

S. 817

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 "After School Education and Anti-Crime Act of 1999".

SEC. 2. PURPOSE.

The purpose of this Act is to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity, than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

(4) The consequences of academic failure are more dire in 1999 than ever before.

(5) After school programs have been shown in many States to help address social problems facing our Nation's youth, such as drugs, alcohol, tobacco, and gang involvement.

(6) Many of our Nation's governors endorse increasing the number of after school programs through a Federal/State partnership.

(7) Over 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with presidents of the Fraternal Order of Police and the International Union of Police Associations, which together represent 360,000 police officers, have called upon public officials to provide after school programs that offer recreation, academic support, and community service experience, for school-age children and teens in the United States.

(8) One of the most important investments that we can make in our children is to ensure that they have safe and positive learning environments in the after school hours.

SEC. 4. GOALS.

The goals of this Act are as follows:

(1) To increase the academic success of students.

(2) To promote safe and productive environments for students in the after school hours.

(3) To provide alternatives to drug, alcohol, tobacco, and gang activity.

(4) To reduce juvenile crime and the risk that youth will become victims of crime during after school hours.

SEC. 5. PROGRAM AUTHORIZATION.

Section 10903 of the 21st Century Community Learning Centers Act (20 U.S.C. 8243) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting "TO LOCAL EDUCATIONAL AGENCIES FOR SCHOOLS" after "SECRETARY"; and

(B) by striking "rural and inner-city public" and all that follows through "or to" and inserting "local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or"; and

(C) by striking "a rural or inner-city community" and inserting "the communities";

(2) in subsection (b)—

(A) by striking "States, among" and inserting "States and among"; and

(B) by striking "United States," and all that follows through "a State" and inserting "United States"; and

(3) in subsection (c), by striking "3" and inserting "5".

SEC. 6. APPLICATIONS.

Section 10904 of the 21st Century Community Learning Centers Act (20 U.S.C. 8244) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence, by striking "an elementary or secondary school or consortium" and inserting "a local educational agency"; and

(ii) in the second sentence, by striking "Each such" and inserting the following:

"(b) CONTENTS.—Each such"; and

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1), by striking "or consortium";

(B) in paragraph (2), by striking "and" after the semicolon; and

(C) in paragraph (3)—

(i) in subparagraph (B), by inserting "including programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)" after "maximized";

(ii) in subparagraph (C), by inserting "students, parents, teachers, school administrators, local government, including law enforcement organizations such as Police Athletic and Activity Leagues," after "agencies";

(iii) in subparagraph (D), by striking "or consortium"; and

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking "or consortium"; and

(II) in clause (ii), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

"(4) information demonstrating that the local educational agency will—

"(A) provide not less than 35 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated; and

"(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

"(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year for the activities the local educational agency provides with funds provided under this part.".

SEC. 7. USES OF FUNDS.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

"(a) IN GENERAL.—Grants awarded under this part may be used to establish or expand community learning centers. The centers may provide 1 or more of the following activities:";

(2) in subsection (a)(11) (as redesignated by paragraph (1)), by inserting "and job skills preparation" after "placement"; and

(3) by adding at the end the following:

"(14) After school programs, that—

"(A) shall include at least 2 of the following—

"(i) mentoring programs;

"(ii) academic assistance;

"(iii) recreational activities; or

"(iv) technology training; and

"(B) may include—

"(i) drug, alcohol, and gang prevention activities;

"(ii) health and nutrition counseling; and

"(iii) job skills preparation activities.

"(b) LIMITATION.—Not less than % of the amount appropriated under section 10907 for each fiscal year shall be used for after school programs, as described in paragraph (14). Such programs may also include activities described in paragraphs (1) through (13) that offer expanded opportunities for children or youth.".

SEC. 8. ADMINISTRATION.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended by adding at the end the following:

"(c) ADMINISTRATION.—In carrying out the activities described in subsection (a), a local educational agency or school shall, to the greatest extent practicable—

"(1) request volunteers from business and academic communities, and law enforcement organizations, such as Police Athletic and Activity Leagues, to serve as mentors or to assist in other ways;

"(2) ensure that youth in the local community participate in designing the after school activities;

"(3) develop creative methods of conducting outreach to youth in the community;

"(4) request donations of computer equipment and other materials and equipment; and

"(5) work with State and local park and recreation agencies so that activities carried out by the agencies prior to the date of enactment of this subsection are not duplicated by activities assisted under this part.".

SEC. 9. COMMUNITY LEARNING CENTER DEFINED.

Section 10906 of the 21st Century Community Learning Centers Act (20 U.S.C. 8246) is amended in paragraph (2) by inserting "including law enforcement organizations such as the Police Athletic and Activity League" after "governmental agencies".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 10907 of the 21st Century Community Learning Centers Act (20 U.S.C. 8247) is amended by striking "\$20,000,000 for fiscal year 1995" and all that follows and inserting "\$600,000,000 for each of fiscal years 2000 through 2004, to carry out this part.".

SEC. 11. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect on October 1, 1999.

By Mr. DEWINE (for himself and Mr. REID):

S. 818. A bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of Medicare patients related to the provision of anesthesia services; to the Committee on Finance.

THE SAFE SENIORS ASSURANCE STUDY ACT OF 1999

Mr. DEWINE. Mr. President, today I rise to introduce the "Safe Seniors Assurance Study Act of 1999." I am joined in this effort by my colleague, Senator REID from Nevada. This bill would require that the Secretary of Health and Human Services conduct a study and analyze the impact of physician supervision, or lack of physician supervision, on death rates of Medicare patients associated with the administration of anesthesia services. Since the

Medicare program began, the Health Care Financing Administration's (HCFA) standards for hospitals and ambulatory surgical centers have required that a physician either provide the anesthesia care or supervise the anesthesia care provided by nurse anesthetists. This requirement has also applied to the Medicaid program.

The very old and the very young, both covered by these two federal insurance programs, represent the segments of our population that, on average, face the highest anesthesia risks. The two programs cover over 40 million Americans.

In December 1997, HCFA proposed changes to its standards for hospitals and surgical centers. Included in these proposed changes was the elimination of the physician supervision requirement, leaving to state governments the decision whether physician supervision of nurse anesthetists was necessary. In issuing its proposed changes, HCFA offered no scientific data indicating that anesthesia safety would not be impaired as a result of the changed rule, and has offered no such data to this day.

In 1992, HCFA considered a similar change, but rejected it. After reviewing the studies available at the time showing anesthesia outcomes, HCFA concluded: "In consideration of the risks associated with anesthesia procedures, we believe it would not be appropriate to allow anesthesia administration by a non-physician anesthetist unless under supervision by an anesthesiologist or the operating practitioner." HCFA also declined to adopt as a "national minimum standard of care, a practice that is allowed in only some states."

In the only comparative anesthesia outcome study published since 1992, researchers found that outcomes were better in hospitals having Board-certified anesthesiologists on staff. In the Fall of last year, an abstract of a University of Pennsylvania study of 65,000 Medicare surgical cases indicated that mortality and 'failure to rescue' rates significantly improved when a nurse anesthetist was supervised by an anesthesiologist rather than the operating surgeon. This latter study is expected to be published in final form later this year.

The Conference Report on the Fiscal Year 1999 Omnibus Appropriations measure recommended that HCFA "base retaining or changing the current requirement of physician supervision. . . on scientifically valid outcomes data." The Report suggested "an outcome approach that would examine, using existing operating room anesthesia data, mortality and adverse outcomes rates by different anesthesia providers, adjusted to reflect relevant scientific variables."

A bill was introduced in the House in early February by Representatives DAVE WELDON and GENE GREEN that would require HCFA to undertake the congressionally-recommended outcome

study of Medicare patients, and complete it by June 30, 2000. That bill currently has about 37 cosponsors—Republicans and Democrats. This is not a partisan issue, but an issue about safety. The bill that I am introducing with my colleague, Senator HARRY REID today, is very similar to the Weldon/Green bill in the House. Our Senate version would only require that the Secretary of HHS consider the results of the June 2000 study in deciding whether or not to implement its 1997 proposal.

Physician anesthesiologists personally provide, or supervise anesthesia administration by a qualified non-physician, 90% of the anesthesia care in this country. In the rest of the cases, supervision is provided by the operating practitioner. Under the Medicare program, there is no additional cost for having an anesthesiologist provide or supervise the anesthesia care versus having a non-physician provide the anesthesia under the supervision of the operating practitioner. The proposed HCFA rule change does not, therefore, generate any cost savings.

Anesthesiologists are physicians who, after four years of pre-medical training in college, have completed eight years of medical education and specialized residency training. This is in contrast to the 24 to 30 months of training received by nurse anesthetists after nursing school—in fact, about 37% of nurse anesthetists have not graduated from college.

The American Medical Association's House of Delegates last December approved a resolution supporting legislation requiring that an appropriately licensed and credentialed physician administer or supervise anesthesia care. National surveys of Medicare beneficiaries performed by the Tarrance Group in January 1998 and 1999 show that 4 out of 5 seniors oppose the elimination of the current physician supervision requirement.

Let's err on the side of safety and caution by requiring that the Secretary of HHS conduct a study on the mortality and death rates of Medicare patients associated with the administration of anesthesia care by different providers. Analyzing the impact of physician supervision on anesthesia care and requiring the Secretary to simply consider the results of that study in determining whether or not to change current regulations to allow unsupervised nurse anesthetists to administer anesthesia services, is the very least we can do to ensure that we are making safe changes to existing regulations—changes that HCFA rejected in 1992 when studies of anesthesia outcomes were up-to-date and available.

If HCFA is going to now change its policy in 1999, we should ask HCFA to show us the scientific and clinical data behind its decision to ensure that the safety of our most vulnerable populations—our children and our elderly—are adequately protected. None of us—

including HCFA—is in a position to judge the merits of this proposed rule change without first gathering and then analyzing up-to-date scientific evidence. Only then can patients be confident in the safety and quality of their anesthesia care. I urge my colleagues to support this important legislation.

By Mr. GRAHAM (for himself and Mr. REID):

S. 819. A bill to provide funding for the National Park System from outer Continental Shelf revenues; to the Committee on Energy and Natural Resources.

NATIONAL PARK PRESERVATION ACT

Mr. GRAHAM. Mr. President, Member of the Senate, I am today introducing the National Park Preservation Act with my colleague Senator REID of Nevada. This legislation will preserve and protect threatened or impaired ecosystems, critical habitats, and cultural and other core park resources within our National Park System.

As you are all aware, the National Park Service has a presence in virtually every state in the nation. There are a total of 345 units in the national park system spread throughout the nation. My home state of Florida is home to three National Parks—Everglades, Biscayne, and Dry Tortugas; two National Preserves—Big Cypress and Timucuan Ecological and Historical Preserve; two National Seashores—Cana-veral and Gulf Islands; two National Monuments—Castillo de San Marcos and Fort Matanzas; and two National Memorials—DeSoto and Fort Caroline.

Although these National Parks are treasured throughout the nation, everyday activities often threaten the resources of our park system. For example, in Yellowstone National Park an inadequate sewage system frequently discharges materials into precious resources such as Yellowstone Lake. Development surrounding Mojave National Park threatens the park's desert wilderness. Ground-level ozone accumulating at Great Smoky Mountains National Park threatens the park's core resource—visibility. Manipulation of the natural hydrologic system impacts water quality and water availability in Everglades National Park.

The Graham-Reid National Park Preservation Act will preserve and protect threatened or impaired ecosystems, critical habitat, cultural resources and other core resources within our National Park System. The bill will establish a permanent account using Outer Continental Shelf revenues to provide \$500 million annually to the Department of Interior to protect and preserve these resources. These funds will be made available for projects such as land acquisition, construction, grants to state or local governments, or partnerships with other federal agencies that seek to combat identified threats to ecosystems, critical habitats, cultural resources, and other core park resources. In this legislation, I

also continue my longstanding efforts to protect Florida's coastal resources by making revenues from any new oil and gas leases or from development of any existing leases in a moratorium area ineligible for expenditure in this account.

Thirty percent of the \$500 million will be available for park units threatened or impaired by activities occurring within the unit such as sewage treatment at Yellowstone Park. Seventy percent of the \$500 million will be available for park units threatened or impaired by activities occurring outside of the unit, such as degradation of water resources at Everglades National Park.

Of these funds, the legislation specifically provides \$75 million to the Everglades restoration effort as the keynote project of the legislation.

The Everglades National Park is one component of the Everglades ecosystem which stretches from the Kissimmee River basin near Orlando and all the way to Florida Bay and Keys. It is the only ecosystem of its kind in the world. It is the largest wetland and subtropical wilderness in the United States. It is home to a unique population of plant and wildlife. The water in this system is the lifeblood of the freshwater aquifer that provides most of Florida's drinking water.

For more than a century, this ecosystem has been altered to facilitate development and protect against hurricanes and droughts. Today, almost 50% of the original Everglades has been drained or otherwise altered. The remaining Everglades, and in particular, the regions located within Everglades National Park, are severely threatened by nutrient-rich water, interrupted hydrology, decreased water supply, exotic plants, and mercury contamination.

On July 1 the Army Corps of Engineers will submit to Congress an Everglades restoration plan, termed the "Restudy" by the Water Resources Development Act of 1996. This plan reviews the original Central and South Florida Flood Control project which was initiated in the 1940s by the Army Corps and has been the source of the ecosystem manipulation that occurred in Florida since that time. The Restudy outlines the basic elements of a plan to restore the Everglades as closely to their natural state as possible. This is a difficult and complex task since the original area of the Everglades was reduced by 50% with the development of both coasts as large metropolitan areas. Costs of execution of this plan will be shared on a 50-50 basis with the state of Florida.

There has never been a restoration project of this size in the history of the United States or the world. This is an opportunity to preserve a national treasure that was destroyed by our own actions in the past. The bill we will introduce today will provide dedicated funds for the federal share of the land acquisition portions of this project which is so critical to the nation.

I look forward to working with each of you as we seek to protect and preserve the ecosystems, critical habitat, cultural resources and other core resources within our National Park System.

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. 819

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 "Act to Sustain the National Parks".

SEC. 2. DEDICATION OF A PORTION OF OUTER CONTINENTAL SHELF REVENUES TO THE NATIONAL PARK SERVICE.

(a) **DEFINITIONS.**—In this Act:

(1) **LEASED TRACT.**—The term "leased tract" means a tract leased under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources, consisting of a block, a portion of a block, or a combination of blocks or portions of blocks, as specified in the lease and as depicted on an Outer Continental Shelf Official Protraction Diagram.

(2) **OUTER CONTINENTAL SHELF.**—The term "outer Continental Shelf" has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(3) **OUTER CONTINENTAL SHELF REVENUES.**—

(A) **IN GENERAL.**—The term "outer Continental Shelf revenues" means all amounts received by the United States from leased tracts, less—

(i) such amounts as are credited to States under section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)); and

(ii) such amounts as are needed for adjustments or refunds of overpayments for rents, royalties, or other purposes.

(B) **INCLUSIONS.**—The term "outer Continental Shelf revenues" includes royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) for a leased tract.

(C) **EXCLUSIONS.**—The term "outer Continental Shelf revenues" does not include amounts received by the United States under—

(i) any lease issued on or after the date of enactment of this Act;

(ii) any lease under which no oil or gas production occurred before January 1, 1999; or

(iii) any lease in an area for which there is in effect a moratorium on leasing or drilling on the outer Continental Shelf.

(b) **SEPARATE ACCOUNT.**—Of the amount of outer Continental Shelf revenues received by the Secretary of the Interior during each fiscal year, \$500,000,000 shall be deposited in a separate account in the Treasury of the United States and shall, without further Act of appropriation, be available to the Secretary of the Interior in subsequent fiscal years until expended.

(c) **THREATENED PARK RESOURCES.**—

(1) **IN GENERAL.**—The amounts made available under subsection (b) shall be available for expenditure in units of the National Park System that have ecosystems, critical habitat, cultural resources, or other core park resources that are threatened or impaired.

(2) **IDENTIFIED THREATS.**—The amounts made available under subsection (b)—

(A) shall be used only to address identified threats and impairments described in paragraph (1), including use for land acquisition, construction, grants to State, local, or municipal governments, or partnerships with other Federal agencies or nonprofit organizations; and

(B) shall not be directed to other operational or maintenance needs of units of the National Park System.

(3) **ALLOCATION.**—Of the amounts made available under subsection (b)—

(A) 30 percent shall be available for expenditure in units of the National Park System with ecosystems, critical habitat, cultural resources, or other core park resources threatened or impaired by activities occurring inside the unit; and

(B) 70 percent shall be available for expenditure in units of the National Park System with ecosystems, critical habitat, cultural resources, or other core park resources threatened or impaired by activities occurring outside the unit (including \$150,000,000 for each of fiscal years 2000 through 2015 for the Federal share of the Everglades and South Florida ecosystem restoration project under the comprehensive plan developed under section 528 of the Water Resources Development Act of 1996 (110 Stat. 3767)).

(d) **CONFORMING AMENDMENT.**—Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended by striking "All rentals" and inserting "Except as provided in section 2 of the National Park Preservation Act, all rentals".

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

S. 820. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury; to the Committee on Finance.

THE TRANSPORTATION TAX EQUITY AND FAIRNESS ACT

Mr. CHAFEE. Mr. President, today I am introducing legislation, along with Senators BREAX and JEFFORDS, to correct an inequity that currently exists with the taxes imposed on transportation fuels.

In 1990 Congress extended fuel taxes beyond their traditional role as transportation user fees by introducing a 2.5 cents-per-gallon federal deficit reduction tax on railroad and highway fuels. These taxes were enacted as part of legislation that was designed to reduce the federal budget that existed at that time.

In 1993, Congress increased these "deficit reduction fuel taxes" and extended them to inland waterway users and commercial airlines. The taxes imposed on barges went into effect immediately, while those affecting the airlines were delayed for 2 years. As a result of these two pieces of legislation a deficit reduction fuel tax of 6.8 cents per gallon was imposed on railroads and trucks, 4.3 cents per gallon on barges, and a suspended 4.3 cents per gallon tax on airlines.

Beginning in 1995, however, Congress began to redirect these taxes for other uses. The first step was taking 2.5 cents of the amount paid by highway users and transferring it to the Highway Trust Fund. The Highway Trust Fund,

as many of my colleagues know, is the principal source of money used for highway infrastructure. Taxes paid into this trust fund by highway users results in a direct benefit to them by being recycled back into improvements to our nation's roads and bridges.

Recognizing that this transfer would place the railroad industry—a direct competitor of the trucking industry—at a competitive disadvantage, Congress reduced the deficit reduction tax paid by railroads by 1.25 cents. As a result of these changes, then, highway users, commercial airlines and inland waterway users paid a deficit reduction tax of 4.3 cents while railroads paid a tax of 5.55 cents.

The 1997 Taxpayer Relief Act further disadvantaged the railroad and inland waterway sectors by relieving highway users and commercial airlines from the remaining 4.3 cent deficit reduction fuel tax. Instead of these funds going into the General Fund of the Treasury, the taxes paid by these sectors were redirected to their respective trust funds.

I have a chart that I will ask be included with my statement that shows the evolution of deficit reduction fuel excise taxes over the past decade.

Today, two sectors of the transportation industry—railroads and inland waterway users—pay “deficit reduction” taxes even though we no longer have a deficit. Furthermore, these sectors are required to continue paying these taxes even though their competitors do not.

