SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

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

S. Res. 55. A resolution making appointments to certain Senate committees for the 106th Congress; considered and agreed to.

By Mr. COVERDELL (for himself, Mr. TORRICELLI, and Mr. ROBB):

S. Res. 56. A resolution recognizing March 2, 1999 as the ''National Read Across America Day'', and encouraging every child, parent and teacher to read throughout the year; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 491. A bill to enable America's schools to use their computer hardware to increase student achievement and prepare students for the 21st century workplace; to the Committee on Health, Education, Labor, and Pensions.

THE ''EDUCATION FOR THE 21ST CENTURY ACT''

Mr. LAUTENBERG. Mr. President, I rise to introduce ''E–21''—the Education for the 21st Century Act.

The E–21 Act will help ensure that all middle school graduates attain basic computer literacy skills that will prepare them for high school and beyond, and ultimately, for the 21st Century workplace. The E–21 Act will also allow all school districts to obtain and utilize the latest high-quality educational software, free of charge.

Mr. President, the first piece of legislation I introduced in the Senate was to provide financial assistance to introduce computers into schools, to help students learn and expand their horizons. That was in 1983. Back then, it was the exceptional school that even had a computer. It was an unusual teacher or student who knew how to use one.

That legislation was enacted into law. Along with other resources, it helped bring computers into our schools as part of everyday learning.

Mr. President, as many of my colleagues know, I got my start in the computing business. Back then, computers filled large rooms and were so expensive that only the largest corporations could afford their own computing centers. Today, even more powerful computers sit on a desktop in millions of homes, schools and businesses across the nation.

Mr. President, we've made great strides toward introducing computers into schools, but too many of these computers are not being utilized to their potential due to lack of updated computer training for teachers.

Mr. President, a recent study by the Educational Testing Service confirmed that computers do increase student achievement and improve a school's learning climate. However—and this is critical—the study specified that to achieve those results, teachers must be appropriately trained and use effective educational software programs. Otherwise, these computers become mere furniture in a classroom.

To boost student achievement through computers and technology, my ''Education for the 21st Century Act'' will provide up to $30 million per year to train a team of teachers from every middle school in the nation in the most up-to-date computing technology. These Teacher Technology leaders could then share their training with the rest of the faculty in their schools, so all teachers are ready to pass these skills on to their students.

Mr. President, the E–21 Act will also create national educational software competitions, open to high school and college students, to work in partnership with university faculty and professional software developers. The best of these software packages would be available free-of-charge over the Internet through the Department of Education's web page.

Mr. President, I want to make clear to my colleagues that this emphasis on computer training is not at the expense of the fundamental, basic skills that underlie education: reading, writing and arithmetic. It's still important to master these traditional basics. But we should also add a ''new basic'' to the list—computer literacy. Americans will need those skills to compete in the 21st Century.

Mr. President, this proposal is part of President Clinton's FY 2000 Budget, and as Ranking Member of the Budget Committee and a member of the Appropriations Committee, I will work to see that it is funded for years to come.

Mr. President, as a businessman who got his start at the beginning of the computing age, I am proud to see the way our nation has led the world in computer technology. I want to make sure that we continue to lead—through the second computer century—the 21st Century.

I therefore ask my colleagues to support ''E–21''—the Education for the 21st Century Act.

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. 491

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 ''Education for the 21st Century (e–21) Act''.

SEC. 2. PURPOSE.

It is the purpose of this Act to enable America's schools to use their computer hardware to increase student achievement and prepare students for the 21st century workplace.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Establishing computer literacy for middle school graduates will help ensure that students are receiving the skills needed for advanced education and for securing employment in the 21st century.

(2) Computer literacy skills, such as information gathering, critical analysis and communication with the latest technology, build upon the necessary basics of reading, writing, mathematics, and other core subject areas.

(3) According to a study conducted by the Educational Testing Service (ETS), eighth grade mathematics students whose teachers used computers for simulations and applications outperformed students whose teachers did not use such educational technology.

(4) Although an ever increasing amount of schools are obtaining the latest computer hardware, schools will not be able to take advantage of the benefits of computer-based learning unless teachers are effectively trained in the latest educational software applications.

(5) The Educational Testing Service (ETS) study showed that students whose teachers received training in computers performed better than other students. The study also found that schools that provide teachers with professional development in computers enjoyed higher staff morale and lower absenteeism rates.

(6) Some of the most exciting applications in educational technology are being developed not only by commercial software companies, but also by university faculty and secondary school and college students. The fruit of this academic talent should be channeled more effectively to benefit our Nation's elementary and secondary schools.

SEC. 4. MIDDLE SCHOOL COMPUTER LITERACY CHALLENGE.

(a) GRANTS AUTHORIZED.—The Secretary of Education is authorized to award grants to States that integrate into the State curriculum the goal of making all middle school graduates in the State technology literate.

(b) USES.—Grants awarded under this section shall be used for teacher training in technology, with an emphasis on programs that prepare 1 or more teachers in each middle school in the State to become technology leaders who then serve as experts and train other teachers.

(c) MATCHING FUNDS.—Each State shall encourage schools that receive assistance under this section to provide matching funds, with respect to the cost of teacher training in technology to be assisted under this section, in order to enhance the impact of the teacher training and to help ensure that all middle school graduates in the State are computer literate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for each of the fiscal years 2000 through 2004.

SEC. 5. HIGH-QUALITY EDUCATIONAL SOFTWARE FOR ALL SCHOOLS.

(a) COMPETITION AUTHORIZED.—The Secretary of Education is authorized to award grants, on a competitive basis, to secondary school and college students working with university faculty, software developers, and experts in educational technology for the development of high-quality educational software and Internet web sites by such students, faculty, developers, and experts.

(b) RECOGNITION.—

(1) IN GENERAL.—The Secretary of Education shall recognize outstanding educational software and Internet web sites developed with assistance provided under this section.

(2) CERTIFICATES.—The President is requested to, and the Secretary shall, issue an official certificate signed by the President and Secretary, to each student and faculty member who develops outstanding educational software or Internet web sites recognized under this section.

(c) FOCUS.—The educational software or Internet web sites that are recognized under this section shall focus on core curriculum areas.

(d) PRIORITY.—

(1) FIRST YEAR.—For the first year that the Secretary awards grants under this section, the Secretary shall give priority to awarding grants for the development of educational software or Internet web sites in the areas of mathematics, science, and reading.

(2) SECOND AND THIRD YEARS.—For the second and third years that the Secretary awards grants under this section, the Secretary shall give priority to awarding grants for the development of educational software or Internet web sites in the areas described in paragraph (1) and in social studies, the humanities, and the arts.

(e) JUDGES.—The Secretary shall designate official judges to recognize outstanding educational software or Internet web sites assisted under this section.

(f) DOWNLOADING.—Educational software recognized under this section shall be made available to local educational agencies for free downloading from the Department of Education's Internet web site. Internet web sites recognized under this section shall be accessible to any user of the World Wide Web.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2000 through 2004.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ROBB, and Mr. SANTORUM):

S. 492. A bill to amend the Federal Water Pollution Act to assist in the restoration of the Chesapeake Bay, and for other purposes; to the Committee on Environment and Public Works.

THE CHESAPEAKE BAY RESTORATION ACT OF 1999

Mr. SARBANES. Mr. President, today, I am introducing along with a number of my colleagues, a bill to continue and enhance the efforts to clean up the Chesapeake Bay. Joining me in sponsoring this bill are my colleagues from Maryland, Virginia, and Pennsylvania, Senators MIKULSKI, WARNER, ROBB, and SANTORUM.

Mr. President, the Chesapeake Bay is the largest estuary in the United States and the key to the ecological and economic health of the mid-Atlantic region. The Bay, in fact, is one of the world's great natural resources. We tend to take it for granted because it is right here at hand, so to speak, and I know many Members of this body have enjoyed the Chesapeake Bay. The Bay provides thousands of jobs for the people in this region and is an important component in the national economy. The Bay is a major commercial waterway and shipping center for the region and for much of the eastern United States. It supports a world-class fishery that produces a significant portion of the country's fin fish and shellfish catch. The Bay and its waters also maintain an enormous tourism and recreation industry.

The Chesapeake Bay is a complex system. It draws its life-sustaining waters from a watershed that covers more than 64,000 square miles and parts of six states. The Bay's relationship to the people, industries, and communities in those six states and beyond is also complex and multifaceted.

I could continue talking about these aspects of the Bay, but my fellow Senators are aware of the Bay's importance and have consistently regarded the protection and enhancement of the quality of the Chesapeake Bay as an important national objective.

Through the concerted efforts of public and private organizations, we have learned to understand the complexities of the Bay and we have learned what it takes to maintain the system that sustains us. The Chesapeake Bay Program is an extraordinary example of how local, State, regional, and Federal agencies can work with citizens and private organizations to manage complicated, vital, natural resources. Indeed, the Chesapeake Bay Program serves as a model across the country and around the world.

When the Bay began to experience serious unprecedented declines in water quality and living resources in the 1970s, the people in my state suffered. We lost thousands of jobs in the fishing industry. We lost much of the wilderness that defined the watershed. We began to appreciate for the first time the profound impact that human activity could have on the Chesapeake Bay ecosystem. We began to recognize that untreated sewage, deforestation, toxic chemicals, agricultural runoff, and increased development were causing a degradation of water quality, the loss of wildlife, and elimination of vital habitat. We also began to recognize that these negative impacts were only part of a cycle that could eventually impact other economic and human health interests.

Fortunately, over the last two decades we have come to understand that humans can also have a positive effect on the environment. We have learned that we can, if we are committed, help repair natural systems so that they continue to provide economic opportunities and enhance the quality of life for future generations.

We now treat sewage before it enters our waters. We banned toxic chemicals that were killing wildlife. We have initiated programs to reduce nonpoint source pollution, and we have taken aggressive steps to restore depleted fisheries.

The States of Maryland, Virginia, and Pennsylvania deserve much of the credit for undertaking many of the actions that have put the Bay and its watershed on the road to recovery. All three States have had major cleanup programs. They have made significant commitments in terms of resources. It is an important priority item on the agendas of the Bay States. Governors have been strongly committed, as have State legislatures and the public. There are a number of private organizations—the Chesapeake Bay Foundation, for example—which do extraordinary good work in this area.

But there has been invaluable involvement by the Federal Government as well. The cooperation and attention of Federal agencies has been essential. Without the Federal Clean Water Act, the Federal ban on DDT, and EPA's watershed-wide coordination of Chesapeake Bay restoration and cleanup activities, we would not have been able to bring about the concerted effort, the real partnership, that is succeeding improving the water quality of the Bay and is succeeding in bringing back many of the fish and wildlife species.

The Chesapeake Bay is getting cleaner, but we cannot afford to be complacent. There are still tremendous stresses on the Bay. This is a fast-growing area of the country, with an ever increasing population, development, and continuous changes in land use.

We need to remain vigilant in continuing to address the needs of the Bay restoration effort. The hard work, investment, and commitment, at all levels, which has brought gains over the last three decades, must not be allowed to lapse or falter.

The measure I am introducing today reauthorizes the Bay program and builds upon the Federal Government's past role in the Chesapeake Bay Program and the highly successful Federal-State-local partnership to which I made reference. The bill also establishes simple agency disclosure and budget coordination mechanisms to help ensure that information about Federal Bay-related grants and projects are readily available to the scientific community and the public.

As I mentioned before, the Chesapeake Bay Program is a model of efficient and effective coordination. Still, there is always room for improvement as experience informs and enlightens our judgments. While coordination between the various levels of government has been exemplary, coordination among Federal agencies can be strengthened. This legislation begins to develop a better coordination mechanism to help ensure that all Federal agency programs are accounted for.

In addition, this bill requires the Environmental Protection Agency to establish a ''Small Watershed Grants Program'' for the Chesapeake Bay region. These grants will help organizations and local governments launch a variety of locally-designed and locally-implemented projects to restore relatively small pieces of the larger Chesapeake Bay watershed. By empowering local agencies and community groups to identify and solve local problems, this grant program will promote stewardship across the region and improve the whole by strengthening the parts.

This bill was carefully crafted with the advise, counsel, and assistance of many hard working organizations in the Chesapeake Bay region, including the Chesapeake Bay Commission, the Chesapeake Bay Foundation, The Alliance for the Chesapeake Bay and various offices within the state governments of Maryland, Virginia, and Pennsylvania.

