques.

''(b)(1) For agencies with Inspectors General appointed under the Inspector General Act of 1978 (5 U.S.C. App.), annual evaluations required under this section shall be performed by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency.

''(2) For any agency to which paragraph (1) does not apply, the head of the agency shall contract with an independent external auditor to perform the evaluation.

''(3) An evaluation of agency information security programs and practices performed by the Comptroller General may be in lieu of the evaluation required under this section.

''(c) Not later than March 1, 2001, and every March 1 thereafter, the results of an evaluation required under this section shall be submitted to the Director.

''(d) Each year the Comptroller General shall—

''(1) review the evaluations required under this section and other information security evaluation results; and

''(2) report to Congress regarding the adequacy of agency information programs and practices.

''(e) Agencies and auditors shall take appropriate actions to ensure the protection of information, the disclosure of which may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws.''.

SEC. 3. RESPONSIBILITIES OF CERTAIN AGENCIES.

(a) DEPARTMENT OF COMMERCE.—The Secretary of Commerce, through the National Institute of Standards and Technology and with technical assistance from the National Security Agency, shall—

(1) develop, issue, review, and update standards and guidance for the security of information in Federal computer systems, including development of methods and techniques for security systems and validation programs;

(2) develop, issue, review, and update guidelines for training in computer security awareness and accepted computer security practices, with assistance from the Office of Personnel Management;

(3) provide agencies with guidance for security planning to assist in the development of applications and system security plans for such agencies;

(4) provide guidance and assistance to agencies concerning cost-effective controls when interconnecting with other systems; and

(5) evaluate information technologies to assess security vulnerabilities and alert Federal agencies of such vulnerabilities.

(b) DEPARTMENT OF JUSTICE.—The Department of Justice shall review and update guidance to agencies on—

(1) legal remedies regarding security incidents and ways to report to and work with law enforcement agencies concerning such incidents; and

(2) permitted uses of security techniques and technologies.

(c) GENERAL SERVICES ADMINISTRATION.—The General Services Administration shall—

(1) review and update General Services Administration guidance to agencies on addressing security considerations when acquiring information technology; and

(2) assist agencies in the acquisition of cost-effective security products, services, and incident response capabilities.

(d) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management shall—

(1) review and update Office of Personnel Management regulations concerning computer security training for Federal civilian employees; and

(2) assist the Department of Commerce in updating and maintaining guidelines for training in computer security awareness and computer security best practices.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended—

(1) in the table of sections—

(A) by inserting after the chapter heading the following:

''SUBCHAPTER I—FEDERAL INFORMATION POLICY'';

and

(B) by inserting after the item relating to section 3520 the following:

''SUBCHAPTER II—INFORMATION SECURITY

''Sec.
''3531. Purposes.
''3532. Definitions.
''3533. Authority and functions of the Director.
''3534. Federal agency responsibilities.
''3535. Annual independent evaluation.'';

and

(2) by inserting before section 3501 the following:

''SUBCHAPTER I—FEDERAL INFORMATION POLICY''.

(b) REFERENCES TO CHAPTER 35.—Chapter 35 of title 44, United States Code, is amended—

(1) in section 3501—

(A) in the matter preceding paragraph (1), by striking ''chapter'' and inserting ''subchapter''; and

(B) in paragraph (11), by striking ''chapter'' and inserting ''subchapter'';

(2) in section 3502, in the matter preceding paragraph (1), by striking ''chapter'' and inserting ''subchapter'';

(3) in section 3503, in subsection (b), by striking ''chapter'' and inserting ''subchapter'';

(4) in section 3504—

(A) in subsection (a)(2), by striking ''chapter'' and inserting ''subchapter'';

(B) in subsection (d)(2), by striking ''chapter'' and inserting ''subchapter''; and

(C) in subsection (f)(1), by striking ''chapter'' and inserting ''subchapter'';

(5) in section 3505—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''chapter'' and inserting ''subchapter'';

(B) in subsection (a)(2), by striking ''chapter'' and inserting ''subchapter''; and

(C) in subsection (a)(3)(B)(iii), by striking ''chapter'' and inserting ''subchapter'';

(6) in section 3506—

(A) in subsection (a)(1)(B), by striking ''chapter'' and inserting ''subchapter'';

(B) in subsection (a)(2)(A), by striking ''chapter'' and inserting ''subchapter'';

(C) in subsection (a)(2)(B), by striking ''chapter'' and inserting ''subchapter'';