There is absolutely no policy rationale for railroads and barge operators to pay deficit reduction fuel taxes while motor carriers and commercial airlines are required to pay nothing.

We believe the time has come to correct this unfairness. This bill levels the playing field by repealing the remaining 4.3 cent tax paid by the railroads and inland waterway users.

I urge all of my colleagues to our legislation. Mr. President, I ask that the chart be included in the RECORD.

The chart follows:

DEFICIT REDUCTION FUEL EXCISE TAXES PAID BY THE VARIOUS TRANSPORTATION SECTORS BY YEAR

	1990	1993	1995	1997	1999
Highway Users	2.5	6.8	4.3	0	0
Railroads	2.5	6.8	5.55	5.55	4.3
Barges	0	4.3	4.3	4.3	4.3
Commercial Airlines	0	0	4.3	0	0

By Mr. LAUTENBERG (for himself, Mr. FEINGOLD, Mr. KENNEDY, and Mr. TORRICELLI):

S. 821. A bill to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

TRAFFIC STOPS STATISTICS STUDY ACT OF 1999

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation that will help our nation deal with the problem of racial profiling during traffic stops. I am pleased to be joined in this effort by Senators FEINGOLD, KENNEDY, and TORRICELLI.

Across the country, too many motorists fear that they will be stopped by

law enforcement for nothing more than the color of their skin. The offense of “D.W.B.” or “Driving While Black” is well known to minorities, and the fact that this term has entered the common vocabulary demonstrates the pervasiveness of the problem.

In my home state and other states along the Interstate-95 corridor, there have been many serious and credible allegations of racial profiling. For example, statistics recently released by the state of New Jersey, reveal that 73 percent of motorists arrested on the New Jersey Turnpike in early 1997 were minorities. Similarly, a court-ordered study in Maryland found that more than 70 percent of drivers stopped on Interstate-95 were African American though they made up only 17.5 percent of drivers.

Not surprisingly, the practice of racial profiling has led to litigation. In the case of State versus Soto, a state court judge ruled that troopers were engaging in racial profiling on the southernmost segment of the New Jersey Turnpike. That decision spurred the United States Department of Justice to begin a “pattern and practice” investigation, in December 1996, to determine whether the New Jersey State Police had violated the constitutional rights of minority motorists. The Department of Justice is also investigating police agencies in Eastpointe, Michigan, and Orange County, Florida. Additionally, a number of individuals and organizations have filed private lawsuits seeking to end the inappropriate use of racial profiling.

While litigation may bring about limited reforms, it is clear that Congress must develop a nationwide approach. The legislation I am introducing today will help define the scope of the problem, increase police awareness, and suggest whether additional steps are necessary. It would require that the Attorney General collect data on traffic stops and report the results to Congress. Because better relations between police and citizens will help ease racial tensions, the measure will also authorize grants to law enforcement agencies for the development of better training programs and policing strategies.

In recent decades, we have made great progress in strengthening the civil rights of all Americans. Many dedicated law enforcement officials have contributed greatly to this effort by applying the law fairly and working to strengthen the bonds of trust in the communities they serve. To their credit, some police agencies have spoken out against the practice of racial profiling. In New Jersey, the State Troopers Fraternal Association, the State Troopers Non-Commissioned Officers Association, and the State Troopers Superior Officers Association have stated that “anyone out there using racial profiling or in any way misusing or abusing their position, must be identified and properly dealt with.” But we cannot allow the actions

of some police officials to undermine these achievements, and we should work to ensure that minority motorists are no longer subjected to unwarranted traffic stops.

I urge my colleagues to support this measure, and help protect the civil rights of all Americans. 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. 821

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 “Traffic Stops Statistics Study Act of 1999”.

SEC. 2. ATTORNEY GENERAL TO CONDUCT STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Attorney General shall conduct a nationwide study of stops for traffic violations by law enforcement officers.

(2) INITIAL ANALYSIS.—The Attorney General shall perform an initial analysis of existing data, including complaints alleging and other information concerning traffic stops motivated by race and other bias.

(3) DATA COLLECTION.—After completion of the initial analysis under paragraph (2), the Attorney General shall then gather the following data on traffic stops from a nationwide sample of jurisdictions, including jurisdictions identified in the initial analysis:

(A) The traffic infraction alleged to have been committed that led to the stop.

(B) Identifying characteristics of the driver stopped, including the race, gender, ethnicity, and approximate age of the driver.

(C) Whether immigration status was questioned, immigration documents were requested, or an inquiry was made to the Immigration and Naturalization Service with regard to any person in the vehicle.

(D) The number of individuals in the stopped vehicle.

(E) Whether a search was instituted as a result of the stop and whether consent was requested for the search.

(F) Any alleged criminal behavior by the driver that justified the search.

(G) Any items seized, including contraband or money.

(H) Whether any warning or citation was issued as a result of the stop.

(I) Whether an arrest was made as a result of either the stop or the search and the justification for the arrest.

(J) The duration of the stop.

(b) REPORTING.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report the results of its initial analysis to Congress, and make such report available to the public, and identify the jurisdictions for which the study is to be conducted. Not later than 2 years after the date of the enactment of this Act, the Attorney General shall report the results of the data collected under this Act to Congress, a copy of which shall also be published in the Federal Register.

SEC. 3. GRANT PROGRAM.

In order to complete the study described in section 2, the Attorney General may provide grants to law enforcement agencies to collect and submit the data described in section 2 to the appropriate agency as designated by the Attorney General.

SEC. 4. LIMITATION ON USE OF DATA.

Information released pursuant to section 2 shall not reveal the identity of any individual who is stopped or any law enforcement officer involved in a traffic stop.

SEC. 5. DEFINITIONS.

For purposes of this Act:

(1) **LAW ENFORCEMENT AGENCY.**—The term “law enforcement agency” means an agency of a State or political subdivision of a State, authorized by law or by a Federal, State, or local government agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws, or a federally recognized Indian tribe.

(2) **INDIAN TRIBE.**—The term “Indian tribe” means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. FEINGOLD. Mr. President, I am pleased to join my friend the senior Senator from New Jersey (Mr. LAUTENBERG) in introducing the Traffic Stops Statistics Act of 1999. This legislation represents a substantial step toward ending an insidious form of discrimination that is plaguing African-American and Hispanic drivers on our roadways—racial profiling. Most law enforcement officers do their best to respect and protect the rights of their fellow citizens, but it has become undeniable that racial profiling has become a disturbingly common practice.

Racial profiling is the practice of pulling over African American, Hispanic, and other minority drivers for routine traffic stops as a premise for conducting a search for drugs. They might be driving just like any ordinary driver, and so they might be surprised to be pulled over. “Was I speeding?” they ask. Often, they are told that they have committed some minor traffic infraction that most people are not even aware of—sometimes, the infraction is just a pretext—they might be told that their tire tread is not of the correct depth, or that they have a bumper sticker affixed incorrectly. Any such infraction can be alleged in order to pull over a target of racial profiling, and as a premise to ask for a search. Many people are not aware that they have the right to refuse a search, and many innocent people are afraid that saying no will make them look guilty.

The reality is, if they do refuse a search, victims can sometimes look forward to being detained anyway while a canine unit comes out to sniff for drugs. That is what happened to attorney Robert Wilkins and his family as they returned to Maryland by car from his grandfather’s funeral in Chicago. Mr. Wilkins was fortunate enough to be an attorney who knew his rights, and proceeded to join with the ACLU and other groups to sue the Maryland State Police. As a result of that lawsuit, Maryland has conducted its own study of traffic stops, and the results indicate that over 75 percent of those people stopped and search on I-95 are African-American, even though Af-

rican-Americans make up only 17 percent of the state’s population. The innocent people who are inevitably caught in these racially motivated stops feel like they are being punished for what is now called “DWB”—“Driving While Black,” or “Driving While Brown.”

Mr. President, by and large when minorities are stopped by law enforcement officers, they are not attorneys, and they may not know or assert all of their rights—they are scared and they are resentful. And rightly so, when they have been the victim of racial profiling. Is this the way we want to stop the flow of drugs in America? By randomly targeting racial and ethnic minorities who are doing nothing more suspicious than driving their cars? Do we want law-abiding American citizens to feel as though they are living in a police state, scared and reluctant to travel in their cars for fear of being stopped and searched for no reason?

While African-Americans make up under 20% of the American population, several local studies like the Maryland one I mentioned earlier indicate that they make up a much greater percentage of all routine traffic stops, and are far more likely to be searched and subsequently arrested. In my own home state of Wisconsin, a 1996 study by the Madison Capital Times revealed that African-Americans receive 13% of Madison’s traffic tickets, despite the fact that they make up only 4% of the city’s population. In Florida, the Orlando Sentinel newspaper obtained more than 140 hours of videotapes from police patrol cars showing drivers being stopped on Interstate 95. About 70% of the drivers stopped were black or Hispanic, even though they made up only 5% of all drivers on the road. And in New Jersey, a recent study suggests that African Americans are almost five times as likely to be stopped for speeding as drivers of other races.

Dr. Martin Luther King, Jr., said that “injustice anywhere is a threat to justice everywhere.” As Americans, we should all feel threatened when any one of us is denied our personal liberty. Just last week, the United States Supreme Court took yet another step toward eradicating our Fourth Amendment rights against the invasion of our privacy. It held in Wyoming versus Houghton that police can search the personal belongings of all passengers inside a car when looking for criminal evidence against the driver. I fear that this will send a message to some law enforcement officers that they can now expand racial profiling to include not only the driver of a passing car, but also the passengers. And if you happen to be a passenger in a car that was pulled over because of the color of the driver’s skin, you can now look forward to having your personal belongings searched through and pored over.

The Traffic Stops Statistics Study Act of 1999 will begin to shed light on the practice of racial profiling. By analyzing the data that the Justice De-

partment obtains over the next two years, we will get a clear picture of the prevalence of the practice of pulling people over because of their skin color or apparent ethnicity. A version of this bill passed the House last year, but died in the Senate. The simultaneous introduction of this bill in the Senate and the House shows that we are serious about sending this to the President’s desk. I urge my colleagues in the Senate to join with us to enact this legislation.

It is high time to put a stop to this blatant and offensive practice, which is taking some law enforcement officers, and the rest of us, down a dangerous and discriminatory road.

By Mr. SPECTER:

S. 822. A bill to amend the Internal Revenue Code of 1986 to impose a flat tax only on individual taxable earned income and business taxable income, and for other purposes; to the Committee on Finance.

FLAT TAX ACT OF 1999

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation on a flat tax. This, of course, is a famous day, April 15, the day when Federal income tax returns are due. Across this land for many days, many weeks, some months, Americans have been struggling with their tax returns. As we speak, some may have on C-SPAN2 quietly while they are working on their returns at this very moment.

I recall seeing long lines at the Philadelphia post office near midnight on income tax day when cars were lined up and people were dropping off their tax returns at the post office to beat the filing deadline.

This is a good occasion to talk about the flat tax which permits taxpayers to report their income on a postcard. It can actually be done in the course of some 15 minutes. I filed my tax return and sent it off yesterday. It is very complicated. They say it takes a Philadelphia lawyer to fill out a tax return. I think it takes more than a Philadelphia lawyer to fill out a Federal income tax return, and we have labored under the complexities of the Internal Revenue Code for far too long.

I first introduced this legislation in March of 1995. I was the second one in the Congress of the United States to introduce flat-tax legislation. The majority leader, DICK ARMEY, had introduced the flat tax in the House of Representatives the preceding fall. I studied it. I studied the model of Professor Hall and Professor Rabushka, two distinguished professors of economics and tax law at Stanford University, and concluded that America ought to have a flat tax and that we could, in fact, have a flat tax if the American people really understood what a flat tax was all about.

The Hall-Rabushka model was revenue neutral at 19 percent. I have added 1 percent in order to allow for two deductions: one on charitable contributions up to \$2,500 a year and a second on interest on home mortgages of

borrowings up to \$100,000 to take care of middle-class Americans, because I think without those two deductions, it would be a political impossibility to have a flat tax enacted.

The advantage of the flat tax is that it does have the flatness with only those two deductions, so it is a very simple matter to return the tax return.

Here is a sample tax return. You fill in your name and your address. You list your total wage, salary, or pension. There is a personal allowance, for a family of four. Up to \$27,500 pays no tax at all. That constitutes about 53 percent of Americans. It has the two deductions for mortgage interest on debt up to \$100,000 for an owner-occupied home and charitable contributions up to \$2,500; total compensation multiplied by 20 percent, and that is that.

The tax burden costs Americans about \$224 billion a year of our gross national product, which is mired in complexity and unnecessary regulation.

The flat tax seeks to bring equity into the tax payment by taxing only once so that the flat tax eliminates tax on net dividends, capital gains or estates because all of those items have already been taxed.

It would enable Americans to accumulate a great deal more in capital which would help business expansion which would help the economy. And it is projected that the gross national product would be increased by some \$2 trillion over 7 years by virtue of this flat tax proposal.

The flat tax is a win-win situation all up and down the line because, by eliminating the loopholes, it eliminates the opportunities of very wealthy Americans to avoid paying taxes at all. When you take a look at the returns of the very, very rich, with the practices of deductions and tax shelters, all of which is legal, the very, very wealthy avoid paying any tax at all.

But this flat tax would have the advantages of capital accumulation, would have the advantage of increasing the gross national product, but most of all would have the simplicity of being able to file a tax return on a postcard.

I think that as I speak—it is always problematic as to how many people are watching C-SPAN2—but I think as I speak there are many Americans across the land tonight who would like to be able to fill out a tax return in 15 minutes. And my view is that if it were better understood, that there would be a great public clamor to have a flat tax enacted.

Mr. President, to reiterate, I have sought recognition to introduce legislation to provide for a flat 20% tax on individuals and businesses. In the 104th Congress, I was the first Senator to introduce flat tax legislation and the first Member of Congress to set forth a deficit-neutral plan for dramatically reforming our nation's tax code and replacing it with a flatter, fairer plan designed to stimulate economic growth. My flat tax legislation was also the

first plan to retain limited deductions for home mortgage interest and charitable contributions.

As I traveled around the country and held town hall meetings across Pennsylvania and other states, the public support for fundamental tax reform was overwhelming. I would point out in those speeches that I never leave home without two key documents: (1) my copy of the Constitution; and (2) a copy of my 10-line flat tax postcard. I soon realized that I needed more than just one copy of my flat tax postcard—many people wanted their own postcard so that they could see what life in a flat tax world would be like, where tax returns only take 15 minutes to fill out and individual taxpayers are no longer burdened with double taxation on their dividends, interest, capital gains and estates.

Support for the flat tax is growing as more and more Americans embrace the simplicity, fairness and growth potential of flat tax reform. An April 17, 1995, edition of *Newsweek* cited a poll showing that 61 percent of Americans favor a flat tax over the current tax code. Significantly, a majority of the respondents who favor the flat tax preferred my flat tax plan with limited deductions for home mortgage interest and charitable contributions. Well before he entered the 1996 Republican presidential primary, publisher Steve Forbes opined in a March 27, 1995, *Forbes* editorial about the tremendous appeal and potency of my flat tax plan.

Congress was not immune to public demand for reform. Jack Kemp was appointed to head up the National Commission on Economic Growth and Tax Reform and the Commission soon came out with its report recognizing the value of a fairer, flatter tax code. Mr. Forbes soon introduced a flat tax plan of his own, and my fellow candidates in the 1996 Republican presidential primary began to embrace similar versions of either a flat tax or a consumption-based tax system.

Unfortunately, the politics of that Presidential campaign denied the flat tax a fair hearing and momentum stalled. On October 27, 1995, I introduced a Sense of the Senate Resolution calling on my colleagues to expedite Congressional adoption of a flat tax. The Resolution, which was introduced as an amendment to pending legislation, was not adopted.

I reintroduced this legislation in the 105th Congress with slight modifications to reflect inflation-adjusted increases in the personal allowances and dependent allowances. While my flat tax proposal was favorably received at town hall meetings in Pennsylvania, Congress failed to move forward on any tax reform during the 105th Congress. I tried repeatedly to raise the issue with leadership and the Finance Committee to no avail. I think the American people want this debate to move forward and I think the issue of tax reform is ripe for consideration.

In this period of opportunity as we commence the 106th Session of Con-

gress, I am optimistic that public support for tax reform will enable us to move forward and adopt this critically important and necessary legislation. That is why today I am again introducing my Flat Tax Act of 1999.

My flat tax legislation will fundamentally revise the present tax code, with its myriad rates, deductions, and instructions. This legislation would institute a simple, flat 20% tax rate for all individuals and businesses. It will allow all taxpayers to file their April 15 tax returns on a simple 10-line postcard. This proposal is not cast in stone, but is intended to move the debate forward by focusing attention on three key principles which are critical to an effective and equitable taxation system: simplicity, fairness and economic growth.

Over the years and prior to my legislative efforts on behalf of flat tax reform, I have devoted considerable time and attention to analyzing our nation's tax code and the policies which underlie it. I began the study of the complexities of the tax code 40 years ago as a law student at Yale University. I included some tax law as part of my practice in my early years as an attorney in Philadelphia. In the spring of 1962, I published a law review article in the *Villanova Law Review*, "Pension and Profit Sharing Plans: Coverage and Operation for Closely Held Corporations and Professional Associations," 7 *Villanova L. Rev.* 335, which in part focused on the inequity in making tax-exempt retirement benefits available to some kinds of businesses but not others. It was apparent then, as it is now, that the very complexities of the Internal Revenue Code could be used to give unfair advantage to some.

Before I introduced my flat tax bill early in the 104th Congress, I had discussions with Congressman RICHARD ARMEY, the House Majority Leader, about his flat tax proposal. In fact, I testified with House Majority Leader RICHARD ARMEY before the Senate Finance and House Ways & Means Committees, as well as the Joint Economic Committee and the House Small Business Committee on the tremendous benefits of flat tax reform. Since then, and both before and after introducing my original flat tax bill, my staff and I have studied the flat tax at some length, and have engaged in a host of discussions with economists and tax experts, including the staff of the Joint Committee on Taxation, to evaluate the economic impact and viability of a flat tax. Based on those discussions, and on the revenue estimates supplied to us, I have concluded that a simple flat tax at a rate of 20% on all business and personal income can be enacted without reducing federal revenues.

A flat tax will help reduce the size of government and allow ordinary citizens to have more influence over how their money is spent because they will spend it—not the government. By creating strong incentives for savings and investment, the flat tax will have the

beneficial result of making available larger pools of capital for expansion of the private sector of the economy—rather than more tax money for big government. This will mean more jobs and, just as important, more higher-paying jobs.

As a matter of federal tax policy, there has been considerable controversy over whether tax breaks should be used to stimulate particular kinds of economic activity, or whether tax policy should be neutral, leaving people to do what they consider best from a purely economic point of view. Our current tax code attempts to use tax policy to direct economic activity. Yet actions under that code have demonstrated that so-called tax breaks are inevitably used as the basis for tax shelters which have no real relation to solid economic purposes, or to the activities which the tax laws were meant to promote. Even when the government responds to particular tax shelters with new and often complex revisions of the regulations, clever tax experts are able to stay one or two steps ahead of the IRS bureaucrats by changing the structure of their business transactions and then claiming some legal distinctions between the taxpayer's new approach and the revised IRS regulations and precedents.

Under the massive complexity of the current IRS Code, the battle between \$500-an-hour tax lawyers and IRS bureaucrats to open and close loopholes is a battle the government can never win. Under the flat tax bill I offer today, there are no loopholes, and tax avoidance through clever manipulations will become a thing of the past.

