of medical savings accounts, and for other purposes; to the Committee on Finance.

By Mr. GRAMM (for himself, Mrs. HUTCHISON, Mr. DOMENICI, Mr. BINGAMAN, Mr. KYL, Mr. MCCAIN, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. GORTON):

S. 658. A bill to authorize appropriations for the United States Customs Service for fiscal years 2000 and 2001; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. ROBB, and Mr. KERREY):

S. 659. A bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Ms. MIKULSKI, Mr. THURMOND, Mr. DASCHLE, Ms. COLLINS, Mr. JOHNSON, Ms. SNOWE, Mr. DORGAN, Mr. MACK, Mr. HOLLINGS, Mr. REED, Mr. CONRAD, and Mr. CRAPO):

S. 660. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. LOTT, Mr. SESSIONS, Mr. NICKLES, Mr. COVERDELL, Mr. CRAIG, Mr. KYL, Mr. ENZI, Mr. MCCAIN, Mr. HUTCHINSON, Mr. SANTORUM, Mr. BROWNBACK, Mr. INHOFE, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. GRASSLEY, and Mr. DEWINE):

S. 661. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Ms. MIKULSKI, Mr. MOYNIHAN, Ms. SNOWE, Mr. SMITH of Oregon, Mr. HARKIN, Mr. COCHRAN, Mr. DURBIN, Mrs. MURRAY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. SARBANES, Mr. HOLLINGS, Mr. WELLSTONE, Mr. CLELAND, Mr. KENNEDY, Mr. JOHNSON, Mr. ROBB, Mrs. BOXER, Mr. REID, and Mr. KERREY):

S. 662. A bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program; to the Committee on Finance.

By Mr. SPECTER:

S. 663. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. JEFFORDS, and Mr. BREAUX):

S. 664. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mr. HAGEL, Mrs. HUTCHISON, Mr. KYL, Mr. INHOFE, and Mr. GRASSLEY):

S. 665. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. LUGAR (for himself, Mr. GRAMM, Mr. MCCAIN, Mr. DEWINE, Mr. HAGEL, Mr. GRAMS, Mr. JEFFORDS, Ms. LANDRIEU, and Mr. LIEBERMAN):

S. 666. A bill to authorize a new trade and investment policy for sub-Saharan Africa; to the Committee on Finance.

By Mr. MCCAIN:

S. 667. A bill to improve and reform elementary and secondary education; to the Committee on Finance.

By Mr. COVERDELL:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to prohibit retroactive increases in taxes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. COVERDELL (for himself, Mr. HAGEL, Mrs. HUTCHISON, Mr. KYL, Mr. INHOFE, and Mr. GRASSLEY):

S. Res. 69. A resolution to prohibit the consideration of retroactive tax increases in the Senate; to the Committee on Rules and Administration.

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

S. Res. 70. A resolution to authorize representation of Senate and Members of the Senate in the case of James E. Pietrangelo, II v. United States Senate, et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 657. A bill to amend the Internal Revenue Code of 1986 to expand the availability of medical savings accounts, and for other purposes; to the Committee on Finance.

MEDICAL SAVINGS ACCOUNT EXPANSION ACT OF 1999

Mr. INHOFE. Mr. President, I am pleased to rise today to introduce the Medical Savings Account Expansion Act of 1999. There has been much said recently regarding the need to reform health care. I agree with many of my colleagues that health care is indeed in need of serious reform. However, the nature and the scope of reforms are open to debate.

During the health care debate of 1996, the Congress focused its efforts on attempting to provide the uninsured with insurance. Included in the legislation, Congress created a demonstration project in order to test the effectiveness of Medical Savings Accounts. However, in establishing the demonstration project, the Congress created numerous legislative roadblocks to the success of Medical Savings Accounts.

As we are all aware, Medical Savings Accounts combine a high deductible insurance policy and tax exempt accounts for the purpose of providing health care. MSA holders use these accounts to purchase routine health care services. When account holders spend all of the funds in their account and reach their annual deductible, their health insurance policy kicks in. If they don't spend all the money in the account, they get to keep what's left, plus interest for the following year.

The creation of Medical Savings Accounts was the result of a bipartisan coalition that many in the Senate worked long and hard to achieve. Medical Savings Accounts are really based on a simple principle that should be at the heart of the health care reform, that being, empowering people to take control of their own health care improves the system for everyone. Expanding MSAs is one small, but important, step in that regard. Providing individuals with an incentive to save money on their health care costs encourages them to be better consumers. The result is much needed cost control and consumer responsibility.

Mr. President, I think as the Congress begins to discuss health care reform this year, we must move away from the debate on the regulation and rationing of health care and focus our energies on providing health care to the uninsured. Instead of concentrating our efforts on reforms that will likely result in less health care, we should be trying to expand the opportunity for health care. At the same time, we must do so in a cost effective and market oriented way. MSAs meet that goal.

According to the General Accounting Office, more than 37% of the people who have opted to buy an MSA under the 1996 law were previously uninsured. That bears repeating; people who have previously been uninsured, are now buying health insurance. We need to make it possible for more people to obtain health care insurance. Now, compare those 37% of previously uninsured who now have health insurance with the projected 400,000 people who would lose their current health insurance if the Congress does something that would raise current health insurance premiums by just one percentage point and the argument becomes even stronger to expand the use of MSAs.

Mr. President, the legislation I am introducing today does just that, it makes Medical Savings Accounts more readily available to more people by eliminating many of the legislative and regulatory roadblocks to their continued success. The GAO report referred to earlier, points out that one of the key reasons why MSAs have not been as successful as originally thought is the complexity of the law.

Let me touch on a just few of the problems my legislation addresses. First is the scope of the demonstration project. Mr. President, I believe we should drop the 750,000 cap and extend the life of the project indefinitely. The 750,000 cap is merely an arbitrary number negotiated by the Congress. By lifting the cap and making MSAs permanent, we will be allowing the market to decide whether MSAs are a viable alternative in health insurance. The cap

and the limited time constraint create a disincentive for insurance companies to provide MSAs as an option. The GAO study I cited earlier supports this conclusion. The majority of companies who offered MSA plans did so in order to preserve a share of the market. The result, few, if any, are aggressively marketing MSAs. If Congress is serious about testing the effectiveness of MSAs in the marketplace, we must free them from unnecessary and arbitrarily imposed restraints.

Second, under current law, either an employer or an employee can contribute directly to an MSA, but not both. The legislation I am introducing would allow both employers and employees to contribute to a Medical Savings Account. This just makes sense. By limiting who can contribute to an individual MSA, the government has predetermined the limits of contributions. I think many employers would prefer to contribute to an individual's health care account, rather than continue the costly, third-party payer system. By allowing both employers and employees to contribute to MSAs, we will be giving more flexibility to Medical Savings Accounts. That flexibility will allow more people to obtain MSAs and undoubtedly contribute to their success.

One of the arguments frequently made against MSAs is that they are for the rich. Certainly that is an understandable conclusion, given the fact that we limit who can contribute to MSAs. By lifting the contribution restrictions, individuals of all income levels will find MSAs a viable health care alternative.

As I travel throughout Oklahoma, a common complaint is the access to quality health care and the rising cost of health care. In my state, managed care is not always an option for many people in rural areas. However, Medical Savings Accounts are an option for many families because MSAs give them the choice to pursue individualized health care that fits their needs. These are the sorts of solutions that our constituents have sent us to Washington to find. They are not interested in more government. In fact, many want less. Yet, all we offer them is differing degrees of government intrusion in their lives.

Mr. President, the debate in the 105th Congress clearly demonstrated we are all concerned about access to health care, doctor choice, cost, and security. As the debate moves forward in the 106th Congress, I want to urge my colleagues to consider alternatives to further big-government and to be bold enough to pursue them.

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

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

S. 657

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 ''Medical Savings Account Expansion Act of 1999''.

SEC. 2. REPEAL OF RESTRICTIONS ON TAXPAYERS HAVING MEDICAL SAVINGS ACCOUNTS.

(a) REPEAL OF NUMERICAL LIMITATIONS AND TERMINATION.—

(1) IN GENERAL.—Section 220 of the Internal Revenue Code of 1986 (relating to medical savings accounts) is amended by striking subsections (i) and (j).

(2) MEDICARE+CHOICE.—Section 138 of such Code (relating to Medicare+Choice MSA) is amended by striking subsection (f).

(3) CONFORMING AMENDMENT.—Section 220(c)(1) of such Code is amended by striking subparagraph (D).

(b) REPEAL OF RESTRICTIONS ON INDIVIDUALS WHO HAVE MEDICAL SAVINGS ACCOUNTS.—

(1) IN GENERAL.—Section 220(c)(1)(A) of the Internal Revenue Code of 1986 (relating to eligible individual) is amended by inserting ''and'' at the end of clause (i), by striking '', and'' at the end of clause (ii)(II) and inserting a period, and by striking clause (iii).

(2) CONFORMING AMENDMENTS.—

(A) Section 220(b) of such Code is amended by striking paragraph (4) and by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(B) Section 220(c)(1) of such Code, as amended by subsection (a)(3), is amended by striking subparagraph (C).

(C) Section 220(c) of such Code is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(c) REPEAL OF RESTRICTION ON JOINT EMPLOYER-EMPLOYEE CONTRIBUTIONS.—Section 220(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended by striking paragraph (4), as redesignated by subsection (b)(2)(A), and by redesignating paragraphs (5) and (6) (as so redesignated) as paragraphs (4) and (5), respectively.

(d) 100 PERCENT FUNDING OF ACCOUNT ALLOWED.—

(1) IN GENERAL.—Section 220(b)(2) of the Internal Revenue Code of 1986 (relating to monthly limitation) is amended to read as follows:

''(2) MONTHLY LIMITATION.—The monthly limitation for any month is the amount equal to 1/12 of the annual deductible of the high deductible health plan of the individual as of the first of such month.''.

(2) CONFORMING AMENDMENT.—Section 220(d)(1)(A) of such Code is amended by striking ''75 percent of''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to months beginning after the date of enactment of this Act.

(2) COMPENSATION LIMIT REPEAL.—The amendments made by subsection (b)(2)(A) shall apply to taxable years beginning after December 31, 1999.

SEC. 3. REDUCTION IN HIGH DEDUCTIBLE PLAN MINIMUM ANNUAL DEDUCTIBLE

(a) IN GENERAL.—Section 220(c)(2)(A) of the Internal Revenue Code of 1986 (relating to high deductible health plan) is amended—

(1) by striking ''$1,500'' in clause (i) (relating to self-only coverage) and inserting ''$1,000'', and

(2) by striking ''$3,000'' in clause (ii) (relating to family coverage) and inserting ''$2,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2000.

By Mr. GRAMM (for himself, Mrs. HUTCHISON, Mr. DOMENICI, Mr. BINGAMAN, Mr. KYL, Mr. MCCAIN, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. GORTON):

S. 658. A bill to authorize appropriations for the United States Customs Service for fiscal years 2000 and 2001; to the Committee on Finance.

PROTECTION OF U.S. BORDERS

Mr. GRAMM. Mr. President, on behalf of Senators HUTCHISON, BINGAMAN, DOMENICI, KYL, MCCAIN, BOXER, FEINSTEIN, and GORTON, I am introducing legislation today which will authorize the United States Customs Service to acquire the necessary personnel and technology to reduce delays at our border crossings with Mexico and Canada to no more than 20 minutes, while strengthening our commitment to interdict illegal narcotics and other contraband.

This bill represents the progress that we made in this regard in the last Congress, and it builds on efforts that we initiated last year. This legislation passed the Senate unanimously on October 8, 1998, and a similar companion bill passed the House of Representatives on May 19, 1998 by a vote of 320–86. In addition to the resources dedicated to our nation's land borders, this bill also incorporates the efforts of Senators GRASSLEY and GRAHAM in adding resources for interdiction efforts in the air and along our coastline, provisions that were passed by the Senate in last year's bill.

I am very concerned about the impact of narcotics trafficking on Texas and the nation and have worked closely with federal and state law enforcement officials to identify and secure the necessary resources to battle the onslaught of illegal drugs. At the same time, however, our current enforcement strategy is burdened by insufficient staffing, a gross underuse of vital interdiction technology, and is effectively closing the door to legitimate trade.

At a time when NAFTA and the expanding world marketplace are making it possible for us to create more commerce, freedom and opportunity for people on both sides of the border, it is important that we eliminate the border crossing delays that are stifling these goals. In order for all Americans to fully enjoy the benefits of growing trade with Mexico and Canada, we must ensure that the Customs Service has the resources necessary to accomplish its mission. Customs inspections should not be obstacles to legitimate trade and commerce. Customs staffing needs to be increased significantly to facilitate the flow of substantially increased traffic on both the Southwestern and Northern borders, and these additional personnel need the modern technology that will allow them to inspect more cargo, more efficiently. The practical effect of these increases will be to open all the existing primary inspection lanes where congestion is a problem during peak hours and to enhance investigative capabilities on the Southwest border.

Long traffic lines at our international crossings are counterproductive to improving our trade relationship with Mexico and Canada. This bill is designed to shorten those lines and promote legitimate commerce, while providing the Customs Service with the means necessary to tackle the drug trafficking operations that are now rampant along the 1,200-mile border that my State shares with Mexico. I will be speaking further to my colleagues about this initiative and urge their support for the bill.

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. 658

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 ''Drug Free Borders Act of 1999''.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES CUSTOMS SERVICE FOR ENHANCED INSPECTION, TRADE FACILITATION, AND DRUG INTERDICTION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) DRUG ENFORCEMENT AND OTHER NON-COMMERCIAL OPERATIONS.—Subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)) are amended to read as follows:

''(A) $997,300,584 for fiscal year 2000.

''(B) $1,100,818,328 for fiscal year 2001.''.

(b) COMMERCIAL OPERATIONS.—Clauses (i) and (ii) of section 301(b)(2)(A) of such Act (19 U.S.C. 2075(b)(2)(A)(i) and (ii)) are amended to read as follows:

''(i) $990,030,000 for fiscal year 2000.

''(ii) $1,009,312,000 for fiscal year 2001.''.

(c) AIR AND MARINE INTERDICTION.—Subparagraphs (A) and (B) of section 301(b)(3) of such Act (19 U.S.C. 2075(b)(3)(A) and (B)) are amended to read as follows:

''(A) $229,001,000 for fiscal year 2000.

''(B) $176,967,000 for fiscal year 2001.''.

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of such Act (19 U.S.C. 2075(a)) is amended by adding at the end the following:

''(3) By no later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).''.

SEC. 102. CARGO INSPECTION AND NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND GULF COAST SEAPORTS.

(a) FISCAL YEAR 2000.—Of the amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $100,036,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,000,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $12,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(S) $1,000,000 for a demonstration site for a high-energy relocatable rail car inspection system with an x-ray source switchable from 2,000,000 electron volts (2–MeV) to 6,000,000 electron volts (6–MeV) at a shared Department of Defense testing facility for a two-month testing period.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(H) $600,000 for 30 fiber optic scopes.

(I) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate;

(J) $3,000,000 for 10 x-ray vans with particle detectors.

(K) $40,000 for 8 AM loop radio systems.

(L) $400,000 for 100 vehicle counters.

(M) $1,200,000 for 12 examination tool trucks.

(N) $2,400,000 for 3 dedicated commuter lanes.

(O) $1,050,000 for 3 automated targeting systems.

(P) $572,000 for 26 weigh-in-motion sensors.

(Q) $480,000 for 20 portable Treasury Enforcement Communication Systems (TECS).

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2001.—Of the amounts made available for fiscal year 2001 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $9,923,500 shall be for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (Q) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (Q); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT FOR THE UNITED STATES-MEXICO AND UNITED STATES-CANADA BORDERS, FLORIDA AND GULF COAST SEAPORTS, AND THE BAHAMAS.

Of the amounts made available for fiscal years 2000 and 2001 under subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)), as amended by section 101(a) of this Act, $159,557,000, including $5,673,600, until expended, for investigative equipment, for fiscal year 2000 and $220,351,000 for fiscal year 2001 shall be available for the following:

(1) A net increase of 535 inspectors, 120 special agents, and 10 intelligence analysts for the United States-Mexico border and 375 inspectors for the United States-Canada border, in order to open all primary lanes on such borders during peak hours and enhance investigative resources.

(2) A net increase of 285 inspectors and canine enforcement officers to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Mexico border and a net increase of 125 inspectors to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Canada border.

(3) A net increase of 40 inspectors at sea ports in southeast Florida to process and screen cargo.

(4) A net increase of 70 special agent positions, 23 intelligence analyst positions, 9 support staff, and the necessary equipment to enhance investigation efforts targeted at internal conspiracies at the Nation's seaports.

(5) A net increase of 360 special agents, 30 intelligence analysts, and additional resources to be distributed among offices that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations.

(6) A net increase of 2 special agent positions to re-establish a Customs Attache office in Nassau.

(7) A net increase of 62 special agent positions and 8 intelligence analyst positions for maritime smuggling investigations and interdiction operations.

(8) A net increase of 50 positions and additional resources to the Office of Internal Affairs to enhance investigative resources for anticorruption efforts.

(9) The costs incurred as a result of the increase in personnel hired pursuant to this section.

SEC. 104. AIR AND MARINE OPERATION AND MAINTENANCE FUNDING.

(a) FISCAL YEAR 2000.—Of the amounts made available for fiscal year 2000 under subparagraphs (A) and (B) of section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3) (A) and (B)) as amended by section 101(c) of this Act, $130,513,000 shall be available until expended for the following:

(1) $96,500,000 for Customs aircraft restoration and replacement initiative.

(2) $15,000,000 for increased air interdiction and investigative support activities.

(3) $19,013,000 for marine vessel replacement and related equipment.

(b) FISCAL YEAR 2001.—Of the amounts made available for fiscal year 2001 under subparagraphs (A) and (B) of section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3) (A) and (B)) as amended by section 101(c) of this Act, $75,524,000 shall be available until expended for the following:

(1) $36,500,000 for Customs Service aircraft restoration and replacement.

(2) $15,000,000 for increased air interdiction and investigative support activities.

(3) $24,024,000 for marine vessel replacement and related equipment.

SEC. 105. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2000 and 2001 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals and performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to sections 102 and 103 of this Act.

SEC. 106. COMMISSIONER OF CUSTOMS SALARY.

(a) IN GENERAL.—

(1) Section 5315 of title 5, United States Code, is amended by striking the following item:

''Commissioner of Customs, Department of Treasury.''.

(2) Section 5314 of title 5, United States Code, is amended by inserting the following item:

''Commissioner of Customs, Department of Treasury.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal year 1999 and thereafter.

SEC. 107. PASSENGER PRECLEARANCE SERVICES.

(a) CONTINUATION OF PRECLEARANCE SERVICES.—Notwithstanding section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) or any other provision of law, the Customs Service shall, without regard to whether a passenger processing fee is collected from a person departing for the United States from Canada and without regard to whether funds are appropriated pursuant to subsection (b), provide the same level of enhanced preclearance customs services for passengers arriving in the United States aboard commercial aircraft originating in Canada as the Customs Service provided for such passengers during fiscal year 1997.

(b) AUTHORIZATION OF APPROPRIATIONS FOR PRECLEARANCE SERVICES.—Notwithstanding section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) or any other provision of law, there are authorized to be appropriated, from the date of enactment of this Act through September 30, 2001, such sums as may be necessary for the Customs Service to ensure that it will continue to provide the same, and where necessary increased, levels of enhanced preclearance customs services as the Customs Service provided during fiscal year 1997, in connection with the arrival in the United States of passengers aboard commercial aircraft whose flights originated in Canada.

TITLE II—CUSTOMS PERFORMANCE REPORT

SEC. 201. CUSTOMS PERFORMANCE REPORT.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Commissioner of Customs shall prepare and submit to the appropriate committees the report described in subsection (b).

(b) REPORT DESCRIBED.—The report described in this subsection shall include the following:

(1) IDENTIFICATION OF OBJECTIVES; ESTABLISHMENT OF PRIORITIES.—

(A) An outline of the means the Customs Service intends to use to identify enforcement priorities and trade facilitation objectives.