Mr. President, it is the hope of the cosponsors that this bill will ultimately be incorporated into a larger piece of legislation that is due to be reauthorized or considered this year. However, if such legislation is not considered or should become stalled in the legislative process—the larger legislation covers a wide range of issues—it is our intention to try to move forward with this legislation separately.

The Chesapeake Bay cleanup effort has been a major bipartisan undertaking in this body. It has consistently, over the years, been strongly supported by virtually all members of the Senate. I strongly urge my colleagues to join with us in supporting this legislation and contributing to the improvement and the enhancement of one of our Nation's most valuable and treasued natural resources.

Mr. President, I ask unanimous consent that the full text of the bill, a section-by-section analysis, and letters of support of the bill be inserted in the RECORD.

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

S. 492

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 ''Chesapeake Bay Restoration Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this Act are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 3. CHESAPEAKE BAY.

The Federal Water Pollution Control Act is amended by striking section 117 (33 U.S.C. 1267) and inserting the following:

''SEC. 117. CHESAPEAKE BAY.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATIVE COST.—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

''(2) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

''(3) CHESAPEAKE BAY ECOSYSTEM.—The term 'Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay and its watershed.

''(4) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

''(5) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

''(6) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

''(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

''(2) PROGRAM OFFICE.—

''(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

''(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

''(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

''(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

''(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

''(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

''(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

''(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

''(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

''(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

''(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

''(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

''(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

''(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(e) IMPLEMENTATION AND MONITORING GRANTS.—

''(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

''(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate;

''(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

''(2) PROPOSALS.—

''(A) IN GENERAL.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

''(B) CONTENTS.—A proposal under subparagraph (A) shall include—

''(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

''(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

''(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for an award.

''(4) FEDERAL SHARE.—The Federal share of an implementation grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

''(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

''(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

''(A) all projects and activities funded for the fiscal year;

''(B) the goals and objectives of projects funded for the previous fiscal year; and

''(C) the net benefits of projects funded for previous fiscal years.

''(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

''(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

''(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

''(3) BUDGET COORDINATION.—

''(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

''(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

''(g) CHESAPEAKE BAY PROGRAM.—

''(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve and maintain—

''(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

''(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

''(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

''(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

''(E) the restoration, protection, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

''(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

''(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

''(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

''(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

''(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

''(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—Not later than April 22, 2000, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

''(2) REQUIREMENTS.—The study and report shall—

''(A) assess the state of the Chesapeake Bay ecosystem;

''(B) assess the appropriateness of commitments and goals of the Chesapeake Bay Program and the management strategies established under the Chesapeake Bay Agreement for improving the state of the Chesapeake Bay ecosystem;

''(C) assess the effectiveness of management strategies being implemented on the date of enactment of this section and the extent to which the priority needs are being met;

''(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of enactment of this section or by adopting new strategies; and

''(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

''(i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

''(2) REQUIREMENTS.—The study shall—

''(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

''(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

''(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

''(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2000 through 2005.''.

CHESAPEAKE BAY RESTORATION ACT OF 1999—SECTIONAL SUMMARY

SECTION 1. SHORT TITLE

This section establishes the title of the bill as the ''Chesapeake Bay Restoration Act of 1999.''

SECTION 2. FINDINGS AND PURPOSE

This section states that the purpose of the Act is to expand and strengthen the cooperative efforts to restore and protect the Chesapeake Bay and to achieve the goals embodied in the Chesapeake Bay Agreement.

SECTION 3. CHESAPEAKE BAY

(a) DEFINITIONS

This section defines the terms ''Administrative Cost,'' ''Chesapeake Bay Agreement,'' ''Chesapeake Bay Ecosystem,'' ''Chesapeake Bay Program,'' ''Chesapeake Executive Council,'' and ''Signatory Jurisdiction.''

(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM

This section provides authority for EPA to continue to lead and coordinate the Chesapeake Bay Program, in coordination with other members of the Chesapeake Executive Council, and to maintain a Chesapeake Bay Liaison Office.

The Chesapeake Bay Program Office is required to provide support to the Chesapeake Executive Council for implementing and coordinating science, research, modeling, monitoring and other efforts that support the Chesapeake Bay Program.

The section requires the Chesapeake Bay Program Office, in cooperation with Federal, State and local authorities, to assist Chesapeake Bay Agreement signatories in developing specific action plans, outreach efforts and system-wide monitoring, assessment and public participation to improve the water quality and living resources of the Bay.

(c) INTERAGENCY AGREEMENTS

This section authorizes the Administrator of the EPA to enter into interagency agreements with other Federal agencies to carry out the purposes and activities of the Chesapeake Bay Program Office.

(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS

This section authorizes the EPA Administrator to provide technical assistance and assistance grants to nonprofit private organizations, State and local governments, colleges, universities, and interstate agencies.

(e) IMPLEMENTATION AND MONITORING GRANTS

The section authorizes the EPA to issue grants to signatory jurisdictions for the purpose of monitoring the Chesapeake Bay ecosystem.

The section establishes criteria for proposals and establishes limits on administrative costs (no more than 10% of grant amount) and the allowable ''Federal Share'' (no more than 50% of total project cost).

The EPA Administrator is required to produce a public document each year that describes all projects funded under this section.

(f) FEDERAL FACILITIES AND BUDGET COORDINATION

The Section requires Federal agencies that own or operate a facility within the Chesapeake Bay watershed to participate in regional and subwatershed planning and restoration programs, and to ensure that federally owned facilities are in compliance with the Chesapeake Bay Agreement.

The section establishes a mechanism for budget coordination to ensure efficiency across government programs.

(f) CHESAPEAKE BAY PROGRAM

This section directs the Administrator, in consultation with other members of the Executive Council, to ensure that management plans are developed and implementation is begun by signatory jurisdictions to achieve and maintain: the Chesapeake Bay Agreement goals for reducing and capping nitrogen and phosphorus entering the mainstem Bay; water quality requirements needed to restore living resources in the bay mainstem and tributaries; the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goals; and the Chesapeake Bay Agreement habitat restoration, protection, and enhancement goals are achieved.

This section also authorizes the EPA Administrator, in consultation with other members of the Executive Council, to offer the technical assistance and financial grants

assistance grants to local governments, nonprofit organizations, colleges, and universities to implement locally-based watershed protection and restoration programs or projects that complement the Chesapeake Bay tributary basin strategy.

(h) STUDY OF THE CHESAPEAKE BAY PROGRAM

This section requires the Administrator and other members of the executive Council to study and evaluate the effectiveness the Chesapeake Bay program management strategies and to periodically (every 5 years) submit a comprehensive report to Congress.

(i) SPECIAL STUDY OF LIVING RESOURCES RESPONSE

The section requires the EPA Administrator to conduct a five-year study of the Chesapeake Bay and report to Congress on the status of its living resources and to make recommendations on management actions that may be necessary to ensure the continued recovery of the Chesapeake Bay and its ecosystem.

(j) AUTHORIZATION OF APPROPRIATIONS

The section authorizes appropriations to the Environmental Protection Agency of $30,000,000 for each fiscal year from 2000 through and including 2005.

STATE OF MARYLAND,
OFFICE OF THE GOVERNOR,
February 23, 1999.

Hon. PAUL S. SARBANES,
U.S. Senate, Washington, DC.

DEAR PAUL: Thank you for your continuing to support environmental initiatives that benefit Maryland citizens. You have long been a champion of our great Chesapeake Bay, and an outstanding advocate for the protection and restoration of all our State's natural treasures. Your current proposed legislation to amend the Federal Water Pollution Control Act to assist in restoration of the Chesapeake Bay is just another example of how you have been able to translate your concern into action. The work you have facilitated through the Chesapeake Bay Program has been an outstanding example of interstate cooperation and progressive environmental programs that have been invaluable to Maryland and Bay restoration.

If we are to be successful in the next century, we must look ahead and be ready to face new challenges as well as continue to meet the old ones. Your proposed legislation embodies that vision and therefore has my full support. Its content demonstrates your understanding of the needs of Maryland and the other states in the watershed. It also recognizes the critical role played by local governments and citizen groups. The legislation clearly moves the Bay cleanup in the direction needed. In addition to my personal support, the bill has been reviewed by the Maryland Bay Cabinet and received its endorsement as well. We are all eager to see the legislation move forward and would be happy to assist you.

Thank you again for taking this initiative. Should you require our assistance, you may contact John Griffin, Secretary, Department of Natural Resources at (410) 260–8101.

Sincerely,

PARRIS N. GLENDENING,
Governor.

COMMONWEALTH OF VIRGINIA
OFFICE OF THE GOVERNOR,
February 23, 1999.

Hon. PAUL S. SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: The Commonwealth of Virginia supports the language of the proposed Chesapeake Bay Restoration Act, as shown in the attached copy dated February 8, 1999.

The cooperative Chesapeake Bay Program has been and will continue to be essential to the restoration of the Chesapeake Bay system. Reauthorization will strengthen an already successful Program and help support an increased level of effort.

The proposed increase in Federal support is already more than matched by state monies put into the recently created Virginia Water Quality Improvement Fund. Since its creation in 1997 the Virginia General Assembly approves Governor Gilmore's current legislative initiative, it will appropriate an additional $45.15 million for 1999.

We thank you for being the sponsor of this bill, and we will assist in whatever way is appropriate to help ensure its passage by Congress.

Very truly yours,

JOHN PAUL WOODLEY, JR.

CITIZENS ADVISORY COMMITTEE TO
THE CHESAPEAKE EXECUTIVE COUNCIL,
February 22, 1999.

Senator PAUL SARBANES,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of the Citizens Advisory Committee to the Chesapeake Executive Council (CAC), I would like to express our appreciation for your leadership in developing the draft Chesapeake Bay Restoration Act. Provisions such as those embodied in this proposed legislation are vital to building upon one of the most successful partnerships ever assembled, involving every level of government and the private sector, to restore the health of an entire ecosystem.

The Citizens Advisory Committee was created by the Chesapeake Executive Council to represent residents and stakeholders of the Chesapeake Bay watershed in the Bay restoration efforts. By serving as a link with stakeholder communities in Maryland, Pennsylvania, Virginia and the District of Columbia, CAC provides a non-governmental perspective on the Bay cleanup effort and on how Bay Program policies affect citizens who live and work in the Chesapeake Bay watershed.

The successes of the past twelve years in restoring the health of the Bay are a direct result of hard work, funding, and the dedicated commitment of the partners. Each and every one of these factors is essential to continue fulfilling the long-term restoration goals, particularly as the Bay Program partners embrace a renewed Bay agreement in the next year. Reauthorization and enhancement of Bay Program legislation will signal to the states, local governments and citizens that the Congress and the federal government will continue to be a strong partner with them as they renew their commitment to these goals and to a cleaner, healthier Chesapeake Bay. I am particularly encouraged by the provisions to continue the Small Watershed Grant program which provides a mechanism for local groups and governments to take an active, hands-on role in the Bay restoration activities.

The members of CAC look forward to working with you and the other members of Congressional delegations from the Bay Program jurisdictions toward successful passage of this legislation. Again, thank you for your leadership. Please feel free to call upon CAC if there is any assistance that we can provide.

Sincerely,

ANDREW J. LOFTUS,
Chair.

CHESAPEAKE BAY COMMISSION,
Annapolis, MD, February 19, 1999.

Hon. PAUL S. SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: I am writing, in my new capacity as Chairman of the Chesapeake Bay Commission, to commend you for your endeavors to reauthorize the Chesapeake Bay Program through the introduction of the Chesapeake Bay Restoration Act of 1999. The Commission strongly supports this legislation. We commit to you our resources and expertise in working to secure its passage.

We believe that the cooperation of government at the federal, state and local level is, and will continue to be, essential to protecting and restoring the Bay. Your bill helps to establish the blueprint and financial support for that collaboration.

We strongly support the small watershed provisions of the bill. The health of the Bay depends on the cumulative effect of thousands of daily decisions that either compromise or improve water quality in our subwatersheds. Offering community groups financial support and direct access to the tremendous informational resources of the Chesapeake Bay Program can only help them to make environmentally-sound decisions.

We would also like to commend you for pursuing improved coordination of federal agency budgets. One of the great hallmarks of the Program is EPA's close coordination with the states in its expenditure of Bay Program monies. The Act calls for each federal agency with projects related to the Chesapeake Bay ecosystem to submit a plan detailing how the expenditure of these funds will proceed. This enhanced communication can only help to avoid unnecessary duplication and cultivate cooperation among our federal partners.

Finally, we are encouraged by your inclusion of a special study to better relate the health of our living resources to water quality improvements. Establishing better linkages will improve the public's support of restoration efforts.