The basic model for this legislation comes from a plan created by Professors Robert Hall and Alvin Rabushka of the Hoover Institute at Stanford University. Their plan envisioned a flat tax with no deductions whatever. After considerable reflection, I decided to include in the legislation limited deductions for home mortgage interest for up to \$100,000 in borrowing and charitable contributions up to \$2,500. While these modifications undercut the pure principle of the flat tax by continuing the use of tax policy to promote home buying and charitable contributions, I believe that those two deductions are so deeply ingrained in the financial planning of American families that they should be retained as a matter of fairness and public policy—and also political practicality. With those two deductions maintained, passage of a modified flat tax will be difficult, but without them, probably impossible.

In my judgment, an indispensable prerequisite to enactment of a modified flat tax is revenue neutrality. Professor Hall advised that the revenue neutrality of the Hall-Rabushka proposal, which uses a 19% rate, is based on a well documented model founded on reliable governmental statistics. My legislation raises that rate from 19% to 20% to accommodate retaining limited home mortgage interest and charitable

deductions. A preliminary estimate in the 104th Congress by the Committee on Joint Taxation places the annual cost of the home interest deduction at \$35 billion, and the cost of the charitable deduction at \$13 billion. While the revenue calculation is complicated because the Hall-Rabushka proposal encompasses significant revisions to business taxes as well as personal income taxes, there is a sound basis for concluding that the 1% increase in rate would pay for the two deductions. Revenue estimates for tax code revisions are difficult to obtain and are, at best, judgment calls based on projections from fact situations with myriad assumed variables. It is possible that some modification may be needed at a later date to guarantee revenue neutrality.

This legislation offered today is quite similar to the bill introduced in the House by Congressman ARMEY and in the Senate late in 1995 by Senator RICHARD SHELBY, which were both in turn modeled after the Hall-Rabushka proposal. The flat tax offers great potential for enormous economic growth, in keeping with principles articulated so well by Jack Kemp. This proposal taxes business revenues fully at their source, so that there is no personal taxation on interest, dividends, capital gains, gifts or estates. Restructured in this way, the tax code can become a powerful incentive for savings and investment—which translates into economic growth and expansion, more and better jobs, and raising the standard of living for all Americans.

In the 104th Congress, we took some important steps toward reducing the size and cost of government, and this work is ongoing and vitally important. But the work of downsizing government is only one side of the coin; what we must do at the same time, and with as much energy and care, is to grow the private sector. As we reform the welfare programs and government bureaucracies of past administrations, we must replace those programs with a prosperity that extends to all segments of American society through private investment and job creation—which can have the additional benefit of producing even lower taxes for Americans as economic expansion adds to federal revenues. Just as Americans need a tax code that is fair and simple, they also are entitled to tax laws designed to foster rather than retard economic growth. The bill I offer today embodies those principles.

My plan, like the Armey-Shelby proposal, is based on the Hall-Rabushka analysis. But my flat tax differs from the Armey-Shelby plan in four key respects: First, my bill contains a 20% flat tax rate. Second, this bill would retain modified deductions for mortgage interest and charitable contributions (which will require a 1% higher tax rate than otherwise). Third, my bill would maintain the automatic withholding of taxes from an individual's paycheck. Lastly, my bill is designed

to be revenue neutral, and thus will not undermine our vital efforts to balance the nation's budget.

The key advantages of this flat tax plan are three-fold: First, it will dramatically simplify the payment of taxes. Second, it will remove much of the IRS regulatory morass now imposed on individual and corporate taxpayers, and allow those taxpayers to devote more of their energies to productive pursuits. Third, since it is a plan which rewards savings and investment, the flat tax will spur economic growth in all sectors of the economy as more money flows into investments and savings accounts, and as interest rates drop.

Under this tax plan, individuals would be taxed at a flat rate of 20% on all income they earn from wages, pensions and salaries. Individuals would not be taxed on any capital gains, interest on savings, or dividends—since those items will have already been taxed as part of the flat tax on business revenue. The flat tax will also eliminate all but two of the deductions and exemptions currently contained within the tax code. Instead, taxpayers will be entitled to "personal allowances" for themselves and their children. The personal allowances are: \$10,000 for a single taxpayer; \$15,000 for a single head of household; \$17,500 for a married couple filing jointly; and \$5,000 per child or dependent. These personal allowances would be adjusted annually for inflation after 1999.

In order to ensure that this flat tax does not unfairly impact low income families, the personal allowances contained in my proposal are much higher than the standard deduction and personal exemptions allowed under the current tax code. For example in the 1998 tax year, the standard deduction is \$4,250 for a single taxpayer, \$6,250 for a head of household and \$7,100 for a married couple filing jointly, while the personal exemption for individuals and dependents is \$2,700. Thus, under the current tax code, a family of four which does not itemize deductions would pay tax on all income over \$17,900 (personal exemptions of \$10,800 and a standard deduction of \$7,100). By contrast, under my flat tax bill, that same family would receive a personal exemption of \$27,500, and would pay tax only on income over that amount.

My legislation retains the provisions for the deductibility of charitable contributions up to a limit of \$2,500 and home mortgage interest on up to \$100,000 of borrowing. Retention of these key deductions will, I believe, enhance the political salability of this legislation and allow the debate on the flat tax to move forward. If a decision is made to eliminate these deductions, the revenue saved could be used to reduce the overall flat tax rate below 20%.

With respect to businesses, the flat tax would also be a flat rate of 20%. My legislation would eliminate the intricate scheme of complicated depreciation schedules, deductions, credits, and

other complexities that go into business taxation in favor of a much-simplified system that taxes all business revenue less only wages, direct expenses and purchases—a system with much less potential for fraud, “creative accounting” and tax avoidance.

Businesses would be allowed to expense 100% of the cost of capital formation, including purchases of capital equipment, structures and land, and to do so in the year in which the investments are made. The business tax would apply to all money not reinvested in the company in the form of employment or capital formation—thus fully taxing revenue at the business level and making it inappropriate to re-tax the same monies when passed on to investors as dividends or capital gains.

Let me now turn to a more specific discussion of the advantages of the flat tax legislation I am introducing today.

The first major advantage to this flat tax is simplicity. According to the Tax Foundation, Americans spend approximately 5.3 billion hours each year filling out tax forms. Much of this time is spent burrowing through IRS laws and regulations which fill 17,000 pages and have grown from 744,000 words in 1955 to 5.6 million words in 1995.

Whenever the government gets involved in any aspect of our lives, it can convert the most simple goal or task into a tangled array of complexity, frustration and inefficiency. By way of example, most Americans have become familiar with the absurdities of the government’s military procurement programs. If these programs have taught us anything, it is how a simple purchase order for a hammer or a toilet seat can mushroom into thousands of words of regulations and restrictions when the government gets involved. The Internal Revenue Service is certainly no exception. Indeed, it has become a distressingly common experience for taxpayers to receive computerized print-outs claiming that additional taxes are due, which require repeated exchanges of correspondence or personal visits before it is determined, as it so often is, that the taxpayer was right in the first place.

The plan offered today would eliminate these kinds of frustrations for millions of taxpayers. This flat tax would enable us to scrap the great majority of the IRS rules, regulations and instructions and delete most of the five million words in the Internal Revenue Code. Instead of tens of millions of hours of non-productive time spent in compliance with, or avoidance of, the tax code, taxpayers would spend only the small amount of time necessary to fill out a postcard-sized form. Both business and individual taxpayers would thus find valuable hours freed up to engage in productive business activity, or for more time with their families, instead of poring over tax tables, schedules and regulations.

The flat tax I have proposed can be calculated just by filling out a small

postcard which would require a taxpayer only to answer a few easy questions. Filing a tax return would become a manageable chore, not a seemingly endless nightmare, for most taxpayers.

Along with the advantage of simplicity, enactment of this flat tax bill will help to remove the burden of costly and unnecessary government regulation, bureaucracy and red tape from our everyday lives. The heavy hand of government bureaucracy is particularly onerous in the case of the Internal Revenue Service, which has been able to extend its influence into so many aspects of our lives.

In 1995, the IRS employed 117,000 people, spread out over countless offices across the United States. Its budget was in excess of \$7 billion, with over \$4 billion spent merely on enforcement. By simplifying the tax code and eliminating most of the IRS’ vast array of rules and regulations, the flat tax would enable us to cut a significant portion of the IRS budget, including the bulk of the funding now needed for enforcement and administration.

In addition, a flat tax would allow taxpayers to redirect their time, energies and money away from the yearly morass of tax compliance. According to the Tax Foundation, in 1996, the private sector spent over \$150 billion complying with federal tax laws. According to a Tax Foundation study, adoption of flat tax reform would cut pre-filing compliance costs by over 90 percent.

Monies spent by businesses and investors in creating tax shelters and finding loopholes could be instead directed to productive and job-creating economic activity. With the adoption of a flat tax, the opportunities for fraud and cheating would also be vastly reduced, allowing the government to collect, according to some estimates, over \$120 billion annually.

The third major advantage to a flat tax is that it will be a tremendous spur to economic growth. Harvard economist Dale Jorgenson estimates adoption of a flat tax like the one offered today would increase future national wealth by over \$2 trillion, in present value terms, over a seven year period. This translates into over \$7,500 in increased wealth for every man, woman and child in America. This growth also means that there will be more jobs—it is estimated that the \$2 trillion increase in wealth would lead to the creation of 6 million new jobs.

The economic principles are fairly straightforward. Our current tax system is inefficient; it is biased toward too little savings and too much consumption. The flat tax creates substantial incentives for savings and investment by eliminating taxation on interest, dividends and capital gains—and tax policies which promote capital formation and investment are the best vehicle for creation of new and high paying jobs, and for a greater prosperity for all Americans.

It is well recognized that to promote future economic growth, we need not

only to eliminate the federal government’s reliance on deficits and borrowed money, but to restore and expand the base of private savings and investment that has been the real engine driving American prosperity throughout our history. These concepts are related—the federal budget deficit soaks up much of what we have saved, leaving less for businesses to borrow for investments.

It is the sum total of savings by all aspects of the U.S. economy that represents the pool of all capital available for investment—in training, education, research, machinery, physical plant, etc.—and that constitutes the real seed of future prosperity. The statistics here are daunting. In the 1960s, the net U.S. national savings rate was 8.2 percent, but it has fallen to a dismal 1.5 percent. Americans save at only one-tenth the rate of the Japanese, and only one-fifth the rate of the Germans. This is unacceptable and we must do something to reverse the trend.

An analysis of the components of U.S. savings patterns shows that although the federal budget deficit is the largest cause of “dissavings,” both personal and business savings rates have declined significantly over the past three decades. Thus, to recreate the pool of capital stock that is critical to future U.S. growth and prosperity, we have to do more than just get rid of the deficit. We have to very materially raise our levels of private savings and investment. And we have to do so in a way that will not cause additional deficits.

The less money people save, the less money is available for business investment and growth. The current tax system discourages savings and investment, because it taxes the interest we earn from our savings accounts, the dividends we make from investing in the stock market, and the capital gains we make from successful investments in our homes and the financial markets. Indeed, under the current law these rewards for saving and investment are not only taxed, they are overtaxed—since gains due solely to inflation, which represent no real increase in value, are taxed as if they were profits to the taxpayer.

With the limited exceptions of retirement plans and tax free municipal bonds, our current tax code does virtually nothing to encourage personal savings and investment, or to reward it over consumption. This bill will change this system, and address this problem. The proposed legislation reverses the current skewed incentives by promoting savings and investment by individuals and by businesses. Individuals would be able to invest and save their money tax-free and reap the benefits of the accumulated value of those investments without paying a capital gains tax upon the sale of these investments. Businesses would also invest more as the flat tax allowed them to expense fully all sums invested in new equipment and technology in the year the

expense was incurred, rather than dragging out the tax benefits for these investments through complicated depreciation schedules. With greater investment and a larger pool of savings available, interest rates and the costs of investment would also drop, spurring even greater economic growth.

Critics of the flat tax have argued that we cannot afford the revenue losses associated with the tremendous savings and investment incentives the bill affords to businesses and individuals. Those critics are wrong. Not only is this bill carefully crafted to be revenue neutral, but historically we have seen that when taxes are cut, revenues actually increase, as more taxpayers work harder for a larger share of their take-home pay, and investors are more willing to take risks in pursuit of rewards that will not get eaten up in taxes.

As one example, under President Kennedy when individual tax rates were lowered, investment incentives including the investment tax credit were created and then expanded and depreciation rates were accelerated. Yet, between 1962 and 1967, gross annual federal tax receipts grew from \$99.7 billion to \$148 billion—an increase of nearly 50%. More recently after President Reagan's tax cuts in the early 1980's, government tax revenues rose from just under \$600 billion in 1981 to nearly \$1 trillion in 1989. In fact, the Reagan tax cut program helped to bring about one of the longest peacetime expansion of the U.S. economy in history. There is every reason to believe that the flat tax proposed here can do the same—and by maintaining revenue neutrality in this flat tax proposal, as we have, we can avoid any increases in annual deficits and the national debt.

In addition to increasing federal revenues by fostering economic growth, the flat tax can also add to federal revenues without increasing taxes by closing tax loopholes. The Congressional Research Service estimates that for fiscal year 1995, individuals sheltered more than \$393 billion in tax revenue in legal loopholes, and corporations sheltered an additional \$60 billion. There may well be additional monies hidden in quasi-legal or even illegal "tax shelters." Under a flat tax system, all tax shelters will disappear and all income will be subject to taxation.

The growth case for a flat tax is compelling. It is even more compelling in the case of a tax revision that is simple and demonstrably fair.

By substantially increasing the personal allowances for taxpayers and their dependents, this flat tax proposal ensures that poorer taxpayers will pay no tax and that taxes will not be regressive for lower and middle income taxpayers. At the same time, by closing the hundreds of tax loopholes which are currently used by wealthier taxpayers to shelter their income and avoid taxes, this flat tax bill will also ensure that all Americans pay their fair share.

The flat tax legislation that I am offering will retain the element of progressivity that Americans view as essential to fairness in an income tax system. Because of the lower end income exclusions, and the capped deductions for home mortgage interest and charitable contributions, the effective tax rates under my bill will range from 0% for families with incomes under about \$30,000 to roughly 20% for the highest income groups.

My proposed legislation demonstrably retains the fairness that must be an essential component of the American tax system.

The proposal that I make today is dramatic, but so are its advantages: a taxation system that is simple, fair and designed to maximize prosperity for all Americans. A summary of the key advantages are:

Simplicity: A 10-line postcard filing would replace the myriad forms and attachments currently required, thus saving Americans up to 5.3 billion hours they currently spend every year in tax compliance.

Cuts Government: The flat tax would eliminate the lion's share of IRS rules, regulations and requirements, which have grown from 744,000 words in 1955 to 5.6 million words and 12,000 pages currently. It would also allow us to slash the mammoth IRS bureaucracy of 117,000 employees.

Promotes Economic Growth: Economists estimate a growth of over \$2 trillion in national wealth over seven years, representing an increase of approximately \$7,500 in personal wealth for every man, woman and child in America. This growth would also lead to the creation of 6 million new jobs.

Increases Efficiency: Investment decisions would be made on the basis of productivity rather than simply for tax avoidance, thus leading to even greater economic expansion.

Reduces Interest Rates: Economic forecasts indicate that interest rates would fall substantially, by as much as two points, as the flat tax removes many of the current disincentives to savings.

Lowers Compliance Costs: Americans would be able to save up to \$224 billion they currently spend every year in tax compliance.

Decreases Fraud: As tax loopholes are eliminated and the tax code is simplified, there will be far less opportunity for tax avoidance and fraud, which now amounts to over \$120 billion in uncollected revenue annually.

Reduces IRS Costs: Simplification of the tax code will allow us to save significantly on the \$7 billion annual budget currently allocated to the Internal Revenue Service.

Professors Hall and Rabushka have projected that within seven years of enactment, this type of a flat tax would produce a 6 percent increase in output from increased total work in the U.S. economy and increased capital formation. The economic growth would mean a \$7,500 increase in the personal income of all Americans.

No one likes to pay taxes. But Americans will be much more willing to pay their taxes under a system that they believe is fair, a system that they can understand, and a system that they recognize promotes rather than prevents growth and prosperity. The legislation I introduce today will afford Americans such a tax system.

By Mr. HARKIN (for himself and Mr. DURBIN):

S. 823. A bill to establish a program to assure the safety of processed produce intended for human consumption, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FRUIT AND VEGETABLE SAFETY ACT

Mr. HARKIN. Mr. President, today I am introducing legislation to bridge obvious gaps in the safety of fresh fruits and vegetables. This legislation will establish basic standards of sanitation for processed fruits and vegetables, simple standards that will help assure that Americans can enjoy these foods safely.

American families are on the front lines of this food safety battle three times a day—breakfast, lunch and dinner. Health experts advise us to eat at least five servings a day of fresh fruits and vegetables as part of a healthy lifestyle. Studies show these foods can cut our risks of cancer and heart disease. Americans have listened, and our consumption of fresh fruits and vegetables has grown every year. We can now find a variety of out-of-season produce, imported and exotic foods. We also enjoy convenience foods, ready-to-eat mixed salads, sprouts, mixed juices, a variety of frozen berries, dried spices, and other treats unavailable a few decades ago.

Americans can buy produce that is the safest in the world, and food safety problems from produce are rare. But these problems can be devastating for victims, and consumers are demanding stronger laws to protect themselves from food borne illness. Since 1990, more than 40 outbreaks of foodborne illness have been linked to fresh fruit, vegetable and juice products consumed in the United States. More than 6300 illnesses were reported, with victims in almost all 50 states. Domestic melons, imported strawberries, lettuce, sprouts and orange juice each took their toll.

Processed or ready-to-eat produce may be more easily contaminated because it is handled extensively, cut up and rinsed, and then is eaten by the consumer without further preparation. It is essential that the processor handle these foods safely, because there is nothing the consumer can do once these products are contaminated.

This bill will improve the safety of these products by requiring that they are always processed under sanitary conditions. These are the same conditions you would use in your own kitchen, and should expect from a processor. The guidelines are simple; that rinse water be clean and sewage be kept

away from the food, that workers can and do wash their hands, that flies, birds and rodents be kept out of the processing plant.

Under the bill provisions, FDA will inspect processors, domestic and importing, annually, to be sure they are following sanitary guidelines. FDA will also coordinate with other food safety agencies to develop research programs aimed at setting standards for safe agricultural practices for produce, and for testing methods that can verify that fruit or vegetable products have been processed safely.

Last August, the National Academy of Sciences, in evaluating the federal food safety system, advised that food safety agencies be able to "mandate minimum sanitation standards for food." Food safety should be a requirement—not a suggestion. We have had basic sanitation standards in place for meat and poultry for 93 years. FDA needs strong mandatory sanitation guidelines for produce. My bill would establish basic sanitation standards for processed fruits and vegetables. Most processors in the US are already following these reasonable standards, and are keeping their products safe. This bill will bring everyone up to par domestically, and allow FDA to address produce sanitation problems in importing countries.

Agriculture is clearly our nation's largest employer, providing jobs for millions from the farm to the corner markets. Agricultural communities cannot afford to have the American public question the safety of the food in their grocery stores. This is not just a public health issue, it is also an economic issue.

I believe these simple standards of cleanliness are reasonable, are long overdue, and will help assure that Americans can safely make these foods a part of every meal.