(B) The reasons for selecting the objectives contained in the most recent plan submitted by the Customs Service pursuant to section 1115 of title 31, United States Code.

(C) The performance standards against which the appropriate committees can assess the efforts of the Customs Service in reaching the goals outlined in the plan described in subparagraph (B).

(2) IMPLEMENTATION OF THE CUSTOMS MODERNIZATION ACT.—

(A) A review of the Customs Service's implementation of title VI of the North American Free Trade Agreement Implementation Act, commonly known as the ''Customs Modernization Act'', and the reasons why elements of that Act, if any, have not been implemented.

(B) A review of the effectiveness of the informed compliance strategy in obtaining higher levels of compliance, particularly compliance by those industries that have been the focus of the most intense efforts by the Customs Service to ensure compliance with the Customs Modernization Act.

(C) A summary of the results of the reviews of the initial industry-wide compliance assessments conducted by the Customs Service as part of the agency's informed compliance initiative.

(3) IMPROVEMENT OF COMMERCIAL OPERATIONS.—

(A) Identification of standards to be used in assessing the performance and efficiency of the commercial operations of the Customs Service, including entry and inspection procedures, classification, valuation, country-of-origin determinations, and duty drawback determinations.

(B) Proposals for—

(i) improving the performance of the commercial operations of the Customs Service, particularly the functions described in subparagraph (A), and

(ii) eliminating lengthy delays in obtaining rulings and other forms of guidance on United States customs law, regulations, procedures, or policies.

(C) Alternative strategies for ensuring that United States importers, exporters, customs brokers, and other members of the trade community have the information necessary to comply with the customs laws of the United States and to conduct their business operations accordingly.

(4) REVIEW OF ENFORCEMENT RESPONSIBILITIES.—

(A) A review of the enforcement responsibilities of the Customs Service.

(B) An assessment of the degree to which the current functions of the Customs Service overlap with the functions of other agencies and an identification of ways in which the Customs Service can avoid duplication of effort.

(C) A description of the methods used to ensure against misuse of personal search authority with respect to persons entering the United States at authorized ports of entry.

(5) STRATEGY FOR COMPREHENSIVE DRUG INTERDICTION.—

(A) A comprehensive strategy for the Customs Service's role in United States drug interdiction efforts.

(B) Identification of the respective roles of cooperating agencies, such as the Drug Enforcement Administration, the Federal Bureau of Investigation, the Coast Guard, and the intelligence community, including—

(i) identification of the functions that can best be performed by the Customs Service and the functions that can best be performed by agencies other than the Customs Service; and

(ii) a description of how the Customs Service plans to allocate the additional drug interdiction resources authorized by the Drug Free Borders Act of 1999.

(6) ENHANCEMENT OF COOPERATION WITH THE TRADE COMMUNITY.—

(A) Identification of ways to expand cooperation with United States importers and customs brokers, United States and foreign carriers, and other members of the international trade and transportation communities to improve the detection of contraband before it leaves a foreign port destined for the United States.

(B) Identification of ways to enhance the flow of information between the Customs Service and industry in order to—

(i) achieve greater awareness of potential compliance threats;

(ii) improve the design and efficiency of the commercial operations of the Customs Service;

(iii) foster account-based management;

(iv) eliminate unnecessary and burdensome regulations; and

(v) establish standards for industry compliance with customs laws.

(7) ALLOCATION OF RESOURCES.—

(A) An outline of the basis for the current allocation of inspection and investigative personnel by the Customs Service.

(B) Identification of the steps to be taken to ensure that the Customs Service can detect any misallocation of the resources described in subparagraph (A) among various ports and a description of what means the Customs Service has for reallocating resources within the agency to meet particular enforcement demands or commercial operations needs.

(8) AUTOMATION AND INFORMATION TECHNOLOGY.—

(A) Identification of the automation needs of the Customs Service and an explanation of the current state of the Automated Commercial System and the status of implementing a replacement for that system.

(B) A comprehensive strategy for reaching the technology goals of the Customs Service, including—

(i) an explanation of the proposed architecture of any replacement for the Automated Commercial System and how the architecture of the proposed replacement system best serves the core functions of the Customs Service;

(ii) identification of public and private sector automation projects that are comparable and that can be used as a benchmark against which to judge the progress of the Customs Service in meeting its technology goals;

(iii) an estimate of the total cost for each automation project currently underway at the Customs Service and a timetable for the implementation of each project; and

(iv) a summary of the options for financing each automation project.

(9) PERSONNEL POLICIES.—

(A) An overview of current personnel practices, including a description of—

(i) performance standards;

(ii) the criteria for promotion and termination;

(iii) the process for investigating complaints of bias and sexual harassment;

(iv) the criteria used for conducting internal investigations;

(v) the protection, if any, that is provided for whistleblowers; and

(vi) the methods used to discover and eliminate corruption within the Customs Service.

(B) Identification of workforce needs for the future and training needed to ensure Customs Service personnel stay abreast of developments in international business operations and international trade that affect the operations of the Customs Service, including identification of any situations in which current personnel policies or practices may impede achievement of the goals of the Customs Service with respect to both enforcement and commercial operations.

(c) APPROPRIATE COMMITTEES.—For purposes of this section, the term ''appropriate committees'' means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

By Mr. MOYNIHAN (for himself, Mr. ROBB and Mr. KERREY):

S. 659. A bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes; to the Committee on Finance.

THE PENSION RIGHT TO KNOW ACT OF 1999

Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to provide greater disclosure to employees about the impact on their retirement benefits of pension plan conversions.

Recent media accounts have reported that many large companies in America are converting their traditional defined benefit pension plans to something called ''cash balance plans.'' A cash balance plan is a hybrid arrangement combining certain features of ''defined contribution'' and ''defined benefit'' plans. Like defined contribution plans, they provide each employee with an account in which his or her benefits accrue. But cash balance plans are actually defined benefit plans, and therefore provide a benefit for life which is insured by the Pension Benefit Guaranty Corporation.

Cash balance plans, however, differ from other defined benefit plans in the calculation of benefits. Whereas the value of an employee's retirement benefit in a traditional defined benefit plan grows slowly in the early years and more rapidly as one approaches retirement, cash balance plans decrease this later-year growth and increase the early-year growth. Consequently, younger employees tend to do better under cash balance plans than under traditional plans, while older employees typically do worse. In some cases, upon conversion to a cash balance account an older worker's account balance may remain static for years—typically referred to as the ''wear away'' period.

It appears that very few workers who have experienced the conversion of their company retirement plan to a cash balance arrangement understand the differences between the old and new plans. Those who do often complain that the new plans treat older workers unfairly. One 49-year-old engineer profiled by the Wall Street Journal—a rare employee who knows how to calculate pension benefits—determined that his pension value dropped by $56,000 the day his company converted to a cash balance plan.

Even more disturbing are complaints from some employees that their employers obscured the adverse effects of plan amendments. When an employer changes the pension plan, the employees have a right to know the consequences. There should be no surprises when it is time to retire. Unfortunately, current law requires little in the way of disclosure when a company changes its pension plan. Section 204(h) of the Employee Retirement Income Security Act (ERISA) requires employers to inform employees of a change to a pension plan resulting in a reduction in future benefit accruals. But that is all. It does not require specifics. The 204(h) disclosure can be, and often is, satisfied with a brief statement buried deep in a company communication to employees. It is imperative that we increase these disclosure requirements regarding reductions in pension benefits.

The bill I am introducing today would require employers with 1,000 or more employees to provide a ''statement of benefit change'' when adopting plan amendments which significantly reduce benefits. The statement of benefit change would provide a comparison, under the old and new versions of the plan, of the following benefit measures; the employee's accrued benefit and present value of accrued benefit at the time of conversion; and the projected accrued benefit and projected present value of accrued benefit three years, five years, and ten years after conversion and at normal retirement age.

These benefit measures are standard concepts which will be well understood by pension administrators, actuaries and others who work with pensions. They will give the employee a clear picture of the difference between the old and new plans immediately, periodically over a ten-year period, and at retirement. The purpose of the three, five and ten-year comparisons is to disclose any ''wear away'' period, in which an employee would work without gaining any new benefits. Using these comparisons, employees can get a clear picture of the relative merits of the two plans.

In preparing this bill, my staff has consulted a number of actuaries and pension attorneys. I believe it is a good approach to resolving the problems I have discussed, and I am happy to work with others to incorporate suggestions to further improve the bill.

Of course, many call this measure as intrusive or unnecessary. Some employer groups have criticized the idea of requiring individualized benefits calculations for every employee, saying that this requires reviewing each employee's salary history. But that seems a strange complaint given that we are talking about cash balance plans, which already require highly individualized calculations. If an employer can provide personalized account balances under a cash balance arrangement, then the employer can provide such information for the old plan.

Moreover, recently completed regulations appear already to contemplate individualized comparisons. Regulation 1.411(d)–6, just finalized by the Internal Revenue Service, requires that in order

to determine if a reduction in future benefit accrual is ''significant,'' employers must compare the annual benefit at retirement age under the amended plan with the same benefit under the plan prior to amendment. Therefore, the concept of benefit comparisons is not a new one.

And indeed, some companies are proving by their actions that benefit comparisons are not unduly burdensome. Kodak, the prominent employer headquartered in Rochester, New York, recently announced that it will convert to a cash balance plan, and that it will give its 35,000 participants in the company-sponsored pension plan the choice between the old plan and the new. To help employees make an informed decision, Kodak will provide every plan participant with an individualized comparison of his or her benefits under the old and new versions of the plan. The company is also providing computer software that will allow employees to make the comparisons themselves. That is the difference between corporate behavior that is responsible and corporate behavior that is unscrupulous. As usual, Kodak sets a fine example.

I believe that such disclosure not only is in the best interest of employees, but also of the employer. Several class action lawsuits have been filed in the last three years challenging conversions to cash balance plans. These suits will likely cost hundreds of thousands, if not millions, of dollars in attorneys' fees. But with proper disclosure, they might not have occurred.

In closing, let me be clear about one thing. I take no position on the underlying merit of cash balance plans. Ours is a voluntary pension system, and companies must do what is right for them and their employees. But I feel strongly that companies must fully and comprehensibly inform their employees regarding whatever pension benefits the company offers. Companies have no right to misrepresent the projected benefit employees will receive under a cash balance plan or any other pension arrangement.

It is time to let the sun shine on pension plan conversions. I urge the Senate to support this important legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 659

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 ''Pension Right to Know Act''.

SEC. 2. NOTICE REQUIREMENTS FOR LARGE PENSION PLANS SIGNIFICANTLY REDUCING FUTURE PENSION BENEFIT ACCRUALS.

(a) PLAN REQUIREMENT.—Section 401(a) of the Internal Revenue Code of 1986 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by inserting after paragraph (34) the following new paragraph:

''(35) NOTICE REQUIREMENTS FOR LARGE DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.—

''(A) IN GENERAL.—If a large defined benefit plan adopts an amendment which has the effect of significantly reducing the rate of future benefit accrual of 1 or more participants, a trust which is part of such plan shall not constitute a qualified trust under this section unless, after adoption of such amendment and not less than 15 days before its effective date, the plan administrator provides—

''(i) a written statement of benefit change described in subparagraph (B) to each applicable individual, and

''(ii) a written notice setting forth the plan amendment and its effective date to each employee organization representing participants in the plan.

Any such notice may be provided to a person designated, in writing, by the person to which it would otherwise be provided. The plan administrator shall not be treated as failing to meet the requirements of this subparagraph merely because the statement or notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

''(B) STATEMENT OF BENEFIT CHANGE.—A statement of benefit change described in this subparagraph shall—

''(i) be written in a manner calculated to be understood by the average plan participant, and

''(ii) include the information described in subparagraph (C).

''(C) INFORMATION CONTAINED IN STATEMENT OF BENEFIT CHANGE.—The information described in this subparagraph includes the following:

''(i) Notice setting forth the plan amendment and its effective date.

''(ii) A comparison of the following amounts under the plan with respect to an applicable individual, determined both with and without regard to the plan amendment:

''(I) The accrued benefit and the present value of the accrued benefit as of the effective date.

''(II) The projected accrued benefit and the projected present value of the accrued benefit as of the date which is 3 years, 5 years, and 10 years from the effective date and as of the normal retirement age.

''(iii) A table of all annuity factors used to calculate benefits under the plan, presented in the form provided in section 72 and the regulations thereunder.

Benefits described in clause (ii) shall be stated separately and shall be calculated by using the applicable mortality table and the applicable interest rate under section 417(e)(3)(A).

''(D) LARGE DEFINED BENEFIT PLAN; APPLICABLE INDIVIDUAL.—For purposes of this paragraph—

''(i) LARGE DEFINED BENEFIT PLAN.—The term 'large defined benefit plan' means any defined benefit plan which had 1,000 or more participants who had accrued a benefit under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.

''(ii) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means—

''(I) each participant in the plan, and

''(II) each beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)).

''(E) ACCRUED BENEFIT; PROJECTED RETIREMENT BENEFIT.—For purposes of this paragraph—

''(i) PRESENT VALUE OF ACCRUED BENEFIT.—The present value of an accrued benefit of any applicable individual shall be calculated as if the accrued benefit were in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

''(ii) PROJECTED ACCRUED BENEFIT.—

''(I) IN GENERAL.—The projected accrued benefit of any applicable individual shall be calculated as if the benefit were payable in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

''(II) COMPENSATION AND OTHER ASSUMPTIONS.—Such benefit shall be calculated by assuming that compensation and all other benefit factors would increase for each plan year beginning after the effective date of the plan amendment at a rate equal to the median average of the CPI increase percentage (as defined in section 215(i) of the Social Security Act) for the 5 calendar years immediately preceding the calendar year before the calendar year in which such effective date occurs.

''(III) BENEFIT FACTORS.—For purposes of subclause (II), the term 'benefit factors' means social security benefits and all other relevant factors under section 411(b)(1)(A) used to compute benefits under the plan which had increased from the 2d plan year preceding the plan year in which the effective date of the plan amendment occurs to the 1st such preceding plan year.

''(iii) NORMAL RETIREMENT AGE.—The term 'normal retirement age' means the later of—

''(I) the date determined under section 411(a)(8), or

''(II) the date a plan participant attains age 62.''

(b) AMENDMENTS TO ERISA.—

(1) BENEFIT STATEMENT REQUIREMENT.—Section 204(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(h)) is amended by adding at the end the following new paragraphs:

''(3)(A) If paragraph (1) applies to the adoption of a plan amendment by a large defined benefit plan, the plan administrator shall, after adoption of such amendment and not less than 15 days before its effective date, provide with the notice under paragraph (1) a written statement of benefit change described in subparagraph (B) to each applicable individual.

''(B) A statement of benefit change described in this subparagraph shall—

''(i) be written in a manner calculated to be understood by the average plan participant, and

''(ii) include the information described in subparagraph (C).

''(C) The information described in this subparagraph includes the following:

''(i) A comparison of the following amounts under the plan with respect to an applicable individual, determined both with and without regard to the plan amendment:

''(I) The accrued benefit and the present value of the accrued benefit as of the effective date.

''(II) The projected accrued benefit and the projected present value of the accrued benefit as of the date which is 3 years, 5 years, and 10 years from the effective date and as of the normal retirement age.

''(ii) A table of all annuity factors used to calculate benefits under the plan, presented in the form provided in section 72 of the Internal Revenue Code of 1986 and the regulations thereunder.

Benefits described in clause (i) shall be stated separately and shall be calculated by using the applicable mortality table and the applicable interest rate under section 417(e)(3)(A) of such Code.

''(D) For purposes of this paragraph—

''(i) The term 'large defined benefit plan' means any defined benefit plan which had 1,000 or more participants who had accrued a benefit under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.

''(ii) The term 'applicable individual' means an individual described in subparagraph (A) or (B) of paragraph (1).

''(E) For purposes of this paragraph—

''(i) The present value of an accrued benefit of any applicable individual shall be calculated as if the accrued benefit were in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

''(ii)(I) The projected accrued benefit of any applicable individual shall be calculated as if the benefit were payable in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

''(II) Such benefit shall be calculated by assuming that compensation and all other benefit factors would increase for each plan year beginning after the effective date of the plan amendment at a rate equal to the median average of the CPI increase percentage (as defined in section 215(i) of the Social Security Act) for the 5 calendar years immediately preceding the calendar year before the calendar year in which such effective date occurs.

''(III) For purposes of subclause (II), the term 'benefit factors' means social security benefits and all other relevant factors under section 204(b)(1)(A) used to compute benefits under the plan which had increased from the 2d plan year preceding the plan year in which the effective date of the plan amendment occurs to the 1st such preceding plan year.

''(iii) The term 'normal retirement age' means the later of—

''(I) the date determined under section 3(24), or

''(II) the date a plan participant attains age 62.

''(4) A plan administrator shall not be treated as failing to meet the requirements of this subsection merely because the notice or statement is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.''

(2) CONFORMING AMENDMENT.—Section 204(h)(1) of such Act (29 U.S.C. 1054(h)(1)) is amended by inserting ''(including any written statement of benefit change if required by paragraph (3))'' after ''written notice''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan amendments taking effect in plan years beginning on or after the earlier of—

(A) the later of—

(i) January 1, 1999, or

(ii) the date on which the last of the collective bargaining agreements pursuant to which the plan is maintained terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(B) January 1, 2001.

(2) EXCEPTION WHERE NOTICE GIVEN.—The amendments made by this section shall not apply to any plan amendment for which written notice was given to participants or their representatives before March 17, 1999, without regard to whether the amendment was adopted before such date.

(3) SPECIAL RULE.—The period for providing any notice required by, or any notice the contents of which are changed by, the amendments made by this Act shall not end before the date which is 6 months after the date of the enactment of this Act.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Ms. MIKULSKI, Mr. THURMOND, Mr. DASCHLE, Ms. COLLINS, Mr. JOHNSON, Ms. SNOWE, Mr. DORGAN, Mr. MACK, Mr. HOLLINGS, Mr. REED, Mr. CONRAD, and Mr. CRAPO):

S. 660. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Medical Nutrition Therapy Act of 1999 on behalf of myself, my friend and colleague from Idaho, Senator CRAIG, and a bipartisan group of additional Senators.

This bipartisan measure provides for coverage under Part B of the Medicare program for medical nutrition therapy services by a registered dietician. Medical nutrition therapy is generally defined as the assessment of patient nutritional status followed by therapy, ranging from diet modification to administration of specialized nutrition therapies such as intravenous or tube feedings. It has proven to be a medically necessary and cost-effective way of treating and controlling many disease entities such as diabetes, renal disease, cardiovascular disease and severe burns.

Currently there is no consistent Part B coverage policy for medical nutrition and this legislation will bring needed uniformity to the delivery of this important care, as well as save taxpayer money. Coverage for medical nutrition therapy can save money by reducing hospital admissions, shortening hospital stays, decreasing the number of complications, and reducing the need for physician follow-up visits.

The treatment of patients with diabetes and cardiovascular disease accounts for a full 60% of Medicare expenditures. I want to use diabetes as an example for the need for this legislation. There are very few families who are not touched by diabetes. The burden of diabetes is disproportionately high among ethnic minorities in the United States. According to the American Journal of Epidemiology, mortality due to diabetes is higher nationwide among blacks than whites. It is higher among American Indians than among any other ethnic group.

In my state of New Mexico, Native Americans are experiencing an epidemic of Type II diabetes. Medical nutrition therapy is integral to their diabetes care. In fact, information from the Indian Health Service shows that medical nutrition therapy provided by professional dieticians results in significant improvements in medical outcomes in people with Type II diabetes. For example, complications of diabetes such as end stage renal failure that leads to dialysis can be prevented with adequate intervention. Currently, the number of dialysis patients in the Navajo population is doubling every five years. Mr, President, we must place our dollars in the effective, preventive treatment of medical nutrition therapy rather than face the grim reality of having to continue to build new dialysis units.