Again and again you have proven yourself to be a tremendous leader for the Chesapeake Bay restoration effort. We hope that this legislation, with your support, will be enacted by the 106th Congress.

With gratitude, I remain

Sincerely yours,

ARTHUR D. HERSHEY,
Chairman.

CHESAPEAKE BAY LOCAL
GOVERNMENT ADVISORY COMMITTEE,
Easton, MD, February 17, 1999.

Hon. PAUL S. SARBANES,
Washington, DC.

DEAR SENATOR SARBANES: The Chesapeake Bay Local Government Advisory Committee supports all efforts to sustain and enhance Chesapeake Bay Program activities through renewal of Federal legislation in the ''Chesapeake Bay Restoration Act of 1999.''

To date, the Chesapeake Bay Program has made great strides in solidifying multijurisdictional efforts to improve the condition of watershed resources in and around the Bay. It has magnified the importance of continued efforts to enhance water quality and to restore the living resources native to the Bay. The Chesapeake Bay Program has elevated the role and importance of local governments participating not only in the Bay Program, but in completing watershed restoration projects in their own jurisdiction.

On behalf of the Chesapeake Bay Local Government Advisory Committee, I thank you for your continuing leadership and commitment to the Bay Restoration effort. If there is any way that the Committee or its staff can assist you, please don't hesitate to call.

Sincerely,

RUSS PETTYJOHN,
Chairman, Chesapeake Bay Local Government Advisory Committee.

LITITZ BOROUGH,
Mayor, Pennsylvania.

ALLIANCE FOR THE CHESAPEAKE BAY,
February 25, 1999.

Hon. PAUL S. SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the board of directors of the Alliance for the Chesapeake Bay, I am writing to you to express our support for your efforts to draft new legislation to reauthorize the Chesapeake Bay Program.

Your leadership has been vital over the years in keeping congressional attention focused on the work being conducted in Maryland, Virginia and Pennsylvania to restore the Bay. There is ample evidence that the unique collaborative effort which was formalized in the 1987 amendment to the Clean Water Act is producing positive results for the Bay. It is also apparent that there is much left to do. The bill you have drafted adds some significant features to the Bay Program; the increase in the authorization level to $30 million will substantially enhance the ability of the Bay partners to meet the needs of the Bay in the next decade.

We are conveying our support for the reauthorization of the Bay Program to other members of Congress from the Bay states in the hope that all will join as co-sponsors.

Again, thank you for your vigilance and your vision with regard to the Bay.

Sincerely,

JOHN T. KAUFFMAN,
President.

CHESAPEAKE BAY FOUNDATION,
March 3, 1999.

Hon. PAUL S. SARBANES,
Washington, DC.

DEAR SENATOR SARBANES: I am writing to express the Chesapeake Bay Foundation's support for the Chesapeake Bay Restoration Act of 1999. Although I realize that no single piece of legislation can save the Chesapeake Bay, I believe this bill will help push the Bay Program towards an increased effort to carrying out the commitments made by the signatories.

I am particularly glad to see the section enhancing the oversight and reporting responsibilities of the Environmental Protection Agency. CBF has long felt that it is important for the Environmental Protection Agency to take a stronger leadership role in assuring that the participants are held accountable for their commitments.

I am also enthusiastic about the provisions providing for a small watershed grant program. Restoration of the Bay's essential habitat—its forests, wetlands, oysters, and underwater grass beds—is a critical component of the effort to save the Bay, and this legislation should help move that effort forward.

In summary, this legislation provides a step forward for the Bay Program, and will help steer it in the right direction. I would like to thank you and your cosponsors for your efforts on behalf of this legislation and on behalf of the Chesapeake Bay.

Very truly yours,

WILLIAM C. BAKER,
President.

By Mr. SARBANES (for himself, Ms. MIKULSKI, and Mr. EDWARDS):

S. 493. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to evaluate, develop, and implement pilot projects in Maryland, Virginia, and North Carolina to address problems associated with toxic microorganisms in tidal and non-tidal wetlands and waters; to the Committee on Environment and Public Works.

TOXIC MICROORGANISMS ABATEMENT PILOT PROJECT ACT

Mr. SARBANES. Mr. President, last Thursday's Baltimore Sun reported that Pfiesteria, a sometimes toxic microorganism, has been found in five more Maryland rivers. The article explained that new research is proving what scientists have suspected since serious outbreaks of toxic Pfiesteria first occurred in 1997—namely that Pfiesteria exists in a wide area. While the organism isn't always toxic, the fact that it has been found in a wide area coupled with the fact that it has proved injurious in the past, strongly supports the assertion that Pfiesteria poses a potential threat to the economic well-being of thousands of businesses in the fishing, recreation, and tourism industries along the east coast.

In 1997, Maryland, Virginia, and North Carolina suffered from several separate incidents that involved fish behaving in an erratic manner, a large number of fish with lesions, and fish kills. State and outside scientists concluded that Pfiesteria was the most likely cause of the problem. In Maryland, the fishing industry alone, lost millions of dollars in revenue.

In 1998, the magnitude of reported Pfiesteria outbreaks was considerably less, however, we cannot become complacent. The report in the Baltimore Sun confirms that the 1997 Pfiesteria outbreaks may not have been a one-time phenomenon. We must begin to safeguard the economy, both regional and national, from the impacts of Pfiesteria.

Today, I am joined by my colleague from Maryland, Senator MIKULSKI, and my colleague from North Carolina, Senator EDWARDS in introducing a bill, entitled the Toxic Microorganism Abatement Pilot Project Act, which would authorize the Army Corps of Engineers to begin developing tools and techniques to abate the flow of nutrients into our waters and thereby prevent or at least minimize the effects of future toxic Pfiesteria outbreaks.

In 1997, the Administration directed that an interagency research and monitoring strategy be developed in response to the outbreaks of Pfiesteria in the Chesapeake Bay. Several Federal agencies participated in the development of this strategy including the National Oceanographic and Atmospheric Administration (NOAA), the Environmental Protection Agency (EPA), the Centers for Disease Control, and the Departments of Interior and Agriculture. Funding to implement the plan was included in the fiscal 1998 and 1999 budgets. Unfortunately, the key federal agency with expertise in habitat maintenance, water resources and engineering principles—the Army Corps of Engineers—was not included in the interagency task force and the agency's unique qualifications were not integrated into the strategic plan. While research into the exact causes of toxic Pfiesteria blooms is imperative, it is just as important that we take early, aggressive, and concrete steps to prevent such blooms if we can.

This bill is designed to ensure that all available expertise is brought to bear in combating these biotoxins. The legislation would authorize the Army Corps of Engineers to conduct an evaluation and to engage in pilot projects to develop tools and techniques for combating Pfiesteria and other toxic microorganisms. At the end of each pilot project, the Army Corps of Engineers will be required to submit a report to Congress that describes the project, its success, and the general applicability of the methods used in the project.

Because of its expertise in construction and watershed management, the Army Corps of Engineers has a vital role to play in responding to the threats posed by toxic microorganisms. This legislation provides the funding and authority for the agency to do so.

I ask unanimous consent that a copy of the bill and a copy of the Baltimore Sun article be inserted in the RECORD.

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

S. 493

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 ''Toxic Microorganism Abatement Pilot Project Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) effective protection of tidal and nontidal wetlands and waters of the United States is essential to sustain and protect ecosystems, as well as recreational, subsistence, and economic activities dependent on those ecosystems;

(2) the effects of increasing occurrences of toxic microorganism outbreaks can adversely affect those ecosystems and their dependent activities;

(3) the Corps of Engineers is uniquely qualified to develop and implement engineering solutions to abate the flow of nutrients;

(4) because nutrient flow abatement is a new challenge, it is desirable to have the Corps of Engineers conduct a series of pilot projects to test technologies and refine techniques appropriate to nutrient flow abatement; and

(5) since the States of Maryland, North Carolina, and Virginia have recently experienced serious outbreaks of waterborne microorganisms and there is a large store of scientific data about outbreaks in those States, pilot projects in those States can be effectively evaluated.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(2) STATE.—The term ''State'' means Maryland, North Carolina, and Virginia.

(3) TOXIC MICROORGANISM.—The term ''toxic microorganism'' means Pfiesteria piscicida and any other potentially harmful aquatic dinoflagellate.

SEC. 4. PILOT PROJECTS FOR AQUATIC HABITAT REMEDIATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the

Secretary shall evaluate, develop, and implement a pilot project in each State (on a watershed basis) to address and control problems associated with the degradation of ecosystems and their dependent activities resulting from toxic microorganisms in tidal and nontidal wetlands and waters.

(b) REPORT.—Not later than 1 year after the completion of the pilot project under subsection (a), the Secretary shall submit to Congress a report describing—

(1) the pilot project; and

(2) the findings of the pilot project, including a description of the relationship between the findings and the applications of the tools and techniques developed under the pilot project.

(c) FEDERAL AND NON-FEDERAL SHARES.—

(1) FEDERAL SHARE.—The Federal share of the cost of evaluating, developing, and implementing a pilot project under subsection (a) shall be 75 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of evaluating, developing, and implementing a pilot project under subsection (a) shall be provided in the form of—

(A) cash;

(B) in-kind services;

(C) materials; or

(D) the value of—

(i) land;

(ii) easements;

(iii) rights-of-way; or

(iv) relocations.

(d) LOCAL COOPERATION AGREEMENTS.—Subject to subsection (c), in carrying out this section, the Secretary shall enter into local cooperation agreements with non-Federal entities under which the Secretary shall provide financial assistance to implement actions taken to carry out pilot projects under this section.

(e) IMPLEMENTATION.—The Secretary shall carry out this section in cooperation with—

(1) the Secretary of the Interior;

(2) the Secretary of Agriculture;

(3) the Administrator of the Environmental Protection Agency;

(4) the Administrator of the National Oceanic and Atmospheric Administration;

(5) the heads of other appropriate Federal, State, and local government agencies; and

(6) affected local landowners, businesses, and commercial entities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

[From the Baltimore Sun, Feb. 25, 1999]

PFIESTERIA FOUND IN 5 MD. RIVERS—PRESENCE WIDESPREAD IN RIVERS, STREAMS BUT NOT ALWAYS HARMFUL

NO ''ONE-TIME PHENOMENON''

TOXIC MICROORGANISM DETECTED FOR FIRST TIME IN OCEAN CITY AREA

(By Heather Dewar)

New research is proving what scientists long suspected: that the toxic microorganism Pfiesteria piscicida lives in many Maryland rivers and streams, even though it doesn't always kill fish or make people sick.

Pfiesteria expert Dr. JoAnn Burkholder has found the dangerous dinoflagellates in samples taken from the bottom muck of five Maryland waterways, including two where it had not been found before. One of those waterways, the St. Martin River, flows into the state's coastal bays west of Ocean City.

It was the first time the toxic microorganism had turned up in a river that flows toward the Atlantic Coast tourist mecca, though it has not caused any known fish kills or human illnesses there, said David Goshorn of the Maryland Department of Natural Resources.

''We have suspected all along that Pfiesteria is pretty widespread,'' Goshorn said, ''and what she has done is to confirm our suspicion.''

A spokesman for the Maryland Coastal Bays Program said the finding of Pfiesteria cells in local waters was ''not surprising, but it is worrisome at the very least.''

''My guess is that Pfiesteria being there, as long as it isn't toxic in the real world, is not that harmful,'' said Dave Wilson Jr., a spokesman for the coastal bays conservation effort. ''Hopefully, people will understand that Pfiesteria is not running rampant in the coastal bays, but it does have the potential to do so.''

The aquatic organism has been found in coastal waters from New Jersey to Georgia, but it causes fish kills or human illnesses only when conditions are just right or just wrong, Burkholder said.

Pfiesteria ''is probably all over the bay,'' said Burkholder, who presented preliminary findings to Maryland officials at a two-day scientific meeting of Pfiesteria experts near Baltimore-Washington International Airport yesterday. ''It's just that most of the time it's going to be pretty benign.''

WEATHER AS A FACTOR

Experts say Pfiesteria seems most likely to multiply, attack fish and sicken people in warm, shallow, still waters that are a mix of fresh and salt, are rich in nutrients—like the pollutants that come from human sewage, animal manure or farm fertilizer—and also rich in fish, especially oily fish like menhaden. Weather also plays a role, but scientists aren't certain what it is.

Maryland experts think unusual weather patterns, combined with high nutrient levels, helped trigger significant Pfiesteria outbreaks in the Pocomoke River and two other Eastern Shore waterways in 1997. The three waterways were closed, and 13 people were diagnosed with memory loss and confusion after being on the water during the outbreaks.