By Mr. KERRY (for himself, Mr. SMITH of Oregon, Mr. CHAFEE, Mr. CLELAND, Ms. SNOWE, Mr. BAYH, Ms. COLLINS, Mr. KENNEDY, Mr. LEVIN, Mr. EDWARDS, Mrs. MURRAY, and Mr. BRYAN):

S. 284. A bill to improve educational systems and facilities to better educate students throughout the United States; to the Committee on Health, Education, Labor, and Pensions.

COMPREHENSIVE SCHOOL IMPROVEMENT AND ACCOUNTABILITY ACT OF 1999

Mr. KERRY. Mr. President, I think every American knows what today is—Tax Day, 1999. It's a day that I think no doubt leaves most Americans, certainly, tired from the all too hurried rush to file those forms—but I hope also reminded that as we pay our taxes we're really making choices about our priorities—investing in a strong national defense, making a difference in research and development, protecting Social Security and Medicare—and the truth is that while no one likes to pay taxes, this is why we do it—so we can invest in certain priorities that make our nation strong.

Well, Mr. President, today I want to join with my colleague GORDON SMITH to talk about one of those investments, about the commitment Americans want us to make to our public schools, and about the biggest tax cut we can ever deliver for our children and grandchildren—the tax cut you give to future generations when you insist—today—that you're going to have a committed and qualified teacher in every classroom, that you're going to make every public school work, and that you're going to put every child on the road to a life in which they can make the most of their own talents and capacities for success.

Let's be honest—as a society, there is no decision of greater importance to the long term health, stability, and competitiveness of this nation, than the way we decide to educate our children.

We look to public schools today to educate our children to lead in an information age where the term "wired worker" will soon be redundant because of an information revolution that has literally put more power in the computer chip of a digital watch than in every computer combined in the United States just fifty years ago: massive technological change and demands to improve our productivity, putting more Americans to work for longer hours and putting them in front of computer screens for hours more when they're not at work; a global economy where borders have vanished—and the wealth of nations will be determined by the wisdom of their workers—by their level of training, the depth of their knowledge, and their ability to compete with workers around the world.

Mr. President, two hundred years ago Thomas Jefferson told us that our public schools would be "the pillars of the republic"—he was right then, he is right now—but today there is a caveat: those public schools must also be—more than ever—the pillars of our economy and the pillars of our communities.

And I would respectfully suggest to you that there has not been a more urgent time than the present to reevaluate—honestly—the way America's greatest democratic experiment is working—the experiment of our nation's public schools.

Those pillars of the republic have never before had to support so heavy a burden as they do today. In our world of telecommuting, the Internet, hundreds and soon thousands of television channels, sixty, seventy and eighty hour work weeks—there are fewer and fewer places where Americans come together in person to share in that common civic culture, fewer ways in which we unite as citizens—and caught up in that whirlwind are more students living in poverty, more students dealing with disabilities, more students with limited command of the English language.

More reasons, I believe, why this nation must have a great public school system.

And what can we say of the system before us today? I think we must say that—although there are thousands of public schools in this country doing a magnificent job of educating our children to a world class level—too many of our schools are struggling and too many kids are being left behind.

Mr. President, I believe we have a responsibility to be the true friends of public education—and the best friends are critical friends, and it is time that we seek the truth and offer our help to a system that is not doing enough for a large proportion of the 50 million children in our public schools today—children whose reading scores show that of 2.6 million graduating high school students, one-third are below basic reading level, one-third are at basic, only one-third are proficient and only 100,000 are at a world class reading level; children who edge out only South Africa and Cyprus on international tests in science and math, with 29 percent of all college freshmen requiring remedial classes in basic skills.

Mr. President, this year we have already passed the Ed-Flex Bill, a step forward in giving our schools the flexibility and the accountability they need to enact reform, making it a matter of law that we won't tie their hands with red tape when Governors and Mayors and local school districts are doing all they can to educate our kids, but also emphasizing that with added flexibility comes a responsibility to raise student achievement.

But Mr. President, EdFlex was just one step in a forward moving direction—balancing accountability and flexibility—to continue the process of real education reform—and that is why I am joining with my colleague from Oregon, GORDON SMITH, to introduce bipartisan legislation today—the Kerry-Smith Bill—with our colleagues the distinguished Senator from Massachusetts, my colleague TED KENNEDY and with MAX CLELAND, EVAN BAYH, JOHN EDWARDS, CARL LEVIN, PATTY MURRAY, RICHARD BRYAN, as well as JOHN CHAFEE, SUSAN COLLINS and OLYMPIA SNOWE from Maine—legislation which together we believe will make a difference in our schools, legislation which can bring together leaders from across the political spectrum around good ideas which unite us rather than dividing us.

Mr. President, for too long in this country the education debate has been stuck both nationally and locally—leaders unable or unwilling to answer the challenge, trapped in a debate that is little more than an echo of old and irrelevant positions with promising solutions stymied by ideology and interest groups—both on the right and on the left.

Nowhere more than in the venerable United States Senate, where we pride ourselves on our ability to work together across partisan lines, have we—

in so many debates—been stuck in a place where Democrats and Republicans seem to talk past each other. Democrats are perceived to be always ready to throw money at the problem but never for sufficient accountability or creativity; Republicans are perceived as always ready to give a voucher to go somewhere else but rarely supportive of investing sufficient resources to make the public schools work.

Well, I think it is in this Congress, this year, that we can finally disengage ourselves from the political combat, and acknowledge that with so much on the line, such high stakes in our schools, you can't just talk past each other and call it reform.

We all need to do our part to find a new answer, and Mr. President I would respectfully suggest that in the bipartisan support you see for this legislation, there is a different road we can meet on to make it happen.

Together we are introducing the kind of comprehensive education reform legislation that I believe will provide us a chance to come together not as Democrats and Republicans, but as the true friends of parents, children, teachers, and principals—to come together as citizens—and help our schools reclaim the promise of public education in this country. We need to ask one question: "What provides our children with the best education?" And whether the answer is conservative, liberal or simply practical, we need to commit ourselves to that course.

Our bill is built on the notion of giving grants for schools—with real accountability—to pursue comprehensive reform and adopt the proven best practices of any other school—Voluntary State Reform Incentive Grants so school districts that choose to finance and implement comprehensive reform based on proven high-performance models can bring forth change. We will target investments at school districts with high numbers of at-risk students and leverage local dollars through matching grants. This component of the legislation will give schools the chance to quickly and easily put in place the best of what works in any other school—private, parochial or public—with decentralized control, site-based management, parental engagement, and high levels of volunteerism—while at the same time meeting high standards of student achievement and public accountability. I believe public schools need to have the chance to make changes not tomorrow, not five years from now, not after another study—but now—today.

So if schools will embrace this new framework—every school adopting the best practices of high achieving schools, building accountability into the system—what then are the key ingredients of excellence that every school needs to succeed?

Well, Mr. President, I think we can start by guaranteeing that every one of our nation's 80,000 principals have the

capacity to lead—the talents and the know-how to do the job; effective leadership skills; the vision to create an effective team—to recruit, hire, and transfer teachers and engage parents. Without those abilities, the title of principal and the freedom to lead means little. We are proposing an "Excellent Principals Challenge Grant" which would provide funds to local school districts to train principals in sound management skills and effective classroom practices. This bill helps our schools make being a principal the great calling of our time.

But as we set our sights on recruiting a new generation of effective principals, we must acknowledge what today's best principals know: principals can only produce results as good as the teachers with whom they must work. To get the best results, we need the best teachers. And we must act immediately to guarantee that we get the best as the United States hires 2 million new teachers in the next ten years, 60% of them in the next five years. In the Kerry-Smith Bill we will empower our states and school districts to find new ways to hire and train outstanding teachers: through a focus on teacher quality and training—in Title V of this bill—we can use financial incentives to attract a larger group of qualified people into the teaching profession and we can provide real ongoing education and continued training for our nation's teachers.

This legislation will allow states to reconfigure their certification policies and their teaching standards to address the reality that our standards for teachers are not high enough—and at the same time, they are too rigid in setting out irrelevant requirements that don't make teaching better; they make it harder for some who choose to teach. We know we need to streamline teacher certification rules in this country to recruit the best college graduates to teach in the United States. Today we hire almost exclusively education majors to teach, and liberal arts graduates are only welcomed in our country's top private schools. Our legislation will allow states to rewrite the rules so principals have a far greater flexibility to hire liberal arts graduates as teachers, graduates who can meet high standards; while at the same time allowing hundreds of thousands more teachers to achieve a more broad based meaningful certification—the National Board for Professional Teaching Standards certification with its rigorous test of subject matter knowledge and teaching ability.

This legislation will build a new teacher recruitment system for our public schools—providing college scholarships for our highest achieving high school graduates if they agree to come back and teach in our public schools.

We will demand a great deal from our principals and our teachers—holding them accountable for student achievement—but Mr. President we also hope to build a new consensus in America

that recognizes that you can't hold someone accountable if they don't have the tools to succeed.

Our bill helps to close the resource gap in public education: helping to eliminate the crime that turns too many hallways and classrooms into arenas of violence by giving school districts incentives to write discipline codes and create "Second Chance" schools with a range of alternatives for chronically disruptive and violent students—everything from short-term in-school crisis centers, to medium duration in-school suspension rooms, to high quality off-campus alternatives; helping every child come to school ready to learn by funding successful, local early childhood development efforts; and making schools the hubs of our communities once more by providing support for after school programs where students receive tutoring, mentoring, and values-based education—the kind of programs that are open to entire communities, making public schools truly public.

And our legislation will help us bring a new kind accountability to public education by injecting choice and competition into a public school system badly in need of both. We are not a country that believes in monopolies. We are a country that believes competition raises quality. And we ought to merge the best of those ideas by ending a system that restricts each child to an administrator's choice and not a parent's choice where possible. It is time we adopt a competitive system of public school choice with grants awarded to schools that meet parents' test of quality and assistance to schools that must catch up rapidly. That is why our bill creates an incentive for schools all across the nation to adopt public school choice to the extent logically feasible.

Mr. President, we are not just asking Democrats and Republicans to meet in a compromise, a grand bargain to reform public education. We are offering legislation that helps us do it, that forces not just a debate, but a vote—yes or no, up or down, change or more of the same. Together we can embrace new rights and responsibilities on both sides of the ideological divide and admit that the answer to the crisis of public education is not found in one concept alone—in private school vouchers or bricks and mortar alone. We can find answers for our children by breaking with the instinct for the symbolic, and especially the notion that a speech here and there will make education better in this country. It can't and it won't. But our hard work together in the coming year—Democrats and Republicans together—can make a difference. Education reform can work in a bi-partisan way. There is no shortage of good ideas or leadership here in the Senate—the experience of GORDON SMITH who spent years in the Oregon legislature working to balance resources and accountability to raise the quality of public education; with

tireless leadership from former Governors like EVAN BAYH and JOHN CHAFEE; bi-partisan creativity from PATTY MURRAY and OLYMPIA SNOWE; and the leadership and passion, of course, of the senior Senator from my state, Senator KENNEDY, who has led the fight on education in this Senate, and who has provided this body with over 30 years of unrivaled leadership and support for education.

We look forward to working with all of our colleagues this year to pass this legislation, in this important year as we undergo the process of reauthorizing the Elementary and Secondary Education Act, to find common ground in ideas that we can all support—bold legislation that sends the message—finally—to parents and children struggling to find schools that work, and to teachers and principals struggling in schools simultaneously bloated with bureaucracy and starved for resources—to prove to them not just that we hear their cries for help, but that we will respond not with sound bites and salvos, but with real answers.

I thank my colleagues and I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 824

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 “Comprehensive School Improvement and Accountability Act of 1999”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. General requirements.

TITLE I—VOLUNTARY STATE REFORM INCENTIVE GRANTS

Sec. 101. Demonstrations of innovative practices.

Sec. 102. Fully funding title I of ESEA.

TITLE II—ENSURING THAT CHILDREN BEGIN SCHOOL READY TO LEARN

Sec. 201. Definitions.
Sec. 202. Allotments to States.
Sec. 203. Grants to local collaboratives.
Sec. 204. Appropriations.

TITLE III—EXCELLENT PRINCIPALS CHALLENGE GRANT

Sec. 301. Grants to States for the training of principals.

TITLE IV—SECOND CHANCE PROGRAMS FOR DISRUPTIVE OR VIOLENT STUDENTS

Sec. 401. Establishment of second chance grant program.

TITLE V—TEACHER QUALITY AND TRAINING

Sec. 501. Grants for low-income areas.
Sec. 502. Scholarships for future teachers.
Sec. 503. Teacher quality.
Sec. 504. Loan forgiveness and cancellation for teachers.
Sec. 505. Teacher quality enhancement grants.
Sec. 506. Improving teacher technology training.

TITLE VI—INVESTMENT IN COMMUNITY-BASED SCHOOLS AND COMMUNITY SERVICE

Sec. 601. 21st century community learning centers.

Sec. 602. Grants for programs requiring community service.

TITLE VII—EXPANDING NATIONAL BOARD CERTIFICATION PROGRAM FOR TEACHERS

Sec. 701. Purpose.

Sec. 702. Grants to expand participation in the National Board Certification Program.

TITLE VIII—ENCOURAGING PUBLIC SCHOOL CHOICE

Sec. 801. Grants to encourage public school choice.

SEC. 2. DEFINITIONS.

The definitions in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) shall apply to this Act.

SEC. 3. GENERAL REQUIREMENTS.

(a) **ELIGIBILITY.**—

(1) **STATE ELIGIBILITY.**—To be eligible to receive assistance under title I, III, or VIII of this Act, or part E of title XIII of the Elementary and Secondary Education Act of 1965, a State educational agency, consortium of State educational agencies, or State shall reserve not more than 5 percent of the funds the State educational agency, consortium, or State, as appropriate, receives under title I, III, or VIII, or such part E, respectively, for a fiscal year to enable the State educational agency, consortium, or State, as appropriate—

(A) to specify to the Secretary how the receipt of the Federal funds will lead to school improvements, such as increasing student academic achievement, reducing out-of-field teacher placements, increasing teacher retention, and reducing the number of emergency teaching certificates;

(B) to conduct an annual evaluation to determine whether or not such improvements have occurred;

(C) if the improvements have not occurred, to specify to the Secretary what steps will be taken in the future to ensure the improvements; and

(D) for general administrative expenses of the activities assisted under title I, III, or VIII, or such part E, respectively.

(2) **LOCAL EDUCATIONAL AGENCY.**—To be eligible to receive assistance under title I or III of this Act, or parts E or F of title XIII of the Elementary and Secondary Education Act of 1965, a local educational agency shall—

(A) serve low achieving students as measured by low graduation rates or low scores on assessment exams;

(B) have a low teacher retention rate in the schools served by the local educational agency;

(C) have a high rate of out-of-field placement of teachers in the schools served by the local educational agency; and

(D) have a shortage of teachers of mathematics or physical science in the schools served by the local educational agency.

(b) **GEOGRAPHIC REQUIREMENTS.**—The Secretary shall promulgate regulations to ensure that a balanced amount of funding under titles III, VII, and VIII of this Act, section 602 of this Act, part I of title X, and parts E and F of title XIII, of the Elementary and Secondary Education Act of 1965, and subpart 9 of part A of title IV, and section 428K, of the Higher Education Act of 1965, is made available to rural and urban areas.

(c) **SUPPLEMENT NOT SUPPLANT.**—Funds appropriated under this Act shall be used to supplement and not supplant other Federal, State, and local public funds expended to carry out activities assisted under this Act.

TITLE I—VOLUNTARY STATE REFORM INCENTIVE GRANTS

SEC. 101. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

(a) **PROVISION OF FUNDS.**—From amounts appropriated under subsection (f), the Secretary, acting through the authority provided under section 1502 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6492), shall award grants to State educational agencies to enable the States to provide for comprehensive school reforms.

(b) **STATE APPLICATION.**—To be eligible to receive a grant under subsection (a), a State educational agency shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a description of the process and selection criteria that the State educational agency will utilize to award competitive grants to local educational agencies;

(2) a description of the manner in which the State educational agency will ensure that only high quality comprehensive school reform proposals will be funded by the State under this section;

(3) a description of the manner in which the State educational agency will distribute information concerning the comprehensive reform program to local educational agencies and individual schools;

(4) a description of the methods to be used by the State educational agency to evaluate the results of the activities carried out by local educational agencies under the grant; and

(5) assurances that the State educational agency will use funds received under the grant to supplement, not supplant, other Federal, State and local resources provided for educational reforms.

(c) **USE OF FUNDS.**—

(1) **GRANTS TO LOCAL EDUCATIONAL AGENCIES.**—

(A) **IN GENERAL.**—Subject to section 3(a)(1), a State educational agency shall use amounts received under a grant under this section to award competitive grants to local educational agencies to enable such local educational agencies to provide funds to schools to carry out activities relating to comprehensive school reform. Such activities may include—

(i) activities relating to the professional development and training of teachers, administrators, staff and parents;

(ii) the acquisition of expert technical assistance in carrying out school reform;

(iii) developing or acquiring instructional materials; and

(iv) implementing parent and community outreach programs.

(B) **DISTRIBUTION.**—In awarding grants to local educational agencies under this subsection, the State educational agency shall ensure that grants are awarded to agencies where reforms will be implemented at schools with different grade levels.

(2) **APPLICATION.**—To be eligible to receive a grant under paragraph (1), a local educational agency shall prepare and submit to the State educational agency an application at such time, in such manner, and containing such information as the State educational agency may require, including—

(A) a description of the schools to which the local educational agency will provide funds under the grant;

(B) a description of the comprehensive school reform program that will be implemented by the local educational agency, including the manner in which the local educational agency will provide technical assistance and support for school implementation efforts; and

(C) a description of the manner in which the local educational agency will evaluate and measure the results achieved by schools implementing comprehensive school reforms.

(3) REQUIREMENTS.—A comprehensive school reform program shall—

(A) utilize innovative strategies and proven methods for student learning, teaching, and school management that are based on reliable and effective practices and that have been replicated successfully in schools with diverse characteristics;

(B) be based on a comprehensive design to achieve effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the curriculum, technology, and professional development of the school into a schoolwide reform plan that is designed to enable all students to meet challenging State content and student performance standards and address needs identified through school needs assessments;

(C) provide a high-quality and continuous teacher and staff professional development and training program;

(D) have measurable goals for student performance and benchmarks for meeting such goals;

(E) be supported by school faculty, administrators and staff;

(F) provide for the meaningful involvement of parents and the local community in planning and implementing school improvement activities;

(G) utilize high-quality external technical support and assistance from a comprehensive school reform entity (which may be an institution of higher education) with experience or expertise in schoolwide reform and improvement;

(H) include a plan for the evaluation of the implementation of school reforms and the student results achieved; and

(I) identify how other resources that are available to the school will be utilized to coordinate services to support and sustain the school reform effort.

(d) MATCHING REQUIREMENT.—

(1) IN GENERAL.—To be eligible to receive funds under this section, a State educational agency shall provide assurances satisfactory to the Secretary that non-Federal funds will be made available to carry out activities under this section in an amount equal to 20 percent of the amount that is provided to the State under this section.

(2) NON-FEDERAL CONTRIBUTIONS.—Non-Federal funds required under paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(3) REDUCTION OF NON-FEDERAL CONTRIBUTIONS.—The Secretary shall promulgate regulations to reduce the non-Federal funds required under paragraph (1) for State educational agencies that serve the highest percentages of low-income children.