(D) in subsection (a)(3)—

(i) in the first sentence, by striking ''chapter'' and inserting ''subchapter''; and

(ii) in the second sentence, by striking ''chapter'' and inserting ''subchapter'';

(E) in subsection (b)(4), by striking ''chapter'' and inserting ''subchapter'';

(F) in subsection (c)(1), by striking ''chapter, to'' and inserting ''subchapter, to''; and

(G) in subsection (c)(1)(A), by striking ''chapter'' and inserting ''subchapter'';

(7) in section 3507—

(A) in subsection (e)(3)(B), by striking ''chapter'' and inserting ''subchapter'';

(B) in subsection (h)(2)(B), by striking ''chapter'' and inserting ''subchapter'';

(C) in subsection (h)(3), by striking ''chapter'' and inserting ''subchapter'';

(D) in subsection (j)(1)(A)(i), by striking ''chapter'' and inserting ''subchapter'';

(E) in subsection (j)(1)(B), by striking ''chapter'' and inserting ''subchapter''; and

(F) in subsection (j)(2), by striking ''chapter'' and inserting ''subchapter'';

(8) in section 3509, by striking ''chapter'' and inserting ''subchapter'';

(9) in section 3512—

(A) in subsection (a), by striking ''chapter if'' and inserting ''subchapter if''; and

(B) in subsection (a)(1), by striking ''chapter'' and inserting ''subchapter'';

(10) in section 3514—

(A) in subsection (a)(1)(A), by striking ''chapter'' and inserting ''subchapter''; and

(B) in subsection (a)(2)(A)(ii), by striking ''chapter'' and inserting ''subchapter'' each place it appears;

(11) in section 3515, by striking ''chapter'' and inserting ''subchapter'';

(12) in section 3516, by striking ''chapter'' and inserting ''subchapter'';

(13) in section 3517(b), by striking ''chapter'' and inserting ''subchapter'';

(14) in section 3518—

(A) in subsection (a), by striking ''chapter'' and inserting ''subchapter'' each place it appears;

(B) in subsection (b), by striking ''chapter'' and inserting ''subchapter'';

(C) in subsection (c)(1), by striking ''chapter'' and inserting ''subchapter'';

(D) in subsection (c)(2), by striking ''chapter'' and inserting ''subchapter'';

(E) in subsection (d), by striking ''chapter'' and inserting ''subchapter''; and

(F) in subsection (e), by striking ''chapter'' and inserting ''subchapter''; and

(15) in section 3520, by striking ''chapter'' and inserting ''subchapter''.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

• Mr. LIEBERMAN. Mr. President, I am pleased to join today with Senator THOMPSON in introducing the Government Information Security Act of 1999. This bill would put a management structure in place for the implementation of risk-based computer security measures across the government.

We are introducing this bill in the closing days of this session with the hope that it will serve as the basis for launching a discussion about the most effective ways to improve government's approach to computer security. We invite and look forward to comments from government agencies, industry and academic experts, think tanks and others who have been involved in this field.

Like the rest of the nation,the government is increasingly dependent on computer and other electronic information systems to collect, analyze and preserve important data and perform vital tasks. Government computer systems are rife with sensitive information pertaining to the fundamentals of our existence—our national security, the strength of our economy, transportation and communications systems, and the personal lives of millions of individual citizens. The Department of Defense and other national security agencies control our weapons of mass destruction and track the offensive movements of enemy states through complex computer programs; the Internal Revenue Service maintains an automated systems wage information on every working American; the Federal Reserve calculates key economic indicators electronically and the Center for Disease Control relies on computers to tracks threats to the nation's public health.

And yet, this computer-reliant infrastructure is frighteningly vulnerable to exploitation not only by trouble-makers and professional hackers but by organized crime and international terrorists. Indeed, a disruption of our communications, transportation and energy sections could prove as destructive as any conventional weapons attack to our ability to defend our privacy, our safety, even our freedom.

Indeed, witnesses before the Governmental Affairs Committee last Congress testified that the government's reliance on computer systems is not matched by a concomitant growth in the security of those systems. A series of Government Accounting Office studies found government computer security so lax that it landed on the GAO's list of ''high risk'' government programs. For example, this year, GAO reported that one of its test teams gained access to mission critical computer systems at NASA which would have allowed the team to control spacecraft or alter data returned from space. In May 1998, the GAO was able to gain unauthorized access to the State Department's networks which would have enabled GAO to modify, delete or download important data and shutdown services. And the GAO reported in September 1998 that inadequate information system controls by the Veterans Administration threatened the disruption or misuse of service delivery to the men and women who have fought our wars.