Researchers think a different set of weather quirks helped limit Pfiesteria to three small incidents last year, none of which killed fish or caused confirmed cases of human illness.

A spokesman for Gov. Parris N. Glendening, who pushed for controversial controls on farm runoff after the 1997 incidents, said Burkholder's latest findings show that action was justified.

''What they point to is that this is not a one-time phenomenon,'' said Ray Feldmann of the governor's office. ''We cannot take a bury-our-heads-in-the-sand approach to the phenomenon we saw in the summer of 1997. We still need to be concerned about this.

''We're encouraged that we've got a plan in place that has the potential for helping to hold off future outbreaks.''

Burkholder, a North Carolina State University researcher who helped discover Pfiesteria in the late 1980s, said Maryland waters do not seem to be as prone to toxic outbreaks as the waters of North Carolina, which has experienced 88 Pfresteria-related fish kills in the past eight years.

The latest finding ''tells me that Chesapeake Bay is not ideal for toxic Pfiesteria, but you have the potential to go a lot more toxic unless you take appropriate precautions,'' Burkholder said. ''Do you want to be a center for toxic outbreaks, or do you not?''

The preliminary results are part of a study for the DNR, which is trying to map the extent of Pfiesteria in Maryland waters.

In October and November, when the dinoflagellate is usually burrowed into bottom mud, DNR workers took 100 sediment samples from 12 rivers. They were the Patuxent and Potomac on the Western Shore; the Chester, Choptank, Chicamacomico, Nanticoke, Wicomico, Manokin, Big Annemessex and Pocomoke, all flowing into the Chesapeake Bay on the Eastern Shore; and the St. Martin, which flows into Assawoman Bay near Ocean City, and Trappe Creek, which enters Chincoteague Bay near Assateague Island National Seashore.

In the first 30 samples, Burkholder found Pfiesteria piscicida in concentrations high enough to kill fish in the Big Annemessex, Chicamacomico, Pocomoke, and St. Martin. She found the same organism on the Wicomico, but the cells did not kill fish in her laboratory. In Trappe Creek, she found a dinoflagellate that did not kill fish and has not been identified.

Burkholder and other experts stressed that there have been no recent fish kills or signs that people have gotten sick at the sites where DNR workers took the Pfiesteria-infested samples in October and November.

The Patuxent, Potomac, Chester and Choptank turned up no traces of Pfiesteria, but Burkholder said she has about 70 more sediment samples waiting to be analyzed, and expects to find signs of the microorganism in at least some of them.

RHODE RIVER DISCOVERY

Another marine scientist discovered Pfiesteria almost by accident in the Rhode River south of Annapolis this fall.

Park Roblee of the University of North Carolina has developed a test that can spot Pfiesteria in the water, but he cannot tell whether the organism is in its toxic stage. He told scientists at this week's meeting that he got samples from the Rhode River expecting them to be Pfiesteria-free but to his surprise they came up positive. Again, there were no signs of a fish kill in the area.

Roblee said workers from his laboratory traveled the coast from New Jersey to Florida, taking water samples ''basically wherever I–95 crossed a river or stream that flowed into an estuary.'' The samples showed signs of Pfiesteria at eight out of 100 sites, he said.

In other findings reported yesterday, University of Maryland researcher David Oldach said no signs of serious illness were found in 1998, the first year of a five-year study of people who might come in contact with Pfiesteria. Oldach said 90 Eastern Shore watermen and 25 people who don't work near the water have volunteered for the study and undergone testing.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. ROTH, Mr. MOYNIHAN, Mr. CHAFEE, Mr. ROCKEFELLER, Mr. MACK, Mr. BREAUX, Mr. KERREY, Ms. MIKULSKI, Mr. BRYAN, Mr. HOLLINGS, Mr. INOUYE, Mr. HARKIN, Mr. BAYH, and Mr. ROBB):

S. 494. A bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid program; to the Committee on Finance.

NURSING HOME RESIDENT PROTECTION AMENDMENTS OF 1999

Mr. GRAHAM. Mr. President, I would like to take this opportunity to commend Senator GRASSLEY, Chairman ROTH and Senator MOYNIHAN for their bipartisan commitment to protect our nation's seniors from indiscriminate dumping by their nursing homes. I would like to request that their statements be added to the RECORD.

The Nursing Home Residential Security Act of 1999 has the support of the

nursing home industry and senior citizen advocates. It is with their support that we encourage the Senate to take action on this important piece of legislation. I also have letters of support from the American Health Care Association, the National Seniors Law Center, and the American Association for Retired Persons which I will include in the RECORD.

Mr. President, last year, it looked like 93-year-old Adela Mongiovi might have to spend her 61st Mother's Day away from the assisted living facility that she had called home for the last four years. Her son Nelson and daughter-in-law Geri feared that they would have to move Adela when officials at the Rehabilitation and Healthcare Center of Tampa told them that their Alzheimer's Disease-afflicted mother would have to be relocated so that the nursing home could complete ''renovations.''

As the Mongiovis told me when I met with them and visited their mother in Tampa last April, the real story far exceeded their worst fears. The supposedly temporary relocation was actually a permanent eviction of all 52 residents whose housing and care were paid for by the Medicaid program. Ms. Mongiovi passed away during the holiday season and I send my heartfelt condolences to her family.

The nursing home chain which owns the Tampa facility and several others across the United States wanted to purge its nursing homes of Medicaid residents, ostensibly to take more private insurance payers and Medicare beneficiaries which pay more per resident.

This may have been a good financial decision in the short run, however, its effects on our nation's senior citizens, if practiced on a widespread basis, would be even more disastrous.

In an April 7, 1998, Wall Street Journal article, several nursing home executives argued that state governments and Congress are to blame for these evictions because they have set Medicaid reimbursements too low. While Medicaid payments to nursing homes may need to be revised, playing Russian roulette with elderly patients' lives is hardly the way to send that message to Congress. And while I am willing to engage in a discussion as to the equity of nursing home reimbursement rates, my colleagues and I are not willing to allow nursing home facilities to dump patients indiscriminately.

The fact that some nursing home companies are willing to sacrifice elderly Americans for the sake of their bottom-line is bad enough. What is even worse is their attempt to evade blame for Medicaid evictions. The starkest evidence of this shirking of responsibility is found in the shell game many companies play to justify evictions. Current law allows nursing homes to discharge patients for inability to pay.

If a facility decreases its number of Medicaid beds, state and federal governments are no longer allowed to pay the affected residents' bills. They can then be conveniently and unceremoniously dumped for—you guessed it—their inability to pay.

Nursing home evictions have a devastating effect on the health and well-being of some of society's most vulnerable members. A recent University of Southern California study indicated that those who are uprooted from their homes undergo a phenomenon knows as ''transfer trauma.'' For these seniors, the consequences are stark. The death rate among these seniors is two to three times higher than that for individuals who receive continuous care.

Those of us who believe that our mothers, fathers, and grandparents are safe because Medicaid affects only low-income Americans need to think again. A three year stay in a nursing home can cost upwards of $125,000. As a result, nearly half of all nursing home residents who enter as privately-paying patients exhaust their personal savings and lose health insurance coverage during their stay. Medicaid becomes many retirees' last refuge of financial support.

On April 19, 1998, the Florida Medicaid Bureau responded to evidence of Medicaid dumping in Tampa by levying a steep $260,000 fine against the Tampa nursing home. That was a strong and appropriate action, but it was only a partial solution. Medicaid funding is a shared responsibility of states and the federal government.

While the most egregious incident occurred in Florida, Medicaid dumping is not just a Florida problem. Nursing homes which were once locally-run and family-owned are increasingly administered by multi-state, multi-facility corporations that have the power to affect seniors across the United States.

Mr. President, let me also point out that the large majority of nursing homes in America treat residents well and are responsible community citizens. Our bill is simple and fair and designed to prevent future abuses by bad actors. It would prohibit current Medicaid beneficiaries or those who ''spend down'' to Medicaid from being evicted from their homes.

Adele Mongiovi was not just a ''beneficiary.'' She was also a mother and grandmother. To Ms. Mongiovi, the Rehabilitation and Health Care Center of Tampa was not just an ''assisted living facility''—it was her home.

Mr. President, let us provide security and peace of mind for all of our nation's seniors and their families. Mr. President, I ask unanimous consent that letters of support for the bill be printed in the RECORD.

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

AMERICAN HEALTH CARE ASSOCIATION,
Washington, DC, February 3, 1999.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to lend the support of the American Health Care Association to the Nursing Home Protection Amendments of 1999, which you introduced as S. 2308 last year and plan to reintroduce this year. This legislation helps to ensure a secure environment for residents of nursing facilities which withdraw from the Medicaid program.

We know firsthand that a nursing facility is one's home, and we strive to make sure resident are healthy and secure in their home. We strongly support the clarifications your bill will provide to both current and future nursing facility residents, and do not believe residents should be discharged because of inadequacies in the Medicaid program.

The bill addresses a troubling symptom of what could be a much larger problem. The desire to end participation in the Medicaid program is a result of the unwillingness of some states to adequately fund the quality of care that residents expect and deserve. Thus, some providers may opt out of the program to maintain a higher level of quality than is possible when relying on inadequate Medicaid rates. Nursing home residents should not be the victims of the inadequacies of their state's Medicaid program.

In 1996, the Congress voted to retain all standards for nursing facilities. We support those standards. In 1997, Congress voted separately to eliminate requirements that states pay for those standards. These two issues are inextricably linked, and must be considered together. We welcome the opportunity to have this debate as Congress moves forward on this issue.

Again, we appreciate the chance to work with you to provide our residents with quality care in a home-like setting that is safe and secure. We also feel that it would be most effective when considered in the context of the relationship between payment and quality and access to care.

Finally, we greatly appreciate the inclusive manner in which this legislation was crafted, and strengthened. When the views of consumers, providers, and regulators are considered together, the result, as with your bill, is intelligent public policy.

We look forward to working with you to further clarify Medicaid policy and preserve our ability to provide the best care and security for our residents.

Sincerely yours,

BRUCE YARWOOD,
Legislative Counsel.

NATIONAL SENIOR CITIZENS
LAW CENTER,
Washington, DC, February 3, 1999.

Senator BOB GRAHAM,
Washington, DC.

DEAR SENATOR GRAHAM: Last spring, the Vencor Corporation began to implement a policy of withdrawing its nursing facilities from participation in the Medicaid program. The abrupt, involuntary transfer of large numbers of Medicaid residents followed. Although Vencor reversed its policy, in light of Congressional concern, state agency action, and adverse publicity, the situation highlighted an issue in need of an explicit federal legislative solution—the rights of Medicaid residents to remain in their home when their nursing facility voluntarily ceases to participate in the federal payment program.

I supported the legislation you introduced in the last Congress and have read the draft bill that you will introduce to address this issue in this session. The bill protects residents who were admitted at a time when their facility participated in Medicaid by prohibiting the facility from involuntarily transferring them later when it decides to discontinue its participation. As you know, many people in nursing facilities begin their residency paying privately for their care and

choose the facility in part because of promises that they can stay when they exhaust their private funds and become eligible for Medicaid. In essence, your bill requires the facility to honor the promises it made to these residents at the time of their admission. It continues to allow facilities to withdraw from the Medicaid program, but any withdrawal is prospective only. All current residents may remain in their home.

This bill gives peace of mind to older people and their families by affirming that their Medicaid-participating facility cannot abandon them if it later voluntarily chooses to end its participation in Medicaid.

The National Senior Citizens Law Center supports this legislation. We look forward to working with your staff on this legislation and on other bills to protect the rights and interests of nursing facility residents and other older people. In particular, we suggest that you consider legislation addressing a related issue of concern to Medicaid beneficiaries and their families—problems of nursing facilities' discriminatory admissions practices.

Many facilities limit the extent of their participation in the Medicaid program by certifying only a small number of beds for Medicaid. As a consequence of their limited participation in the Medicaid program, they discriminate against program beneficiaries by denying them admission. In addition, residents who pay privately and become eligible for Medicaid during their residency in the facility because of the high cost of nursing facility care are also affected by limited bed, or distinct part, certification. Once such residents become impoverished and need to rely on Medicaid to help pay for their care, they are often told that ''no Medicaid beds are available'' and that they must move. Facilities engage in other practices that discriminate against people who need to rely on Medicaid for their care. We would be happy to work with your staff in developing legislative solutions to these concerns.

Thank you for your work and leadership on these important issues.