(e) APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, to carry out this section, \$250,000,000 for fiscal year 2000, \$500,000,000 for fiscal year 2001, \$750,000,000 for fiscal year 2002, \$1,000,000,000 for fiscal year 2003, and \$4,000,000,000 for fiscal year 2004.

(2) RESERVATION OF FUNDS.—From the amounts appropriated under paragraph (1) for each fiscal year, the Secretary shall reserve 1 percent of such amounts to provide funds to schools that receive funding from the Bureau of Indian Affairs.

SEC. 102. FULLY FUNDING TITLE I OF ESEA.

Section 1002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3302(a)) is amended by striking “\$7,400,000,000 for fiscal year 1995” and all that follows through the period and inserting “\$7,400,000,000 for fiscal year 2000, \$7,600,000,000 for fiscal year 2001, \$8,000,000,000 for fiscal year 2002, \$8,400,000,000 for fiscal year 2003, and \$11,400,000,000 for fiscal year 2004”.

TITLE II—ENSURING THAT CHILDREN BEGIN SCHOOL READY TO LEARN

SEC. 201. DEFINITIONS.

In this title:

(1) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) 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.

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(4) STATE BOARD.—The term “State board” means a State Early Learning Coordinating Board established under section 202(c).

(5) YOUNG CHILD.—The term “young child” means an individual from birth through age 5.

(6) YOUNG CHILD ASSISTANCE ACTIVITIES.—The term “young child assistance activities” means the activities described in paragraphs (1) and (2)(A) of section 203(b).

SEC. 202. ALLOTMENTS TO STATES.

(a) IN GENERAL.—The Secretary shall make allotments under subsection (b) to eligible States to pay for the Federal share of the cost of enabling the States to make grants to local collaboratives under section 203 for young child assistance activities.

(b) ALLOTMENT.—

(1) IN GENERAL.—From the funds appropriated under section 204 for each fiscal year and not reserved under subsection (i), the Secretary shall allot to each eligible State an amount that bears the same relationship to such funds as the total number of young children in poverty in the State bears to the total number of young children in poverty in all eligible States.

(2) YOUNG CHILD IN POVERTY.—In this subsection, the term “young child in poverty” means an individual who—

(A) is a young child; and

(B) is a member of a family with an income below the poverty line.

(c) STATE BOARDS.—

(1) IN GENERAL.—In order for a State to be eligible to obtain an allotment under this title, the Governor of the State shall establish, or designate an entity to serve as, a State Early Learning Coordinating Board, which shall receive the allotment and make the grants described in section 203.

(2) ESTABLISHED BOARD.—A State board established under paragraph (1) shall consist of the Governor and members appointed by the Governor, including—

(A) representatives of all State agencies primarily providing services to young children in the State;

(B) representatives of business in the State;

(C) chief executive officers of political subdivisions in the State;

(D) parents of young children in the State;

(E) officers of community organizations serving low-income individuals, as defined by the Secretary, in the State;

(F) representatives of State nonprofit organizations that represent the interests of

young children in poverty, as defined in subsection (b), in the State;

(G) representatives of organizations providing services to young children and the parents of young children, such as organizations providing child care, carrying out Head Start programs under the Head Start Act (42 U.S.C. 9831 et seq.), providing services through a family resource center, providing home visits, or providing health care services, in the State; and

(H) representatives of local educational agencies.

(3) DESIGNATED BOARD.—The Governor may designate an entity to serve as the State board under paragraph (1) if the entity includes the Governor and the members described in subparagraphs (A) through (G) of paragraph (2).

(4) DESIGNATED STATE AGENCY.—The Governor shall designate a State agency that has a representative on the State board to provide administrative oversight concerning the use of funds made available under this title and to ensure accountability for the funds.

(d) APPLICATION.—To be eligible to receive an allotment under this title, a State board shall annually submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the application shall contain—

(1) sufficient information about the entity established or designated under subsection (c) to serve as the State board to enable the Secretary to determine whether the entity complies with the requirements of such subsection;

(2) a comprehensive State plan for carrying out young child assistance activities;

(3) an assurance that the State board will provide such information as the Secretary shall by regulation require on the amount of State and local public funds expended in the State to provide services for young children; and

(4) an assurance that the State board shall annually compile and submit to the Secretary information from the reports referred to in section 203(e)(2)(F)(iii) that describes the results referred to in section 203(e)(2)(F)(i).

(e) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be—

(A) 85 percent, in the case of a State for which the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))) is not less than 50 percent but is less than 60 percent;

(B) 87.5 percent, in the case of a State for which such percentage is not less than 60 percent but is less than 70 percent; and

(C) 90 percent, in the case of any State not described in subparagraph (A) or (B).

(2) STATE SHARE.—

(A) IN GENERAL.—The State shall contribute the remaining share (referred to in this paragraph as the “State share”) of the cost described in subsection (a).

(B) FORM.—The State share of the cost shall be in cash.

(C) SOURCES.—The State may provide for the State share of the cost from State or local sources, or through donations from private entities.

(f) STATE ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—A State may use not more than 5 percent of the funds made available through an allotment made under this title to pay for a portion, not to exceed 50 percent, of State administrative costs related to carrying out this title.

(2) WAIVER.—A State may apply to the Secretary for a waiver of paragraph (1). The Secretary may grant the waiver if the Secretary

finds that unusual circumstances prevent the State from complying with paragraph (1). A State that receives such a waiver may use not more than 7.5 percent of the funds made available through the allotment to pay for the State administrative costs.

(g) MONITORING.—The Secretary shall monitor the activities of States that receive allotments under this title to ensure compliance with the requirements of this title, including compliance with the State plans.

(h) ENFORCEMENT.—If the Secretary determines that a State that has received an allotment under this title is not complying with a requirement of this title, the Secretary may—

(1) provide technical assistance to the State to improve the ability of the State to comply with the requirement;

(2) reduce, by not less than 5 percent, an allotment made to the State under this section, for the second determination of non-compliance;

(3) reduce, by not less than 25 percent, an allotment made to the State under this section, for the third determination of non-compliance; or

(4) revoke the eligibility of the State to receive allotments under this section, for the fourth or subsequent determination of non-compliance.

(i) TECHNICAL ASSISTANCE.—From the funds appropriated under section 204 for each fiscal year, the Secretary shall reserve not more than 1 percent of the funds to pay for the costs of providing technical assistance. The Secretary shall use the reserved funds to enter into contracts with eligible entities to provide technical assistance, to local collaboratives that receive grants under section 203, relating to the functions of the local collaboratives under this title.

SEC. 203. GRANTS TO LOCAL COLLABORATIVES.

(a) IN GENERAL.—A State board that receives an allotment under section 202 shall use the funds made available through the allotment, and the State contribution made under section 202(e)(2), to pay for the Federal and State shares of the cost of making grants, on a competitive basis, to local collaboratives to carry out young child assistance activities.

(b) USE OF FUNDS.—A local collaborative that receives a grant made under subsection (a)—

(1) shall use funds made available through the grant to provide, in a community, activities that consist of education and supportive services, such as—

(A) home visits for parents of young children;

(B) services provided through community-based family resource centers for such parents; and

(C) collaborative pre-school efforts that link parenting education for such parents to early childhood learning services for young children; and

(2) may use funds made available through the grant—

(A) to provide, in the community, activities that consist of—

(i) activities designed to strengthen the quality of child care for young children and expand the supply of high quality child care services for young children;

(ii) health care services for young children, including increasing the level of immunization for young children in the community, providing preventive health care screening and education, and expanding health care services in schools, child care facilities, clinics in public housing projects (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))), and mobile dental and vision clinics;

(iii) services for children with disabilities who are young children; and

(iv) activities designed to assist schools in providing educational and other support services to young children, and parents of young children, in the community, to be carried out during extended hours when appropriate; and

(B) to pay for the salary and expenses of the administrator described in subsection (e)(4), in accordance with such regulations as the Secretary shall prescribe.

(c) MULTYEAR FUNDING.—In making grants under this section, a State board may make grants for grant periods of more than 1 year to local collaboratives with demonstrated success in carrying out young child assistance activities.

(d) LOCAL COLLABORATIVES.—To be eligible to receive a grant under this section for a community, a local collaborative shall demonstrate that the collaborative—

(1) is able to provide, through a coordinated effort, young child assistance activities to young children, and parents of young children, in the community; and

(2) includes—

(A) all public agencies primarily providing services to young children in the community;

(B) businesses in the community;

(C) representatives of the local government for the county or other political subdivision in which the community is located;

(D) parents of young children in the community;

(E) officers of community organizations serving low-income individuals, as defined by the Secretary, in the community;

(F) community-based organizations providing services to young children and the parents of young children, such as organizations providing child care, carrying out Head Start programs, or providing pre-kindergarten education, mental health, or family support services; and

(G) nonprofit organizations that serve the community and that are described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.

(e) APPLICATION.—To be eligible to receive a grant under this section, a local collaborative shall submit an application to the State board at such time, in such manner, and containing such information as the State board may require. At a minimum, the application shall contain—

(1) sufficient information about the entity described in subsection (d)(2) to enable the State board to determine whether the entity complies with the requirements of such subsection;

(2) a comprehensive plan for carrying out young child assistance activities in the community, including information indicating—

(A) the young child assistance activities available in the community, as of the date of submission of the plan, including information on efforts to coordinate the activities;

(B) the unmet needs of young children, and parents of young children, in the community for young child assistance activities;

(C) the manner in which funds made available through the grant will be used—

(i) to meet the needs, including expanding and strengthening the activities described in subparagraph (A) and establishing additional young child assistance activities; and

(ii) to improve results for young children in the community;

(D) how the local cooperative will use at least 60 percent of the funds made available through the grant to provide young child assistance activities to young children and parents described in subsection (f);

(E) the comprehensive methods that the collaborative will use to ensure that—

(i) each entity carrying out young child assistance activities through the collaborative

will coordinate the activities with such activities carried out by other entities through the collaborative; and

(ii) the local collaborative will coordinate the activities of the local collaborative with—

(I) other services provided to young children, and the parents of young children, in the community; and

(II) the activities of other local collaboratives serving young children and families in the community, if any; and

(F) the manner in which the collaborative will, at such intervals as the State board may require, submit information to the State board to enable the State board to carry out monitoring under section 202(f), including the manner in which the collaborative will—

(i) evaluate the results achieved by the collaborative for young children and parents of young children through activities carried out through the grant;

(ii) evaluate how services can be more effectively delivered to young children and the parents of young children; and

(iii) prepare and submit to the State board annual reports describing the results;

(3) an assurance that the local collaborative will comply with the requirements of subparagraphs (D), (E), and (F) of paragraph (2), and subsection (g); and

(4) an assurance that the local collaborative will hire an administrator to oversee the provision of the activities described in paragraphs (1) and (2)(A) of subsection (b).

(f) DISTRIBUTION.—In making grants under this section, the State board shall ensure that not less than 60 percent of the funds made available through each grant are used to provide the young child assistance activities to young children (and parents of young children) who reside in school districts in which half or more of the students receive free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.).

(g) LOCAL SHARE.—

(1) IN GENERAL.—The local collaborative shall contribute a percentage (referred to in this subsection as the “local share”) of the cost of carrying out the young child assistance activities.

(2) PERCENTAGE.—The Secretary shall by regulation specify the percentage referred to in paragraph (1).

(3) FORM.—The local share of the cost shall be in cash.

(4) SOURCE.—The local collaborative shall provide for the local share of the cost through donations from private entities.

(5) WAIVER.—The State board shall waive the requirement of paragraph (1) for poor rural and urban areas, as defined by the Secretary.

(h) MONITORING.—The State board shall monitor the activities of local collaboratives that receive grants under this title to ensure compliance with the requirements of this title.

SEC. 204. APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, to carry out this title \$100,000,000 for fiscal year 2000, \$200,000,000 for fiscal year 2001, \$300,000,000 for fiscal year 2002, \$400,000,000 for fiscal year 2003, and \$1,000,000,000 for fiscal year 2004.

TITLE III—EXCELLENT PRINCIPALS CHALLENGE GRANT

SEC. 301. GRANTS TO STATES FOR THE TRAINING OF PRINCIPALS.

(a) GRANTS.—

(1) IN GENERAL.—From the sums appropriated under subsection (g) and not reserved under subsection (f) for any fiscal year, the Secretary shall award grants to eligible State educational agencies or consortia of

State educational agencies to enable such State educational agencies or consortia to award grants to local educational agencies for the provision of professional development services for public elementary school and secondary school principals to enhance the leadership skills of such principals.

(2) AWARD BASIS.—The Secretary shall award grants under this section to eligible State educational agencies or consortia on the basis of criteria that includes—

(A) the quality of the proposed use of the grant funds; and

(B) the educational need of the State or States.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State educational agency or consortium shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that—

(1) matching funds will be provided in accordance with subsection (e); and

(2) principals were involved in developing the application and the proposed use of the grant funds.

(c) USE OF FUNDS.—Subject to section 3(a)(1), a State educational agency or consortium that receives a grant under this section shall use amounts received under the grant to provide assistance to local educational agencies to enable such local educational agencies to provide training and other activities to increase the leadership and other skills of principals in public elementary schools and secondary schools. Such activities may include activities—

(1) to enhance and develop school management and business skills;

(2) to provide principals with knowledge of—

(A) effective instructional skills and practices; and

(B) comprehensive whole-school approaches and programs;

(3) to improve understanding of the effective uses of educational technology;

(4) to provide training in effective, fair evaluation of school staff; and

(5) to improve knowledge of State content and performance standards.

(d) AMOUNT OF GRANT.—The amount of a grant awarded to a State educational agency or consortium under this section shall be determined by the Secretary.

(e) MATCHING REQUIREMENT.—

(1) IN GENERAL.—To be eligible to receive funds under this section, a State educational agency or consortium shall provide assurances satisfactory to the Secretary that non-Federal funds will be made available to carry out activities under this title in an amount equal to 25 percent of the amount that is provided to the State educational agency or consortium under this section.

(2) WAIVER.—The Secretary shall promulgate regulations to waive the matching requirement of paragraph (1) with respect to State educational agencies or consortia that the Secretary determines serve low-income areas.

(3) NON-FEDERAL CONTRIBUTIONS.—Non-Federal funds required under paragraph (1) may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

(f) RESERVATION.—The Secretary may reserve not more than 2 percent of the amount appropriated under subsection (g) for each fiscal year to develop model national programs to provide the activities described in subsection (c) to principals. In carrying out the preceding sentence the Secretary shall

appoint a commission, consisting of representatives of local educational agencies, State educational agencies, departments of education within institutions of higher education, principals, education organizations, community groups, business, and labor, to examine existing professional development programs and to produce a report on the best practices to help principals in multiple education environments across our Nation. The report shall be produced not later than 1 year after the date of enactment of this Act.

(g) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, \$100,000,000 for each of the fiscal years 2000 through 2004 to carry out this section.

TITLE IV—SECOND CHANCE PROGRAMS FOR DISRUPTIVE OR VIOLENT STUDENTS

SEC. 401. ESTABLISHMENT OF SECOND CHANCE GRANT PROGRAM.

Title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8601 et seq.) is amended by adding at the end the following:

PART E—SECOND CHANCE PROGRAMS FOR DISRUPTIVE OR VIOLENT STUDENTS

“SEC. 13501. STATEMENT OF PURPOSE.

“It is the purpose of this part to provide financial assistance to State educational agencies and local educational agencies to initiate a program of demonstration projects, personnel training, and similar activities designed to build a nationwide capability in public elementary schools and secondary schools to meet the educational needs of violent or disruptive students.

“SEC. 13502. AUTHORIZED PROGRAMS.

“(a) ESTABLISHMENT OF PROGRAM.—From the sums appropriated under section 13505 for any fiscal year, the Secretary (after consultation with experts in the field of the education of disruptive or violent students) shall make grants to State educational agencies to enable such State educational agencies to provide financial assistance to local educational agencies to assist such local educational agencies in carrying out programs or projects that are designed to meet the educational needs of violent or disruptive students, including the training of school personnel in the education of violent or disruptive students.

“(b) APPLICATION.—Each State educational agency desiring assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(c) USES OF FUNDS.—Subject to section 3(a)(1) of the Comprehensive School Improvement and Accountability Act of 1999, amounts provided under a grant under this section shall be used by the State educational agency to provide financial assistance to local educational agencies. Such local educational agencies shall use such assistance to—

“(1) promote effective classroom management;

“(2) provide training for school staff and administrators in enforcement of the discipline code described in subsection (d)(2), which may include training on violence prevention;

“(3) implement programs to modify student behavior, including hiring pupil services personnel (including school counselors, school psychologists, school social workers, and other professionals);

“(4) establish high quality alternative placements for chronically disruptive or violent students that include a continuum of alternatives such as—

“(A) meeting with behavior management specialists;

“(B) establishing short term in-school crisis centers;

“(C) providing medium duration in-school suspension rooms; and

“(D) facilitating off-campus alternatives for such students; or

“(5) carry out other activities determined appropriate by the Secretary.

“(d) ELIGIBILITY.—To be eligible to receive financial assistance from a State educational agency under this part a local educational agency shall—

“(1) prepare and submit to the State educational agency an application that contains an assurance that the local educational agency will use the assistance to carry out activities described in subsection (c);

“(2) have enacted and implemented a discipline code that—

“(A) is applied on a school district-wide basis;

“(B) makes use of clear, understandable language, including specific examples of behaviors that will result in disciplinary actions; and

“(C) is subject to signature by all students and their parents or guardians; and

“(3) comply with any other requirements determined appropriate by the State.

“SEC. 13503. FUNDING.

“Each State educational agency having an application approved under this part shall receive a grant for a fiscal year in an amount that bears the same relation to the total amount appropriated under section 13505 for the fiscal year as the amount the State educational agency is eligible to receive under part A of title I for the fiscal year bears to the amount received by all State educational agencies under part A of title I for the fiscal year.

“SEC. 13504. RULES OF CONSTRUCTION.

“(a) SERVICE OF STUDENTS.—Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving disruptive or violent students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

“(b) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this part shall be construed to restrict or eliminate any protection provided for in the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) with respect to students with disabilities.

“SEC. 13505. APPROPRIATIONS.

“There are authorized to be appropriated, and there are appropriated, \$100,000,000 for each of the fiscal years 2000 through 2004 to carry out this part.”

TITLE V—TEACHER QUALITY AND TRAINING

SEC. 501. GRANTS FOR LOW-INCOME AREAS.

Title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8601 et seq.), as amended by section 401, is further amended by adding at the end the following:

PART F—INCREASING SALARIES FOR TEACHERS

“SEC. 13601. GRANTS FOR STATE EDUCATIONAL AGENCIES.

“(a) IN GENERAL.—The Secretary shall make grants to eligible State educational agencies to enable such agencies to increase the salaries of teachers in elementary schools and secondary schools.

“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State educational agency shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(c) USE OF FUNDS.—A State educational agency that receives a grant under this section shall use amounts received under the

grant to increase the salaries of teachers in elementary schools and secondary schools.

“SEC. 13602. GRANTS TO STATES FOR SIGNING BONUSES TO TEACHERS.

“(a) IN GENERAL.—The Secretary shall make grants to eligible States to enable the States to provide incentives to encourage individuals to accept employment as teachers in certain elementary schools and secondary schools in the States.

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

“(c) USE OF FUNDS.—A State that receives a grant under this section shall use amounts received under the grant to provide incentives to encourage individuals to accept employment in an elementary school or secondary school that is served by a local educational agency that meets the eligibility requirements described in section 3(a)(2) of the Comprehensive School Improvement and Accountability Act of 1999.