Ensuring the solvency of the Medicare Part A Trust Fund is one of our most difficult challenges and one that calls for creative, effective solutions. Coverage for medical nutrition therapy is one important way to help address that challenge. It is exactly the type of cost effective care we should encourage. It will satisfy two of our most important priorities in Medicare: providing program savings while maintaining a high level of quality care.

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

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

S. 660

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare Medical Nutrition Therapy Act of 1999''.

(b) FINDINGS.—Congress finds as follows:

(1) Medical nutrition therapy is a medically necessary and cost-effective way of treating and controlling many diseases and medical conditions affecting the elderly, including HIV, AIDS, cancer, kidney disease, diabetes, heart disease, pressure ulcers, severe burns, and surgical wounds.

(2) Medical nutrition therapy saves health care costs by speeding recovery and reducing the incidence of complications, resulting in fewer hospitalizations, shorter hospital stays, and reduced drug, surgery, and treatment needs.

(3) A study conducted by The Lewin Group shows that, after the third year of coverage, savings would be greater than costs for coverage of medical nutrition therapy for all medicare beneficiaries, with savings projected to grow steadily in following years.

(4) The Agency for Health Care Policy and Research has indicated in its practice guidelines that nutrition is key to both the prevention and the treatment of pressure ulcers (also called bed sores) which annually cost the health care system an estimated $1,300,000,000 for treatment.

(5) Almost 17,000,000 patients each year are treated for illnesses or injuries that stem from or place them at risk of malnutrition.

(6) Because medical nutrition therapy is not covered under part B of the medicare program and because more and more health care is delivered on an outpatient basis, many patients are denied access to the effective, low-tech treatment they need, resulting in an increased incidence of complications and a need for higher cost treatments.

SEC. 2. MEDICARE COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (S);

(2) by striking the period at the end of subparagraph (T) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(U) medical nutrition therapy services (as defined in subsection (uu)(1));''.

(b) SERVICES DESCRIBED.—Section 1861 of such Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Medical Nutrition Therapy Services; Registered Dietitian or Nutrition Professional

''(uu)(1) The term 'medical nutrition therapy services' means nutritional diagnostic, therapy, and counseling services for the purpose of disease management which are furnished by a registered dietitian or nutrition professional (as defined in paragraph (2)) pursuant to a referral by a physician (as defined in subsection (r)(1)).

''(2) Subject to paragraph (3), the term 'registered dietitian or nutrition professional' means an individual who—

''(A) holds a baccalaureate or higher degree granted by a regionally accredited college or university in the United States (or an equivalent foreign degree) with completion of the academic requirements of a program in nutrition or dietetics, as accredited by an appropriate national accreditation organization recognized by the Secretary for this purpose;

''(B) has completed at least 900 hours of supervised dietetics practice under the supervision of a registered dietitian or nutrition professional; and

''(C)(i) is licensed or certified as a dietitian or nutrition professional by the State in which the services are performed, or

''(ii) in the case of an individual in a State that does not provide for such licensure or certification, meets such other criteria as the Secretary establishes.

''(3) Subparagraphs (A) and (B) of paragraph (2) shall not apply in the case of an individual who, as of the date of enactment of this subsection, is licensed or certified as a dietitian or nutrition professional by the State in which medical nutrition therapy services are performed.''.

(c) PAYMENT.—Section 1833(a)(1) of such Act (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking ''and'' before ''(S)'', and

(2) by inserting before the semicolon at the end the following: '', and (T) with respect to medical nutrition therapy services (as defined in section 1861(uu)), the amount paid shall be 80 percent of the lesser of the actual charge for the services or the amount determined under the fee schedule established under section 1848(b) for the same services if furnished by a physician''.

(d) EFFECTIVE DATE.—The amendments made by this section apply to services furnished on or after January 1, 2000.

Mr. CRAIG. Mr. President, today Senator BINGAMAN and I join to introduce a very important piece of legislation, the Medical Nutrition Therapy Act. I'm pleased to have the support of a number of Senators in introducing this legislation: Senators MACK, THURMOND, MIKULSKI, SNOWE, DASCHLE, COLLINS, JOHNSON, CRAPO, DORGAN, HOLLINGS, REED, and CONRAD. This bill simply expands Medicare Part B coverage to give seniors access to medical nutrition therapy services by registered dietitians and other nutrition professionals. Currently there is no direct coverage for services provided by registered dietitians, and, because they are uniquely qualified to provide medical nutrition therapy, beneficiaries are essentially denied access to this cost effective and efficacious form of care.

Nutrition is one of the most basic elements of life. From the moment we are born to the moment we die, nutrition plays a critical role. It influences how we grow, how our brain develops, how we feel, and how our bodies prevent and fight disease. For decades we have known that nutrition can influence the most serious life threatening diseases, such as cancer, heart disease, stroke, diabetes, and high blood cholesterol.

Experts have proven that proper nutrition may not only help prevent disease, but also is central to controlling and treating disease.

Medical nutrition therapy plays a major role in treating some of the most threatening illnesses. It significantly improves the quality of life of seriously ill patients. It also saves health care costs by speeding recovery and reducing the incidence of complications, resulting in fewer hospitalizations, shorter hospital stays, and reduced drug, surgery, and treatment needs.

Because medical nutrition therapy is not currently covered by Medicare Part B and because more and more health care is delivered on an outpatient basis, many patients are denied access to the effective, low-tech treatment they need, resulting in an increased incidence of complications and a need for higher cost treatments.

Medical nutritional therapy is an integral part of cost effective health care.

Our legislation would remedy this defect in Medicare Part B, improving health care and lowering costs. I invite all our colleagues to join Senator BINGAMAN and myself in working for this important reform.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. LOTT, Mr. SESSIONS, Mr. NICKLES, Mr. COVERDELL, Mr. CRAIG, Mr. KYL, Mr. ENZI, Mr. MCCAIN, Mr. HUTCHINSON, Mr. SANTORUM, Mr. BROWNBACK, Mr. INHOFE, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. GRASSLEY, and Mr. DEWINE):

S. 661. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

CHILD CUSTODY PROTECTION ACT

Mr. ABRAHAM. Mr. President, today, I along with 19 of my colleagues will be re-introducing the Child Custody Protection Act. This legislation will make it a federal offense to transport a minor across state lines to obtain an abortion if this action circumvents a state parental involvement law.

Last year, this bill received a majority of votes but fell short of the sixty votes needed for cloture. It is my hope that this year the Senate will listen to the 74 percent of Americans who favor parental consent prior to a minor girl receiving an abortion. This Baseline & Associates poll, conducted last summer, reveals that the American public favors parental consent laws and when asked specifically about this legislation, the American public is even more supportive. Eighty five percent of those who participated in the poll believed that minor girls should not be taken across state lines to obtain an abortion without their parents' knowledge.

These poll numbers reinforce what common sense already tells us: parents need to be involved with the major medical and emotional decisions of their children. When they are not involved, the health and emotional well being of their child is in jeopardy.

Last year, we heard from Joyce Farley, whose 13 year old daughter was raped, taken across state lines for a secret abortion by the rapist's mother, and dropped off 30 miles from home suffering from complications from an incomplete abortion. Mrs. Farley told of the trauma to her daughter from this stranger's actions. Luckily, Mrs. Farley found out about the abortion and could obtain appropriate medical care for her daughter. If this abortion had remained secret, Mrs. Farley's daughter's life could have been in danger.

Whatever one's position on abortion, every American should recognize the crucial role of parents in their minor child's decision whether or not to undergo this procedure. Parental notification and consent laws exist for a reason. While most such laws provide for possible judicial bypass, they by nature intend to protect the rights and integrity of the family. More than 20 states have recognized the need to protect both the minor and the integrity of the family and have parental involvement laws in effect. My legislation adds no new provisions to state-enacted parental involvement laws. It does not impose parental involvement requirements on states that have not passed such laws. The Child Custody Protection Act simply prevents the undermining of parental involvement laws in states that have them.

I hope my colleagues will support me in working to quickly pass this common sense legislation. I ask unanimous consent that the text of the bill and section by section analysis be printed in the RECORD.

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

S. 661

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 ''Child Custody Protection Act''.

SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

''Sec.
''2431. Transportation of minors in circumvention of certain laws relating to abortion.

"§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

''(a) OFFENSE.—

''(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the individual resides, shall be fined under this title or imprisoned not more than one year, or both.

''(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the individual resides.

''(b) EXCEPTIONS.—(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

''(2) An individual transported in violation of this section, and any parent of that individual, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

''(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that before the individual obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the individual resides.

''(d) CIVIL ACTION.—Any parent who suffers legal harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

''(e) DEFINITIONS.—For the purposes of this section—

''(1) a law requiring parental involvement in a minor's abortion decision is a law—

''(A) requiring, before an abortion is performed on a minor, either—

''(i) the notification to, or consent of, a parent of that minor; or

''(ii) proceedings in a State court; and

''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

''(2) the term 'parent' means—

''(A) a parent or guardian;

''(B) a legal custodian; or

''(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides;

who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

''(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

''(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:''Q02

''117A. Transportation of minors in circumvention of certain laws relating to abortion ..... 2431.''.

.....

THE CHILD CUSTODY PROTECTION ACT—SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section states that the short title of this bill is the ''Child Custody Protection Act.''

Section 2. Transportation of minors to avoid certain laws relating to abortion

Section 2(a) amends title 18 of the United States Code by inserting after chapter 117 a proposed new chapter 117A titled ''Transportation of minors to avoid certain laws relating to abortion,'' within which would be included a new section 2431 on this subject.

Subsection (a) of proposed section 2431 outlaws the knowing transportation across a State line of a person under 18 years of age with the intent that she obtain an abortion, in abridgement of a parent's right of involvement according to State law. This subsection requires only knowledge by the defendant that he or she was transporting the person across State lines with the intent that she obtain an abortion. It does not require that the transporter know the requirement of the home State law, know that they have not been complied with, or indeed know anything about the existence of the State law. By the same token, it does not require that the defendant know that his or her actions violate Federal law, or indeed know anything about the Federal law. A reasonable belief that parental notice or consent, or judicial authorization, has been given, is an affirmative defense whose terms are set out in subsection (c).

Subsection (a), paragraph (1), imposes a maximum of 1 year imprisonment or a fine, or both.

Subsection (a), paragraph (2), specifies the criteria for a violation of the parental right under this statute as follows: an abortion must be performed on a minor in a State other than the minor's residence and without the parental consent or notification, or the judicial authorization, that would have been required had the abortion been performed in the minor's State or residence.

Subsection (b), paragraph (1) specifies that subsection (a) does not apply if the abortion is necessary to save the life of the minor. This subsection is not intended to preempt any other exceptions that a State parental involvement law that meets the definitions set out in subsection (e)(1) and (e)(2) may recognize.

Subsection (b), paragraph (2), clarifies that neither the minor being transported nor her parents may be prosecuted or sued for a violation of this bill.

Subsection (c) provides an affirmative defense to prosecution or civil action based on violation of the act where the defendant reasonably believed, based on information obtained directly from the girl's parent or other compelling factors, that the requirements of the girl's State of residence regarding parental involvement or judicial authorization in abortions had been satisfied. A minor's own assertion to a defendant that her parents knew or had consented would not, by itself, constitute sufficient basis to make out this affirmative defense.

Subsection (d) establishes a civil cause of action for a parent who suffers legal harm from a violation of subsection (a).

Subsection (e) sets forth definitions of certain terms in this bill.

Subsection (e)(1)(A) defines ''a law requiring parental involvement in a minor's abortion decision'' to be a law requiring either ''the notification to, or consent of, a parent of that minor or proceedings in a State court.''

Subsection (e)(1)(B) stipulates that a law conforming to the definition in (e)(1)(A) cannot provide notification to or consent of any person or entity other than a ''parent'' as defined in the subsequent section.

Subsection (e)(2) defines ''parent'' to mean a parent or guardian, or a legal custodian, or a person standing in loco parentis (if that person has ''care and control'' of the minor and is a person with whom the minor ''regularly resides'') and who is designated by the applicable State parental involvement law as the person to whom notification, or from whom consent, is required. In this context, a person in loco parentis has the meaning it has at common law: a person who effectively functions as a child's guardian, but without the legal formalities of guardianship having been met. It would not include individuals who are not truly exercising the responsibilities of parents, such as an adult boyfriend with whom the minor may be living.

Subsection (e)(3) defines ''minor'' to mean a person not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the parental involvement law of the State, where the minor resides.

Subsection (E)(4) defines ''State'' to include the District of Columbia ''and any commonwealth, possession, or other territory of the United States.''

Section 2(b) is a clerical amendment to insert the new chapter in the table of chapters for part I of title 18.

By Mr. CHAFEE (for himself, Ms. MIKULSKI, Mr. MOYNIHAN, Ms. SNOWE, Mr. SMITH of Oregon, Mr. HARKIN, Mr. COCHRAN, Mr. DURBIN, Mrs. MURRAY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. SARBANES, Mr. HOLLINGS, Mr. WELLSTONE, Mr. CLELAND, Mr. KENNEDY, Mr. JOHNSON, Mr. ROBB, Mrs. BOXER, Mr. REID, and Mr. KERREY):

S. 662. A bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program; to the Committee on Finance.

THE BREAST AND CERVICAL CANCER TREATMENT ACT OF 1999

• Mr. CHAFEE. Mr. President, I am pleased today to introduce legislation that will provide life-saving treatment to women who have been diagnosed with breast and cervical cancer. I am very proud of this legislation and want to thank everyone who worked so hard to put this bill together.

I want to take just a few minutes to explain what this legislation does. In

1990 Congress created a program, run by the Centers for Disease Control, to provide breast and cervical cancer screening for low-income, uninsured women. This program is run in all 50 states and is tremendously successful. The CDC screens more than 500,000 women ever year, detecting more than 3,000 cases of breast cancer and 350 cases of cervical cancer.

The problem comes about when these women try to get treatment for the cancer. They are uninsured, and are not eligible for either Medicaid or Medicare. They must rely on volunteers and charitable providers to find treatment services. Treatment for many is delayed, and many do not receive the crucial follow-up care. Some never receive treatment and others are left with huge medical bills they cannot pay.

The legislation we are introducing today provides a simple solution to this problem. It gives states the option to provide those women, many of whom are mothers of young children, who are diagnosed with breast or cervical cancer under the CDC's screening program to obtain treatment through the medicaid program. The coverage would continue until the treatment and follow-up visits are completed.

This is a modest, low-cost solution to a life or death problem. It costs less than $60 million per year to provide this critical treatment. I hope very much that we will be able to pass this bill this year.

I ask that the legislation be printed in the RECORD.

The bill follows:

S. 662

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

SECTION 1. OPTIONAL MEDICAID COVERAGE OF CERTAIN BREAST OR CERVICAL CANCER PATIENTS.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XIII), by striking ''or'' at the end;

(B) in subclause (XIV), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(XV) who are described in subsection (aa) (relating to certain breast or cervical cancer patients);''.

(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

''(aa) Individuals described in this paragraph are individuals who—

''(1) are not described in subsection (a)(10)(A)(i);

''(2) have not attained age 65;

''(3) have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) in accordance with the requirements of section 1504 of that Act (42 U.S.C. 300n) and need treatment for breast or cervical cancer; and

''(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (45 U.S.C. 300gg(c)).''.

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (F)—

(A) by striking ''and (XIII)'' and inserting ''(XIII)''; and

(B) by inserting '', and (XIV) the medical assistance made available to an individual described in subsection (aa) who is eligible for medical assistance only because of subparagraph (A)(ii)(XV) shall be limited to medical assistance provided during the period in which such an individual requires treatment for breast or cervical cancer'' before the semicolon.

(4) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (x), by striking ''or'' at the end;

(B) in clause (xi), by adding ''or'' at the end; and

(C) by inserting after clause (xi) the following:

''(xii) individuals described in section 1902(aa),''.

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following:

''PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR CERVICAL CANCER PATIENTS

''SEC. 1920B. (a) STATE OPTION.—A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(aa) (relating to certain breast or cervical cancer patients) during a presumptive eligibility period.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

''(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(aa); and

''(B) ends with (and includes) the earlier of—

''(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

''(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

''(2) QUALIFIED ENTITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

''(i) is eligible for payments under a State plan approved under this title; and

''(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

''(B) REGULATIONS.—The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

''(c) ADMINISTRATION.—

''(1) IN GENERAL.—The State agency shall provide qualified entities with—

''(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

''(B) information on how to assist such individuals in completing and filing such forms.

''(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

''(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

''(B) inform such individual at the time the determination is made that an application for medical assistance under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.

''(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance under such plan by not later than the last day of the month following the month during which the determination is made.

''(d) PAYMENT.—Notwithstanding any other provision of this title, medical assistance that—

''(1) is furnished to an individual described in subsection (a)—

''(A) during a presumptive eligibility period;

''(B) by a entity that is eligible for payments under the State plan; and

''(2) is included in the care and services covered by the State plan;

shall be treated as medical assistance provided by such plan for purposes of section 1903(a)(5)(B).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: ''and provide for making medical assistance available to individuals described in subsection (a) of section 1920B during a presumptive eligibility period in accordance with such section''.

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking ''or for'' and inserting '', for''; and

(ii) by inserting before the period the following: '', or for medical assistance provided to an individual described in subsection (a) of section 1920B during a presumptive eligibility period under such section''.

(c) ENHANCED MATCH.—Section 1903(a)(5) of the Social Security Act (42 U.S.C. 1396b(a)(5)) is amended—

(1) by striking ''an'' and inserting ''(A) an'';

(2) by adding ''plus'' after the semicolon; and

(3) by adding at the end the following:

''(B) an amount equal to 75 percent of the sums expended during such quarter which are attributable to the offering, arranging, and furnishing (directly or on a contract basis) of medical assistance to an individual described in section 1902(aa); plus''.

(d) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance furnished on or after October 1, 1999, without regard to whether final regulations to carry out such amendments have been promulgated by such date.●

● Ms. MIKULSKI. Mr. President, I rise to join my distinguished colleagues Senators CHAFEE, MOYNIHAN, SNOWE, and to introduce legislation providing breast and cervical cancer treatment services to women who were diagnosed

with these cancers through the National Breast and Cervical Cancer Early Detection Program (NBCCEDP). This bill would give states the option to provide Medicaid coverage for the duration of breast and cervical cancer treatment to eligible women who were screened through the CDC program and found to have these cancers. This is a bill whose time has come.

In 1990, I was proud to be the chief Senate sponsor of the Breast and Cervical Cancer Mortality Prevention Act which created the National Breast and Cervical Cancer Early Detection Program (NBCCEDP) at the CDC. The time was right for us to create that program. Since its inception, the CDC screening program has provided more than 721,000 mammograms and 851,000 Pap tests to more than 1.2 million women. Among the women screened, over 3,600 cases of breast cancer and over 400 cases of invasive cervical cancer have been diagnosed since the beginning of the program. In Maryland alone, the state had provided more than 54,000 mammograms and 35,000 Pap tests, and diagnosed over 450 women with breast cancer and 15 women with invasive cervical cancer.

Now as we prepare to enter the 21st century, it is time for us to finish what we started and provide treatment services for breast and cervical cancer for women who are screened through this program. We made the down payment in 1990 and we've been making payments ever since, but it's time for the final payment. It is time to do the right thing. We screen the women in this program for breast and cervical cancer. But we don't provide the federal follow-up to ensure that these women are treated.

The CDC screening program does not pay for breast and cervical cancer treatment services, but it does require participating states to provide treatment services. A study of the program done for the Centers for Disease Control and Prevention found that while treatment was eventually found for almost all of the women screened, some women did not get treated at all, some refused treatment, and some experienced delays. While states and localities have been diligent and creative in finding treatment services for these women, the reality is that the system is overloaded. The CDC study found that when it came to treatment services, state efforts to obtain these services were short-term, labor-intensive solutions that diverted resources away from screening activities.

Of those women diagnosed with cancer in the United States, nearly 3,000 women have no way to afford treatment—they have no health care insurance coverage or are underinsured. One woman in Massachusetts reported that she cashed in her life insurance policy to cover the costs of her treatment. These women depend on the time of staff and volunteers who help them find free or more affordable treatment; they depend on the generosity of doctors, nurses, hospitals and clinics who provide them with free or reduced-cost treatment. In the end, thousands of women who run local screening programs are spending countless hours finding treatment services for women diagnosed with breast cancer. I salute the efforts of these individuals who spend their time and resources to help these women.