Sincerely,

TOBY S. EDELMAN.

AARP

Washington, DC, February 25, 1999.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC

DEAR SENATOR GRAHAM: AARP appreciates your leadership in sponsoring the Nursing Home Residential Security Act of 1999, a bill that protects low-income nursing home residents from discharge when a nursing home withdraws from the Medicaid program.

Across the country, some nursing home operators have been accused of dumping Medicaid residents—among the most defenseless of all health care patients. As with similar complaints about hospitals and physicians, these violations can be serious threats to people's health and safety. Yet, federal and state governments have been limited to their oversight and enforcement capacities. This bill would establish clear legal authority to prevent inappropriate discharges, even when a nursing home withdraws from the Medicaid program. AARP believes that this is an important and necessary step in protecting access to nursing homes for our nation's most vulnerable citizens.

This bill offers important protections because of the documented that Medicaid patients face, especially people seeking nursing home care. For years, there has been strong evidence demonstrating that people who are eligible for Medicaid have a harder time gaining entry to a nursing home than do private payers. In some parts of the country, there is a shortage of nursing home beds. Under such circumstances, only private-pay patients have real choice among nursing homes. Medicaid patients are often forced to choose a home that they would not have otherwise chosen, despite concerns about its quality of care or location.

Under the proposed legislation, government survey, certification, and enforcement authority would continue, even after the facility withdraws from the Medicaid program, and the facility would be required to continue to comply with it. The bill also protects prospective residents by requiring oral and written notice that the nursing home has withdrawn from the Medicaid program. Thus, the prospective nursing home resident would be given notice that the home would be permitted to transfer or discharge a new resident at such time as the resident is unable to pay for care.

Access to quality nursing homes has been a long-standing and serious concern for AARP. It is an issue that affects, in a real way, our members and their families. The current patchwork system of long-term care forces many Americans to spend down to pay for expensive nursing home care. Therefore, it is unfair to penalize such order, frail nursing home residents who must rely on Medicaid at a critical time in their lives.

Again, thank you for your leadership on this issue. If we can be of further assistance, please give me a call or have your staff contact Maryanne Keenan of our Federal Affairs staff at (202) 434–3772.

Sincerely,

HORACE B. DEETS.

Mr. GRASSLEY. Mr. President, today I am pleased to join Senators GRAHAM, ROTH, and MOYNIHAN in introducing legislation that will be an important step in safeguarding our most vulnerable citizens. The Nursing Home Residential Security Act of 1999 will protect nursing home residents who are covered by Medicaid from being thrown out of a facility to make room for a more lucrative, private-pay patient.

It is hard to believe that a facility would uproot a frail individual for the sole purpose of a few extra dollars. However, in the past year there have been documented cases of Medicaid beneficiaries who have been at risk of being forced to leave a facility based solely on reimbursement status. The result is often severe trauma and a mortality rate that is two to three times higher than other nursing home residents. This is no way to treat our elderly.

I want to make it clear that these situations are rare. The vast majority of nursing homes are compassionate and decent facilities. My state of Iowa has been privileged to have many nursing homes that stand as models of quality care. Unfortunately, a few bad apples can damage the reputation of an entire industry. That is why I am pleased that this bipartisan legislation has the support of the nursing home industry as well as senior citizens' advocates.

This commonsense proposal would prevent nursing homes who have already accepted a Medicaid patient from evicting or transferring the patient based solely on payment status. Nursing homes would still be entitled to decide who gains access to their facilities, however, they would be required to inform new residents that if they spend down to Medicaid, they are entitled to discharge or transfer them to another facility.

This legislation is an important step in protecting these frail individuals. People move into nursing homes for around-the-clock health care in a safe environment. The last thing they expect is to be put out on the street. That's also the last thing they deserve. This bill prevents residents from getting hurt if their nursing home pulls out of Medicaid and ensures that people know their rights up front, before they enter a facility.

This commonsense proposal has also been introduced in the House of Representatives by Congressman BILIRAKIS where it has received strong bipartisan support. I encourage my colleagues in the Senate to cosponsor this worthwhile proposal. And, I look forward to the passage of this resolution this year.

Mr. ROTH. Mr. President, today, I am pleased to join with Senator MOYNIHAN, Senator GRAHAM, and Senator GRASSLEY to introduce important legislation to protect some of our most vulnerable citizens—nursing home residents. Our bill will keep nursing home residents who rely on Medicaid from being ''dumped'' out of the facility they call home, should that facility decide to drop participation in the Medicaid program.

The problem we will solve with this bill does not occur often. In fact, nearly 90 percent of all nursing homes participate in the Medicaid program. Pullouts are very rare and usually result from facilities deciding to close. But when a still-functioning facility decides to stop serving Medicaid clients, our bill will ensure that current residents do not find themselves pushed out of the place they view as home.

Recently, Medicaid beneficiaries in facilities in Indiana and Florida found themselves in precisely this horrible situation. They were forced out of nursing homes that decided to drop participation in the Medicaid program. Residents' well-being was disrupted and families were forced to scramble to develop other care alternatives.

Our new legislation, and H.R. 540, its companion bill in the House, will protect current residents from displacement. The bill simply requires that facilities withdrawing from the Medicaid program continue to care for current residents under the terms and conditions of the Medicaid program until those residents no longer require care. Facilities would essentially phase-down participation in Medicaid rather than dropping from the program overnight.

Both the nursing home industry and senior citizens' advocates support our legislation. This is a common sense, good-government bill that will enhance the peace of mind of low-income elderly and disabled individuals.

I applaud the House Conference Committee for having already held a hearing on H.R. 540, and Representatives

BILIRAKIS and DAVIS are to be congratulated for their leadership on this important issue. As we introduce our bill in the Senate today, I would like to particularly thank Senator BOB GRAHAM, whose commitment to this legislation has been pivotal. Working with him, Senator MOYNIHAN, Senator GRASSLEY, and other original Finance Committee cosponsors Senators CHAFEE, MACK, ROCKEFELLER, BREAUX, BRYAN, and KERREY, I look forward to taking up the bill up in our committee.

Mr. MOYNIHAN. Mr. President, I am pleased to join my colleagues Senators GRAHAM, ROTH and GRASSLEY in introducing this legislation—the Nursing Home Residential Security Act of 1999. It is a modest modification providing an enormous protection for nursing home residents.

The situation today is as follows. Frail elderly individuals who require nursing home care are faced with costs of $40,000 to $50,000 on average per year. These sums quickly deplete family savings. As a result, about two-thirds of nursing home residents at some point spend down their assets and require the assistance of Medicaid coverage. Because Medicaid typically has low reimbursement rates, nursing homes, in turn, must carefully balance their finances by screening which patients to accept, limiting the number of Medicaid residents. When nursing homes can no longer operate with low Medicaid rates, they may choose to reduce the number of beds available for Medicaid residents or no longer participate in the Medicaid program altogether.

What, then, happens to the residents who depend on Medicaid to cover their nursing home costs? The Wall Street Journal first reported on April 7 of last year what has occurred: Vencor Inc., with the nation's largest nursing home chain of 310 facilities, decided to withdraw participation in the Medicaid program. Residents covered by Medicaid were so notified and told they would have to leave the nursing homes—their homes.

Industry analysts had predicted that some other companies may follow Vencor's lead in jettisoning Medicaid residents. For example, Renaissance Healthcare Corp. withdrew from Medicaid the year before due to rising expenses.

The evictions in Vencor's Indiana and Florida nursing homes caused panic among residents and their families, and aggravated some patients' frail medical conditions. In all, it was a wrenching experience for residents and their families.

Our legislation is a small modification amid an otherwise larger problem. The bill would merely protect current Medicaid residents in nursing homes from evictions if their nursing home decides to withdraw from the Medicaid program. Nursing homes will be able to continue to screen patients for acceptance into their facility. The screening process is quite sophisticated and includes collection of information about assets and income to determine when the individual will likely spend down his or her resources before requiring Medicaid coverage.

The larger dilemma still exists. We need a system that both covers our frail elderly in nursing homes after they spend themselves into poverty due to nursing home costs and ensures that nursing homes can stay in business in order to provide such services.

Momentum is moving behind this legislation. Our bill enjoys bipartisan support in Congress as well as support from the nursing home industry and advocates. On the Senate side, we introduce this bill today with a total of 15 sponsors. Last week, the House Commerce Subcommittee on Health and Environment held a hearing on this legislation. Chairman ROTH and I are committed to marking up this bill in our Committee in the near future. I commend Senator GRAHAM for his leadership in initiating this proposal, and urge its early adoption.

By Mr. BOND (for himself, Mr. ASHCROFT, and Mr. INHOFE):

S. 495. A bill to amend the Clean Air Act to repeal the highway sanctions; to the Committee on Environment and Public Works.

LEGISLATION TO REPEAL CLEAN AIR ACT TO REPEAL THE HIGHWAY SANCTIONS

Mr. BOND. Mr. President, the purpose of this bill is simple and clear. The only thing the bill does is to repeal the highway sanction provisions in the Clean Air Act.

I want to start by saying that I know what the so-called environmental community is going to say. Actually, they have already said it. I recall a press release that said, ''Another smoggy stealth attack is in the works,'' and ''sharpening the dirty-air knives.'' Well, that sounds fancy and exciting, but it is just flat wrong.

Mr. President, I ask you, where is the common sense? I do not want dirty air. And I do not think anybody in this room, in this body, wants dirty air. But any attempt to change the status quo gets some spinmeisters at work.

Let me explain where there is a real problem. There is a provision in the Clean Air Act that allows the EPA Administrator, with the approval of the Secretary of Transportation, to halt highway funding for a nonattainment area. For instance, if a State does not have an approved clean air plan, after a certain period of time sanctions apply, and those sanctions include halting highway funding. Now, transit funding can continue and bike path money can go forward. There is also a ''safety'' exemption where the Secretary of Transportation determines that a ''project is an improvement in safety to resolve a demonstrated safety problem and likely will result in a significant reduction in, or avoidance of, accidents.''

I have several problems with that provision.

First, highway funding is a matter of safety. We dedicate transportation funds to specific improvement programs, like railroad crossings and programs on drunk driving. But highway safety is also an issue when it comes to road conditions.

In my own State of Missouri, I can tell you that highway fatality rates are higher than the national average because roads are more dangerous. In the period 1992 to 1996, 5,279 people died on Missouri highways. Nationally, Federal Highways estimates that road conditions are a factor in about 30 percent of traffic fatalities. Well, I believe that figure is higher in Missouri, because I have been on the narrow two-lane roads and have seen the white crosses where people have died.

Highway improvements, such as wider lanes and shoulders, adding or improving medians, and upgrading roads from two lanes to four lanes can reduce traffic fatalities and accidents. The Secretary can grant exemptions from the current law to allow a project to go forward, but he can also deny them. I have a problem with the Government, the Federal Government, micromanaging a State's transportation plan.

The law also says the State will have to submit data to justify that the ''principal purpose of the project is an improvement in safety.'' Tell that to the grandmother who has lost her granddaughter on a stretch of highway. She will never go to the prom, because she was killed on that highway.

I would argue that highway construction and improvements are almost always a matter of safety and that to have to seek an exemption is an unnecessary and inappropriate delay. Any further delay imposed by the Federal Government on highway projects which are necessary for safety is unacceptable.

Second, taking away or imposing any kind of delay on highway funding does nothing to improve air quality or to reduce congestion. According to the American Association of State Highway and Transportation Officials, ''Congestion damages air quality, increases travel times, costs an estimated $43 billion annually in delays in the country's 50 largest urban areas, and generates additional delay costs in rural and suburban areas.''

Some will argue, ''If you build it, they will come.'' That normally applies to baseball diamonds, but they are talking about highways. I am not denying that there is some truth to that, but congestion already exists. They are already there. People in our State and rural Missouri are driving, and they are driving on narrow highways because they have to. There are no trolleys; there are no regularly scheduled buses. Halting or delaying funds to address the problem is inappropriate.

I think the cliche, ''Pay now or pay more later,'' is appropriate. What we would be ''paying'' for is potentially the loss of life, loss of economic opportunities, and the loss of convenience for the traveling public. Isn't this an issue of quality of life? I think so.

Third, the Highway Trust Fund is supported by highway users for highway construction and maintenance. It is a dedicated tax for a dedicated purpose. The people of Missouri are paying highway fund taxes and not getting a full dollar back for their highways. And to take away some of the money that they have put in because of totally unrelated concerns is inappropriate as a punitive sanction.

The 105th Congress spent the entire Congress, almost, working on a transportation policy.