“(d) AMOUNT OF GRANT.—The amount of a grant to be awarded to a State under this section shall be determined by the Secretary.

“(e) LIMITATION.—The Secretary shall use not more than \$10,000,000 of the amount appropriated under section 13603 for each fiscal year to carry out this section.

“SEC. 13603. APPROPRIATIONS.

“There are authorized to be appropriated, and there are appropriated, \$500,000,000 for each of the fiscal years 2000 and 2001, \$1,000,000,000 for each of the fiscal years 2002 and 2003, and \$2,000,000,000 for fiscal year 2004 to carry out this part.”

SEC. 502. SCHOLARSHIPS FOR FUTURE TEACHERS.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

“SUBPART 9—SCHOLARSHIPS FOR FUTURE TEACHERS

“SEC. 420L. STATEMENT OF PURPOSE.

“It is the purpose of this subpart to establish a scholarship program to promote student excellence and achievement and to encourage students to make a commitment to teaching.

“SEC. 420M. SCHOLARSHIPS AUTHORIZED.

“(a) PROGRAM AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this subpart, to make grants to States to enable the States to award scholarships to individuals who have demonstrated outstanding academic achievement and who make a commitment to become State certified teachers in elementary schools or secondary schools that are served by local educational agencies that meet the eligibility requirements described in section 3(a)(2) of the Comprehensive School Improvement and Accountability Act of 1999.

“(b) PERIOD OF AWARD.—Scholarships under this section shall be awarded for a period of not less than 1 and not more than 4 years during the first 4 years of study at any institution of higher education eligible to participate in any program assisted under this title. The State educational agency administering the scholarship program in a State shall have discretion to determine the period of the award (within the limits specified in the preceding sentence).

“(c) USE AT ANY INSTITUTION PERMITTED.—A student awarded a scholarship under this subpart may attend any institution of higher education.

“SEC. 420N. ALLOCATION AMONG STATES.

“(a) ALLOCATION FORMULA.—From the sums appropriated under section 420U for

any fiscal year, the Secretary shall allocate to each State that has an agreement under section 420O an amount that bears the same relation to the sums as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 bears to the amount received under such part A by all States.

“(b) AMOUNT OF SCHOLARSHIPS.—The Secretary shall promulgate regulations setting forth the amount of scholarships awarded under this subpart.

“SEC. 420O. AGREEMENTS.

“The Secretary shall enter into an agreement with each State desiring to participate in the scholarship program authorized by this subpart. Each such agreement shall include provisions designed to ensure that—

“(1) the State educational agency will administer the scholarship program authorized by this subpart in the State;

“(2) the State educational agency will comply with the eligibility and selection provisions of this subpart;

“(3) the State educational agency will conduct outreach activities to publicize the availability of scholarships under this subpart to all eligible students in the State, with particular emphasis on activities designed to assure that students from low-income and moderate-income families have access to the information on the opportunity for full participation in the scholarship program authorized by this subpart; and

“(4) the State educational agency will pay to each individual in the State who is awarded a scholarship under this subpart an amount determined in accordance with regulations promulgated under section 420N(b).

“SEC. 420P. ELIGIBILITY OF SCHOLARS.

“(a) SECONDARY SCHOOL GRADUATION OR EQUIVALENT AND ADMISSION TO INSTITUTION REQUIRED.—Each student awarded a scholarship under this subpart shall—

“(1) have a secondary school diploma or its recognized equivalent;

“(2) have a score on a nationally recognized college entrance exam, such as the Scholastic Aptitude Test (SAT) or the American College Testing Program (ACT), that is in the top 20 percent of all scores achieved by individuals in the secondary school graduating class of the student, or have a grade point average that is in the top 20 percent of all students in the secondary school graduating class of the student;

“(3) have been admitted for enrollment at an institution of higher education; and

“(4) make a commitment to become a State certified elementary school or secondary school teacher for a period of 5 years.

“(b) SELECTION BASED ON COMMITMENT TO TEACHING.—Each student awarded a scholarship under this subpart shall demonstrate outstanding academic achievement and show promise of continued academic achievement.

“SEC. 420Q. SELECTION OF SCHOLARS.

“(a) ESTABLISHMENT OF CRITERIA.—The State educational agency is authorized to establish the criteria for the selection of scholars under this subpart.

“(b) ADOPTION OF PROCEDURES.—The State educational agency shall adopt selection procedures designed to ensure an equitable geographic distribution of scholarship awards within the State.

“(c) CONSULTATION REQUIREMENT.—In carrying out its responsibilities under subsections (a) and (b), the State educational agency shall consult with school administrators, local educational agencies, teachers, counselors, and parents.

“(d) TIMING OF SELECTION.—The selection process shall be completed, and the awards made, prior to the end of each secondary school academic year.

“SEC. 420R. SCHOLARSHIP CONDITION.

“The State educational agency shall establish procedures to assure that a scholar awarded a scholarship under this subpart pursues a course of study at an institution of higher education that is related to a career in teaching.

“SEC. 420S. RECRUITMENT.

“In carrying out a scholarship program under this section, a State may use not less than 5 percent of the amount awarded to the State under this subpart to carry out recruitment programs through local educational agencies. Such programs shall target liberal arts, education and technical institutions of higher education in the State.

“SEC. 420T. INFORMATION.

“The Secretary shall develop additional programs or strengthen existing programs to publicize information regarding the programs assisted under this title and teaching careers in general.

“SEC. 420U. APPROPRIATIONS.

“There are authorized to be appropriated, and there are appropriated, to carry out this subpart \$10,000,000 for each of the fiscal years 2000 through 2004, of which not more than 0.5 percent shall be used by the Secretary in any fiscal year to carry out section 420T.”

SEC. 503. TEACHER QUALITY.

Section 210 of the Higher Education Act of 1965 (20 U.S.C. 1030) is amended to read as follows:

“SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$435,000,000 for each of the fiscal years 2000 through 2004, of which—

“(1) 62 percent shall be available for each fiscal year to award grants under section 202;

“(2) 31 percent shall be available for each fiscal year to award grants under section 203; and

“(3) 7 percent shall be available for each fiscal year to award grants under section 204.”

SEC. 504. LOAN FORGIVENESS AND CANCELLATION FOR TEACHERS.

(a) FEDERAL STAFFORD LOANS.—Section 428J of Higher Education Act of 1965 (20 U.S.C. 1078-10) is amended—

(1) in the matter preceding subparagraph (A) of subsection (b)(1), by striking “for 5 consecutive complete school years”;

(2) by amending paragraph (1) of subsection (c) to read as follows:

“(1) AMOUNT.—

“(A) IN GENERAL.—The Secretary shall repay—

“(i) not more than \$5,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1); and

“(ii) not more than \$5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1).

“(B) SPECIAL RULE.—No borrower may receive a reduction of loan obligations under both this section and section 460.”; and

(3) by adding at the end the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out this section \$50,000,000 for each of the fiscal years 2000 through 2004.”

(b) DIRECT LOANS.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(1) in the matter preceding clause (i) of subsection (b)(1)(A), by striking “for 5 consecutive complete school years”;

(2) by amending paragraph (1) of subsection (c) to read as follows:

“(1) IN GENERAL.—The Secretary shall repay—

“(A) not more than \$5,000 in the aggregate of the loan obligation on a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1)(A); and

“(B) not more than \$5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1)(A).”; and
(3) by adding at the end the following:

“(i) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out this section \$50,000,000 for each of the fiscal years 2000 through 2004.”.

SEC. 505. TEACHER QUALITY ENHANCEMENT GRANTS.

(a) STATES.—Section 202(d) of the Higher Education Act of 1965 (20 U.S.C. 1022(d)) is amended by adding at the end the following:

“(8) MENTORING.—Promoting mentoring programs that pair veteran teachers with novice teachers in order to—

“(A) increase the skill level of the novice teacher;

“(B) assist in the classroom effectiveness of the novice teacher; and

“(C) help promote the retention of the novice teacher in the school.”.

(b) PARTNERSHIPS.—Section 203(e) of the Higher Education Act of 1965 (20 U.S.C. 1023(e)) is amended by adding at the end the following:

“(5) MENTORING.—Promoting mentoring programs that pair veteran teachers with novice teachers in order to—

“(A) increase the skill level of the novice teacher;

“(B) assist in the classroom effectiveness of the novice teacher; and

“(C) help promote the retention of the novice teacher in the school.”.

SEC. 506. IMPROVING TEACHER TECHNOLOGY TRAINING.

(a) STATEMENT OF PURPOSE FOR TITLE I.—Section 1001(d)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301(d)(4)) is amended by inserting “, giving particular attention to the role technology can play in professional development and improved teaching and learning” before the semicolon.

(b) SCHOOL IMPROVEMENT.—Section 1116(c)(3) of such Act (20 U.S.C. 6317(c)(3)) is amended by adding at the end the following:

“(D) In carrying out professional development under this paragraph a school shall give particular attention to professional development that incorporates technology used to improve teaching and learning.”.

(c) PROFESSIONAL DEVELOPMENT.—Section 1119(b) of such Act (20 U.S.C. 6320(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking “and” after the semicolon;

(B) in subparagraph (E), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(F) include instruction in the use of technology.”; and

(2) in paragraph (2)—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (I) as subparagraphs (D) through (H), respectively.

(d) PURPOSES FOR TITLE II.—Section 2002(2) of such Act (20 U.S.C. 6602(2)) is amended—

(1) in subparagraph (E), by striking “and” after the semicolon;

(2) in subparagraph (F), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(G) uses technology to enhance the teaching and learning process.”.

(e) NATIONAL TEACHER TRAINING PROJECT.—Section 2103(b)(2) of such Act (20 U.S.C. 6623(b)(2)) is amended by adding at the end the following:

“(J) Technology.”.

(f) LOCAL PLAN FOR IMPROVING TEACHING AND LEARNING.—Section 2208(d)(1)(F) of such Act (20 U.S.C. 6648(d)(1)(F)) is amended by inserting “, technologies,” after “strategies”.

(g) AUTHORIZED ACTIVITIES.—Section 2210(b)(2)(C) of such Act (20 U.S.C. 6650(b)(2)(C)) is amended by inserting “, and in particular technology,” after “practices”.

(h) HIGHER EDUCATION ACTIVITIES.—Section 2211(a)(1)(C) of such Act (20 U.S.C. 6651(a)(1)(C)) is amended by inserting “, including technological innovation,” after “innovation”.

TITLE VI—INVESTMENT IN COMMUNITY-BASED SCHOOLS AND COMMUNITY SERVICE

SEC. 601. 21ST CENTURY COMMUNITY LEARNING CENTERS.

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

(1) in section 10905, by adding at the end the following:

“(14) Mentoring programs.

“(15) Academic assistance.

“(16) Drug, alcohol, and gang prevention activities.”; and

(2) in section 10907, by striking “\$20,000,000 for fiscal year 1995” and all that follows through the period and inserting “\$600,000,000 for each of the fiscal years 2000 through 2004, to carry out this part.”.

SEC. 602. GRANTS FOR PROGRAMS REQUIRING COMMUNITY SERVICE.

(a) IN GENERAL.—From sums appropriated under subsection (f) for any fiscal year, the Secretary shall award grants to State educational agencies to enable such State educational agencies to create and carry out programs to help students meet State secondary school graduation requirements relating to community service.

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

(c) AMOUNT.—The Secretary shall determine the amount of a grant awarded to a State educational agency under this section.

(d) USE OF FUNDS.—A State educational agency shall use amounts received under a grant under this section to establish or expand a Statewide program, or school district-wide programs, that help secondary school students to perform community service in order to receive their secondary school diplomas. In carrying out such programs the State educational agency shall determine the type of community service required, the hours required, and whether to exempt low-income students who are employed before or after school, or during summer months.

(e) MATCHING REQUIREMENT.—

(1) IN GENERAL.—To be eligible to receive funds under this section, a State educational agency shall provide assurances satisfactory to the Secretary that non-Federal funds will be made available to carry out activities under this section in an amount equal to the amount that is provided to the State educational agency under this section, of which—

(A) 50 percent of such non-Federal funds shall be provided by the State educational agency or local educational agencies in the State; and

(B) 50 percent of such non-Federal funds shall be provided from the private sector.

(2) CONTRIBUTIONS.—Non-Federal contributions required in paragraph (1) may be pro-

vided in cash or in kind, fairly evaluated, including plant, equipment, or services.

(f) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, \$10,000,000 for each of the fiscal years 2000 through 2004 to carry out this section.

TITLE VII—EXPANDING NATIONAL BOARD CERTIFICATION PROGRAM FOR TEACHERS

SEC. 701. PURPOSE.

It is the purpose of this title to assist 105,000 elementary school or secondary school teachers in becoming board certified by the year 2006.

SEC. 702. GRANTS TO EXPAND PARTICIPATION IN THE NATIONAL BOARD CERTIFICATION PROGRAM.

(a) IN GENERAL.—From amounts appropriated under subsection (e), the Secretary shall award grants to States to enable such States to provide subsidies to elementary school and secondary school teachers who enroll in the certification program of the National Board for Professional Teaching Standards.

(b) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) AMOUNT OF GRANT.—The amount of a grant awarded to a State under subsection (a) shall be determined by the Secretary.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts received under a grant under this section to provide a subsidy to an eligible teacher who enrolls and completes the teaching certification program of the National Board for Professional Teaching Standards.

(2) ELIGIBILITY.—To be eligible to receive a subsidy under this section an individual shall—

(A) be a teacher in an elementary school or secondary school, served by a local educational agency that meets the eligibility requirements described in section 3(a)(2), in the State involved;

(B) prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require; and

(C) certify to the State that the individual intends to enroll and complete the teaching certification program of the National Board for Professional Teaching Standards.

(3) AMOUNT OF SUBSIDY.—Subject to the availability of funds, a State shall provide to a teacher with an application approved under paragraph (2) a subsidy in an amount equal to 90 percent of the cost of enrollment in the program described in paragraph (2)(C).

(e) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out this section \$37,800,000 for each of the fiscal years 2000 through 2004.

TITLE VIII—ENCOURAGING PUBLIC SCHOOL CHOICE

SEC. 801. GRANTS TO ENCOURAGE PUBLIC SCHOOL CHOICE.

(a) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall award grants to States to enable such States to implement public school choice programs.

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

(c) AMOUNT.—The Secretary shall determine the amount of a grant awarded to a State under this section.

(d) USE OF FUNDS.—Subject to section 3(a)(1), a State shall use amounts received

under a grant under this section to establish a statewide public school choice program under which elementary school and secondary school students, who attend a school served by a local educational agency that meets the eligibility requirements described in section 3(a)(2), may enroll in any public school of their choice. Amounts provided under such grant may also be used—

(1) to improve low performing school districts that lose students as a result of the program; and

(2) for any other activities determined appropriate by the State.

(e) LIMITATION.—A State may use not more than 10 percent of the amount received under a grant under this section to carry out activities under subsection (d)(2).

(f) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out this section, \$10,000,000 for each of the fiscal years 2000 through 2004.

Mr. SMITH of Oregon. Mr. President, I rise today in an effort of bipartisanship with Senator KERRY, to present our plan to improve the quality of education for the children of this country. The legislation that we are introducing with Senators CHAFEE, COLLINS, SNOWE, BAYH, CLELAND, KENNEDY, LEVIN, EDWARDS, BRYAN, and MURRAY, combines the best ideas from the Republicans with the best ideas from the Democrats—it is a way of reaching across the aisle to accomplish education reform.

Our shared goal is legislation that empowers educators, parents, and principals to initiate positive change in the local school districts without burdensome Federal mandates. The Kerry-Smith Plan to Educate America's Children acts upon that goal and incorporates what the President proposed in his State of the Union Address—that our Federal dollars must be invested in programs that work. I couldn't agree more. We need to ensure that we're getting the biggest bang out of our education buck—not only for the Federal Government—but for the taxpayers who deserve it, and who expect it. The taxpayers are not only the watchdogs of how we spend our money, they are the stockholders and have the right to determine the direction and quality of our investment. This legislation turns the taxpayers into stockholders by directing the Federal dollars to State and local education agencies and allows them to manage the money locally—in local school districts and for local students—to enhance and improve the quality of public education in our nation.

Our proposal provides local education agencies, parents, principals, and teachers the resources to build upon reform models that have been proven to work, such as the Modern Red Schoolhouse and Success For All programs. For example, the Success For All program focuses on raising the achievement levels of K-12 students in low-performing schools by providing a wide range of assistance, including one-on-one tutoring and family support programs. To ensure that progress is being made, students in the Success For All program are assessed every eight

weeks. If a student needs assistance in a specific area such as reading, a tutor is provided to help that student improve his or her reading skills.

Mr. President, this is exactly what every school in America should be doing. In addition, the Modern Red Schoolhouse program goes back to the basics and focuses on the core subject areas of math, science, and reading. Students learn to master these subject areas at their own pace in order to fulfill individual learning contracts. Importantly, this program combines parental and community involvement with flexible daily and yearly schedules for students in order to meet their individual goals.

It is clear that any education reform proposal must be comprehensive in order to be successful. That is why the Kerry-Smith bill focuses on the needs of children and parents before the school day begins, and after the school day ends.

First, our legislation strives to ensure that every child begins school ready to learn by providing the resources to expand existing programs such as EvenStart or HeadStart.

Second, our legislation provides the resources for the development and training of excellent principals—and the retraining of current principals to improve the way they manage our schools. This program can be an opportunity to encourage and recruit second-career principals from the business community.

Third, we provide the needed support for communities to develop alternative schools for students who need further academic or psychological counseling. One of the concerns I hear in my state is that there aren't enough counselors in each school district. In fact, one particular school district in my state, has one counselor for every 800 students. It is my hope we can greatly increase the number of counselors. Too many children need extra support, and it benefits us all to help ensure they get that support.

In this world-wide web generation where everything is changing and growing at such a rapid rate, we're not always able to keep up with the pace and progress of our children. Thomas Jefferson once said something to the effect that each generation is its own nation—and I think that is true to some extent—and it is our responsibility to prepare the next generation as they face the challenges of the next century.

So as we begin debating education reform, I will support those policies that fulfill our commitment. We can achieve our commitment by providing comprehensive programs to meet the needs of all of our children throughout the entire school day and after school.

We can achieve our commitment by investing in education programs that have proven to work—based on research and real results. And we can achieve our commitment by directing the resources for mentoring and train-

ing of our teachers and principals and rewarding local districts that display excellence in education.

The Kerry-Smith bill is an aggressive approach and puts these principles to work—not in Washington, D.C., but in our states and local school districts. We realize that there are many education reform proposals that will be introduced in the Senate this year. And despite the differing views of our respective parties on education in previous years, Senator KERRY and I intended to work with our colleagues on both sides of the aisle to find a workable solution based on the combined strength of various bills.

In closing, I would like to thank my colleague, Senator KERRY, for his foresight and leadership on this issue and encourage my colleagues' cosponsorship and support. The education of our children is, and must continue to be, a bipartisan commitment to excellence.

Mr. KENNEDY. Mr. President, I support the Education Improvement Act of 1999, introduced today by Senator SMITH and Senator KERRY, and I am proud to be a sponsor. It is a major initiative to improve the nation's public schools and address the serious problems they face, such as the shortage of teachers and the lack of after-school programs. These are real problems that deserve real solutions.

Education must continue to be a top priority for this Congress. Few other issues are as important to the nation as ensuring that every child has the opportunity for a good education.