But we must not force these women to rely on the goodwill of others. These treatment efforts will become even more difficult as more women are screened by the NBCCEDP, which currently services only 12–15% of all women who are eligible nationally. The lack of coverage for diagnostic and treatment services has also had a very negative impact on the program's ability to recruit providers, further restricting the number of women screened. The CDC study also shows there are already additional stresses on the program as increasing numbers of physicians do not have the autonomy in today's ever increasing managed care system to offer free or reduced-fee services. While CDC has expanded its case management services to help more women get treatment, even CDC admits that ''more formalized and sustained mechanisms need to be instituted to ensure that all women screened have ready access to appropriate treatment and follow-up.'' It is an outrage that women with cancer must go begging for treatment, especially if the federal government has held out the promise of early detection. We should follow through on our responsibility to treat the cancer that these women were diagnosed with through the CDC program.

That's why I've introduced this important legislation with my colleagues. This bill gives states the option to provide Medicaid coverage for the duration of breast and cervical cancer treatment to eligible women who were screened through the CDC program and found to have these cancers. This is not a mandate for states; it is the federal government saying to the states ''we will help you provide treatment services to these women, if you decide to do so.'' By choosing this option, states would in effect, extend the federal-state partnership that exists for the screening services in the CDC program to treatment services.

I'm proud that my own state of Maryland realized the importance of providing treatment services to women who were screened through the CDC screening program. Maryland appropriated over $6 million in state funds to establish a Breast and Cervical Cancer Diagnostic and Treatment Program for uninsured, low income women. The breast cancer mortality rate in Maryland has started to decline, in part because of programs like the CDC program. But not all states have the resources to do what Maryland has done. That's why this bill is needed. It provides a long-term solution. Screening alone does not prevent cancer deaths; but treatment can. It's a cruel and heart-breaking irony for the federal government to promise to screen low-income women for breast and cervical cancer, but not to establish a program to treat those women who have been diagnosed with cancer through a federal program.

It is clear that the short-term, ad-hoc strategies of providing treatment have broken down: for the women who are screened; for the local programs that fund the screening program; and for the states that face increasing burdens. Because there is not coverage for treatment, state programs are having a hard time recruiting providers, volunteers are spending a disproportionate amount of time finding treatment for women, and fewer women are receiving treatment. We can't grow the program to serve the other 78% of eligible women if we can't promise treatment to those we already screen.

This bill is the best long-term solution. It is strongly supported by the National Breast Cancer Coalition representing over 400 organizations and 100,000's of women across the nation; the American Cancer Society, the National Association of Public Hospitals and Health Systems, the National Partnership for Women and Families, YWCA, National Women's Health Network, Oncology Nursing Society, Association of Women's Health, Obstetric, and Neonatal Nurses, the Rhode Island Breast Cancer Coalition, Y–ME, and Arm in Arm. I urge my colleagues to cosponsor and support this critical piece of legislation and make good on the promise of early detection.●

● Mr. MOYNIHAN. Mr. President, today, I join with my colleagues Senators CHAFEE, MIKULSKI, and SNOWE in introducing legislation to ensure that women with breast or cervical cancer will receive coverage for their treatment. The Federal Centers for Disease Control and Prevention (CDC) has a successful nationwide program—National Breast and Cervical Cancer Early Detection program—that provides funding for states to screen low-income uninsured women for breast and cervical cancer. However, the CDC program is not designed and does not have funding to treat these women after they are diagnosed.

The women eligible for cancer screening under the CDC program are low-income individuals, yet are not poor enough to qualify for Medicaid coverage. They do not have health insurance coverage for these screenings and for subsequent cancer treatment.

From July of 1991 to September of 1997, the CDC program provided mammography screening to 722,000 women and diagnosed 3,600 cases of breast cancer. During this same period, the program also provided over 852,000 pap smears and found more than 400 cases of invasive cervical cancer.

The CDC screening program has had to divert a significant amount of its resources from screenings in order to find treatment for the women found to have

breast and cervical cancer. The lack of subsequent funding for treatment has, therefore, jeopardized the programs' primary function: to screen low-income uninsured women for breast and cervical cancer. Currently, the program screens only about 12 to 15 percent of all eligible women.

A study conducted at Battelle Centers for Public Health Research and Evaluation and the University of Michigan School of Public Health on treatment funding for women screened by the CDC program found that, although funding for treatment services were found for most of these women, treatment was not always available when needed. In addition, during the search for treatment funding, the CDC program lost contact with several women. The study also found that the sources of treatment funding are uncertain, tenuous and fragmented. The burden of funding treatment often fell upon providers themselves. Seeking charity care from public hospitals adds to hospitals' uncompensated care costs. It is no surprise that the National Association of Public Hospitals supports our bill to provide coverage for these women.

The legislation would allow states to provide treatment coverage for low-income women who are screened and diagnosed through the CDC program and who are uninsured. States will have the option to provide this coverage through its Medicaid program. States choosing this option would receive an enhanced match for the treatment coverage, similar to the federal match provided to the state for the CDC screening program. With this legislation, the Federal Government will follow through on its intent to assist low-income women with breast and cervical cancer.

Mr. President, the Senate has approved this proposal in the past. A similar provision was included in the Senate version of the Balanced Budget bill. I urge the Senate to again support this important legislation.●

By Mr. SPECTER:

S. 663. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

THE SOLID WASTE INTERSTATE TRANSPORTATION AND LOCAL AUTHORITY ACT OF 1999

● Mr. SPECTER. Mr. President, I have sought recognition to introduce a bill that would allow states to pass laws limiting the import of waste from other states. Addressing the interstate shipment of solid waste is a top environmental priority for millions of Americans, millions of Pennsylvanians and for me. As you are aware, Congress came very close to enacting legislation to address this issue in 1994, and the Senate passed interstate waste and flow control legislation in May, 1995 by an overwhelming 94–6 margin, only to see it die in the House of Representatives. I am confident that with the strong leadership of my colleagues Chairman CHAFEE and Senator SMITH, we can get quick action on a strong waste bill and pressure the House to conclude this effort once and for all.

As you are aware, the Supreme Court has put us in the position of having to intervene in the issue of trash shipments. In recent years, the Court has struck down State laws restricting the importation of solid waste from other jurisdictions under the Interstate Commerce Clause of the U.S. Constitution. The only solution is for Congress to enact legislation conferring such authority on the States, which would then be Constitutional.

It is time that the largest trash exporting States bite the bullet and take substantial steps towards self-sufficiency for waste disposal. The legislation passed by the Senate in the 103rd and 104th Congresses would have provided much-needed relief to Pennsylvania, which is by far the largest importer of out-of-State waste in the nation. According to the Pennsylvania Department of Environmental Protection, 3.9 million tons of out-of-State municipal solid waste entered Pennsylvania in 1993, rising to 4.3 million tons in 1994, 5.2 million in 1995, and a record 6.3 million tons from out-of-State in 1996 and 1997, which are the most recent statistics available. Most of this trash came from New York and New Jersey, with New York responsible for 2.7 million tons and New Jersey responsible for 2.4 million tons in 1997, representing 82 percent of the municipal solid waste imported into Pennsylvania.

This is not a problem limited to one small corner of my State. Millions of tons of trash generated in other States find their final resting place in more than 50 landfills throughout Pennsylvania.

Now, more than ever, we need legislation which will go a long way toward resolving the landfill problems facing Pennsylvania, Indiana, and similar waste importing States. I am particularly concerned by the developments in New York, where Governor Pataki and Mayor Giuliani have announced the closure of the City's one remaining landfill, Fresh Kills, in 2001. I am advised that 13,200 tons per day of New York City trash are sent there and that Pennsylvania is a likely destination once Fresh Kills begins its shut-down.

On several occasions, I have met with country officials, environmental groups, and other Pennsylvanians to discuss the solid waste issue specifically, and it often comes up in the public open house town meetings I conduct in all of Pennsylvania's 67 counties. I came away from those meetings impressed by the deep concerns expressed by the residents of communities which host a landfill rapidly filing up with the refuse of millions of New Yorkers and New Jerseyans whose States have failed to adequately manage the waste they generate.

Recognizing the recurrent problem of landfill capacity in Pennsylvania, since 1989 I have pushed to resolve the interstate waste crisis. I have introduced legislation with my late colleague, Senator JOHN HEINZ, and then with former Senator Dan Coats along with cosponsors from both sides of the aisle which would have authorized States to restrict the disposal of out-of-State municipal waste in any landfill or incinerator within its jurisdiction. I was pleased when many of the concepts in our legislation were incorporated in the Environment and Public Works Committee's reported bills in the 103rd and 104th Congresses, and I supported these measures during floor consideration.

During the 103rd Congress, we encountered a new issue with respect to municipal solid waste—the issue of waste flow control authority. On May 16, 1994, the Supreme Court held (6–3) in Carbone versus Clarkstown that a flow control ordinance, which requires all solid waste to be processed at a designated waste management facility, violates the Commerce Clause of the United States Constitution. In striking down the Clarkstown ordinance, the Court stated that the ordinance discriminated against interstate commerce by allowing only the favored operator to process waste that is within the town's limits. As a result of the Court's decision, flow control ordinances in Pennsylvania and other States are considered unconstitutional.

I have met with county commissioners who have made clear that this issue is vitally important to the local governments in Pennsylvania and my office has, over the past years received numerous phone calls and letters from individual Pennsylvania counties and municipal solid waste authorities that support waste flow control legislation. Since 1988, flow control has been the primary tool used by Pennsylvania counties to enforce solid waste plans and meet waste reduction and recycling goals or mandates. Many Pennsylvania jurisdictions have spent a considerable amount of public funds on disposal facilities, including upgraded sanitary landfills, state-of-the-art resource recovery facilities, and co-composting facilities. In the absence of flow control authority, I am advised that many of these worthwhile projects could be jeopardized and that there has been a fiscal impact on some communities where there are debt service obligations.

In order to fix these problems, my legislation would provide a presumptive ban on all out-of-state municipal solid waste, including construction and demolition debris, unless a landfill obtains the agreement of the local government to allow for the importation of waste. It would provide a freeze authority to allow a State to place a limit on the amount of out-of-state waste received annually at each facility. It would also provide a ratchet authority to allow a State to gradually

reduce the amount of out-of-state municipal waste that may be received at facilities. These provisions will provide a concrete incentive for the largest states to get a handle on their solid waste management immediately. To address the problem of flow control my bill would provide authority to allow local governments to designate where privately collected waste must be disposed. This would be a narrow fix for only those localities that constructed facilities before the 1994 Supreme Court ruling and who relied on their ability to regulate the flow of garbage to pay for their municipal bonds.

This is an issue that affects numerous states, and I urge my colleagues to support this very important legislation.●

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. JEFFORDS, and Mr. BREAUX):

S. 664. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence; to the Committee on Finance.

THE HISTORIC HOMEOWNERSHIP ASSISTANCE ACT

● Mr. CHAFEE. Mr. President, all across America, in the small towns and great cities of this country, our heritage as a nation—the physical evidence of our past—is at risk. In virtually every corner of this land, homes in which grandparents and parents grew up, communities and neighborhoods that nurtured vibrant families, schools that were good places to learn and churches and synagogues that were filled on days of prayer, have suffered the ravages of abandonment and decay.

In the decade from 1980 to 1990, Chicago lost 41,000 housing units through abandonment, Philadelphia 10,000 and St. Louis 7,000. The story in our older small communities has been the same, and the trend continues. It is important to understand that it is not just buildings that we are losing. It is the sense of our past, the vitality of our communities and the shared values of those precious places.

We need not stand hopelessly by as passive witnesses to the loss of these irreplaceable historic resources. We can act, and to that end I am introducing today the Historic Homeownership Assistance Act along with my distinguished colleagues, Senator GRAHAM of Florida, Senator JEFFORDS, and Senator BREAUX.

This legislation is patterned after the existing Historic Rehabilitation Investment Tax Credit. That legislation has been enormously successful in stimulating private investment in the rehabilitation of buildings of historic importance all across the country. Through its use we have been able to save and re-use a rich and diverse array of historic buildings: landmarks such as Union Station right here in Washington, DC, the Fox River Mills, a mixed use project that was once a derelict paper mill in Appleton, WI, and the Rosa True School, an eight-unit low and moderate income rental project in an historic school building in Portland, ME.

In my own state of Rhode Island, federal tax incentives stimulated the rehabilitation and commercial reuse of more than three hundred historic properties. The properties saved include the Hotel Manisses on Block Island, the former Valley Falls Mills complex in Central Falls, and the Honan Block in Woonsocket.

The legislation that I am introducing builds on the familiar structure of the existing tax credit, but with a different focus and a more modest scope and cost. It is designed to empower the one major constituency that has been barred from using the existing credit—homeowners. Only those persons who rehabilitate or purchase a newly rehabilitated home and occupy it as their principal residence would be entitled to this new credit. There would be no passive losses, no tax shelters and no syndications under this bill.

Like the existing investment credit, the bill would provide a credit to homeowners equal to 20 percent of the qualified rehabilitation expenditures made on an eligible building which is used as a principal residence by the owner. Eligible buildings are those individually listed on the National Register of Historic Places or on a nationally certified state or local historic register, or are contributing buildings in national, state or local historic districts. As is the case with the existing credit, the rehabilitation work would have to be performed in compliance with the Secretary of the Interior's Standards for Rehabilitation, although the bill clarifies that such Standards should be interpreted in a manner that takes into consideration economic and technical feasibility.

The bill also allows lower income homebuyers, who may not have sufficient federal income tax liability to use a tax credit, to convert the credit to mortgage assistance. The legislation would permit such persons to receive an Historic Rehabilitation Mortgage Credit Certificate which they can use with their work bank to obtain a lower interest rate on their mortgage or to lower the amount of their downpayment.

The credit would be available for condominiums and coops, as well as single-family buildings. If a building is rehabilitated by a developer for resale, the credit would pass through to the homeowner.

One goal of the bill is to provide incentives for middle- and upper-income families to return to older towns and cities. Therefore, the bill does not limit the tax benefits on the basis of income. However, it does impose a cap of $40,000 on the amount of credit which may be taken for a principal residence.

The Historic Homeownership Assistance Act will make ownership of a rehabilitated older home more affordable for homebuyers of modest incomes. It will encourage more affluent families to claim a stake in older towns and neighborhoods. It affords fiscally stressed cities and towns a way to put abandoned buildings back on the tax rolls, while strengthening their income and sales tax bases. It offers developers, realtors, and homebuilders a new realm of economic opportunity in revitalizing decaying buildings.

In addition to preserving our heritage, extending this credit will provide an important supplemental benefit—it will boost the economy. Every dollar of federal investment in historic rehabilitation leverages many more from the private sector. Rhode Island, for example, has used the credit to leverage $252 million in private investment. This investment has created more than 10,000 jobs and $187 million in wages.

An increasing concern to many mayors, country executives and governors is the issue of urban sprawl. Wherein new housing is constructed on nearby farmland, older housing stock is abandoned. This legislation encourages the rehabilitation of that housing stock and will help curb urban sprawl.

The American dream of owning one's own home is a powerful force. This bill can help it come true for those who are prepared to make a personal commitment to join in the rescue of our priceless heritage. By their actions they can help to revitalize decaying resources of historic importance, create jobs and stimulate economic development, and restore to our older towns and cities a lost sense of purpose and community. I ask that a summary of this bill be printed in the RECORD.

The summary follows:

THE HISTORIC HOMEOWNERSHIP ASSISTANCE ACT—SUMMARY

Purpose. To provide homeownership incentives and opportunities through the rehabilitation of older buildings in historic districts.

Rate of Credit. 20% credit for expenditures to rehabilitate or purchase a newly-rehabilitated eligible home and occupy it as a principal residence.

Eligible Buildings. Eligible buildings would be buildings individually listed on the National Register of Historic Places or a nationally certified state or local register, and contributing buildings in national, state or local historic districts.

Maximum Credit: Minimum Expenditures. The amount of the credit would be limited to $40,000 for each principal residence. The amount of qualified rehabilitation expenditures would be required to exceed the greater of $5,000 or the adjusted tax basis of the building (excluding the land). At least five percent of the qualified rehabilitation expenditures would have to be spent on the exterior of the building.

Carry-Forward: Recapture. Any unused amounts of credit would be carried forward until fully exhausted. In the event the taxpayer failed to maintain his or her principal residence in the building for five years, the credit would be subject to ratable recapture.

Historic Rehabilitation Mortgage Credit Certificates. Lower income taxpayers, who may not have sufficient Federal Income Tax liability to make effective use of a homeownership credit would be able to convert the credit into a mortgage credit certificate

which can be used to obtain an interest rate reduction on his or her home mortgage loan. For homes purchased in distressed areas, the credit certificate could be used to lower an individual's downpayment.

In many distressed neighborhoods, the cost of rehabilitating a home and bringing it to market significantly exceeds the value at which the property is appraised by the mortgage lender. This gap imposes a significant burden on a potential homeowner because the required downpayment exceeds his or her means. The legislation permits the mortgage credit certificate to be used to reduce the buyer's down payment, rather than to reduce the interest rate, in order to close this gap. This provision is limited to historic districts which qualify as targeted under the existing Mortgage Revenue Bond program or are located in enterprise or empowerment zones.●

● Mr. GRAHAM. Mr. President, today I join my good friend and colleague Senator CHAFEE in support of the Historic Homeownership Assistance Act. This bill will spur growth and preservation of historic neighborhoods across the country by providing a limited tax credit for qualified rehabilitation expenditures to historic homes.

In virtually every corner of this land, homes in which our grandparents and parents grew up, communities and neighborhoods that nurtured vibrant families, schools that were good places to learn and churches and synagogues that were filled on days of prayer, have suffered the ravages of decay. Every year we lose thousands of historic housing units that are either demolished or abandoned. We are losing both physical structures and the historic past that these physical structures represent.

The Historic Homeownership Assistance Act will stimulate rehabilitation of historic homes while contributing to the revitalization of urban communities. The Federal tax credit provided in the legislation is modeled after the existing Federal commercial historic rehabilitation tax credit. Since 1981, this commercial tax credit has facilitated the preservation of many historic structures such as Union Station in Washington, DC. In my home state of Florida, the existing Historic Rehabilitation Investment tax credit has resulted in over 300 rehabilitation projects since 1974. These projects range from the restoration of art deco hotels in Miami Beach, to the preservation of Ybor City in Tampa and the Springfield Historic District in Jacksonville.

The tax credit, however, has never applied to personal residences. This legislation that Senator CHAFEE and I are cosponsoring is designed to empower the one major constituency that has been barred from using the existing credit—homeowners. It is time we provide this incentive to homeowners to restore and preserve homes in America's historic communities.

Like the existing investment credit, this bill would provide a credit to homeowners equal to 20 percent of a qualified rehabilitation expenditures made on an eligible building that is used as a principle residence by the owner. The amount of the credit would be limited to $40,000 for each principal residence. Eligible buildings would be those that are listed individually on the National Register of Historic Places, or a nationally certified state or local register, and contributing buildings in national, state or local historic districts. Recognizing that the states can best administer laws affecting unique communities, the act gives power to the Secretary of the Interior to work with states to implement a number of provisions.

The bill also targets Americans at all economic levels. It provides lower income Americans with the option to elect a Mortgage Credit Certificate in lieu of the tax credit. This certificate allows Americans who cannot take advantage of the tax credit to reduce the interest rate on the mortgage that secures the purchase and rehabilitation of a historic home.

The credit would also be available for condominiums and co-ops, as well as single-family buildings. If a building were to be rehabilitated by a developer for sale to a homeowner, the credit would pass through to the homeowner. Since one purpose of the bill is to provide incentives for middle-income and more affluent families to return to older towns and cities, the bill does not discriminate among taxpayers on the basis of income.