Less significant on a global scale, but of utmost concern to individual citizens is the extent to which inadequate security leaves personal information, and therefore people, vulnerable to exposure and exploitation. Our legislation will address personal information maintained by the government such as benefits and tax data and demographics culled from personal information we supply to the Census Bureau.

While the GAO's work is compelling, I am convinced by two other developments that legislation in this area needs to be addressed quickly. First, we have been intensely focused throughout the year on fixing the computer problems associated with Y2K. Ensuring that the information our government collects and produces is secure may seem similar to the Y2K issue because both reflect our dependency on computers and their vulnerability to programming failures and outside disruptions. The need for secure government computer systems, however, will not disappear in the first days and weeks of the year 2000. Indeed, it will be with us until we have a structure within the government dedicated to fixing these problems.

Second,we have spent significant time this session digging into the Los Alamo National Laboratory espionage scandal and allegations that an employee improperly downloaded classified material to an unclassified computer. The Energy and Justice Departments are still looking into this breach of security, but it should focus everyone's attention on the vulnerability associated with extensive reliance computers and the undeniable need for improvements in how we manage and secure these systems.

Mr. President, the goal of the bill we are introducing today is to protect the integrity, confidentiality and availability of information and ensure that critical improvements in the management of our computer security system take place. Specifically, our bill would:

Require high-level accountability. The Director of the Office of Management and Budget will be accountable for overseeing policy while the agency heads will be accountable for developing specific security plans.

Require agency heads to develop and implement security plans and policies based on the appropriate level of risk for the different type of information the agency maintains. We need to ensure that each agency's plan reflects an understanding that computer security must be an integral part of the development process for any new system. Agencies now tend to develop a system and consider security issues only as an afterthought, if at all.

Establish an ongoing, periodic reporting, testing and evaluation process to gauge the effectiveness of the policies and procedures. This would be accomplished through agency budgets, program performance and financial management.

Require an independent, annual audit of all information security practices and programs within an agency. The audit would be conducted either by the agency's Inspector General, GAO or an independent external auditor. GAO has told us that an audit requirement is essential to monitoring agencies' management of information security and to ensure that these systems are kept current.

Require that agencies report unauthorized intrusions into government systems. GSA currently has a program where agencies can report and seek help to respond to intrusions into their information systems and share information concerning common vulnerabilities and threats. Our bill would require agencies to use this reporting and monitoring system.

Mr. President, the provisions of this bill would apply to all information, including classified and unclassified information maintained on civilian and national security systems. We are also considering whether the bill's provisions should apply to government owned, contractor operated facilities including laboratories engaged in national defense research. We look forward to discussions with the defense and intelligence communities on how best to address these issues.

There are a number of areas we have not addressed, and I welcome comments on how best to handle these areas. For example:

We need to ensure that computer security systems will not interfere with the ability of agencies to share data and communicate with each other and the rest of the world. The new era of ''e-business'' and ''e-government'' holds untold opportunities for improving government efficiency, and that's something we want to encourage.

The government needs to rapidly and safely increase the number of trained technical information security professionals. There are a range of approaches to addressing this need, including incentives to universities to train more people in this area; contracting out to the private sector; establishing a CyberCorps at universities based on the ROTC model; or establishing special career designations for personnel specializing in computer security.

We should consider whether current technology will meet the government's computer security needs or whether we need to develop incentives for technology development. A Presidential advisory committee is developing recommendations based on a national laboratory model to conduct research and development of security technology with a possible secondary focus on testing.

We are interested in exploring whether provisions in this bill addressing risk and technology standards, which are now voluntary, consensus-based standards, should be issued as minimum mandatory requirements for successive levels of risk.

And we will also consider issues relating to budgetary needs, privacy requirements, performance measures and how best to coordinate information security and management within the federal government.

Mr. President, I expect what we have proposed will generate a hearty debate. As I have said, I consider this bill a work in progress, so I look forward to hearing from a wide range of interested parties and to working with the Chairman to craft the best possible legislation to protect the integrity and the confidentiality of the government's vast storehouse of information.●

By Mr. KERRY (for himself and Mr. BRYAN):

S. 1994. A bill to amend the Internal Revenue Code of 1986 to provide assistance to first-time homebuyers; to the Committee on Finance.