Last year, with broad bipartisan support, Congress made substantial investments in the nation's public schools to reduce class size, expand after-school programs and improve the initial training of teachers. But more needs to be done. States and local communities are making significant progress toward improving their public schools, but they can't do it alone. The federal government must lend a helping hand.

We must do more to meet the needs of public schools, families, and children. We need to expand early childhood education programs, and meet our commitment to reducing class size, modernizing school buildings, improving the quality of the nation's teachers, and provide more opportunities for after-school programs.

The bill addresses these important issues in innovative and very promising ways. The proposed "Excellent Principals Challenge Grants" will give school principal the support they need to be effective school leaders. Principals are the bridge between the school and the school boards, and the children and families in the community. More needs to be done to make sure that principals receive the training they need to become effective school administrators. Every child should have the opportunity to attend a school with a well-trained teacher and a well-trained principal.

When it comes to education, the nation's children deserve the best help we

can give them. I commend Senator KERRY and Senator SMITH for making this strong commitment to improving the nation's public schools.

By Mr. DURBIN (for himself and Mr. SCHUMER):

S. 825. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for employee health insurance expenses paid or incurred by the employer; to the Committee on Finance.

SMALL BUSINESS TAX CREDIT FOR HEALTH INSURANCE FOR LOW-INCOME WORKERS

Mr. DURBIN. Mr. President, I rise today on tax day to introduce a new legislative proposal to help small businesses afford quality health insurance for their low-income workers. The number of uninsured is at an all-time high. More than 43 million people, including 11 million children, lack health insurance coverage. Workers in small firms are significantly more likely to be uninsured than workers in larger firms. Nationally, 34 percent of workers in small businesses with less than 10 employees are uninsured. This compares to the national average for all workers which is 18.2 percent. In Illinois, 183,781 workers in a small business in 1997 went without health insurance. For low-income workers the situation was even worse. Nationally, 41.3 percent of workers earning less than \$16,000 were uninsured. Again in Illinois, 112,770 working for less than \$16,000 in small businesses were uninsured.

This situation is deteriorating. Recent studies show that the number of small businesses offering health insurance has been declining. In 1996, 52 percent of small businesses offered their employees health insurance benefits. This level had fallen to 47 percent by 1998. For the smallest firms, those with 3-9 workers, the percentage of employees covered by employer-sponsored health insurance fell from 36 percent in 1996 to 31 percent in 1998.

Only 39 percent of small businesses with a significant percentage of low-income employees offer employer-sponsored health insurance—such companies are half as likely to offer health benefits as are companies that have only a small proportion of low-income employees.

One of the main reasons for this decline in employer-sponsored health insurance is cost. Small businesses pay on average 30 percent more for health insurance than larger firms and costs are increasing more rapidly for small businesses causing them to drop health insurance benefits.

Health insurance coverage is also related to income. High income workers have the highest rates of insurance. The very poor are generally covered by public sources of health care. It is most often the working poor who have the lowest incidence of insurance. Thirty-seven percent of those with family incomes between 100 percent and 125 per-

cent of poverty are uninsured. In contrast, 92.2 percent of individuals in families with incomes over \$50,000 have insurance.

Bearing all this in mind, I am introducing a bill that recognizes that the most concentrated pool of Americans without health insurance are low-income workers in small businesses (0-9 employees). The bill provides tax credits to small businesses when they provide health insurance to those low-income workers. The bill provides a tax credit of up to \$600 for an individual policy for a worker making up to \$16,000/yr. and a tax credit of up to \$1,200 for a family policy for a worker making up to \$16,000/yr. The tax credit is valued at 60 percent of what the employer contributes for the individual's health insurance, or 70 percent of what the employer contributes for a family policy, to the maximum of \$600 and \$1,200 for self-only and family policies respectively.

The proposal does not undermine the employer-based health insurance market, and does not undermine the protections and advantages that are available to group purchasers. Instead it is designed to help small businesses to provide quality health insurance benefits for their employees.

By Mr. ROTH (for himself, Mr. BIDEN, Mr. HELMS, Mr. STEVENS, Mr. SPECTER, Mr. THURMOND, Mr. ENZI, Mr. COCHRAN, Mr. MURKOWSKI, Mr. ABRAHAM, Mr. CRAIG, Mr. DOMENICI, Mr. DURBIN, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Mr. HOLLINGS, Mr. SMITH of New Hampshire, Ms. COLLINS, Ms. LANDRIEU, Mr. VOINOVICH, and Mr. DEWINE):

S.J. Res. 19. A joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served in positions of command during World War II, and for other purposes; to the Committee on Armed Services.

ADVANCEMENT OF REAR ADM. KIMMEL AND MAJ. GEN. SHORT ON RETIRED LISTS

Mr. ROTH. Mr. President, I rise today with my colleague from Delaware, Senator BIDEN, and on behalf of Senator THURMOND, Senator HELMS, Senator DOMENICI, Senator SPECTER, Senator STEVENS, and 15 other of our colleagues, to reintroduce a resolution whose intent to redress a grave injustice, one that haunts us from the tribulations of World War II.

The matter of which I speak concerns the reputations of two of the most accomplished officers who served in Pacific theater during that war: Admiral

Husband Kimmel and General Walter Short.

They were the two senior commanders of U.S. military forces deployed in the Pacific at the time of the disastrous surprise December 7, 1941 attack on Pearl Harbor. In the immediate aftermath of the attack they were unfairly and publicly charged with dereliction of duty and blamed as singularly responsible for the success of that attack. In short, as we all know today, they were scapegoated.

What is most unforgivable is that after the end of World War II, this scapegoating was given a near permanent veneer when the President of the United States declined to advance Admiral Kimmel and General Short on the retired list to their highest ranks of wartime command—an honor that was given to every other senior commander who served in wartime positions above his regular grade.

That decision to exclude only these two officers was made despite the fact that wartime investigations had already exonerated those commanders of the dereliction of duty charge and criticized the War and Navy Departments for failings that contributed to the success of the attack on Pearl Harbor.

Mr. President, let me repeat this fact: Admiral Kimmel and General Short were the only two flag and general rank officers from World War II excluded from advancement on the military's retired list. That fact alone perpetuates the myth that Admiral Kimmel and General Short were derelict in their duty and singularly responsible for the success of the attack on Pearl Harbor.

The scapegoating of Admiral Kimmel and General Short was one of the great injustices that occurred within our own ranks during World War II. The motivation behind our resolution today is to recognize and correct this injustice.

Our resolution calls upon the President of the United States posthumously to advance on the retirement lists Admiral Kimmel and General Short to the grades of this highest wartime commands. In adopting this resolution, the Senate would communicate its recognition of the injustice done to them and call upon the President to take corrective action. Such a statement by the Senate would do much to remove the stigma of blame that so unfairly burdens the reputations of these two officers. It is a correction consistent with our military's tradition of honor, and it is one long overdue.

Mr. President, the facts that constitute the case of Admiral Kimmel and General Short have been remarkably documented. Since the 1941 attack on Pearl Harbor, there have been no less than nine official governmental investigations and reports, and one inquiry conducted by a special Joint Congressional Committee.

Perhaps the most flawed, and unfortunately most influential investigation, was that of the Roberts Commission. Less than 6 weeks after the Pearl Harbor attack, in a hastily prepared report to the President, the commission accused Kimmel and Short of dereliction of duty—a charge that was immediately and highly publicized.

Adm. William Harrison Standley, who served as a member of this Commission, later disavowed its report, stating that Admiral Kimmel and General Short were “martyred” and “if they had been brought to trial, they would have been cleared of the charge.”

Later, Adm. J.O. Richardson, who was Admiral Kimmel’s predecessor as Commander in Chief, U.S. Pacific Fleet, wrote:

In the impression that the Roberts Commission created in the minds of the American people, and in the way it was drawn up for that specific purpose, I believe that the report of the Roberts Commission was the most unfair, unjust, and deceptively dishonest document ever printed by the Government Printing Office.

Subsequent investigations provided clear evidence that Admiral Kimmel and General Short were unfairly singled out for blame. These reports include those presented by a 1944 Navy Court of Inquiry, the 1944 Army Pearl Harbor Board of Investigation, a 1946 Joint Congressional Committee, and more recently a 1991 Army Board for the Correction of Military Records and report prepared by the Department of Defense in 1995. The findings of these official reports can be summarized as four principal points.

First, there is ample evidence that the Hawaiian commanders were not provided vital intelligence that they needed, and that was available in Washington prior to the attack on Pearl Harbor. Their senior commanders had critical information about Japanese intentions, plans, and actions, but neither passed this on nor took issue nor attempted to correct the disposition of forces under Kimmel’s and Short’s commands in response to the information they attained.

Second, the disposition of forces in Hawaii were proper and consistent with the information made available to Admiral Kimmel and General Short.

In my review of this case, I was most struck by the honor and integrity demonstrated by Gen. George Marshall who was Army Chief of Staff at the time of the attack. On November 27, 1941, General Short interpreted a vaguely written war warning message sent from the high command in Washington as suggesting the need to defend against sabotage. Consequently, he concentrated his aircraft away from perimeter roads to protect them, thus inadvertently increasing their vulnerability to air attack. When he reported his preparations to the General Staff in Washington, the General Staff took no steps to clarify the reality of the situation.

In 1946 before a Joint Congressional Committee investigating the Pearl

Harbor disaster General Marshall testified that he was responsible for ensuring the proper disposition of General Short’s forces. He acknowledged that he must have received General Short’s report, which would have been his opportunity to issue a corrective message, and that he failed to do so.

Mr. President, General Marshall’s integrity and sense of responsibility is a model for all of us. I only wish it had been able to have greater influence over the case of Admiral Kimmel and General Short.

A third theme of these investigations concerned the failure of the Department of War and the Department of the Navy to properly manage the flow of intelligence. The Dorn Report completed in 1995 for the Deputy Secretary of Defense at the request of Senator THURMOND, stated that the handling of intelligence in Washington during the time leading up to the attack on Pearl Harbor was characterized by, among other faults, ineptitude, limited coordination, ambiguous language, and lack of clarification and followup.

The bottom line is that poor command decisions and inefficient management structures and procedures blocked the flow of essential intelligence from Washington to the Hawaiian commanders.

The fourth and most important theme that permeates the aforementioned reports is that blame for the disaster at Pearl Harbor cannot be placed only upon the Hawaiian commanders. Some of these reports completely absolved these two officers. While others found them to have made errors in judgment, all the reports subsequent to the Roberts Commission cleared Admiral Kimmel and General Short of the charge of dereliction of duty and underscored the rollout of a broad failure by the entire chain of command.

And, Mr. President, all those reports identified significant failures and shortcomings of the senior authorities in Washington that contributed significantly—if not predominantly—to the success of the surprise attack on Pearl Harbor.

The Dorn Report put it best, stating that “responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short; it should be broadly shared.”

Mr. President, let me add one poignant fact about two of these investigations. The conclusions of the 1944 Naval Court of Inquiry and the Army Pearl Harbor Board—that Kimmel’s and Short’s forces had been properly disposed according to the information available to them and that their superiors had failed to share important intelligence—were kept secret on the grounds that citing the existence of this intelligence would have been detrimental to the war effort.

Be that as it may, there is no longer any reason to perpetuate the cruel myth that Kimmel and Short were singularly responsible for the disaster at

Pearl Harbor. To do so is not only unfair, it tarnishes our Nation’s military honor. For reasons unexplainable to me, this scapegoating of Admiral Kimmel and General Short has survived the cleansing tides of history.

This issue of fairness and justice has been raised not only by General Short and Admiral Kimmel and their surviving families today, but also by numerous senior officers and public organizations around the country.

Mr. President, allow me to submit for the RECORD a letter endorsing our resolution from five living former naval officers who served at the very pinnacle of military responsibility. They are former Chairmen of the Joint Chiefs of Staff, Adm. Thomas H. Moorer and Adm. William J. Crowe; and former Chiefs of Naval Operations Adm. J.L. Holloway III, Adm. Elmo R. Zumwalt, and Adm. Carlisle A.H. Trost.

I also submit a similar letter from Senator Robert Dole, one of our most distinguished colleagues, who as we all know served heroically in World War II.

The efforts of these and other officers have been complemented by the initiatives of many public organizations who have called for posthumous advancement of Kimmel and Short.

I submit for the RECORD a copy of the VFW’s Resolution Number 441 passed last August calling for the advancement of Admiral Kimmel and General Short.

Mr. President, Admiral Kimmel and General Short remain unjustly stigmatized by our Nation’s failure to treat them in the same manner with which we treated their peers. To redress this wrong would be fully consistent with this Nation’s sense of justice. As I said earlier, after 58 years, this correction is long overdue.

The message of our joint resolution is about justice, equity, and honor. Its purpose is to redress an historic wrong, to ensure that these two officers are treated fairly and with the dignity and honor they deserve, and to ensure that justice and fairness fully permeate the memory and lessons learned from the catastrophe at Pearl Harbor. In the largest sense, passage of this resolution will restore the honor of the United States in this issue.

I urge my colleagues to support this joint resolution.

Mr. President, I ask unanimous consent to have printed in the RECORD the joint resolution and the documents to which I have referred.

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

Whereas Rear Admiral Husband E. Kimmel, formerly the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941 attack on Pearl Harbor;

Whereas Major General Walter C. Short, formerly the Commander of the United States Army Hawaiian Department, had an excellent and unassailable record throughout

his career in the United States Army prior to the December 7, 1941 attack on Pearl Harbor;

Whereas numerous investigations following the attack on Pearl Harbor have documented that Admiral Kimmel and Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6, 1941, known as the Fourteen-Part Message;

Whereas on December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general;

Whereas Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of "dereliction of duty" only six weeks after the attack on Pearl Harbor, later disavowed the report maintaining that "these two officers were martyred" and "if they had been brought to trial, both would have been cleared of the charge";

Whereas on October 19, 1944, a Naval Court of Inquiry exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941 attack on Pearl Harbor were proper "by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor"; criticized the higher command for not sharing with Admiral Kimmel "during the very critical period of 26 November to 7 December 1941, important information...regarding the Japanese situation"; and, concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service;

Whereas on June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel;

Whereas on October 20, 1944, the Army Pearl Harbor Board of Investigation determined that Lieutenant General Short had not been kept "fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war"; detailed information and intelligence about Japanese intentions and war plans were available in "abundance" but were not shared with the General Short's Hawaii command; and General Short was not provided "on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this";

Whereas the reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral Kimmel and Major General Short were denied their requests to defend themselves through trial by court-martial;

Whereas the joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty;

Whereas the then Chief of Naval Personnel, Admiral J. L. Holloway, Jr., on April 27, 1954, recommended that Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947;

Whereas on November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that Lieutenant General Short "was unjustly held responsible for the Pearl Harbor disaster" and that "it would be equitable and just" to advance him to the rank of lieutenant general on the retired list;

Whereas in October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Admiral Kimmel and recommended that the case of Admiral Kimmel be reopened;

Whereas the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of Rear Admiral Kimmel or Major General Short in grade, it did set forth as a conclusion of the study that "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared";

Whereas the Dorn Report found that "Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications...which provided crucial confirmation of the imminence of war"; that "the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misesimations, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels"; and, that "together, these characteristics resulted in failure...to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered";

Whereas, on July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from Admiral Kimmel and Lieutenant General Short;

Whereas the Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list;

Whereas Rear Admiral Kimmel and Major General Short are the only two eligible officers from World War II who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under the terms of the Officer Personnel Act of 1947;

Whereas this singular exclusion from advancement on the retired list serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States;

Whereas Major General Walter Short died on September 23, 1949, and Rear Admiral Husband Kimmel died on May 14, 1968, without the honor of having been returned to their wartime ranks as were their fellow veterans of World War II; and

Whereas the Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, and the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of Admiral Kimmel and Lieutenant General Short through their posthumous advancement on the retired lists to their highest wartime grades: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADVANCEMENT OF REAR ADMIRAL KIMMEL AND MAJOR GENERAL SHORT ON RETIRED LISTS.

(a) REQUEST.—The President is requested—

(1) to advance the late Rear Admiral Husband E. Kimmel to the grade of admiral on the retired list of the Navy; and

(2) to advance the late Major General Walter C. Short to the grade of lieutenant general on the retired list of the Army.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—

Any advancement in grade on a retired list requested under subsection (a) shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

SEC. 2. SENSE OF CONGRESS REGARDING THE PROFESSIONAL PERFORMANCE OF ADMIRAL KIMMEL AND LIEUTENANT GENERAL SHORT.

It is the sense of Congress that—

(1) the late Rear Admiral Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel; and

(2) the late Major General Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short.

The following is a partial listing of high-ranking retired military personnel who advocate in support of the posthumous advancement on the retired lists of Rear Admiral Husband Kimmel and Major General Walter Short to Four-Star Admiral and Three-Star General respectively:

Admirals: Thomas H. Moorer; Carlisle A.H. Trost; William J. Crowe, Jr.; Elmo R. Zumwalt; J.L. Hollaway III; Ronald J. Hays; T.B. Hayward; Horatio Rivero; Worth H. Bargley; Noel A.M. Gayler; Kinnaird R. McKee; Robert L.J. Long; William N. Small; Maurice F. Weisner; U.S.G. Sharp, Jr.; H. Hardisty; Wesley McDonald; Lee Baggett, Jr.; and Donald C. Davis.

Vice Admirals: David C. Richardson and William P. Lawrence.

Rear Admirals: D.M. Showers and Kemp Tolley.

To: Honorable Members of the United States Senate
 From:
 Thomas H. Moorer, Admiral, U.S. Navy (Ret.), Former Chairman, Joint Chiefs of Staff, Former Chief of Naval Operations.
 J.L. Holloway III, Admiral, U.S. Navy (Ret.), Former Chief of Naval Operations.
 William J. Crowe, Admiral, U.S. Navy (Ret.), Former Chairman, Joint Chiefs of Staff.
 Elmo R. Zumwalt, Admiral, U.S. Navy (Ret.), Former Chief of Naval Operations.
 Carlisle A.H. Trost, Admiral, U.S. Navy (Ret.), Former Chief of Naval Operations.
 Re the honor and reputations of Admiral Husband Kimmel and General Walter Short.

DEAR SENATOR: We ask that the honor and reputations of two fine officers who dedicated themselves to the service of their country be restored. Admiral Husband Kimmel and General Walter Short were singularly scapegoated as responsible for the success of the Japanese attack on Pearl Harbor December 7, 1941. The time is long overdue to reverse this inequity and treat Admiral Kimmel and General Short fairly and justly. The appropriate vehicle for that is the current Roth-Biden Resolution.

The Resolution calls for the posthumous advancement on the retirement list of Admiral Kimmel and General Short to their highest WWII wartime ranks of four-star admiral and three-star general as provided by the Officer Personnel Act of 1947. They are the only two eligible officers who have been singled out for exclusion from that privilege; all other eligible officers have been so privileged.

We urge you to support this Resolution.

We are career military officers who have served over a period of several decades and through several wartime eras in the capacities of Chairman, Joint Chiefs of Staff and/or Chief of Naval Operations. Each of us is familiar with the circumstances leading up to the attack on Pearl Harbor.

We are unanimous in our conviction that Admiral Husband Kimmel and General Walter Short were not responsible for the success of that attack, and that the fault lay with the command structure at the seat of government in Washington. The Roth-Biden Resolution details specifics of this case and requests the President of the United States to nominate Kimmel and Short for the appropriate advancement in rank.