One of the most contentious debates we had at the time and the significant outcomes of that debate was the issue of the trust fund. The Congress finally agreed to and the President signed into law what I refer to as the Bond-Chafee provision which says that the money goes in as the money comes out the next year for transportation and programs authorized by law.

Included in TEA–21—highway dollars being spent on—is $8.1 billion over 6 years for the Congestion Mitigation and Air Quality Improvement Program. This is money dedicated to helping States and local governments meet the requirements of the Clean Air Act. Under current law, CMAQ—as it is called—funding will continue without interruption, but highway construction could be halted or face a delay.

Using a ''dedicated tax for a dedicated purpose'' as a hammer in this instance is, I believe, inappropriate and unfair.

I do not view this legislation as an attack on the Clean Air Act. It is a matter of common sense.

Some may ask, if they do not already know, what precipitated the introduction of this legislation. I contemplated introducing this bill in the past but had other matters that were more important. But on November 8, 1998, the San Francisco-based Sierra Club filed suit in the District of Columbia District Court against the EPA to force the EPA to mandate sanctions not just on St. Louis and the nonattainment area but on the entire State of Missouri and to make these sanctions retroactive. That action, I believe, is irresponsible and extreme.

The EPA itself chose not to impose sanctions on the St Louis area or the State of Missouri because the State and the nonattainment area are doing everything that is necessary to come into compliance. The St. Louis area has adopted an inspection/maintenance program. They have instituted a plan to reduce volatile organic compound emissions by at least 15 percent. They have opted into EPA's reformulated gasoline program. And the St. Louis Regional Clean Air Partnership has been formed to encourage voluntary actions. In these circumstances, the Sierra Club lawsuit is purely punitive and purely unwarranted, but it is possible as long as we have this legislation on the books.

I do not personally know one Member of the Senate who fought for highway funding for his or her State's highway needs who would support actions to take that funding away, especially in a frivolous lawsuit by a group with a different agenda, with different priorities than the citizens of the State who are paying in the money. If this provision of law is left in place, what is happening in Missouri could happen elsewhere. Highway sanctions are in place for Helena, MT, and a situation is developing in Atlanta, GA, which has been brought to my attention.

There are those who say you can count the number of times highway sanctions have been imposed on one hand, but that still is too many. I disagree with the linking of highway funds and clean air attainment. We must address both. Quality of life requires both clear air and safe highways. I am dedicated to both. I hope we can have hearings and move on this measure in the near future.

By Mr. REED (for himself and Mr. WYDEN):

S. 496. A bill to provide for the establishment of an assistance program for health insurance consumers; to the Committee on Health, Education, Labor, and Pensions.

THE HEALTH CARE CONSUMER ASSISTANCE ACT

Mr. REED. Mr. President, I rise today to introduce the Health Care Consumer Assistance Act, along with my colleague from Oregon, Mr. WYDEN. This legislation creates a consumer assistance program that is key to patient protections in the health insurance market.

In 1997, President Clinton's Health Quality Commission identified the need for consumer assistance programs that allow consumers access to accurate, easily understood information and get assistance in making informed decisions about health plans and providers. Today, only a loose patchwork of consumer assistance services exists. And, while a number of sources provide assistance, most are limited. Many consumer groups have advocated for the establishment of consumer assistance programs to support consumers' growing need of information.

The legislation I am introducing today gives states grants to establish nonprofit, private health care ombudsman programs designed to help consumers understand and act on their health care choices, rights, and responsibilities. Under my bill, the Secretary of Health and Human Services will offer funds for states to select an independent, nonprofit agency to provide the following services to consumers: information relating to choices, rights, and responsibilities within the plans they select; operate a 1–800 telephone hotline to respond to consumer requests for information, advice and assistance; produce and disseminate educational materials about patients' rights; provide assistance and representation to people who wish to appeal the denial, termination, or reduction of health care services, or a refusal to pay for health services; and collect and disseminate data about inquiries, problems and grievances handled by the consumer assistance program.

This program has been championed by Ron Pollack of Families USA and Beverly Malone of the American Nurses Association, who served as members of the President's Commission on Quality, as well as numerous other consumer advocates.

Mr. President, I have joined with many of my Democratic colleagues in sponsoring S. 6, the Patients' Bill of Rights Act of 1999. I am pleased that S. 6 would establish a consumer assistance program, similar to that established by my legislation. My purpose today is to emphasize the importance of such a consumer protection program. This legislation is not without controversy, but I believe that American consumers deserve protection and assistance as they attempt to navigate the often confusing and complex world of health insurance.

Mr. President, I ask unanimous consent to have the text of my bill printed in the RECORD.

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

S. 496

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 ''Health Care Consumer Assistance Act''.

SEC. 2. GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') shall award grants to States to enable such States to enter into contracts for the establishment of consumer assistance programs designed to assist consumers of health insurance in understanding their rights, responsibilities and choices among health insurance products.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a State plan that describes—

(1) the manner in which the State will solicit proposals for, and enter into a contract with, an entity eligible under section 3 to serve as the health insurance consumer office for the State; and

(2) the manner in which the State will ensure that advice and assistance services for health insurance consumers are coordinated through the office described in paragraph (1).

(c) AMOUNT OF GRANT.—

(1) IN GENERAL.—From amounts appropriated under section 5 for a fiscal year, the Secretary shall award a grant to a State in an amount that bears the same ratio to such amounts as the number of individuals within the State covered under a health insurance plan (as determined by the Secretary) bears to the total number of individuals covered under a health insurance plan in all States (as determined by the Secretary). Any amounts provided to a State under this section that are not used by the State shall be remitted to the Secretary and reallocated in accordance with this paragraph.

(2) MINIMUM AMOUNT.—In no case shall the amount provided to a State under a grant under this section for a fiscal year be less

than an amount equal to .5 percent of the amount appropriated for such fiscal year under section 5.

SEC. 3. ELIGIBILITY OF STATE ENTITIES.

To be eligible to enter into a contract with a State and operate as the health insurance consumer office for the State under this Act, an entity shall—

(1) be an independent, nonprofit entity with demonstrated experience in serving the needs of health care consumers (particularly low income and other consumers who are most in need of consumer assistance);

(2) prepare and submit to the State a proposal containing such information as the State may require;

(3) demonstrate that the entity has the technical, organizational, and professional capacity to operate the health insurance consumer office within the State;

(4) provide assurances that the entity has no real or perceived conflict of interest in providing advice and assistance to consumers regarding health insurance and that the entity is independent of health insurance plans, companies, providers, payers, and regulators of care; and

(5) demonstrate that, using assistance provided by the State, the entity has the capacity to provide assistance and advice throughout the State to public and private health insurance consumers regardless of the source of coverage.

SEC. 4. USE OF FUNDS.

(a) BY STATE.—A State shall use amounts received under a grant under this Act to enter into a contract described in section 2(a) to provide funds for the establishment and operation of a health insurance consumer office.

(b) BY ENTITY.—

(1) IN GENERAL.—An entity that enters into a contract with a State under this Act shall use amounts received under the contract to establish and operate a health insurance consumer office.

(2) NONCOMPLIANCE.—If the State fails to enter into a contract under subsection (a), the Secretary shall withhold amounts to be provided to the State under this Act and use such amounts to enter into the contract described in paragraph (1) for the State.

(c) ACTIVITIES OF OFFICE.—A health insurance consumer office established under this Act shall—

(1) provide information to health insurance consumers within the State relating to choice of health insurance products and the rights and responsibilities of consumers and insurers under such products;

(2) operate toll-free telephone hotlines to respond to requests for information, advice or assistance concerning health insurance in a timely and efficient manner;

(3) produce and disseminate educational materials concerning health insurance consumer and patient rights;

(4) provide assistance and representation (in nonlitigative settings) to individuals who desire to appeal the denial, termination, or reduction of health care services, or the refusal to pay for such services, under a health insurance plan;

(5) make referrals to appropriate private and public individuals or entities so that inquiries, problems, and grievances with respect to health insurance can be handled promptly and efficiently; and

(6) collect data concerning inquiries, problems, and grievances handled by the office and periodically disseminate a compilation and analysis of such information to employers, health plans, health insurers, regulatory agencies, and the general public.

(d) AVAILABILITY OF SERVICES.—The office shall not discriminate in the provision of services regardless of the source of the individual's health insurance coverage or prospective coverage, including individuals covered under employer-provided insurance, self-funded plans, the medicare or medicaid programs under title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 and 1396 et seq.), or under any other Federal or State health care program.

(e) SUBCONTRACTS.—An office established under this section may carry out activities and provide services through contracts entered into with 1 or more nonprofit entities so long as the office can demonstrate that all of the requirements of this Act are met by the office.

(f) TRAINING.—

(1) IN GENERAL.—An office established under this section shall ensure that personnel employed by the office possess the skills, expertise, and information necessary to provide the services described in subsection (c).

(2) CONTRACTS.—To meet the requirement of paragraph (1), an office may enter into contracts with 1 or more nonprofit entities for the training (both through technical and educational assistance) of personnel and volunteers. To be eligible to receive a contract under this paragraph, an entity shall be independent of health insurance plans, companies, providers, payers, and regulators of care.

(3) LIMITATION.—Not to exceed 7 percent of the amount awarded to an entity under a contract under subsection (a) for a fiscal year may be used for the provision of training under this section.

(g) ADMINISTRATIVE COSTS.—Not to exceed 1 percent of the amount of a block grant awarded to the State under subsection (a) for a fiscal year may be used for administrative expenses by the State.

(h) TERM.—A contract entered into under subsection (a) shall be for a term of 3 years.

SEC. 5. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each fiscal year to carry out this Act.

(b) REPORT OF SECRETARY.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report that contains—

(1) a determination by the Secretary of whether amounts appropriated to carry out this Act for the fiscal year for which this report is being prepared are sufficient to fully fund this Act in such fiscal year; and

(2) with respect to a fiscal year for which the Secretary determines under paragraph (1) that sufficient amounts are not appropriated, the recommendations of the Secretary for fully funding this Act through the use of additional funding sources.

By Mr. WYDEN:

S. 498. A bill to require vessels entering the United States waters to provide earlier notice of the entry, to clarify the requirements for those vessels and the authority of the Coast Guard over those vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COASTAL PROTECTION AND VESSEL CONTROL IMPROVEMENT ACT

Mr. WYDEN. Mr. President, as we speak, rescue crews are fighting valiantly to contain the damage from the wreck of the tanker New Carissa off of Coos Bay, Oregon three weeks ago. But the clock is ticking, the water is rising, and time is running short. An environmental disaster of truly alarming proportions is staring my state in the face.

Thousands of gallons of fuel oil have already leaked out of the wrecked ship and thousands more may be spilled along our precious coastline within days, if not hours.

As Oregonians struggle to make the best of a bad situation, it is not too early to start talking about how we prevent the next addition to the legacy of New Carissa. It seems clear to me that we need to look at the pernicious practice of foreign flagging. How many gallons of oil need to spill and how many miles of coastline have to be destroyed before we stop allowing unseaworthy vessels manned by untrained crews into our coastal waters.

It seems easier to register a supertanker in some foreign countries than it is to register an automobile in Portland, Oregon. As long as this so-called Flag of Convenience system continues, it's only a matter of time before the next New Carissa runs aground on a local beach. Yet our maritime policy continues to allow it.

Grave concerns have also been raised about the amount and quality of information being released to the public about this disaster. People who live in the area simply have not been told what to expect. That is unacceptable. When disaster strikes, government has an ironclad responsibility to give people as much information as possible.

Today, I am introducing legislation that focuses on avoiding disasters like the New Carissa. We need to stop playing Russian roulette with our coastal resources and the communities that depend on them.

Congressman DEFAZIO has authored companion legislation in the House of Representatives, which was adopted as an amendment to the Coast Guard Reauthorization Bill.

This legislation requires all vessels, foreign and domestic, to notify the Coast Guard when they intend to enter our country's territorial waters, allows the Coast Guard to bar them from entry if there are safety concerns, and gives the Coast Guard the authority to direct the movements of such vessels in our waters in hazardous situations. This bill would have given the Coast Guard the ability to block the New Carissa from allowing its deadly course of sailing so close to shore during a hazardous gale, a practice that local pilots shun.

In other words, had this bill been in place, the Coast Guard would have had the ability to stop this tragedy before it occurred, instead of having to clean up after it.