THE FIRST TIME HOMEBUYER AFFORDABILITY ACT

Mr. KERRY. Mr. President, earlier this week I laid out an agenda for restoring the federal role in expanding the nation's stock of affordable housing. Today, I am making a small downpayment on that promise with the First Time Homebuyer Affordability Act. This legislation, which I am introducing with Senator BRYAN, will create new homeownership opportunities for many Americans by allowing them to borrow from their Investment Retirement Accounts (IRAs), or their parents or grandparents IRAs, on a tax free basis for a downpayment on a first home. The legislation would also allow IRA funds to be used under an equity participation agreement. In both cases, the funds would have to be repaid to the IRA.

We have all talked about the importance of homeownership. Indeed, homeownership makes a very significant contribution to solving many social problems we face in America. Children of homeowners are less likely to become involved in the criminal justice system; they are less likely to drop out of school, or have children out of wedlock. Homeowners vote more often and participate more in community organizations and activities.

Yet, the single biggest barrier to homeownership is a downpayment. This legislation will help hundreds of thousands of homeowners surmount this barrier and realize the American dream.

Mr. President, it is ironic that IRAs today can be invested in almost any asset, including real estate investment trusts, except one's own home. Yet, homeownership continues to be a winning investment, both for the family and the community.

Under current law, individuals may borrow up to $10,000 from their 401(k) retirement accounts to help buy a home without paying taxes. This legislation would put IRAs on the same footing as 401(k) plans while unlocking $2 trillion in IRA saving to help families become homeowners. It has a number of protections to ensure that the loan or investment will be repaid, with interest, or a taxes will be owed and a penalty assessed.

This is good legislation, which has been endorsed by the Mortgage Bankers Association, the National Association of Realtors, and the National Association of Homebuilders. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

DEAR SENATOR: We are writing to add our support for your efforts to enhance homeownership opportunities through expanded use for first time homebuyers of their Individual Retirement Accounts (IRAs). We will work closely with you and your colleagues to include this important provision in the Senate Tax Bill.

The United States has recently achieved a record homeownership rate, rising home prices, combined with a significant downpayment hurdle, continue to put homeownership out of the reach of many families and individuals. Finding ways to overcome the downpayment issue is critical to the effort to make homeownership more affordable and obtainable for these families and individuals. Your proposal provides this bridge to enhance homeownership for millions of Americans.

Your plan would build upon the penalty waiver provisions enacted in the 105th Congress to improve access to the $2 trillion held in IRAs for first time home purchase. Penalty waiver provisions now permit people to withdraw up to $10,000 from an IRA account for the purchase of a first time home without incurring a 10 percent premature withdrawal penalty.

However, even with the penalty waiver, a prospective homebuyer still owes federal and state taxes on the amount withdrawn from the IRA. This reduces the amount available for downpayment by thousands of dollars. The plan would eliminate such tax consequences by allowing an individual to borrow up to $10,000 from their IRA account or a parent's IRA account, for a first time home purchase without a tax penalty. IRA funds may also be used under an equity sharing arrangement.

At present, holders of 401(k) retirement accounts may borrow up to 50 percent of account assets, with a floor of $10,000 and a ceiling of $50,000, for any personal use. However, borrowing from an IRA account is prohibited, even for a first time home purchase.

We will work with you to move this key proposal forward to enhance and expand homeownership for all Americans.

Sincerely,
Mortgage Bankers Association of America.
National Association of Realtors.
National Association of Home Builders.

By Mr. KOHL:

S. 1995. A bill to amend the National School Lunch Act to revise the eligibility of private organizations under the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

LEGISLATION TO AMEND THE NATIONAL SCHOOL LUNCH ACT TO REVISE THE ELIGIBILITY OF PRIVATE ORGANIZATIONS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM

● Mr. KOHL. Mr. President, I rise today to introduce legislation that will correct an unintended obstacle in current law and expand the number of low-income children in child care centers that receive nutritious meals through the Child and Adult Care Food Program.

The current CACFP law provides for subsidies to proprietary child care centers for the nutritious meals they serve children, provided that at least 25% of the participants receive Title XX subsidies. This provision was included to encourage private child care providers to serve more low-income children, by providing funds to reimburse the costs of providing meals. When the law was enacted in 1981, it made sense to tie CACFP funds to Title XX, because Title XX was the primary source of Federal child care assistance at that time.