Mr. President, the time has come for Congress to get serious about urban renewal. For too long, we have sat on the sidelines watching idly as our citizens slowly abandoned entire homes and neighborhoods in urban settings, leaving cities like Miami in Florida and others around the nation in financial jeopardy. This legislation affords fiscally stressed cities and towns a way to put abandoned buildings back on the tax rolls, while strengthening their income and sales tax base. It will encourage more affluent families to claim a stake in older towns and neighborhoods. It offers developers, realtors, and homebuilders a new realm of economic opportunity in revitalizing decaying buildings.

The Historic Homeownership Assistance Act does not reinvent the wheel. In addition to the existing commercial historic rehabilitation credit, the proposed bill incorporates features from several tax incentives for the preservation of historic homes. Colorado, Maryland, New Mexico, Rhode Island, Wisconsin, and Utah have pioneered their own successful versions of the historic preservation tax incentive for homeownership.

At the federal level, this legislation would promote historic home preservation nationwide, allowing future generations of Americans to visit and reside in homes that tell the unique history of our communities. The Historic Homeownership Assistance Act will offer enormous potential for saving historic homes and bringing entire neighborhoods back to life. I urge all my colleagues to support this important piece of legislation.●

By Mr. COVERDELL (for himself, Mr. HAGEL, Mrs. HUTCHISON, Mr. KYL, Mr. INHOFE, and Mr. GRASSLEY):

S. 665. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other Committee has 30 days to report or be discharged.

COVERDELL RETROACTIVE TAX BAN PACKAGE

Mr. COVERDELL. Mr. President, today I rise to offer a tax reform package to provide greater tax fairness and to protect citizens from retroactive taxation. This package includes three initiatives: a constitutional amendment called the retroactive tax ban amendment, a bill to establish a new budget point of order against retroactive taxation, and a proposed Senate Rule change.

The first, the retroactive tax ban amendment, is a constitutional amendment to prevent the Federal Government from imposing any tax increase retroactively. The amendment states simply ''No Federal tax shall be imposed for the period before the date of enactment.'' We have heard directly from the taxpayers, and looking backward for extra taxes is unacceptable. It is not a fair way to deal with taxpayers.

In addition, I am introducing a bill that would create a point of order under the Budget Act against retroactive tax rate increases. Because amending the Constitution can be a very long prospect—just look at the decades-long effort on behalf of a balanced budget amendment—I believe this legislation is necessary to provide needed protection for American families from the destabilizing effects of retroactive taxation.

Finally, I am proposing a Senate Rule change making it out of order for the Senate to consider retroactive tax rate increases.

Both proposals, the point of order under the Budget Act and the Senate Rule change, are modeled after the existing House Rules preventing that body from considering retroactive taxation. In other words, by virtue of the fact that the House cannot consider legislation so too has the Senate been de facto unable to consider retroactive tax rate increases. Now is the time for the Senate to come forward and incorporate this fact in its proceedings.

It was clear to Thomas Jefferson that the only way to preserve freedom was to protect its citizens from oppressive taxation. Even the Russian Constitution does not allow you to tax retroactively. Retroactive taxation is wrong, and it is morally incorrect.

Families and businesses and communities must know what the rules of the road are and that those rules will not change. They have to be able to plan their lives, plan their families, and

plan their tax burdens in advance. They cannot come to the end of a year and have a Congress of the United States and a President come forward and say, ''All your planning was for naught, and we don't care.''

I encourage my Colleagues to join me in protecting taxpayers from retroactive tax rate increases.

By Mr. LUGAR (for himself, Mr. GRAMM, Mr. MCCAIN, Mr. DEWINE, Mr. HAGEL, Mr. GRAMS, Mr. JEFFORDS, MS. LANDRIEU, and Mr. LIEBERMAN):

S. 666. A bill to authorize a new trade and investment policy for sub-Saharan Africa; to the Committee on Finance.

AFRICAN GROWTH AND OPPORTUNITY ACT (AGOA)

• Mr. LUGAR. Mr. President, I rise to introduce the African Growth and Opportunity Act (AGOA). I'm pleased to be joined by Senators MCCAIN, GRAMM, HAGEL, DEWINE and GRAMS as original cosponsors. Our bill is designed to provide a broad U.S. policy framework towards the nearly fifty countries in sub-Sahara Africa. Specifically, the bill seeks to develop active partnerships with African countries through a set of trade and investment initiatives and incentives in exchange for a commitment from those countries to make the transition to market economies.

For decades U.S. policy towards Africa was based largely on a series of bilateral aid relationships. Our involvement in Africa was influenced by strategic considerations inherent in the cold war. Our assistance programs targeted humanitarian crises and natural disasters and they helped nurture a variety of health, nutritional, educational and agricultural programs. As important as these programs have been, they have not promoted much economic development, fostered much self-reliance or promoted political stability for the vast majority of the people of sub-Sahara Africa. Nor have they particularly benefitted the American economy. For these reasons, it is long past due that the United States reevaluate this policy. That is the purpose of our bill.

Last year, a similar bill was introduced and passed in the House of Representatives but did not reach the floor of the Senate. The bill has been introduced last month in the House and the House committees have been active. Already, the bill is scheduled to be reported by both the Ways and Means and International Relations Committees very soon. I understand that it is scheduled for a floor vote in the House in the next several weeks.

The Administration supports this legislation because it mirrors its own initiatives on Africa. Indeed, President Clinton cited the initiative and the bill in his last two State of the Union addresses before the Congress. Virtually all African Ambassadors have endorsed this bill and are committed to working to pass and enact it this year. Our bill enjoys support within the American business community and among many non-governmental organizations involved in Africa.

Mr. President, the AGOA is intended to promote greater economic self-reliance in Africa through enhanced private sector activity and trade incentives for those countries meeting eligibility requirements and wishing to participate. The bill authorizes the President to grant duty-free treatment to certain products currently excluded from the GSP program, subject to the sensitivity analysis of the International Trade Commission. It extends the GSP program for Africa for 10 years, a provision which is important for long-term business planning.

The bill also would increase access to U.S. markets for African textiles and other products. It would remove U.S. quotas on African textile imports which now amount to less than one percent of our worldwide textile imports. The bill includes unusually strong transshipment language that is the toughest ever proposed. The U.S. International Trade Commission estimated last year that reducing tariffs on textiles from Africa would have a negligible effect on our economy but would give a high boost to Africa's fledgling manufacturing base. The jobs and foreign exchange earnings that would be gained in Africa under this initiative will enable Africans to purchase more products from the United States.

In my judgement, the AGOA is a modest bill which, if adopted, could have immodest results in Africa. It takes a long-term view and provides a policy road map for achieving economic growth and opportunity. It will take some time for the initiatives embedded in this legislation to have a measurable impact on economic growth in Africa. Nonetheless, we need to look ahead over the next decades and to assist wherever possible in the development of those areas that have not been successfully or fully integrated into the world economy. Much of Africa falls into this category. My bill is intended to help facilitate that transition. Strategic planning now will help create a better, more productive and prosperous future.

Mr. President, our bill includes a number of other attractive provisions. It includes two new private sector financed funds—an equity fund and an infrastructure fund both of which would be backed by the Overseas Private Investment Corporation (OPIC). If successful, these funds will lead to improvements in such areas as African roads, telecommunications and power plants each of which can accelerate economic activity in Africa. It includes provisions for enhanced visibility for Africa in our international deliberations on trade and finance and increased technical assistance for economic management. It establishes a Forum to facilitate high level discussions on trade and investment policies between the U.S. and Africa.

Most importantly, our bill signals the start of a new era in U.S.-African relations based less on bilateral aid ties and more business relationships, less on paternalism and more on partnerships, and one that builds upon the long term prospects of African societies rather than on short-term, reactive policies.

Many African societies have been undergoing impressive political and economic transformations. Africa's economic potential is substantial. There are more than 600 million people in sub-Sahara Africa, but Africa's share of foreign annual direct investment commands less than two percent of global direct investment flows. Much of that capital comes from Europe which has an established market and investment presence in Africa. Nonetheless, several African countries enjoy sustained economic growth at or above 6%, despite the strains in the global economy that began in Southeast Asia and spread to other parts of the world. Indeed, U.S. Trade with sub-Sahara Africa exceeds our trade with all the states of the former Soviet Union combined and the potential for expansion will grow as these economies expand and mature.

The enhanced trade and private investment benefits in the bill will be available to all African societies but especially to those countries which undertake sustained economic reform, maintain acceptable human rights practices and make progress towards good governance. These standards are similar to those applied in other parts of the world. Indeed, without these standards the private sector would be unlikely to invest in Africa.

The United States can play a significant role in helping promote Africa development. We have a historic opportunity to help integrate African countries into the global economy, to rethink dependency on foreign assistance and to help strengthen civil society and economic and political institutions. No one believes this bill is a panacea for Africa, but it is very much in our interests to play a constructive role in the evolving economic transition in Africa. If the United States has the vision to be a major player in Africa's economic and political improvement, we will also be a major beneficiary. If we are successful, Africa will provide new trade and investment opportunities for the United States. It will also improve the quality of life for a broader segment of the people of Africa, a goal we must all support and applaud.

Mr. President, I ask that the proposed African Growth and Opportunity Act (AGOA) section-by-section description be printed in the RECORD.

The material follows:

S. 666

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''African Growth and Opportunity Act''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

SEC. 2. FINDINGS.

The Congress finds that it is in the mutual economic interest of the United States and sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa and that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment. To that end, the United States seeks to facilitate market-led economic growth in, and thereby the social and economic development of, the countries of sub-Saharan Africa. In particular, the United States seeks to assist sub-Saharan African countries, and the private sector in those countries, to achieve economic self-reliance by—

(1) strengthening and expanding the private sector in sub-Saharan Africa, especially women-owned businesses;

(2) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(3) reducing tariff and nontariff barriers and other trade obstacles;

(4) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(5) negotiating free trade areas;

(6) establishing a United States-Sub-Saharan Africa Trade and Investment Partnership;

(7) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(8) establishing a United States-Sub-Saharan Africa Economic Cooperation Forum; and

(9) continuing to support development assistance for those countries in sub-Saharan Africa attempting to build civil societies.

SEC. 3. STATEMENT OF POLICY.

The Congress supports economic self-reliance for sub-Saharan African countries, particularly those committed to—

(1) economic and political reform;

(2) market incentives and private sector growth;

(3) the eradication of poverty; and

(4) the importance of women to economic growth and development.

SEC. 4. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A sub-Saharan African country shall be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the President determines that the country does not engage in gross violations of internationally recognized human rights and has established, or is making continual progress toward establishing, a market-based economy, such as the establishment and enforcement of appropriate policies relating to—

(1) promoting free movement of goods and services between the United States and sub-Saharan Africa and among countries in sub-Saharan Africa;

(2) promoting the expansion of the production base and the transformation of commodities and nontraditional products for exports through joint venture projects between African and foreign investors;

(3) trade issues, such as protection of intellectual property rights, improvements in standards, testing, labeling and certification, and government procurement;

(4) the protection of property rights, such as protection against expropriation and a functioning and fair judicial system;

(5) appropriate fiscal systems, such as reducing high import and corporate taxes, controlling government consumption, participation in bilateral investment treaties, and the harmonization of such treaties to avoid double taxation;

(6) foreign investment issues, such as the provision of national treatment for foreign investors, removing restrictions on investment, and other measures to create an environment conducive to domestic and foreign investment;

(7) supporting the growth of regional markets within a free trade area framework;

(8) governance issues, such as eliminating government corruption, minimizing government intervention in the market such as price controls and subsidies, and streamlining the business license process;

(9) supporting the growth of the private sector, in particular by promoting the emergence of a new generation of African entrepreneurs;

(10) encouraging the private ownership of government-controlled economic enterprises through divestiture programs; and

(11) observing the rule of law, including equal protection under the law and the right to due process and a fair trial.

(b) ADDITIONAL FACTORS.—In determining whether a sub-Saharan African country is eligible under subsection (a), the President shall take into account the following factors:

(1) An expression by such country of its desire to be an eligible country under subsection (a).

(2) The extent to which such country has made substantial progress toward—

(A) reducing tariff levels;

(B) binding its tariffs in the World Trade Organization and assuming meaningful binding obligations in other sectors of trade; and

(C) eliminating nontariff barriers to trade.

(3) Whether such country, if not already a member of the World Trade Organization, is actively pursuing membership in that Organization.

(4) Where applicable, the extent to which such country is in material compliance with its obligations to the International Monetary Fund and other international financial institutions.

(5) The extent to which such country has a recognizable commitment to reducing poverty, increasing the availability of health care and educational opportunities, the expansion of physical infrastructure in a manner designed to maximize accessibility, increased access to market and credit facilities for small farmers and producers, and improved economic opportunities for women as entrepreneurs and employees, and promoting and enabling the formation of capital to support the establishment and operation of micro-enterprises.

(6) Whether or not such country engages in activities that undermine United States national security or foreign policy interests.

(c) CONTINUING COMPLIANCE.—

(1) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor and review the progress of sub-Saharan African countries in order to determine their current or potential eligibility under subsection (a). Such determinations shall be based on quantitative factors to the fullest extent possible and shall be included in the annual report required by section 106.

(2) INELIGIBILITY OF CERTAIN COUNTRIES.—A sub-Saharan African country described in paragraph (1) that has not made continual progress in meeting the requirements with which it is not in compliance shall be ineligible to participate in programs, projects, or activities, or receive assistance or other benefits, under this Act.

SEC. 5. SUB-SAHARAN AFRICA DEFINED.

For purposes of this Act, the terms ''sub-Saharan Africa'', ''sub-Saharan African country'', ''country in sub-Saharan Africa'', and ''countries in sub-Saharan Africa'' refer to the following or any successor political entities:

Republic of Angola (Angola)
Republic of Botswana (Botswana)
Republic of Burundi (Burundi)
Republic of Cape Verde (Cape Verde)
Republic of Chad (Chad)
Democratic Republic of Congo
Republic of the Congo (Congo)
Republic of Djibouti (Djibouti)
State of Eritrea (Eritrea)
Gabonese Republic (Gabon)
Republic of Ghana (Ghana)
Republic of Guinea-Bissau (Guinea-Bissau)
Kingdom of Lesotho (Lesotho)
Republic of Madagascar (Madagascar)
Republic of Mali (Mali)
Republic of Mauritius (Mauritius)
Republic of Namibia (Namibia)
Federal Republic of Nigeria (Nigeria)
Democratic Republic of Sao Tomé and Principe (Sao Tomé and Principe)
Republic of Sierra Leone (Sierra Leone)
Somalia
Kingdom of Swaziland (Swaziland)
Republic of Togo (Togo)
Republic of Zimbabwe (Zimbabwe)
Republic of Benin (Benin)
Burkina Faso (Burkina)
Republic of Cameroon (Cameroon)
Central African Republic
Federal Islamic Republic of the Comoros (Comoros)
Republic of Côte d'Ivoire (Côte d'Ivoire)
Republic of Equatorial Guinea (Equatorial Guinea)
Ethiopia
Republic of the Gambia (Gambia)
Republic of Guinea (Guinea)
Republic of Kenya (Kenya)
Republic of Liberia (Liberia)
Republic of Malawi (Malawi)
Islamic Republic of Mauritania (Mauritania)
Republic of Mozambique (Mozambique)
Republic of Niger (Niger)
Republic of Rwanda (Rwanda)
Republic of Senegal (Senegal)
Republic of Seychelles (Seychelles)
Republic of South Africa (South Africa)
Republic of Sudan (Sudan)
United Republic of Tanzania (Tanzania)
Republic of Uganda (Uganda)
Republic of Zambia (Zambia)

TITLE I—TRADE POLICY FOR SUB-SAHARAN AFRICA

SEC. 101. UNITED STATES-SUB-SAHARAN AFRICA TRADE AND ECONOMIC COOPERATION FORUM.

(a) DECLARATION OF POLICY.—The President shall convene annual high-level meetings between appropriate officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of this Act, the President, after consulting with Congress and the governments concerned, shall establish a United States-Sub-Saharan Africa Trade and Economic Cooperation Forum (in this section referred to as the ''Forum'').

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to host the first annual meeting with the counterparts of such Secretaries from the governments of sub-Saharan African countries eligible under section 4, the Secretary General of the Organization of African Unity, and government officials from other appropriate countries in Africa, to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this Act including encouraging joint ventures between small and large businesses.

(2)(A) The President, in consultation with the Congress, shall encourage United States nongovernmental organizations to host annual meetings with nongovernmental organizations from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) The President, in consultation with the Congress, shall encourage United States representatives of the private sector to host annual meetings with representatives of the private sector from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) The President shall, to the extent practicable, meet with the heads of governments of sub-Saharan African countries eligible under section 4 not less than once every two years for the purpose of discussing the issues described in paragraph (1). The first such meeting should take place not later than twelve months after the date of the enactment of this Act.

(d) DISSEMINATION OF INFORMATION BY USIA.—In order to assist in carrying out the purposes of the Forum, the United States Information Agency shall disseminate regularly, through multiple media, economic information in support of the free market economic reforms described in this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(f) LIMITATION ON USE OF FUNDS.—None of the funds authorized under this section may be used to create or support any nongovernmental organization for the purpose of expanding or facilitating trade between the United States and sub-Saharan Africa.

SEC. 102. UNITED STATES–SUB-SAHARAN AFRICA FREE TRADE AREA.

(a) DECLARATION OF POLICY.—The Congress declares that a United States–Sub-Saharan Africa Free Trade Area should be established, or free trade agreements should be entered into, in order to serve as the catalyst for increasing trade between the United States and sub-Saharan Africa and increasing private sector development in sub-Saharan Africa.

(b) PLAN REQUIREMENT.—

(1) IN GENERAL.—The President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of sub-Saharan African countries to engage in negotiations to enter into free trade agreements, shall develop a plan for the purpose of entering into one or more trade agreements with sub-Saharan African countries eligible under section 4 in order to establish a United States–Sub-Saharan Africa Free Trade Area (in this section referred to as the ''Free Trade Area'').

(2) ELEMENTS OF PLAN.—The plan shall include the following:

(A) The specific objectives of the United States with respect to the establishment of the Free Trade Area and a suggested timetable for achieving those objectives.

(B) The benefits to both the United States and sub-Saharan Africa with respect to the Free Trade Area.

(C) A mutually agreed-upon timetable for establishing the Free Trade Area.

(D) The implications for and the role of regional and sub-regional organizations in sub-Saharan Africa with respect to the Free Trade Area.

(E) Subject matter anticipated to be covered by the agreement for establishing the Free Trade Area and United States laws, programs, and policies, as well as the laws of participating eligible African countries and existing bilateral and multilateral and economic cooperation and trade agreements, that may be affected by the agreement or agreements.

(F) Procedures to ensure the following:

(i) Adequate consultation with the Congress and the private sector during the negotiation of the agreement or agreements for establishing the Free Trade Area.

(ii) Consultation with the Congress regarding all matters relating to implementation of the agreement or agreements.

(iii) Approval by the Congress of the agreement or agreements.

(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiations of the agreement or agreements.

(c) REPORTING REQUIREMENT.—Not later than 12 months after the date of the enactment of this Act, the President shall prepare and transmit to the Congress a report containing the plan developed pursuant to subsection (b).

SEC. 103. ELIMINATING TRADE BARRIERS AND ENCOURAGING EXPORTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The lack of competitiveness of sub-Saharan Africa in the global market, especially in the manufacturing sector, make it a limited threat to market disruption and no threat to United States jobs.

(2) Annual textile and apparel exports to the United States from sub-Saharan Africa represent less than 1 percent of all textile and apparel exports to the United States, which totaled $54,001,863,000 in 1997.