I urge my colleagues to support this important legislation, and 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:

S. 498

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

SECTION 1. CLARIFICATION OF COAST GUARD AUTHORITY TO CONTROL VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

''SEC. 15. ENTRY OF VESSELS INTO TERRITORIAL SEA; DIRECTION OF VESSELS BY COAST GUARD.

''(a) NOTIFICATION OF COAST GUARD.—

''(1) NOTIFICATION.—Under regulations prescribed by the Secretary, a commercial vessel entering the territorial sea of the United States shall notify the Secretary not later than 24 hours before that entry.

''(2) INFORMATION.—The regulations under paragraph (1) shall specify that the notification shall contain the following information:

''(A) The name of the vessel.

''(B) The port or place of destination in the United States.

''(C) The time of entry into the territorial sea.

''(D) With respect to the fuel oil tanks of the vessel—

''(i) the capacity of those tanks; and

''(ii) the estimated quantity of fuel oil that will be contained in those tanks at the time of entry into the territorial sea.

''(E) Any information requested by the Secretary to demonstrate compliance with applicable international agreements to which the United States is a party.

''(F) If the vessel is carrying dangerous cargo, a description of that cargo.

''(G) A description of any hazardous conditions on the vessel.

''(H) Any other information requested by the Secretary.

''(b) DENIAL OF ENTRY.—The Secretary may deny entry of a vessel into the territorial sea of the United States if—

''(1) the Secretary has not received notification for the vessel in accordance with subsection (a); or

''(2) the vessel is not in compliance with any other applicable law relating to marine safety, security, or environmental protection.

''(c) DIRECTION OF VESSEL.—The Secretary may direct the operation of any vessel in the navigable waters of the United States as necessary during hazardous circumstances, including the absence of a pilot required by Federal or State law, weather, casualty, vessel traffic, or the poor condition of the vessel.''.

By Mr. FRIST (for himself, Mr. JEFFORDS, Mr. DORGAN, Mr. LEVIN, Mrs. MURRAY, Mr. DEWINE, Mr. MURKOWSKI, Mr. THURMOND, Mr. DURBIN, and Mr. INOUYE):

S. 499. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

THE GIFT OF LIFE CONGRESSIONAL MEDAL ACT OF 1999

Mr. FRIST. Mr. President, I take great pleasure today in introducing the Gift of Life Congressional Medal Act of 1999. With this legislation, which doesn't cost taxpayers a penny, Congress has the opportunity to recognize and encourage potential donors, and give hope to over 52,000 Americans who have end-stage disease. As a heart and lung transplant surgeon, I saw one in four of my patients die because of the lack of available donors. Public awareness simply has not kept up with the relatively new science of transplantation. As public servants, we need to do all we can to raise awareness about the gift of life.

Under this bill, each donor or donor family will be eligible to receive a commemorative Congressional medal. It is not expected that all families, many of whom wish to remain anonymous, will take advantage of this opportunity. The program will be coordinated by the regional organ procurement organizations [OPO's] and managed by the entity administering the Organ Procurement and Transplantation Network. Upon request of the family or individual, a public official will present the medal to the donor or the family. This creates a wonderful opportunity to honor those sharing life through donation and increase public awareness. Some researchers have estimated that it may be possible to increase the number of organ donations by 80 percent through public education.

Any one of us, or any member of our families, could need a life saving transplant. We would then be placed on a waiting list to anxiously await our turn, or our death. The number of people on the list has more than doubled since 1990—and a new name is added to the list every 18 minutes. In my home State of Tennessee, 62 Tennesseans died in 1998 while waiting, and more than 775 people are in need of a transplant. Nationally, because of a lack of organs, close to 5,000 listed individuals died in 1998.

However, the official waiting list reflects only those who have been lucky enough to make it into the medical care system and to pass the financial hurdles. If you include all those reaching end-stage disease, the number of people potentially needing organs or bone marrow, very likely over 120,000, becomes staggering. Only a small fraction of that number would ever receive transplants, even if they had adequate insurance. There simply are not enough organ and tissue donors, even to meet present demand.

Federal policies surrounding the issue of organ transplantation are difficult. Whenever you deal with whether someone lives or dies, there are no easy answers. There are between 15,000 and 20,000 potential cadaveric donors each year, yet inexcusably, in 1997 there were only some 5,400 actual donors. That's why we need you to help us educate others about the facts surrounding tissue and organ donation.

Mr. President, there has been unprecedented cooperation, on both sides of the aisle, and a growing commitment to awaken public compassion on behalf of those who need organ transplants. It is my very great pleasure to introduce this bill on behalf of a group of Senators who have already contributed in extremely significant ways to the cause of organ transplantation. And we are proud to ask you to join us, in encouraging people to give life to others.

By Mr. SMITH of New Hampshire (for himself, Mr. JEFFORDS, and Mr. HELMS):

S. 500. A bill to amend section 991(a) of title 28, United States Code, to require certain members of the United States Sentencing Commission to be selected from among individuals who are victims of a crime of violence; to the Committee on the Judiciary.

UNITED STATES SENTENCING COMMISSION LEGISLATION

Mr. SMITH of New Hampshire. Mr. President, I rise to introduce a bill that I sponsored in the last Congress to give victims of crime a greater voice in sentencing. My bill, which is being cosponsored by Senators JEFFORDS and HELMS, would reserve two of the seven seats on the United States Sentencing Commission for victims of violent crimes.

Mr. President, the Sentencing Commission is an independent entity within the judicial branch that establishes sentencing policies and practices for the Federal courts. This includes sentencing guidelines that prescribe the appropriate form and severity of punishment for offenders convicted of Federal crimes.

The U.S. sentencing Commission is composed of seven voting members who are appointed by the President, with the advice and consent of the Senate, for six-year terms. The Commission also includes two non-voting members. Of the seven voting members of the Sentencing Commission, three must be Federal judges.

Under my bill, two of the four seats on the Sentencing Commission that are not filled by Federal judges would be reserved for victims of a crime of violence or, in the case of a homicide, an immediate family member of such a victim. My bill utilizes the definition of a crime of violence that is found in section 16 of title 18 of the United States Code.

All seven voting seats on the Sentencing Commission are vacant. Now is the right time to give victims of crime a voice by requiring that two of those vacant seats must be filled by Americans who have been victimized by violent crimes.

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

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

S. 500

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

SECTION 1. COMPOSITION OF UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 991(a) of title 28, United States Code, is amended by inserting after ''same political party,'' the following: ''Of the members who are not Federal judges, not less than 2 members shall be individuals who are victims of a crime of violence (as that term is defined in section 16 of title 18) or, in the case of a homicide, an immediate family member of such a victim.''.

(b) APPLICABILITY.—The amendment made by this section shall apply with respect to

any appointment made on or after the date of enactment of this Act.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 501. A bill to address resource management issues in Glacier Bay National Park, Alaska; to the Committee on Energy and Natural Resources.

GLACIER BAY FISHERIES ACT

Mr. MURKOWSKI. Mr. President, I am today introducing—together with my good friend Senator STEVENS—new legislation to ensure that the marine waters of Glacier Bay National Park remain open to the fisheries that have been conducted there for many, many years.

For a number of years, the Park Service has attempted to seize authority over fisheries management in Glacier Bay from the State of Alaska, which holds title to the marine waters and submerged lands within Glacier Bay National Park. This is an infringement of the State's sovereignty under the constitutional doctrine of equal footing, as confirmed by Congress in the Submerged Lands Act, and the Alaska Statehood Act.

As my colleagues should all be aware, commercial fisheries have been conducted in these waters for well over 100 years, since long before the federal government became interested in them. Subsistence fishing and gathering by local residents has been practiced for up to 9,000 years, and perhaps longer.

Yet today, officials of the National Park Service want Glacier Bay off limits to those who have depended on it for their sustenance and livelihoods for generations.

Most recently, agents of the Park Service harassed a number of commercial crab fishermen who were fishing in areas which have always been open to them. Some of these were areas which may be closed under legislation adopted last year, but for which the Park Service has not yet promulgated regulations to effect the closure.

Although Park Service officials now say they merely asked for voluntary compliance and attempted to educate fishermen about their plans, the fishermen tell a different, and more sinister, story.

This particular crab fishery is only six days long, with the first two days being crucial to a fisherman's financial success. Because of this, fishermen must work literally around the clock for the first 48 to 72 hours. After the first two days, their earning potential—even for a top fisherman—drops from almost $60,000 per day to less than $20,000.

It is important to note that these are not large scale fisheries. We are talking about a small handful of fishermen, some working solely with their families.

Out of the 14 vessels working in the Bay during the recent fishery, 11 were boarded—right in the middle of those crucial first two days—by armed and intimidating Park Service agents. Many were either told they were in closed waters, or threatened that if they did not move, they would be prosecuted. Needless to say, these fishermen are law-abiding members of society, so they pulled up their fishing gear and moved, taking very serious financial losses as a result.

Mr. President, let me ask you how difficult it would have been to write a letter before the season opened and send it to these 14 fishermen? How hard would it be to send a letter to 20 fishermen? or to 50? In other words, Mr. President, how hard would it have been to avoid such confrontational and damaging tactics?

It would not have been hard at all, Mr. President, and the fact that the agency did not choose to do so is just one more example of how unfairly the Park Service has behaved to those who live and work in Alaska.

It is time for this to stop, and to ensure that it does, I am today offering a simple, clean solution. First, the bill authorizes subsistence fishing and gathering under the existing federal governing authority for such activities. Second, the bill authorizes the State of Alaska to conduct its marine fisheries without interference, except a fishery for Dungeness crab, for which a compensation plan has already been adopted. And third, the bill authorizes the use of up to $2,000,000 per year—which the Park Service is already collecting but which it has failed to use for the purpose intended by Congress—to be used to pay damages to fishermen who were unfairly harmed.

Mr. President, this is a matter of simple fairness. These are not new fisheries, but old ones—fisheries which throughout their long history have never caused a problem, and are today more tightly controlled than ever by State of Alaska law and regulation.

Fishermen have caused no harm here. The only harm has been caused either by the arrogant demands of those who want the park to themselves, or those who are well-meaning but ignorant of the facts. It is time the former become better neighbors, and time for the latter to learn the truth.

I ask unanimous consent that the text of our legislation be printed in the RECORD.

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

S. 501

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 ''Glacier Bay Fisheries Act''.

SAEC. 2. RESOURCE HARVESTING.

(a) In Glacier Bay National Park, the Secretary of the Interior shall accommodate—

(1) the conduct of subsistence fishing and gathering under Title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et. seq.); and

(2) the conduct by the State of Alaska, in accordance with the principles of sustained yield, of marine commercial fisheries, except fishing for Dungeness crab in the waters of the Beardslee Islands and upper Dundas Bay.

SEC. 3. CLAIMS FOR LOST EARNINGS.

Section 3(g) of Public Law 91–383 (16 U.S.C. 1a–2(g)) is amended—

(1) in paragraph (1), by striking ''and'' at the end'

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (2) the following:

''(3) to pay an aggregate of not more than $2,000,000 per fiscal year in actual and punitive damages to persons that, at any time after January 1, 1999, suffered or suffer a loss in earnings from commercial fisheries legally conducted in the marine waters of Glacier Bay National Park, due to any action by an officer, employee, or agent of any Federal department or agency, that interferes with any person legally fishing or attempting to fish in such commercial fisheries.

By Mr. ASHCROFT (for himself and Mr. DOMENICI):

S. 502. A bill to protect social security; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

THE PROTECT SOCIAL SECURITY BENEFITS ACT OF 1999

Mr. ASCHROFT. Mr. President, there is no more worthy government obligation than ensuring that those who paid a lifetime of Social Security taxes will receive their full Social Security benefits. Social Security is a national, cultural and legal obligation. Social Security is our most import social program, a contact between the government and its citizens. Americans, including one million Missourians, depend on this commitment.

This is more than just a governmental commitment. We have a responsibility as a culture to care for the elderly. Social Security is the only retirement income most of our seniors receive. It is our obligation, passed down from generation to generation, to provide retirement security for every American.

As individuals, all of us care about Social Security because we know the benefits it pays to our mothers and fathers, relatives and friends. And we think of the Social Security taxes we and our children pay—up to 12.4 percent of our income. We pay these taxes with the understanding that they help our parents and their friends, and we hope that our taxes will somehow, someday make it possible to help pay for our own retirements.

In my case, thinking of Social Security brings to mind friends and constituents such as Lenus Hill of Bolivar, MO, who relies on her Social Security to meet living expenses. Billy Yarberry lives on a farm near Springfield and depends on Social Security. And there is Rev. Walter Keisker of Cape Girardeau, who will be 100 years old next July and lives on Social Security. These faces bring meaning to Social Security.