As we all know, however, the Child Care & Development Block Grant has since become the States' primary funding source for child care assistance, while Title XX funds are being used primarily for other social service needs. This means that although many proprietary child care centers have enrollments with over 25% low-income children, those who no longer receive Title XX are no longer eligible for the CACFP meal subsidy.

Thirty-eight States are currently using small amounts of their Title XX funds for child care subsidies so that at least some of the otherwise eligible children will receive meals in proprietary centers. In Wisconsin, for example, 65 proprietary centers are currently participating in the CACFP program, serving 3,294 children. However, if all eligible centers were able to participate, those numbers could increase to 149 proprietary centers serving 8,195 children, an increase of 4,901 children. A simple change in the law to reflect the current nature of Federal child care assistance could lead to Wisconsin receiving nearly $2,975,000 each year in Federal food subsidies for low-income children in child care.

The bill I introduce today is simple. It would eliminate the outdated requirement that eligible children receive Title XX funds in order to trigger the CACFP meal subsidy. This would allow proprietary centers to participate in CACFP if at least 25% of the

children they serve are eligible for a food nutrition subsidy. This change will ensure that proprietary centers will be able to continue to serve low-income children. It reduces pressure on proprietary centers to increase their rates for non-subsidized children to recover the costs of unreimbursed meals for subsidized children. It preserves the right of parents, including low-income parents, to choose the quality child care center that is most appropriate for their children. And most importantly, this change reinforces the original intent of the law: to ensure that eligible low-income children in proprietary child care centers have the benefit of a nutritious meal. I hope that all of my colleagues will join me in cosponsoring this legislation and I look forward to working for its swift passage when Congress reconvenes in January.●

By Mr. BINGAMAN:

S. 1997. A bill to simplify Federal oil and gas revenue distributions, and for other purposes; to the Committee on Energy and Natural Resources.

MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 1999

● Mr. BINGAMAN. Mr. President, today, I am introducing legislation which will end the practice of charging States for costs the Federal Government incurs in managing Federal mineral leases.

The Mineral Revenue Payments Clarification Act of 1999 will eliminate net receipts sharing, allowing Federal agencies to more rationally and fairly apportion to States their share of Federal mineral revenues.

Since enactment of the Mineral Leasing Act in 1920, Congress has determined that it was fair and appropriate to share with States a portion of the money received by the United States for Federal mineral leases located within the State. Under current law, for most mineral leases the State share is 50 percent, except for Alaska which receives 90 percent.

In 1993, a permanent provision was added to the Omnibus Appropriations Act that requires the Department of the Interior to deduct from a State's share 50 percent of the Federal Government's costs of administering Federal mineral leases within that State. This new requirement substantially lowers the amounts States receive, but was added without either explanation or justification as to why such a deduction is either fair or appropriate.

Furthermore, the statutory procedures for figuring these deductions are cumbersome to the point of being unworkable. The Federal agencies charged with administering these requirements have found them difficult, and sometimes impossible, to implement in any consistent fashion.

In November of 1997, the Inspector General of the Department of the Interior found that the Department had inaccurately calculated the costs involved in administering the Federal onshore mineral leasing program, resulting in substantial overcharges to States. This issue has yet to be fully resolved by the Department of the Interior.

Needless to say, this complicated and unjustified provision has been controversial with the States and unpopular with the Federal agencies charged with administering it. It penalizes States while creating administrative nightmares for the Federal Government. It is time to do away with this unwieldy provision.

Therefore, I am introducing The Mineral Revenue Payments Clarification Act of 1999, which will eliminate this provision and provide that States' shares of payments under Federal mineral leases will not be reduced by administrative or other costs incurred by the United States. I believe that this will return a system that is both fair, and capable of being administered in a reasonable fashion.●

ADDITIONAL COSPONSORS

S. 92

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 329

At the request of Mr. ROBB, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 345

At the request of Mr. ALLARD, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 486

At the request of Mr. ROBB, his name was added as a cosponsor of S. 486, a bill to provide for the punishment of methoamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

At the request of Mr. KERREY, his name was added as a cosponsor of S. 486, supra.

At the request of Mr. ASHCROFT, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 486, supra.

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 486, supra.

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 486, supra.

S. 655

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 655, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1008

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1008, a bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws.

S. 1028

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1029

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1029, a bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 1109

At the request of Mr. MCCONNELL, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1131

At the request of Mr. EDWARDS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1131, a bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X.

S. 1133

At the request of Mr. GRAMS, the name of the Senator from Oregon (Mr.