(3) Sub-Saharan Africa has limited textile manufacturing capacity. During 1999 and the succeeding 4 years, this limited capacity to manufacture textiles and apparel is projected to grow at a modest rate. Given this limited capacity to export textiles and apparel, it will be very difficult for these exports from sub-Saharan Africa, during 1999 and the succeeding 9 years, to exceed 3 percent annually of total imports of textile and apparel to the United States. If these exports from sub-Saharan Africa remain around 3 percent of total imports, they will not represent a threat to United States workers, consumers, or manufacturers.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) it would be to the mutual benefit of the countries in sub-Saharan Africa and the United States to ensure that the commitments of the World Trade Organization and associated agreements are faithfully implemented in each of the member countries, so as to lay the groundwork for sustained growth in textile and apparel exports and trade under agreed rules and disciplines;

(2) reform of trade policies in sub-Saharan Africa with the objective of removing structural impediments to trade, consistent with obligations under the World Trade Organization, can assist the countries of the region in achieving greater and greater diversification of textile and apparel export commodities and products and export markets; and

(3) the President should support textile and apparel trade reform in sub-Saharan Africa by, among other measures, providing technical assistance, sharing of information to expand basic knowledge of how to trade with the United States, and encouraging business-to-business contacts with the region.

(c) TREATMENT OF QUOTAS.—

(1) KENYA AND MAURITIUS.—Pursuant to the Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel exports to the United States—

(A) from Kenya within 30 days after that country adopts an efficient visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) from Mauritius within 30 days after that country adopts such a visa system.

The Customs Service shall provide the necessary technical assistance to Kenya and Mauritius in the development and implementation of those visa systems.

(2) OTHER SUB-SAHARAN COUNTRIES.—The President shall continue the existing no quota policy for countries in sub-Saharan Africa. The President shall submit to the Congress, not later than March 31 of each year, a report on the growth in textiles and apparel exports to the United States from countries in sub-Saharan Africa in order to protect United States consumers, workers, and textile manufacturers from economic injury on account of the no quota policy.

(d) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) ACTIONS BY COUNTRIES AGAINST TRANSSHIPMENT AND CIRCUMVENTION.—The President should ensure that any country in sub-Saharan Africa that intends to export textile and apparel goods to the United States—

(A) has in place a functioning and effective visa system and domestic laws and enforcement procedures to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) will cooperate fully with the United States to address and take action necessary to prevent circumvention, as provided in Article 5 of the Agreement on Textiles and Clothing.

(2) PENALTIES AGAINST EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has willfully falsified information regarding the country of origin, manufacture, processing, or assembly of a textile or apparel article for which duty-free treatment under section 503(a)(1)(C) of the Trade Act of 1974 is claimed, then the President shall deny to such exporter, and any successors of such exporter, for a period

of 2 years, duty-free treatment under such section for textile and apparel articles.

(3) APPLICABILITY OF UNITED STATES LAWS AND PROCEDURES.—All provisions of the laws, regulations, and procedures of the United States relating to the denial of entry of articles or penalties against individuals or entities for engaging in illegal transshipment, fraud, or other violations of the customs laws shall apply to imports from Sub-Saharan countries.

(4) MONITORING AND REPORTS TO CONGRESS.—The Customs Service shall monitor and the Commissioner of Customs shall submit to the Congress, not later than March 31 of each year, a report on the effectiveness of the visa systems described in subsection (c)(1) and paragraph (1) of this subsection and on measures taken by countries in Sub-Saharan Africa which export textiles or apparel to the United States to prevent circumvention as described in Article 5 of the Agreement on Textiles and Clothing.

(e) DEFINITION.—For purposes of this section, the term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

SEC. 104. GENERALIZED SYSTEM OF PREFERENCES.

(a) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—Section 503(a)(1) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—The President may provide duty-free treatment for any article set forth in paragraph (1) of subsection (b) that is the growth, product, or manufacture of an eligible country in sub-Saharan Africa that is a beneficiary developing country, if, after receiving the advice of the International Trade Commission in accordance with subsection (e), the President determines that such article is not import-sensitive in the context of imports from eligible countries in sub-Saharan Africa. This subparagraph shall not affect the designation of eligible articles under subparagraph (B).''.

(b) RULES OF ORIGIN.—Section 503(a)(2) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)) is amended by adding at the end the following:

''(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—For purposes of determining the percentage referred to in subparagraph (A) in the case of an article of an eligible country in sub-Saharan Africa that is a beneficiary developing country—

''(i) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A); and

''(ii) the cost or value of the materials included with respect to that article that are produced in any beneficiary developing country that is an eligible country in sub-Saharan Africa shall be applied in determining such percentage.''.

(c) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

''(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES AND ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any eligible country in sub-Saharan Africa.''.

(d) EXTENSION OF PROGRAM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended to read as follows:

''SEC. 505. DATE OF TERMINATION.

''(a) COUNTRIES IN SUB-SAHARAN AFRICA.—No duty-free treatment provided under this title shall remain in effect after June 30, 2009, with respect to beneficiary developing countries that are eligible countries in sub-Saharan Africa.

''(b) OTHER COUNTRIES.—No duty-free treatment provided under this title shall remain in effect after June 30, 1999, with respect to beneficiary developing countries other than those provided for in subsection (a).''.

(e) DEFINITION.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following:

''(6) ELIGIBLE COUNTRY IN SUB-SAHARAN AFRICA.—The terms 'eligible country in sub-Saharan Africa' and 'eligible countries in sub-Saharan Africa' mean a country or countries that the President has determined to be eligible under section 4 of the African Growth and Opportunity Act.''.

(f) EFFECTIVE DATE.—The amendments made by this section take effect on July 1, 1999.

SEC. 105. ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SUB-SAHARAN AFRICA.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the position of Assistant United States Trade Representative for African Affairs is integral to the United States commitment to increasing United States—sub-Saharan African trade and investment.

(b) MAINTENANCE OF POSITION.—The President shall maintain a position of Assistant United States Trade Representative for African Affairs within the Office of the United States Trade Representative to direct and coordinate interagency activities on United States-Africa trade policy and investment matters and serve as—

(1) a primary point of contact in the executive branch for those persons engaged in trade between the United States and sub-Saharan Africa; and

(2) the chief advisor to the United States Trade Representative on issues of trade with Africa.

(c) FUNDING AND STAFF.—The President shall ensure that the Assistant United States Trade Representative for African Affairs has adequate funding and staff to carry out the duties described in subsection (b), subject to the availability of appropriations.

SEC. 106. REPORTING REQUIREMENT.

The President shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, and not later than the end of each of the next 6 1-year periods thereafter, a comprehensive report on the trade and investment policy of the United States for sub-Saharan Africa, and on the implementation of this Act. The last report required by section 134(b) of the Uruguay Round Agreements Act (19 U.S.C. 3554(b)) shall be consolidated and submitted with the first report required by this section.

TITLE II—INTERNATIONAL FINANCIAL AND FOREIGN RELATIONS POLICY FOR SUB-SAHARAN AFRICA

SEC. 201. INTERNATIONAL FINANCIAL INSTITUTIONS AND DEBT REDUCTION.

(a) BETTER MECHANISMS TO FURTHER GOALS FOR SUB-SAHARAN AFRICA.—It is the sense of the Congress that the Secretary of the Treasury should instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Monetary Fund, and the African Development Bank to use the voice and votes of the Executive Directors to encourage vigorously their respective institutions to develop enhanced mechanisms which further the following goals in eligible countries in sub-Saharan Africa:

(1) Strengthening and expanding the private sector, especially among women-owned businesses.

(2) Reducing tariffs, nontariff barriers, and other trade obstacles, and increasing economic integration.

(3) Supporting countries committed to accountable government, economic reform, the eradication of poverty, and the building of civil societies.

(4) Supporting deep debt reduction at the earliest possible date with the greatest amount of relief for eligible poorest countries under the ''Heavily Indebted Poor Countries'' (HIPC) debt initiative.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that relief provided to countries in sub-Saharan Africa which qualify for the Heavily Indebted Poor Countries debt initiative should primarily be made through grants rather than through extended-term debt, and that interim relief or interim financing should be provided for eligible countries that establish a strong record of macroeconomic reform.

SEC. 202. EXECUTIVE BRANCH INITIATIVES.

(a) STATEMENT OF CONGRESS.—The Congress recognizes that the stated policy of the executive branch in 1997, the ''Partnership for Growth and Opportunity in Africa'' initiative, is a step toward the establishment of a comprehensive trade and development policy for sub-Saharan Africa. It is the sense of the Congress that this Partnership is a companion to the policy goals set forth in this Act.

(b) TECHNICAL ASSISTANCE TO PROMOTE ECONOMIC REFORMS AND DEVELOPMENT.—In addition to continuing bilateral and multilateral economic and development assistance, the President shall target technical assistance toward—

(1) developing relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks;

(2) providing assistance to the governments of sub-Saharan African countries to—

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the World Trade Organization in conjunction with membership in that Organization;

(C) make financial and fiscal reforms; and

(D) promote greater agribusiness linkages;

(3) addressing such critical agricultural policy issues as market liberalization, agricultural export development, and agribusiness investment in processing and transporting agricultural commodities;

(4) increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa;

(5) increasing trade in services; and

(6) encouraging greater sub-Saharan participation in future negotiations in the World Trade Organization on services and making further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers.

SEC. 203. SUB-SAHARAN AFRICA INFRASTRUCTURE FUND.

(a) INITIATION OF FUNDS.—It is the sense of the Congress that the Overseas Private Investment Corporation should exercise the authorities it has to initiate an equity fund or equity funds in support of projects in the countries in sub-Saharan Africa, in addition to the existing equity fund for sub-Saharan Africa created by the Corporation.

(b) STRUCTURE AND TYPES OF FUNDS.—

(1) STRUCTURE.—Each fund initiated under subsection (a) should be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) CAPITALIZATION.—Each fund should be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) INFRASTRUCTURE FUND.—One or more of the funds, with combined assets of up to $500,000,000, should be used in support of infrastructure projects in countries of sub-Saharan Africa.

(4) EMPHASIS.—The Corporation shall ensure that the funds are used to provide support in particular to women entrepreneurs and to innovative investments that expand opportunities for women and maximize employment opportunities for poor individuals.

SEC. 204. OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK INITIATIVES.

(a) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(1) ADVISORY COMMITTEE.—Section 233 of the Foreign Assistance Act of 1961 (22 U.S.C. 2193) is amended by adding at the end the following:

''(e) ADVISORY COMMITTEE.—The Board shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Corporation in sub-Saharan Africa, including through the use of an advisory committee to assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa. In addition, the advisory committee shall make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. The advisory committee shall terminate 4 years after the date of the enactment of this subsection.''.

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Overseas Private Investment Corporation shall submit to the Congress a report on the steps that the Board has taken to implement section 233(e) of the Foreign Assistance Act of 1961 (as added by paragraph (1)) and any recommendations of the advisory board established pursuant to such section.

(b) EXPORT-IMPORT BANK.—

(1) ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.—Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by inserting after paragraph (12) the following:

''(13)(A) The Board of Directors of the Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank.

''(B)(i) The Board of Directors shall establish and use an advisory committee to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion described in subparagraph (A).

''(ii) The advisory committee shall make recommendations to the Board of Directors on how the Bank can facilitate greater support by United States commercial banks for trade with sub-Saharan Africa.

''(iii) The advisory committee shall terminate 4 years after the date of the enactment of this subparagraph.''.

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Export-Import Bank of the United States shall submit to the Congress a report on the steps that the Board has taken to implement section 2(b)(13)(B) of the Export-Import Bank Act of 1945 (as added by paragraph (1)) and any recommendations of the advisory committee established pursuant to such section.

SEC. 205. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States and Foreign Commercial Service (hereafter in this section referred to as the ''Commercial Service'') plays an important role in helping United States businesses identify export opportunities and develop reliable sources of information on commercial prospects in foreign countries.

(2) During the 1980s, the presence of the Commercial Service in sub-Saharan Africa consisted of 14 professionals providing services in eight countries. By early 1997, that presence had been reduced by half to seven, in only four countries.

(3) Since 1997, the Department of Commerce has slowly begun to increase the presence of the Commercial Service in sub-Saharan Africa, adding five full-time officers to established posts.

(4) Although the Commercial Service Officers in these countries have regional responsibilities, this kind of coverage does not adequately service the needs of United States businesses attempting to do business in sub-Saharan Africa.

(5) The Congress has, on several occasions, encouraged the Commercial Service to focus its resources and efforts in countries or regions in Europe or Asia to promote greater United States export activity in those markets.

(6) Because market information is not widely available in many sub-Saharan African countries, the presence of additional Commercial Service Officers and resources can play a significant role in assisting United States businesses in markets in those countries.

(b) APPOINTMENTS.—Subject to the availability of appropriations, by not later than December 31, 2000, the Secretary of Commerce, acting through the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, shall take steps to ensure that—

(1) at least 20 full-time Commercial Service employees are stationed in sub-Saharan Africa; and

(2) full-time Commercial Service employees are stationed in not less than ten different sub-Saharan African countries.

(c) COMMERCIAL SERVICE INITIATIVE FOR SUB-SAHARAN AFRICA.—In order to encourage the export of United States goods and services to sub-Saharan African countries, the Commercial Service shall make a special effort to—

(1) identify United States goods and services which are not being exported to sub-Saharan African countries but which are being exported to those countries by competitor nations;

(2) identify, where appropriate, trade barriers and noncompetitive actions, including violations of intellectual property rights, that are preventing or hindering sales of United States goods and services to, or the operation of United States companies in, sub-Saharan Africa;

(3) present, periodically, a list of the goods and services identified under paragraph (1), and any trade barriers or noncompetitive actions identified under paragraph (2), to appropriate authorities in sub-Saharan African countries with a view to securing increased market access for United States exporters of goods and services;

(4) facilitate the entrance by United States businesses into the markets identified under paragraphs (1) and (2); and

(5) monitor and evaluate the results of efforts to increase the sales of goods and services in such markets.

(d) REPORTS TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and each year thereafter for five years, the Secretary of Commerce, in consultation with the Secretary of State, shall report to the Congress on actions taken to carry out subsections (b) and (c). Each report shall specify—

(1) in what countries full-time Commercial Service Officers are stationed, and the number of such officers placed in each such country;

(2) the effectiveness of the presence of the additional Commercial Service Officers in increasing United States exports to sub-Saharan African countries; and

(3) the specific actions taken by Commercial Service Officers, both in sub-Saharan African countries and in the United States, to carry out subsection (c), including identifying a list of targeted export sectors and countries.

SEC. 206. DONATION OF AIR TRAFFIC CONTROL EQUIPMENT TO ELIGIBLE SUB-SAHARAN AFRICAN COUNTRIES.

It is the sense of the Congress that, to the extent appropriate, the United States Government should make every effort to donate to governments of sub-Saharan African countries (determined to be eligible under section 4 of this Act) air traffic control equipment that is no longer in use, including appropriate related reimbursable technical assistance.

AFRICAN GROWTH AND OPPORTUNITY ACT (AGOA)—SECTION-BY-SECTION SUMMARY

Policy. The AGOA establishes as U.S. policy the creation of a transition path from development assistance to economic self-reliance for those sub-Sahara countries committed to economic and political reform, market incentives and private sector growth. Eligibility requirements are established for participation in the programs and benefits of the bill. The bill will not require any cuts or increases in the USAID budget. The bill includes separate Trade and Foreign Policy Titles.

Free Trade Area. The AGOA directs the President to develop a plan for trade agreements to establish a U.S.-Sub Sahara Africa Free Trade Area to provide an incentive for increasing trade between the U.S. and Africa and to stimulate private sector development in the region.

Trade Initiative. The AGOA would eliminate quotas on textiles and apparel from Kenya and Mauritius after these countries adopt a visa system to guard against transshipment. It continues the existing no-quota policy in Africa through 2005. Further, it authorizes the President to grant duty-free treatment for certain products from Africa currently excluded from the GSP program, subject to an import sensitivity analysis by the ITC, and extends the GSP program for Africa for 10 years.

U.S.-Africa Economic Forum. The AGOA would establish a U.S.-Africa Economic Forum to facilitate annual high level discussions of bilateral and multilateral trade and investment policies and initiatives. The Forum would work with the private sector to develop a long term trade and investment agenda.

Equity and Investment Funds. The AGOA directs OPIC to create a privately-funded $150 million equity fund and privately-funded $500

Million infrastructure fund for Africa. Both funds would support innovative investment policies to expand opportunities for women and to maximize employment opportunities for the poor.

Greater Attention to Africa. The AGOA calls for at least one member of the board of directors of the EX-IM Bank and the OPIC to have extensive private sector experience in Africa. Both the Bank and OPIC would establish private sector advisory committees with experience in Africa and both would report periodically to the Congress on their loan, guarantee and insurance programs in Africa.●

● Mr. MCCAIN. Mr. President, I rise today to support legislation introduced by my esteemed colleague, Senator LUGAR. The African Growth and Opportunity Act will create an historic new U.S. trade and investment policy for Africa.

It is regrettable that the public perception of Sub-Saharan Africa remains a region which is underdeveloped, poor, ravaged by famine and wars, and ruled by authoritarian leaders. This is not an accurate picture of today's Africa.

The Africa of the late 1990s is a continent struggling on the road to economic and political reform. Some 30 Sub-Saharan African countries are implementing economic reforms, including liberalizing trade and investment regimes, rationalizing tariff and exchange rates, and reducing barriers to investment and stock market development. In addition, more than 30 Sub-Saharan African countries are also in various stages of democratic transformation that will allow their citizens to have the same type of participation in their governments that, as Americans, we hold dear. Nigeria's recent election, despite its flaws, is a concrete example of the movement toward democracy in Africa.

The African Growth and Opportunity Act is an important piece of legislation designed to promote continued reform in Africa. The main strength of the bill is its reliance on trade incentives, not financial aid. These trade incentives are intended to result in the political and economic well-being of African citizens. American companies are given incentives to invest in these countries, and help them learn how to become members of the world marketplace. For many years, we have poured our financial resources into foreign aid programs that have met with limited success. This bill is based on the commonsense principle that if you give a nation a handout, you feed it for a day, but if you teach it to grow and trade, you assist it to reach permanent independence and self-reliance.

There is also a benefit for the United States in this legislation. Currently, United States' exports to Sub-Saharan Africa are $6 billion, which support 100,000 American jobs. However, the U.S. has only a 7% share in the African market, while Europe has a 40% share. More U.S. trade and investment in Sub-Saharan Africa will increase U.S. market share, and create more jobs here in the U.S.

More important, it should be pointed out that this legislation will foster interdependence and economic growth between countries that have been torn apart by war, disease, and harmful economic policies. By trading with the United States and each other, these nations will see the benefits of peace and stability to economic growth. An interdependent and democratic Africa will be less likely to suffer from civil strife.

I hope that my colleagues will join us in supporting this legislation that will open up a new chapter in U.S.-African relations.●

By Mr. MCCAIN:

S. 667. A bill to improve and reform elementary and secondary education; to the Committee on Finance.

EDUCATING AMERICA'S CHILDREN FOR TOMORROW (ED-ACT)

Mr. MCCAIN. President, centuries ago, Aristotle wrote, ''All who have meditated in the art of governing mankind have been convinced that the fate of empires depends on the education of the youth.'' His words still hold true today. Educating our children is a critical component in their quest for personal success and fulfillment, but it also plays a pivotal role in the success of our nation economically, intellectually, civically and morally.

Like many Americans, I have grave concerns about the current condition of our nation's education system. If a report card on our educational system were sent home today, it would be full of unsatisfactory and incomplete marks. In fact, it would be full of ''D's'' and ''F's.'' These abominable grades demonstrate our failure to meet the needs of our nation's students in kindergarten through twelfth grade.

Failure is clearly evident throughout the educational system. One prominent illustration of our nation's failure is seen in the results of the Third International Mathematics and Science Study (TIMSS.) Over forty countries participated in the 1996 study which tested science and mathematical abilities of students in the fourth, eighth and twelfth grades. Tragically, American students scored lower than students in other countries. According to this study, our twelfth graders scored near the bottom, placing 19th out of 21 nations in math and 16th in science, while scoring at the absolutely bottom in physics.

Meanwhile, students in countries which are struggling economically, socially and politically, such as Russia, outscored U.S. children in math and scored far above them in advanced math and physics. Clearly, we must make significant changes in our children's academic performance in order to remain a viable force in the world economy.