Whenever I meet with folks in Missouri, I am asked, ''Senator, you won't let them use my Social Security taxes to pay for the United Nations, will you?'' Or, ''Why can't I get my full benefits if I work after 65?'' Or, ''You know I need my Social Security, don't you?''

And then there are the letters on Social Security I get every day.

Ed and Beverly Shelton of Independence, MO, write: ''Aren't the budget surpluses the result of Social Security taxes generating more revenue than is needed to fund current benefits? Therefore, the Social Security surplus is the surplus!* * * Yes, we are senior citizens and receive a very limited amount of Social Security. We are children who survived the Great Depression and World War II so we know how to stretch a dollar and rationed goods—just wish Congress were as careful with spending our money as we are!''

These concerns are why I am introducing today the Protect Social Security Benefits Act. Americans who have devoted 12% of their wages to the Social Security Trust Fund deserve their full Social Security payments now and in the century to come. The bill is part of a five part package that, taken together, seeks to provide greater protection for the Social Security Trust Fund.

The substance and message of these provisions is that Social Security must be protected: protected from politicians who raid Social Security to finance additional deficits; protected from those who want to gamble with Social Security in the stock market; protected so that investment decisions ensure current and future benefits; protected so that seniors who work get full benefits; protected so that we keep our commitment to America's retirees.

The Ashcroft Protect Social Security Benefits Act of 1999 prevents the use of surpluses in the Social Security Trust Funds to finance deficits in the rest of the federal budget. We must build a wall so high around the Social Security Trust Funds so that it cannot be used to pay for new government spending. Social Security should not finance new spending. But that is exactly what has happened in the past, is now happening, and will continue happening in the future, unless changes are made. It must end.

Specifically, the bill makes it out of order for the House or Senate to pass, or even debate, a budget or bill that uses Social Security surpluses to finance deficits in the rest of the budget. In both the House and Senate, a three-fifths vote, or a super majority, would be required to change that. Let me assure you that this is extremely unlikely. We have enough trouble getting 51 Senators to agree to anything, let alone 60. Thus, it would be extremely difficult to use the Social Security surplus to fund new deficit spending.

Two other bills I am supporting will also reduce debt and thereby strengthen our economy, Social Security and our future. The first bill structures the payment of the national debt by amortizing it—paying it off in installments—over the next 30 years. The second bill reduces the public debt limit every two years as an additional incentive to reduce borrowing. Additional surpluses in the Social Security Trust Fund can buy down publicly-held debt. By reducing the public debt, my plan will make it easier for America to meet its Social Security obligations in three ways. First, over the long run, paying off the debt will lower interest payments, which are now over $200 billion annually, equaling about 15% of the budget. Second, by relieving America of the burden of the $3.8 trillion national debt over the next 30 years, it will free up more resources that may be able to meet Social Security obligations in the future. Finally, a debt-free America will have a stronger, faster-growing economy, and will be better equipped to come up with the money to redeem the Trust Fund when we need it.

We must remember that federal debt incurs very real costs, in the form of interest payments and higher interest rates. With that in mind, we cannot afford not to pay off the debt. While it will cost money to pay off the debt, it is better to budget for those costs now. On this point, I agree with President Clinton. His idea to use Social Security surpluses to pay down our existing debt is a wise one, and I am offering a responsible plan to make it happen.

Finally, and given the fact that Social Security surpluses are routinely being used to finance deficits in the rest of the budget of the federal government, it is time to decide carefully how Social Security should be treated in any proposed constitutional amendment to balance the budget. I have always supported a balanced budget amendment. In the past, I have supported an effort that did not distinguish between Social Security accounts and the rest of the federal budget. However, last year's raid of the Social Security surplus to fund other government spending under the guise of ''emergency spending'' has convinced me that Social Security must be protected under our constitution. Social Security must be walled off for special treatment in any proposed balanced budget amendment. We must make clear that the federal budget should be balanced without counting any Social Security surpluses.

Walling off the trust funds is the first step, not the only step, needed to protect Social Security. This is the right way to start the effort to improve Social Security so it is strong for our children and grandchildren.

To do this, we need to be honest, realizing that, for now, time is on our side to make thoughtful improvements. For the past few months, I have comprehensively reviewed Social Security. My conviction is that understanding must always come before reforming. The following summarizes the facts about Social Security.

Social Security does now and will in the near future accumulate annual surpluses. Together, income from payroll taxes and interest is greater than the amount of benefits being paid out. The Social Security Trustees believe that these surpluses will continue each year for the next 14 years. In that time, a $2.8 trillion total surplus will accumulate.

In the year 2013, however, when more baby boomers will be in retirement, annual benefit payments will exceed annual taxes received by Social Security through taxes and interest. As a result, Social Security will run an annual deficit. By 2021, annual benefit payments will exceed annual taxes received by Social Security and interest earned on the accumulated surpluses. In the year 2032, Social Security payroll taxes will not only be insufficient to pay benefits; the surpluses will be used up. Social Security will be bankrupt.

Bipartisan efforts are underway to address this long-term situation. I will take an active part in this work. We must strengthen Social Security's capacity to pay benefits in full beyond the year 2032.

But there is no getting around the fact that a key to the long-term solvency of Social Security is how the current mushrooming Social Security surplus is invested, managed and spent. That's why the Protect Social Security Benefits Act focuses on how the current Social Security surplus is invested and managed.

Where is the Social Security surplus? This question helps us understand what the Social Security surplus is, and is not. In truth, the Trust Funds have no money, only interest-bearing notes. It would be foolish to have money in the trust fund that earned no interest or had no return. In return for the Social Security notes, Social Security taxes are sent to the U.S. Treasury and mingled with other government revenues, where the entire pool of cash pays the government's day-to-day expenses. While the Trust Funds records now show a total of $857 billion in the fund, these assets exist only in the form of government securities, or debt. According to the Washington Post, ''The entire Social Security Trust Fund, all [$857] billion or so of it, fits readily in four ordinary, brown, accordion-style folders that one can easily hold in both hands. The 174 certificates reside in a plain combination-lock filing cabinet on the third floor of the bureau's office building.''

In recent years, Social Security surpluses have been used to finance deficit spending in the rest of the federal budget. Take Fiscal Year 1998 for example. The Social Security surplus was $99 billion. The deficit in the rest of the government budget was $29 billion. So $29 billion—or 30% of the Social Security surplus—financed other government programs that were not paid for with general tax revenues. this occurred despite President Clinton's promise to save ''every penny of any surplus'' for Social Security.

For next year, this money shuffling is even greater. To quote the Senate Budget Committee's February 1, 1999, analysis:

Conclusion: the President's budget, despite the rhetoric, not only spends all the non-Social Security surplus over the next five years, while providing no meaningful tax relief to American families, but also dips in the Social Security surplus for $146 billion to pay for the President's spending priorities.

This kind of money shuffling must end. I cannot go back to Lenus Hill or Billy Yarberry and tell them that I stood by silently as the government devoted—spent half of their retirement money to paying for the President's new spending initiatives. We must stop the dishonest practice of hiding new government deficits with Social Security surpluses.

The Protect Social Security Benefits Act of 1999 is designed to cripple attempts to use surpluses in the Social Security Trust Funds to pay for deficits in the rest of the federal budget. Specifically, the bill states that it is out of order for the House and Senate to pass—or even debate—a budget that uses Social Security surpluses to finance new debt in the rest of the budget. This provision could only be overridden if three-fifths of the House or Senate openly vote to bypass this rule.

Three times Congress has passed laws that tried to take Social Security off-budget. These efforts have called for accounting statements that require the government to keep the financial status of Social Security separate from the rest of the budget. But these efforts are inadequate unless Congress puts in place safeguards that protect surpluses in Social Security from financing new government spending.

Right now, such procedures do not exist in current law or in senate rules. On the contrary, current law and senate rules create 21 separate points of order that apply to spending increases and tax increases, making it difficult to protect Social Security surpluses. But none actually stop these surpluses from paying for new budget deficits. We need a point of order protecting Social Security surpluses from irresponsible government raiding.

The Protect Social Security Benefits Act would create precisely such a point of order. This would prohibit the federal government from running a federal funds (on-budget) deficit without 60 votes, or what is known as a super-majority. With no on-budget deficit to finance, we would use the entire Social Security surplus to shrink the publicly-held federal debt. Reducing the publicly-held debt would cut annual interest costs that now cost $200 billion and 15% of the entire federal government budget. Eliminating this interest cost would provide more flexibility to address the long-term financing difficulties Social Security now faces that could someday jeopardize payment of full benefits.

The only exception to this point of order would be in time of war. If Congress were to declare war, and the government needed to go into deficit in order to protect our national security, then the point of order would not apply. It would remain in effect at all other times. In the event that the House or Senate did not pass a budget resolution, the point of order would apply to all appropriations bills passed after September 1. This fail-safe would ensure that the President and the Congress could not raid the Social Security fund for irresponsible spending, as they did last year to the tune of $22 billion.

The Ashcroft Protect Social Security Benefits Act is the first provision in a multi-part Social Security package that will address vital issues relating to the management, investment, and taxation of Social Security. This plan is designed to protect the Social Security system. More importantly, it is designed to protect the American people—from debt, from bad investments, from misinformation, and from attempts to spend our retirement dollars on current government spending. While I value the Social Security system, I value the American people, people like Lenus Hill and the one million other Missourians who receive Social Security benefits, more. My primary responsibility is to them. My plan to protect the Social Security system will protect the American people first, and I urge my colleagues to join me in support of this plan.

By Mr. ALLARD:

S. 503. A bill designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness''; to the Committee on Energy and Natural Resources.

SPANISH PEAKS WILDERNESS ACT OF 1999

Mr. ALLARD. Mr. President, wilderness is described in the law as lands that are, ''* * * in contrast with those areas where man and his own works dominate the landscape, * * * an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.'' With today's introduction of the Spanish Peaks Wilderness bill congressmen SCOTT MCINNIS, BOB SCHAFFER and I are setting aside around 18,000 acres of land that more than meets the intent of the authors of the 1964 Wilderness Act. This land will be an important addition to wilderness in Colorado.

Spanish Peaks had been considered for inclusion in previous wilderness bills. However, because of unresolved issues it was not appropriate to designate it in the past. Those issues included various inholdings, the use of an old access road in the wilderness area, as well as the potential coal bed methane production on portions of the land. Those issues have either been resolved in this bill or they have been resolved through other methods. The resolution of these issues has maintained the integrity of the proposed wilderness area as well as protecting the needs of the local community.

Because of this, the legislation should have the backing of the local community, Colorado environmental groups, and the majority of the Colorado delegation. There is no reason why it cannot be passed quickly.

All Colorado wilderness bills should go through the process this bill went through. Congressman MCINNIS, Congressman SCHAFFER and I decided that cooperation, consensus, and communication were essential to success. Therefore, we casted our net broadly for concerns, and when they were raised in good faith we actually sat down and worked them out. I have been struck by the fact that when people are given the opportunity to be part of the process they feel like they have a stake in the outcome and they try to be constructive in their criticisms. Because of constructive critics like the Huerfano County Commissioners, this legislation is better now then it was when they first looked at it.

Whil the legislation is complete, we are still seeking clarification on one point. The Huerfano County Commissioners are seeking to have a trail that is slightly inside the wilderness area, as designated in the legislation, excluded. My staff has spoken with the local Forest Service staffer and they appear to have no objection to this change. It is still uncertain whether we actually need to change the legislation to do this or whether the map can be adjusted by the Forest Service without any legislative changes. If it is the former than we will make that change prior to passing it out of the Senate. If it is the latter, we will exchange letters with the Forest Service to ensure we are talking about the same trail in the same place. This change should not be of concern. It is only slightly inside the boundaries and any changes we make to exclude it would be of only a slight impact on the entire designation.

I want to thank Congressman MCINNIS, Congressman SCHAFFER, and the local community for working through this process. When the Colorado delegation works as a team they work the best for the State of Colorado.

By Mr. CLELAND:

S. 504. A bill to reform Federal election campaigns; to the Committee on Rules and Administration.

THE FEDERAL ELECTION ENFORCEMENT AND DISCLOSURE REFORM ACT

Mr. CLELAND. Mr. President. I rise today to address the important issue of campaign finance reform. As we begin the 106th Congress, campaign finance reform continues to be an important national need. Therefore, I am again introducing my Federal Election Enforcement And Disclosure Reform Act with the hope that this will be the year that Congress makes positive strides towards meaningful reform.