We can also see our failure when we look at the federal government's efforts to combat illiteracy. We spend over $8 billion a year on programs to eradicate illiteracy across the country. Yet, we have not seen any significant improvement in literacy in any segment of our population. Today, more than 40 million Americans cannot read a menu, instructions, medicine labels or a newspaper. And, tragically, four out of ten children in third grade cannot read.

For too long, Washington has been creating new educational programs which provide good sound-bites for politicians, make great campaign slogans, or serve the specific needs of select interests groups, but completely ignore the fundamental academic needs of our children. The time has come for us to free our schools from the shackles of the federal government and give them the freedom and the tools to educate children.

The first step is putting parents back in charge. Federal education dollars should be spent where they do the most good. The ED-ACT would funnel millions of dollars directly into our classrooms, rather than wasting education dollars on federal red tape. By sending federal elementary and secondary education funds directly to local education agencies (LEAs), schools will be able to utilize the funds for the unique needs of their students rather than wasting their time jumping through hoops for government bureaucrats. Giving the money directly to the LEAs with strong accountability requirements for the academic performance and improvement of our children is the right thing to do.

We must have higher learning expectations for our children, but we cannot and should not have these standards controlled at the national level. States and local communities must control the development, implementation and assessment of academic standards. This bill would prohibit federal funds from being used to develop or implement national education tests. National tests and standards only result in new bureaucracies, depriving parents of the opportunity to manage the education of their children.

ED-ACT strengthens and reauthorizes the successful Troops to Teachers program. As many of my colleagues know, the Troops to Teachers program was initially created in 1993 to assist military personnel affected by defense downsizing who were interested in utilizing their knowledge, professional skills and expertise as teachers. Unfortunately, the authorization for this program is set to expire at the end of this fiscal year.

Local school districts across the city are facing a shortage of two million teachers over the next decade, and the Troops to Teachers program is an important resource to help schools address this shortfall by recruiting, funding and retaining new teachers to make America's children ready for tomorrow, particularly in the areas of math, reading and science.

ED-ACT would also encourage states to ensure that all Americans are fluent in English, while helping develop innovative initiatives to promote the importance of foreign language skills.

The ability to speak one or more languages, in addition to English, is a tremendous resource to the U.S. because it enhances our competitiveness in global markets. Multilingualism also enhances our nation's diplomatic efforts and leadership role on the international front by fostering greater communication and understanding between people of all nations and cultures.

ED-ACT provides educational opportunities for disadvantaged children by providing parents and students the freedom to choose the best school for their unique academic needs, while encouraging schools to be creative and responsive to the needs of all students. This three-year demonstration would allow up to ten states or localities to implement a voucher program empowering low-income parents with more options for their child's education. Parents should be allowed to use their tax dollars to send their children to the school of their choice, public or private. Tuition vouchers would give low-income families the same choice.

ED–ACT also creates additional financial opportunities for parents, guardians and communities to plan for the educational expenses of their children. First, it would increase the amount allowed to be contributed to a higher education IRA from $500 to $1,000 annually. Under current law, the maximum amount which could be saved for a child throughout their lifetime is $9,000, which would not cover the basic costs of tuition at a private institution, let alone books, foods and living expenses for a student. This amount barely covers the tuition at a public four-year institution, but that is before factoring in inflation, expenses, room and board. In my home state of Arizona, a four-year degree from one of the three state colleges costs about $8,800—and that is just for tuition, not books, food, room and board. In addition, ED–ACT allows a $500 tax credit for taxpayers who make a voluntary contribution to public or private schools.

This bill would also help develop better educational tools for our children by gathering and analyzing pertinent data regarding some of our most vulnerable students, while collecting information about how we can ensure the best teachers are in our classrooms.

Finally, the last section of the ED–ACT reduces the bureaucratic costs at the Department of Education by thirty-five percent no later than October 1, 2004. Far too many resources are spent on funding bureaucrats in Washington, D.C., rather than teaching our children.

Thomas Jefferson said, ''The purpose of education is to create young citizens with knowing heads and loving hearts.'' If we fail to give our children the education they need to nurture their heads and hearts, then we threaten their futures and the future of our nation. The bill I am introducing today is an important step towards ensuring that our children have both the love in their hearts and the knowledge in their heads to not only dream, but to make their dreams a reality.

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

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

S. 667

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''EDucating America's Children for Tomorrow (ED–ACT)''.

(b) TABLE OF CONTENTS.—

(c) DEFINITIONS.—In this Act:

(1) COMPTROLLER GENERAL.—The term ''Comptroller General'' means the Comptroller General of the United States.

(2) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; PARENT; SECONDARY SCHOOL; STATE EDUCATIONAL AGENCY.—The terms ''elementary school'', ''local educational agency'', ''parent'', ''secondary school'', and ''State educational agency'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.).

(3) POVERTY LINE.—The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

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

(5) STATE.—The term ''State'' means each of the several States of the United States and the District of Columbia.

TITLE I—EMPOWERING PARENTS AND STUDENTS

SEC. 101. EMPOWERING PARENTS AND STUDENTS.

(a) DIRECT AWARDS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for each fiscal year the Secretary shall award the total amount of funds described in paragraph (2) directly to local educational agencies in accordance with paragraph (4) to enable the local educational agencies to carry out the authorized activities described in paragraph (5).

(2) APPLICABLE FUNDING.—The total amount of funds referred to in paragraph (1) are all funds that are appropriated for the Department of Education for a fiscal year to carry out programs or activities under the following provisions of law:

(A) Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.).

(B) Title IV of the Goals 2000: Educate America Act (20 U.S.C. 5911 et seq.).

(C) Title VI of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(D) The School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(E) Section 1502 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6492).

(F) Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.).

(G) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(H) Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.).

(I) Part A of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.).

(J) Part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7231 et seq.).

(K) Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.).

(L) Title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.).

(M) Part B of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.).

(N) Part C of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7931 et seq.).

(O) Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(P) Part B of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8031 et seq.).

(Q) Part D of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8091 et seq.).

(R) Part F of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8141 et seq.).

(S) Part G of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8161 et seq.).

(T) Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

(U) Part J of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8271 et seq.).

(V) Part K of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8331 et seq.).

(W) Part L of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8351 et seq.).

(X) Part A of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8621 et seq.).

(Y) Part C of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8671 et seq.).

(Z) Part B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.).

(3) CENSUS DETERMINATION.—

(A) IN GENERAL.—Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students that are in the school district served by the local educational agency for an academic year.

(B) PRIVATE SCHOOL STUDENTS.—In carrying out subparagraph (A), each local educational agency shall determine the number of private school students described in such paragraph for an academic year on the basis of data the local educational agency determines reliable.

(C) SUBMISSION.—Each local educational agency shall submit the total number of public and private school children described in this paragraph for an academic year to the Secretary not later than March 1 of the academic year.

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

(4) DETERMINATION OF ALLOTMENTS.—From the total applicable funding available for a fiscal year, the Secretary shall make allotments to each local educational agency in a State in an amount that bears the same relation—

(A) to 50 percent of such total applicable funding as the number of individuals in the school district served by the local educational agency who are aged 5 through 17 bears to the total number of such individuals in all school districts served by all local educational agencies in all States; and

(B) to 50 percent of such total amount as the total amount all local educational agencies in the State are eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the fiscal year bears to the total amount all local educational agencies in all States are eligible to receive under such part for the fiscal year.

(5) AUTHORIZED ACTIVITIES.—

(A) IN GENERAL.—A local educational agency receiving an allotment under paragraph (4) shall use the allotted funds for innovative assistance programs described in subparagraph (B).

(B) INNOVATIVE ASSISTANCE.—The innovative assistance programs referred to in subparagraph (A) include—

(i) technology programs related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

(ii) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that—

(I) are tied to high academic standards;

(II) will be used to improve student achievement; and

(III) are part of an overall education reform program;

(iii) promising education reform programs, including effective schools and magnet schools;

(iv) programs to improve the higher order thinking skills of disadvantaged elementary school and secondary school students and to prevent students from dropping out of school;

(v) programs to combat illiteracy in the student and adult populations, including parent illiteracy;

(vi) programs to provide for the educational needs of gifted and talented children;

(vii) hiring of teachers or teaching assistants to decrease a school, school district, or statewide student-to-teacher ratio; and

(viii) school improvement programs or activities described in sections 1116 and 1117 of the Elementary and Secondary Education Act of 1965.

(6) ACCOUNTABILITY.—

(A) LOCAL EDUCATIONAL AGENCY.—A local educational agency that receives funds under this section in any fiscal year shall make available for review by parents, community members, the State educational agency and the Department of Education—

(i) a proposed budget regarding how such funds shall be used; and

(ii) an accounting of the actual use of such funds at the end of the fiscal year of the local educational agency.

(B) SCHOOL.—Each school receiving assistance under this section in any fiscal year shall prepare and submit to the Secretary and make available to the public a detailed plan that outlines—

(i) clear academic performance objectives for students at the school;

(ii) a timetable for improving the academic performance of the students; and

(iii) methods for officially evaluating and measuring the academic growth or progress of the students.

(b) DIRECT AWARDS OF PART A OF TITLE I FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (3), the Secretary shall award the total amount of funds appropriated to carry out part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for a fiscal year directly to local educational agencies in accordance with paragraph (2) to enable the local educational agencies to support programs or activities, for kindergarten through grade 12 students, that the local educational agencies deem appropriate.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The Secretary shall make awards under this section for a fiscal year only to local educational agencies that are eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

(3) AMOUNT.—Each local educational agency shall receive an amount awarded under this subsection for a fiscal year equal to the amount the local educational agency is eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

TITLE II—PROHIBITION REGARDING FUNDING FOR DEVELOPING OR IMPLEMENTING NATIONAL EDUCATION STANDARDS

SEC. 201. PROHIBITION REGARDING FUNDING FOR DEVELOPING OR IMPLEMENTING NATIONAL EDUCATION STANDARDS.

No Federal funds may be obligated or expended to develop or implement national education standards.

TITLE III—TROOPS-TO-TEACHERS PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the ''Troops-to-Teachers Program Improvement Act of 1999''.

SEC. 302. IMPROVEMENT AND TRANSFER OF JURISDICTION OF TROOPS-TO-TEACHERS PROGRAM.

(a) RECODIFICATION, IMPROVEMENT, AND TRANSFER OF PROGRAM.—(1) Section 1151 of title 10, United States Code, is amended to read as follows:

''§ 1151. Assistance to certain separated or retired members to obtain certification and employment as teachers

''(a) PROGRAM AUTHORIZED.—The Secretary of Education, in consultation with the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard, may carry out a program—

''(1) to assist eligible members of the armed forces after their discharge or release, or retirement, from active duty to obtain certification or licensure as elementary or secondary school teachers or as vocational or technical teachers; and

''(2) to facilitate the employment of such members by local educational agencies identified under subsection (b)(1).

''(b) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCIES AND STATES.—(1)(A) In carrying out the program authorized by subsection (a), the Secretary of Education shall periodically identify local educational agencies that—

''(i) are receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

''(ii) are experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, reading, special education, or vocational or technical teachers.

''(B) The Secretary may identify local educational agencies under subparagraph (A) through surveys conducted for that purpose or by utilizing information on local educational agencies that is available to the Secretary from other sources.

''(2) In carrying out the program, the Secretary shall also conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying certification or licensure requirements for teachers.

''(c) ELIGIBLE MEMBERS.—(1) The following members shall be eligible for selection to participate in the program:

''(A) Any member who—

''(i) during the period beginning on October 1, 1990, and ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after six or more years of continuous active duty immediately before the discharge or release; and

''(ii) satisfies such other criteria for selection as the Secretary of Education, in consultation with the Secretary of Defense and

the Secretary of Transportation, may prescribe.

''(B) Any member—

''(i) who, on or after October 1, 1999—

''(I) is retired for length of service with at least 20 years of active service computed under section 3925, 3926, 8925, or 8926 of this title or for purposes of chapter 571 of this title; or

''(II) is retired under section 1201 or 1204 of this title;

''(ii) who—

''(I) in the case of a member applying for assistance for placement as an elementary or secondary school teacher, has received a baccalaureate or advanced degree from an accredited institution of higher education; or

''(II) in the case of a member applying for assistance for placement as a vocational or technical teacher—

''(aa) has received the equivalent of one year of college from an accredited institution of higher education and has 10 or more years of military experience in a vocational or technical field; or

''(bb) otherwise meets the certification or licensure requirements for a vocational or technical teacher in the State in which such member seeks assistance for placement under the program; and

''(iii) who satisfies the criteria prescribed under subparagraph (A)(ii).

''(2) A member who is discharged or released from active duty, or retires from service, under other than honorable conditions shall not be eligible to participate in the program.

''(d) INFORMATION REGARDING PROGRAM.—(1) The Secretary of Education, in consultation with the Secretary of Defense and the Secretary of Transportation, shall provide information regarding the program, and make applications for the program available, to members as part of preseparation counseling provided under section 1142 of this title.

''(2) The information provided to members shall—

''(A) indicate the local educational agencies identified under subsection (b)(1); and

''(B) identify those States surveyed under subsection (b)(2) that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying such requirements.

''(e) SELECTION OF PARTICIPANTS.—(1)(A) Selection of members to participate in the program shall be made on the basis of applications submitted to the Secretary of Education on a timely basis. An application shall be in such form and contain such information as the Secretary may require.

''(B) An application shall be considered to be submitted on a timely basis if the application is submitted as follows:

''(i) In the case of an applicant who is eligible under subsection (c)(1)(A), not later than September 30, 2003.

''(ii) In the case of an applicant who is eligible under subsection (c)(1)(B), not later than four years after the date of the retirement of the applicant from active duty.

''(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers or vocational or technical teachers, the Secretary shall give priority to members who—

''(A) have educational or military experience in science, mathematics, reading, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, reading, or special education teachers in elementary or secondary schools or in other schools under the jurisdiction of a local educational agency; or

''(B) have educational or military experience in another subject area identified by the Secretary, in consultation with the National Governors Association, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

''(3) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (g) with respect to that member.

''(f) AGREEMENT.—A member selected to participate in the program shall be required to enter into an agreement with the Secretary of Education in which the member agrees—

''(1) to obtain, within such time as the Secretary may require, certification or licensure as an elementary or secondary school teacher or vocational or technical teacher; and

''(2) to accept an offer of full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four school years with a local educational agency identified under subparagraph (A) or (B) of subsection (b)(1), to begin the school year after obtaining that certification or licensure.

''(g) STIPEND AND BONUS FOR PARTICIPANTS.—(1)(A) Subject to subparagraph (B), the Secretary of Education shall pay to each participant in the program a stipend in an amount equal to $5,000.

''(B) The total number of stipends that may be paid under this paragraph in any fiscal year may not exceed 3,000.

''(2)(A) Subject to subparagraph (B), the Secretary may, in lieu of paying a stipend under paragraph (1), pay a bonus of $10,000 to each participant in the program who agrees under subsection (f) to accept full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four years in a high need school.

''(B) The total number of bonuses that may be paid under this paragraph in any fiscal year may not exceed 1,000.

''(C) In this paragraph, the term 'high need school' means an elementary school or secondary school that meets one or more of the following criteria:

''(i) A school with a drop out rate that exceeds the national average school drop out rate.

''(ii) A school having a large percentage of students (as determined by the Secretary in consultation with the National Assessment Governing Board) who speak English as a second language.

''(iii) A school having a large percentage of students (as so determined) who are at risk of educational failure by reason of limited proficiency in English, poverty, race, geographic location, or economic circumstances.

''(iv) A school at least one-half of whose students are from families with an income below the poverty line (as that term is defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

''(v) A school with a large percentage of students (as so determined) who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(vi) A school located on an Indian reservation (as that term is defined in section 403(9) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(9)).

''(vii) A school located in a rural area.

''(viii) A school meeting any other criteria established by the Secretary in consultation with the National Governors Association.

''(3) Stipends and bonuses paid under this subsection shall be taken into account in determining the eligibility of the participant concerned for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(h) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—(1) If a participant in the program fails to obtain teacher certification or licensure or employment as an elementary or secondary school teacher or vocational or technical teacher as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the four years of required service, the participant shall be required to reimburse the Secretary of Education for any stipend paid to the participant under subsection (g)(1) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the four years of required service.

''(2) If a participant in the program who is paid a bonus under subsection (g)(2) fails to obtain employment for which such bonus was paid, or voluntarily leaves or is terminated for cause from the employment during the four years of required service, the participant shall be required to reimburse the Secretary for any bonus paid to the participant under that subsection in an amount that bears the same ratio to the amount of the bonus as the unserved portion of required service bears to the four years of required service.

''(3)(A) The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States.

''(B) A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary.

''(C) Any amount owed by a participant under paragraph (1) or (2) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the participant is first notified of the amount due.

''(i) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—(1) A participant in the program shall not be considered to be in violation of an agreement entered into under subsection (f) during any period in which the participant—

''(A) is pursuing a full-time course of study related to the field of teaching at an eligible institution;

''(B) is serving on active duty as a member of the armed forces;

''(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

''(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

''(E) is seeking and unable to find full-time employment as a teacher in an elementary or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

''(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary of Education.

''(2) A participant shall be excused from reimbursement under subsection (h) if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined

by the Secretary in consultation with the Secretary of Defense or the Secretary of Transportation, as the case may be.

''(j) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the program of any assistance under the program shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 of title 38 or chapter 1606 of this title.

''(k) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary of Education may permit States participating in the program authorized by this section to carry out activities authorized for such States under this section through one or more consortia of such States.

''(*l*) ASSISTANCE TO STATES IN ACTIVITIES UNDER PROGRAM.—(1) Subject to paragraph (2), the Secretary of Education may make grants to States participating in the program authorized by this section, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members for participation in the program and facilitating the employment of participants in the program in schools in such States or consortia of States.

''(2) The total amount of grants under paragraph (1) in any fiscal year may not exceed $4,000,000.

''(m) LIMITATION ON USE OF FUNDS FOR MANAGEMENT INFRASTRUCTURE.—The Secretary of Education may utilize not more than five percent of the funds available to carry out the program authorized by this section for a fiscal year for purposes of establishing and maintaining the management infrastructure necessary to support the program.

''(n) DEFINITIONS.—In this section:

''(1) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Republic of Palau, and the United States Virgin Islands.

''(2) The term 'alternative certification or licensure requirements' means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.''.

(2) The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1151 and inserting the following new item:

''1151. Assistance to certain separated or retired members to obtain certification and employment as teachers.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

(c) TRANSFER OF JURISDICTION OVER CURRENT PROGRAM.—(1) The Secretary of Defense, Secretary of Transportation, and Secretary of Education shall provide for the transfer to the Secretary of Education of any on-going functions and responsibilities of the Secretary of Defense and the Secretary of Transportation with respect the program authorized by section 1151 of title 10, United States Code, for the period beginning on October 23, 1992, and ending on September 30, 1999.

(2) The Secretaries shall complete the transfer under paragraph (1) not later than October 1, 1999.

(d) REPORTS.—(1) Not later than March 31, 2002, the Secretary of Education and the Comptroller General shall each submit to Congress a report on the effectiveness of the program authorized by section 1151 of title 10, United States Code (as amended by subsection (a)), in the recruitment and retention of qualified personnel by local educational agencies identified under subsection (b)(1) of such section 1151 (as so amended).

(2) The report under paragraph (1) shall include information on the following:

(A) The number of participants in the program.

(B) The schools in which such participants are employed.

(C) The grade levels at which such participants teach.

(D) The subject matters taught by such participants.

(E) The effectiveness of the teaching of such participants, as indicated by any relevant test scores of the students of such participants.

(F) The extent of any academic improvement in the schools in which such participants teach by reason of their teaching.

(G) The rates of retention of such participants by the local educational agencies employing such participants.

(H) The effect of any stipends or bonuses under subsection (g) of such section 1151 (as so amended) in enhancing participation in the program or in enhancing recruitment or retention of participants in the program by the local educational agencies employing such participants.

(I) Such other matters as the Secretary or the Comptroller General, as the case may be, considers appropriate.

(3) The report of the Comptroller General under paragraph (1) shall also include any recommendations of the Comptroller General as to means of improving the program, including means of enhancing the recruitment and retention of participants in the program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Education $25,000,000 for each of fiscal years 2000 through 2004 for purposes of carrying out the program authorized by section 1151 of title 10, United States Code (as amended by subsection (a)).

TITLE IV—ENGLISH PLUS AND MULTILINGUALISM

SEC. 401. ENGLISH PLUS.

(a) FINDINGS.—Congress makes the following findings:

(1) Immigrants to the United States have powerful incentives to learn English in order to fully participate in American society and the Nation's economy, and 90 percent of all immigrant families become fluent in English within the second generation.

(2) A common language promotes unity among citizens, and fosters greater communication.

(3) The reality of a global economy is an ever-present international development that is fostered by trade.

(4) The United States is well postured for the global economy and international development with its diverse population and rich heritage of cultures and languages from around the world.

(5) Foreign language skills are a tremendous resource to the United States and enhance American competitiveness in the global economy.

(6) It is clearly in the interest of the United States to encourage educational opportunities for all citizens and to take steps to realize the opportunities.

(7) Many American Indian languages are preserved, encouraged, and utilized, as the languages were during World War II when the Navajo Code Talkers created a code that could not be broken by the Japanese or the Germans, for example.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) our Nation must support literacy programs, including programs designed to teach English, as well as those dedicated to helping Americans learn and maintain languages in addition to English;

(2) our Nation must recognize the importance of English as the unifying language of the United States;

(3) as a Nation we must support and encourage Americans of every age to master English in order to succeed in American society and ensure a productive workforce;

(4) our Nation must recognize that a skilled labor force is crucial to United States competitiveness in a global economy, and the ability to speak languages in addition to English is a significant skill; and

(5) our Nation must recognize the benefits, both on an individual and a national basis, of developing the Nation's linguistic resources.

SEC. 402. MULTILINGUALISM STUDY.

(a) FINDINGS.—Congress finds that—

(1) even though all residents of the United States should be proficient in English, without regard to their country of birth, it is also of vital importance to the competitiveness of the United States that those residents be encouraged to learn other languages; and

(2) education is the primary responsibility of State and local governments and communities, and the governments and communities are responsible for developing policies in the area of education.

(b) RESIDENT OF THE UNITED STATES DEFINED.—In this section, the term ''resident of the United States'' means an individual who resides in the United States, other than an alien who is not lawfully present in the United States.

(c) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall conduct a study of multilingualism in the United States in accordance with this section.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The study conducted under this section shall determine—

(i) the percentage of residents in the United States who are proficient in English and at least 1 other language;

(ii) the predominant language other than English in which residents referred to in clause (i) are proficient;

(iii) the percentage of the residents described in clause (i) who were born in a foreign country;

(iv) the percentage of the residents described in clause (i) who were born in the United States;

(v) the percentage of the residents described in clause (iv) who are second-generation residents of the United States; and

(vi) the percentage of the residents described in clause (iv) who are third-generation residents of the United States.

(B) AGE-SPECIFIC CATEGORIES.—The study under this section shall, with respect to the residents described in subparagraph (A)(i), determine the number of those residents in each of the following categories:

(i) Residents who have not attained the age of 12.

(ii) Residents who have attained the age of 12, but have not attained the age of 18.

(iii) Residents who have attained the age of 18, but have not attained the age of 50.

(iv) Residents who have attained the age of 50.

(C) FEDERAL PROGRAMS.—In conducting the study under this section, the Comptroller General shall establish a list of each Federal program that encourages multilingualism with respect to any category of residents described in subparagraph (B).

(D) COMPARISONS.—In conducting the study under this section, the Comptroller General shall compare the multilingual population described in subparagraph (A) with the multilingual populations of foreign countries—

(i) in the Western Hemisphere; and

(ii) in Asia.

(d) REPORT.—Upon completion of the study under this section, the Comptroller General shall prepare, and submit to Congress, a report that contains the results of the study conducted under this section, and such findings and recommendations as the Comptroller General determines to be appropriate.

TITLE V—EDUCATIONAL OPPORTUNITIES FOR DISADVANTAGED CHILDREN

SEC. 501. PURPOSES.

The purposes of this title are—

(1) to assist and encourage States and localities to—

(A) give children from low-income families more of the same choices of all elementary and secondary schools and other academic programs that children from wealthier families already have;

(B) improve schools and other academic programs by giving low-income parents increased consumer power to choose the schools and programs that the parents determine best fit the needs of their children; and

(C) more fully engage low-income parents in their children's schooling; and

(2) to demonstrate, through a competitive discretionary grant program, the effects of State and local programs that give middle- and low-income families more of the same choices of all schools, public, private or religious, that wealthier families have.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS; PROGRAM AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.

(b) PROGRAM AUTHORITY.—The Secretary is authorized to award grants to not more than 10 States or localities, on a competitive basis, to enable the States or localities to carry out educational choice programs in accordance with this title.

SEC. 503. ELIGIBILITY.

A State or locality is eligible for a grant under this title if—

(1) the State or locality has taken significant steps to provide a choice of schools to families with school children residing in the program area described in the application submitted under section 506, including families who are not eligible for scholarships under this title;

(2) during the year for which assistance is sought, the State or locality provides assurances in the application submitted under section 506 that if awarded a grant under this title such State or locality will provide scholarships to parents of eligible children that may be redeemed for elementary schools or secondary education for their children at a broad variety of public and private elementary schools and secondary schools, including religious schools, if any, serving the area;

(3) the State or locality agrees to match 50 percent of the Federal funds provided for the scholarships; and

(4) the State or locality allows lawfully operating public and private elementary schools and secondary schools, including religious schools, if any, serving the area to participate in the program.

SEC. 504. SCHOLARSHIPS.

(a) SCHOLARSHIP AWARDS.—With funds awarded under this title, each State or locality awarded a grant under this title shall provide scholarships to the parents of eligible children, in accordance with section 505.

(b) SCHOLARSHIP VALUE.—The value of each scholarship shall be the sum of—

(1) $2,000 from funds provided under this title;

(2) $1,000 in matching funds from the State or locality; and

(3) an additional amount, if any, of State, local, or nongovernmental funds.

(c) TAX EXEMPTION.—Scholarships awarded under this title shall not be considered income of the parents for Federal income tax purposes or for determining eligibility for any other Federal program.

SEC. 505. ELIGIBLE CHILDREN; AWARD RULES.

(a) ELIGIBLE CHILD.—In this title the term ''eligible child'' means a child who—

(1) resides in the program area described in the application submitted under section 506;

(2) will attend a public or private elementary school or secondary school that is participating in the program; and

(3) subject to subsection (b)(1)(C), is from a low-income family, as determined by the State or locality in accordance with regulations of the Secretary, except that the maximum family income for eligibility under this title shall not exceed the State or national median family income adjusted for family size, whichever is higher, as determined by the Secretary, in consultation with the Bureau of the Census, on the basis of the most recent satisfactory data available.

(b) AWARD RULES.—

(1) CONTINUING ELIGIBILITY.—Each State or locality receiving a grant under this title shall provide a scholarship in each year of its program to each child who received a scholarship during the previous year of the program, unless—

(A) the child no longer resides in the program area;

(B) the child no longer attends school;

(C) the child's family income exceeds, by 20 percent or more, the maximum family income of families who received scholarships in the preceding year; or

(D) the child is expelled or convicted of a felony, including felonious drug possession, possession of a weapon on school grounds, or violent acts against other students or a member of the school's faculty.

(2) PRIORITY.—If the amount of the grant provided under this title is not sufficient to provide a scholarship to each eligible child from a family that meets the requirements of subsection (a)(3), the State or locality shall provide scholarships to eligible children from the lowest income families.

SEC. 506. APPLICATIONS.

(a) APPLICATION.—Each State or locality that wishes to receive a grant under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(b) CONTENTS.—Each such application shall contain—

(1) a description of the program area;

(2) an economic profile of children residing in the program area, in terms of family income and poverty status;

(3) the family income range of children who will be eligible to participate in the proposed program, consistent with section 505(a)(3), and a description of the applicant's method for identifying children who fall within that range;

(4) an estimate of the number of children, within the income range specified in paragraph (3), who will be eligible to receive scholarships under the program;

(5) information demonstrating that the applicant's proposed program complies with the requirements of section 503 and with the other requirements of this title;

(6) a description of the procedures the applicant has used, including timely and meaningful consultation with private school officials—

(A) to encourage public and private elementary schools and secondary schools to participate in the program; and

(B) to ensure maximum educational choices for the parents of eligible children and for other children residing in the program area;

(7) an identification of the public, private, and religious elementary schools and secondary schools that are eligible and have chosen to participate in the program;

(8) a description of how the applicant will inform children and their parents of the program and of the choices available to the parents under the program, including the availability of supplementary academic services under section 509(2);

(9) a description of the procedures to be used to provide scholarships to parents and to enable parents to use such scholarships, such as the issuance of checks payable to schools;

(10) a description of the procedures by which a school will make a pro rata refund to the Department of Education for any participating child who, before completing 50 percent of the school attendance period for which the scholarship was provided—

(A) is released or expelled from the school; or

(B) withdraws from school for any reason;

(11) a description of procedures the applicant will use to—

(A) determine a child's continuing eligibility to participate in the program; and

(B) bring new children into the program;

(12) an assurance that the applicant will cooperate in carrying out the national evaluation described in section 511;

(13) an assurance that the applicant will maintain such records relating to the program as the Secretary may require and will comply with the Secretary's reasonable requests for information about the program;

(14) a description of State or local funds (including tax benefits) and nongovernmental funds, that will be available under section 504(b)(2) to supplement scholarship funds provided under this title; and

(16) such other assurance and information as the Secretary may require.

(c) REVISIONS.—Each such application shall be updated annually as may be needed to reflect revised conditions.

SEC. 507. APPROVAL OF PROGRAMS.

(a) SELECTION.—From applications received each year the Secretary shall select not more than 10 scholarship programs on the basis of—

(1) the number and variety of educational choices that are available under the program to families of eligible children;

(2) the extent to which educational choices among public, private, and religious schools are available to all families in the program area, including families that are not eligible for scholarships under this title;

(3) the proportion of children who will participate in the program who are from families at or below the poverty line;

(4) the applicant's financial support of the program, including the amount of State, local, and nongovernmental funds that will be provided to match Federal funds, including not only direct expenditures for scholarships, but also other economic incentives provided to families participating in the program, such as a tax relief program; and

(5) other criteria established by the Secretary.

(b) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that, to the extent feasible, grants are awarded for programs in urban and rural areas and in a variety of geographic areas throughout the Nation.

(c) CONSIDERATION.—In considering the factor described in subsection (a)(4), the Secretary shall consider differences in local conditions.

SEC. 508. AMOUNTS AND LENGTH OF GRANTS.

(a) AWARDS.—The Secretary shall award not more than 10 grants annually taking into consideration the availability of appropriations, the number and quality of applications, and other factors related to the purposes of this title that the Secretary determines are appropriate.

(b) RENEWAL.—Each grant under this title shall be awarded for a period of not more than 3 years.

SEC. 509. USES OF FUNDS.

The Federal portion of any scholarship awarded under this title shall be used as follows:

(1) FIRST.—First, for—

(A) the payment of tuition and fees at the school selected by the parents of the child for whom the scholarship was provided; and

(B) the reasonable costs of the child's transportation to the school, if the school is not in the school district to which the child would be assigned in the absence of a program under this title.

(2) SECOND.—If the parents so choose, to obtain supplementary academic services for the child, at a cost of not more than $500, from any provider chosen by the parents, that the State or locality, in accordance with regulations of the Secretary, determines is capable of providing such services and has an appropriate refund policy.

(3) LASTLY.—Any funds that remain after the application of paragraphs (1) and (2) shall be used—

(A) for educational programs that help eligible children achieve high levels of academic excellence in the school attended by the eligible children for whom a scholarship was provided, if the eligible children attend a public school; or

(B) by the State or locality for additional scholarships in the year or the succeeding year of its program, in accordance with this title, if the child attends a private school.

SEC. 510. EFFECT OF PROGRAMS.

(a) TITLE I.—Notwithstanding any other provision of law, a local educational agency that, in the absence of an educational choice program that is funded under this title, would provide services to a participating eligible child under part A of title I of the Elementary and Secondary Education Act of 1965, shall provide such services to such child.

(b) INDIVIDUALS WITH DISABILITIES.—Nothing in this title shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(c) AID.—

(1) IN GENERAL.—Scholarships under this title are to aid families, not institutions. A parent's expenditure of scholarship funds at a school or for supplementary academic services shall not constitute Federal financial aid or assistance to that school or to the provider of supplementary academic services.

(2) SUPPLEMENTARY ACADEMIC SERVICES.—

(A) IN GENERAL.—Notwithstanding paragraph (1), a school or provider of supplementary academic services that receives scholarship funds under this title shall, as a condition of participation under this title, comply with the antidiscrimination provisions of section 601 of title VI of the Civil Rights Act of 1964 (42 U.S.C. 1681) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(B) REGULATIONS.—The Secretary shall promulgate new regulations to implement the provisions of subparagraph (A), taking into account the purposes of this title and the nature, variety, and missions of schools and providers that may participate in providing services to children under this title.

(d) OTHER FEDERAL FUNDS.—No Federal, State, or local agency may, in any year, take into account Federal funds provided to a State or locality or to the parents of any child under this title in determining whether to provide any other funds from Federal, State, or local resources, or in determining the amount of such assistance, to such State or locality or to a school attended by such child.

(e) NO DISCRETION.—Nothing in this title shall be construed to authorize the Secretary to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school participating in a program under this title.

SEC. 511. NATIONAL EVALUATION.

The Inspector General of the Department of Education shall conduct a national evaluation of the program authorized by this title. Such evaluation shall, at a minimum—

(1) assess the implementation of scholarship programs assisted under this title and their effect on participants, schools, and communities in the program area, including parental involvement in, and satisfaction with, the program and their children's education;

(2) compare the educational achievement of participating eligible children with the educational achievement of similar non-participating children before, during, and after the program; and

(3) compare—

(A) the educational achievement of eligible children who use scholarships to attend schools other than the schools the children would attend in the absence of the program; with

(B) the educational achievement of children who attend the schools the children would attend in the absence of the program.

SEC. 512. ENFORCEMENT.

(a) REGULATIONS.—The Secretary shall promulgate regulations to enforce the provisions of this title.

(b) PRIVATE CAUSE.—No provision or requirement of this title shall be enforced through a private cause of action.

SEC. 513. DEFINITIONS.

In this title—

(1) the term ''locality'' means—

(A) a unit of general purpose local government, such as a city, township, or village; or

(B) a local educational agency; and

(2) the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

TITLE VI—TAX PROVISIONS

SEC. 601. CREDIT FOR CONTRIBUTIONS TO SCHOOLS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following:

''SEC. 25B. CREDIT FOR CONTRIBUTIONS TO SCHOOLS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified charitable contributions of the taxpayer for the taxable year.

''(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $500 ($250, in the case of a married individual filing a separate return).

''(c) QUALIFIED CHARITABLE CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified charitable contribution' means, with respect to any taxable year, the amount allowable as a deduction under section 170 (determined without regard to subsection (e)(1)) for cash contributions to a school.

''(2) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law.

''(d) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any contribution for which credit is allowed under this section.

''(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.''

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following:

''Sec. 25B. Credit for contributions to schools.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 602. INCREASE IN ANNUAL CONTRIBUTION LIMIT FOR EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Section 530(b)(1)(A)(iii) of the Internal Revenue Code of 1986 (defining education individual retirement account) is amended by striking ''$500'' and inserting ''$1,000''.

(b) CONFORMING AMENDMENT.—Section 4973(e)(1)(A) of such Code is amended by striking ''$500'' and inserting ''$1,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

TITLE VII—DEVELOPING BETTER EDUCATION TOOLS

SEC. 701. EDUCATIONAL TOOLS FOR UNDERSERVED STUDENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Limited data exists regarding Native American, Asian American and many other minority students.

(2) The limited data available regarding these students demonstrates potentially severe educational problems among Native American students and a decline in performance among Asian American students.

(b) STUDY AND DATA.—The Comptroller General shall conduct a study and collect data regarding the education of minority students, including Native American students, Asian American students, and all other students who are often combined in statistical data under the category of other, in order to provide more extensive and reliable data regarding the students and to improve the academic preparation of the students.

(c) MATTERS STUDIED.—The study referred to in subsection (a) shall examine and compile information regarding—

(1) the environment of the students;

(2) the academic achievement scores in reading, mathematics, and science of the students;

(3) the postsecondary education of the students;

(4) the environment and education of the members of the students' families; and

(5) the parental involvement in the education of the students.

(d) RECOMMENDATIONS.—The Comptroller General shall develop recommendations regarding the development and implementation of strategies to meet the unique educational needs of the students described in subsection (a).

(e) REPORT.—

(1) IN GENERAL.—The Comptroller General shall prepare a report regarding the matters studied, the information collected, and the

recommendations developed under this section.

(2) DISTRIBUTION.—The Comptroller General shall distribute the report described in paragraph (1) to each local educational agency and State educational agency in the United States, the Secretary, and Congress.

(f) FUNDING.—The Secretary shall make available to the Comptroller General, from any funds available to the Secretary for salaries and expenses at the Department of Education, such sums as the Comptroller General determines necessary to carry out this section.

SEC. 702. TEACHER TRAINING.

(a) FINDINGS.—Congress finds that too often inexperienced elementary school and secondary school teachers or teachers with low levels of education are found in schools predominately serving low-income students.

(b) STUDY.—The Comptroller General shall conduct a study to determine whether requiring teacher training in a specific subject matter or at least a minor degree in a subject matter (such as mathematics, science, or English results in improved student performance.

SEC. 703. PUTTING THE BEST TEACHERS IN THE CLASSROOM.

It is the sense of the Senate that—

(1) the individual States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill;

(2) States in conjunction with the various local education agencies should develop their own methods of testing their teachers and other instructional staff with respect to the specific subjects taught by the teachers and staff, and should administer the test every 4 years to individual teachers;

(3) each local educational agency should give serious consideration to using a portion of the funds made available under section 101 to develop and implement a method for evaluating each individual teacher's ability to provide the appropriate instruction in the classroom; and

(4) each local educational agency is encouraged to give consideration to providing monetary rewards to teachers by developing a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, and that will encourage teachers to continue to learn needed skills and broaden the teachers' expertise, thereby enhancing education for all students.

TITLE VIII—EMPOWERING STUDENTS

SEC. 801. EMPOWERING STUDENTS.

The Secretary, not later than October 1, 2004, shall gradually reduce the sum of the costs for employees and administrative expenses at the Department of Education as of the date of enactment of this Act incrementally each year until the sum of the costs for employees and administrative costs are reduced by 35 percent.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. MCCAIN, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Nebraska (Mr. KERREY), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 288

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 288, a bill to amend the Internal Revenue Code of 1986 to exclude from income certain amounts received under the National Health Service Corps Scholarship Program and F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.

S. 296

At the request of Mr. FRIST, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 322

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 335

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 364

At the request of Mr. BOND, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 364, a bill to improve certain loan programs of the Small Business Administration, and for other purposes.

S. 368

At the request of Mr. COCHRAN, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 368, a bill to authorize the minting and issuance of a commemorative coin in honor of the founding of Biloxi, Mississippi.

S. 376

At the request of Mr. BURNS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 376, a bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

S. 427

At the request of Mr. ABRAHAM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 427, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 428

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 428, a bill to amend the Agricultural Market Transition Act to ensure that producers of all classes of soft white wheat (including club wheat) are permitted to repay marketing assistance loans, or receive loan deficiency payments, for the wheat at the same rate.

S. 429

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of ''Washington's Birthday'' as ''Presidents' Day'' in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 445

At the request of Mr. JEFFORDS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans.

S. 446

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 446, a bill to provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

S. 459

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

At the request of Mr. BREAUX, the names of the Senator from Maine (Ms. SNOWE), the Senator from Idaho (Mr. CRAPO), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 459, supra.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 531

At the request of Mr. ABRAHAM, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.