As many of you know, Admiral Kimmel and General Short were the Hawaiian Commanders in charge of naval and ground forces on Hawaii at the time of the Japanese attack. After a hurried investigation in January, 1942 they were charged with having been "derelict in their duty" and given no opportunity to refute that charge which was publicized throughout the country.

As a result, many today believe the "dereliction" charge to be true despite the fact that a Naval Court of Inquiry exonerated Admiral Kimmel of blame; a Joint Congressional Committee specifically found that neither had been derelict in his duty; a four-to-one majority of the members of a Board for the Correction of Military Records in the Department of the Army found that General Short had been "unjustly held responsible" and recommended his advancement to the rank of lieutenant general on the retired list.

This injustice has been perpetuated for more than half a century by their sole exclusion from the privilege of the Act mentioned above.

As professional military officers we support in the strongest terms the concept of holding commanders accountable for the performance of their forces. We are equally

strong in our belief in the fundamental American principle of justice for all Americans, regardless of creed, color, status or rank. In other words, we believe strongly in fairness.

These two principles must be applied to the specific facts of a given situation. History as well as innumerable investigations have proven beyond any question that Admiral Kimmel and General Short were not responsible for the Pearl Harbor disaster. And we submit that where there is no responsibility there can be no accountability.

But as a military principle—both practical and moral—the dynamic of accountability works in both directions along the vertical line known as the chain of command. In view of the facts presented in the Roth-Biden Resolution and below—with special reference to the fact that essential and critical intelligence information was withheld from the Hawaiian Commanders despite the commitment of the command structure to provide that information to them—we submit that while the Hawaiian Commanders were responsible and accountable as anyone could have been given the circumstances, their superiors in Washington were sadly and tragically lacking in both of these leadership commitments.

A review of the historical facts available on the subject of the attack on Pearl Harbor demonstrates that these officers were not treated fairly.

1. They accomplished all that anyone could have with the support provided by their superiors in terms of operating forces (ships and aircraft) and information (instructions and intelligence). Their disposition of forces, in view of the information made available to them by the command structure in Washington, was reasonable and appropriate.

2. Admiral Kimmel was told of the capabilities of U.S. intelligence (MAGIC, the code-breaking capability of PURPLE and other Japanese codes) and he was promised he could rely on adequate warning of any attack based on this special intelligence capability. Both Commanders rightfully operated under the impression, and with the assurance, that they were receiving the necessary intelligence information to fulfill their responsibilities.

3. Historical information now available in the public domain through declassified files, and post-war statements of many officers involved, clearly demonstrate that vital information was routinely withheld from both commanders. For example, the "Bomb Plot" message and subsequent reporting orders from Tokyo to Japanese agents in Hawaii as to location, types and number of warships, and their replies to Tokyo.

4. The code-breaking intelligence of PURPLE did provide warning of an attack on Pearl Harbor, but the Hawaiian Commanders were not informed. Whether deliberate or for some other reason should make no difference, have no bearing. These officers did not get the support and warnings they were promised.

5. The fault was not theirs. It lay in Washington.

We urge you, as Members of the United States Senate, to take a leadership role in assuring justice for two military careerists who were willing to fight and die for their country, but not to be humiliated by its government. We believe that the American people—with their national characteristic of fair play—would want the record set straight. Thank you.

Respectfully,

ADMIRAL THOMAS H.
 MOORER (USN, Ret.).
 ADMIRAL WILLIAM J.
 CROWE (USN, Ret.).

ADMIRAL J.L. HOLLOWAY
 III (USN, Ret.).
 ADMIRAL ELMO R.
 ZUMWALT (USN, Ret.).
 ADMIRAL CARLISLE A.H.
 TROST (USN, Ret.).

WASHINGTON, DC, March 11, 1999.
 Hon. WILLIAM V. ROTH, Jr.,
*Hart Senate Office Building,
 Washington, DC.*

DEAR BILL: I will join my voice with yours in support of the Kimmel-Short Resolution of 1999.

The responsibility for the Pearl Harbor disaster should be shared by many. In light of the more recent disclosures of withheld information Admiral Kimmel and Lieutenant General Short should have had, I agree these two commanders have been unjustly stigmatized.

Please keep me informed of the progress of this resolution.

Sincerely,

BOB DOLE.

RESOLUTION NO. 441

RESTORE PRE-ATTACK RANKS TO ADMIRAL HUSBAND E. KIMMEL AND GENERAL WALTER C. SHORT

Whereas, Admiral Husband E. Kimmel and General C. Short were the Commanders of Record for the Navy and Army Forces at Pearl Harbor, Hawaii, on December 7, 1941, when the Japanese Imperial Navy launched its attack; and

Whereas, following the attack, President D. Roosevelt appointed Supreme Court Justice Owen J. Roberts to a commission to investigate such incident to determine if there had been any dereliction to duty; and

Whereas, the Roberts Commission conducted a rushed investigation in only five weeks. It charged Admiral Kimmel and General Short with dereliction of their duty. The findings were made public to the world; and

Whereas, the dereliction of duty charge destroyed the honor and reputations of both Admiral Kimmel and General Short, and due to the urgency neither man was given the opportunity to defend himself against the accusation of dereliction of duty; and

Whereas, other investigations showed that there was no basis for the dereliction of duty charges, and a Congressional investigation in 1946 made specific findings that neither Admiral Kimmel nor General Short had been "derelict in his duty" at the time of the bombing of Pearl Harbor; and

Whereas, it has been documented that the United States military had broken the Japanese codes in 1941. With the use of a cryptic machine known as "Magic," the military was able to decipher the Japanese diplomatic code known as "Purple" and the military code known as JN-25. The final part of the diplomatic message that told of the attack on Pearl Harbor was received on December 6, 1941. With this vital information in hand, no warning was dispatched to Admiral Kimmel or General Short to provide sufficient time to defend Pearl Harbor in the proper manner; and

Whereas, it was not until after the tenth investigation of the attack on Pearl Harbor was completed in December of 1995 that the United States Government acknowledge in the report of Under Secretary of Defense Edwin S. Dorn that Admiral Kimmel and General Short were not solely responsible for the disaster, but that responsibility must be broadly shared; and

Whereas, at this time the American public had been deceived for the past fifty-six years regarding the unfound charge of dereliction of duty against two fine military officers whose reputations and honor have been tarnished; Now, therefore, be it

Resolved, by the Veterans of Foreign Wars of the United States, That we urge the President of the United States to restore the honor and reputations of Admiral Husband E. Kimmel and General Walter C. Short; and be it further

Resolved, That we urge the President of the United States to take necessary steps to posthumously advance Admiral Kimmel and General Short to their highest wartime rank of four-star admiral and lieutenant general. Such action would be appreciated greatly to restore the honor of these two great American servicemen.

Adopted by the 99th National Convention of the Veterans of Foreign Wars of the United States held in San Antonio, Texas, August 29–September 4, 1998.

DELAWARE VFW RESOLUTION PASSED BY
DELAWARE STATE CONFERENCE, JUNE 1998

Resolution to the President of the United States with respect to offering an apology on behalf of the Government of the United States to Admiral Husband E. Kimmel and General Walter C. Short. The Naval and Army Commanders at Hawaii at the time of the Japanese attack December 7, 1941 and urging the President to take such steps as are necessary to advance these two officers posthumously on the list of retired Navy and Army officers to their pre-attack ranks of Four-Star Admiral and Three-Star General.

Whereas, Admiral Husband E. Kimmel and General Walter C. Short were the Commanders of record for the Navy and Army forces at Pearl Harbor, Hawaii, on December 7, 1941 when the Japanese Imperial Navy launched its attack; and

Whereas, Following the attack, President Franklin D. Roosevelt appointed Supreme Court Justice Owen J. Roberts to a Commission to investigate such incident to determine if there has been any dereliction of duty; and

Whereas, The Roberts Commission conducted a rush investigation in only five weeks. It charged Admiral Kimmel and General Short with dereliction of their duty. These findings were made public to the world; and

Whereas, The dereliction of duty charge destroyed the honor and reputations of both Admiral Kimmel and General Short, and due to the urgency of the war neither man was given the opportunity to defend himself against the accusation of dereliction of duty; and

Whereas, Other investigations showed that there was no basis for the dereliction of duty charges, and a Congressional Investigation in 1946 made specific findings that neither Admiral Kimmel nor General Short had been “derelict in his duty” at the time of the bombing of Pearl Harbor; and

Whereas, It has been documented that the United States Military had broken the Japanese codes in 1941. With the use of a cryptic machine known as “Magic,” the Military was able to decipher the Japanese diplomatic code known as “Purple” and the military code known as JN-25. The final part of the diplomatic message that told of the attack on Pearl Harbor was received on December 6, 1941. With this vital information in hand, no warning was dispatched to Admiral Kimmel or General Short to provide sufficient time to defend Pearl Harbor in the proper manner; and

Whereas, It was not until after the tenth investigation of the attack on Pearl Harbor was completed in December of 1995, that the United States Government acknowledged in the report of Under Secretary of Defense Edwin S. Dorn, that Admiral Kimmel and General Short were not solely responsible for the disaster but that responsibility must be broadly shared; and

Whereas, as this time the American public have been deceived for the past fifty-six years regarding the unfounded charge of dereliction of duty against two fine military officers whose reputations and honor have been tarnished; now, therefore be it

Resolved, That the Veterans of Foreign Wars urges the President of the United States to restore the honor and reputations of Admiral Husband E. Kimmel and General Walter C. Short by making a public apology to them and their families for the wrongful actions of past administrations for allowing these unfounded charges of dereliction of duty to stand.

Be It Resolved, That the Veterans of Foreign Wars urges the President of the United States to take the necessary steps to posthumously advance Admiral Kimmel and General Short to their highest wartime ranks of Four-Star Admiral and Three-Star General. Such action would correct the injustice suffered by them and their families for the past fifty-six years.

Mr. BIDEN. Mr. President, I and my colleagues—Senators ROTH, KENNEDY, DURBIN, KERRY, HOLLINGS, LANDRIE, HELMS, STEVENS, SPECTER, THURMOND, DOMENICI, KYL, MURKOWSKI, COCHRAN, CRAIG, ENZI, ABRAHAM, SMITH, COLLINS, VOINOVICH, and DEWINE—are introducing a resolution that seeks long overdue justice for the two commanders at Pearl Harbor fifty-eight years ago, Admiral Husband Kimmel and General Walter Short.

Some will ask, “why now?” After all, fifty-eight years have passed. I believe it is more important than ever to take this action now. It is not just the simple truth—that there can be no statute of limitations for restoring honor and dignity to men who spent their lives dedicated to serving America and yet, were unfairly treated. It is also because we have brave men and women in the military today who are fighting one of the most professional and precise battles ever seen against a brutal, genocidal dictator in Kosovo. They know that their cause is just. What too many people do not know is the sacrifice and dedication it takes to be able to do their jobs.

The tremendous ability of our pilots, our maintainers, and our support crews is a direct result of their commitment to professional excellence and service and their willingness to defend the values Americans cherish. We owe it to them to defend those same values here at home. When it comes to serving truth and justice, the time must always be “now.” When it comes to treating people with fairness and honoring their service, the time must always be “now.”

This is the second year we are bringing a resolution before our colleagues. We cannot give up because it is important that the Senate understand and act to end the injustice done to these fine officers. Ultimately, it is the President who must take action, but it is important that we send the message that the historical truth matters. At Pearl Harbor, these two officers should not bear all of the blame. If they continue to do so, both our nation and our military lose.

Today’s military is a testament to our ability to confront and learn from our mistakes, but that can only happen if the record is accurate. Admiral Kimmel and General Short served with selfless dedication and honor. They were in command during a devastating surprise attack. They deserved to be treated as officers who used their best judgement to follow the orders they were given and to meet their command responsibilities. Instead, they were made singular scapegoats for that tragedy for fifty-eight years, without full consideration of the circumstances and options available to them.

I hope that most of my colleagues will read this resolution. The majority of the text details the historic case on behalf of Admiral Kimmel and General Short and expresses Congress’s opinion that both officers performed their duty competently. Most importantly, it requests that the President submit the names of Kimmel and Short to the Senate for posthumous advancement on the retirement lists to their highest held wartime rank.

This action would not require any form of compensation. Instead, it would acknowledge, once and for all, that these two officers were not treated fairly by the U.S. government and it would uphold the military tradition that responsible officers take the blame for their failures, not for the failures of others.

Before I go into a more detailed review of the historical case, I also want my colleagues to know that this resolution has the support of various veterans groups, including the Veterans of Foreign Wars (VFW) and the Pearl Harbor Survivors Association. The Delaware VFW passed a resolution in support last June and the national VFW passed a resolution in support in last September.

Now, let me review what happened. First, I want to discuss the treatment of Kimmel and Short. Like most Americans, Admiral Kimmel and General Short requested a fair and open hearing of their case, a court martial. They were denied their request. After lifetimes of honorable service to this nation and the defense of its values, they were denied the most basic form of justice—a hearing by their peers.

Here are some of the historic facts. On December 18, 1941, a mere 11 days after Pearl Harbor, the Roberts Commission was formed to determine whether derelictions of duty or errors of judgement by Kimmel and Short contributed to the success of the Japanese attack. This commission concluded that both commanders had been derelict in their duty and the President ordered the immediate public release of these findings. The Roberts Commission was the only investigative body that found these two officers derelict in their duty.

Several facts about the Roberts Commission force us to question its conclusions.

First, Kimmel and Short were denied the right to counsel and were not allowed to be present when witnesses were questioned. They were then explicitly told that the Commission was a fact-finding body and would not be passing judgement on their performance. When the findings accusing them of a serious offense were released, they immediately requested a court-martial. That request was refused. It is difficult to imagine a fair review of the evidence given the rules of procedure followed by the Commission.

It is also important to note the timing here. It would be difficult to provide a fair hearing in the charged atmosphere immediately following America's entry into the war in the Pacific. In fact, Kimmel and Short were the objects of public vilification. The Commission was not immune to this pressure. One Commission member, for example, Admiral Standley, expressed strong reservations about the Commission's findings, later characterizing them as a "travesty of justice". He did sign the Report, however, because of concerns that doing otherwise might adversely affect the war effort. As you will see, the war effort played an important role in how Kimmel and Short were treated.

In 1944, an Army Board investigated General Short's actions at Pearl Harbor. The conclusions of that investigation placed blame of General Marshall, the Chief of Staff of the Army at the time of Pearl Harbor and in 1944. This report was sequestered and kept secret from the public on the grounds that it would be detrimental to the war effort.

That same year, a Naval Court of Inquiry investigated Admiral Kimmel's actions at Pearl Harbor. The Naval Court's conclusions were divided into two sections in order to protect information indicating that America had the ability to decode and intercept Japanese messages. The first and longer, section therefore, was classified "top secret".

The second section, was written to be unclassified and completely exonerated Admiral Kimmel and recognized the Admiral Stark bore some of the blame for Pearl Harbor because of his failure to provide Kimmel with critical information available in Washington. Then Secretary of the Navy James Forrestal instructed the Court that it had to classify both sections "secret" and not release any findings to the public.

The historic record is not flattering to our government. A hastily convened and procedurally flawed Commission released condemning findings to the public, while two thorough military reviews which had opposite conclusions were kept secret.

I hope that I have made my point that these officers were not treated fairly and that there is good reason to question where the blame for Pearl Harbor should lie.

The whole story was re-evaluated in 1995 at the request of Senator THURMOND by Under Secretary for Defense

Edwin Dorn. In his report, Dorn concluded that responsibility for the disaster at Pearl Harbor should be broadly shared. I agree.

Where Dorn's conclusions differ from mine and my co-sponsors, is that he also found that he also found that "the official treatment of Admiral Kimmel and General Short was substantively temperate and procedurally proper." I disagree.

These officers were publicly vilified and never given a chance to clear their names. If we lived in a closed society, fearful of the truth, then there would be no need for the President to take any action today. But we don't. We live in an open society. Eventually, we are able to declassify documents and evaluate our past based on at least a good portion of the whole story. I believe sincerely that one of our greatest strengths as a nation comes from our ability to honor truth and the lessons of our past.

Like many, I accept that there was a real need to protect our intelligence capabilities during the war. What I can not accept, however, is that there is a reason for continuing to deny the culpability of others in Washington at the expense of these two office's reputations fifty-seven years later. Continuing to falsely scapegoat two dedicated and competent officers dishonors the military tradition of taking responsibility for failure. The message that is sent is a travesty to American tradition and honor—that the truth will be suppressed to protect some responsible parties and distorted to sacrifice others.

This is not to say that the sponsors of this resolution want to place blame. We are not seeking to place blame in a new quarter. This is not a witch-hunt aimed at those superior officers who were advanced in rank and continued to serve, despite being implicated in the losses at Pearl Harbor. I think the historic record has become quite clear that blame should be shared.

The unfortunate reality is that Admiral Kimmel and General Short were blamed entirely and forced into early retirement.

After the war, in 1947, they were singled out as the only eligible officers from World War II not advanced to their highest held wartime ranks on the retirement lists, under the Officer Personnel Act of 1947. By failing to advance them, the government and the Departments of the Navy and Army perpetuate the myth that these two officers bear a unique and disproportionate part of the blame.

The government that denied these officers a fair hearing and suppressed findings favorable to their case while releasing hostile information owes them an official apology. That's what this resolution calls for.

The last point that I want to make deals with the military situation at Pearl Harbor. It is legitimate to ask whether Admiral Kimmel and General Short, as commanding officers, prop-

erly deployed their forces. I think reasonable people may disagree on this point.

I have been struck by the number of qualified individuals who believe the commanders properly deployed their assets based on the intelligence available to them. I am including this partial list of flag officers into the RECORD following my statement for my colleagues to review. Among those listed is Vice Admiral Richardson, a distinguished naval commander, who wrote an entire report refuting the conclusions of the Dorn Report. My colleagues will also see the names of four Chiefs of Naval Operations and the former chairman of the Joint Chiefs of Staff Admiral Thomas Moorer. It was Admiral Moorer who observed that, "If Nelson and Napoleon had been in command at Pearl Harbor, the results would have been the same."

In conclusion, Mr. President, I believe this case is unique and demands our attention. As we honor those who served in World War II and who serve today in Kosovo, we must also honor the ideals for which they fought. High among those American ideals is upholding truth and justice. Those ideals give us the strength to admit and, where possible, correct our errors.

I urge my colleagues to support this resolution and move one step closer to justice for Admiral Kimmel and General Short.

Mr. KENNEDY. Mr. President, I strongly support this resolution, which will at long last restore the reputations of two distinguished military officers in World War II—Admiral Husband E. Kimmel of the United States Navy and General Walter C. Short of the United States Army.

This resolution gives us an opportunity to correct a grave injustice in the history of that war. Despite their loyal and distinguished service to the nation, Admiral Kimmel and General Short were unfairly singled out for blame as scapegoats after the Japanese attack on Pearl Harbor on December 7, 1941, which caught America unprepared.

In fact, wartime investigations of the attack on Pearl Harbor concluded that our fleet in Hawaii under the command of Admiral Kimmel and our forces under the command of General Short had been properly positioned, given the information they had received. However, as the investigations found, their superior officers had not given them vital intelligence that could have made a difference, perhaps all the difference, in their preparedness for the attack. These conclusions of the wartime investigations were kept secret, in order to protect the war effort. Clearly, there is no longer any justification to ignore these facts.

I learned more about this injustice from Edward B. Hanify, a close friend who is a distinguished attorney in Boston and who was assigned in 1944 as a young Navy lieutenant to be one of the lawyers for Admiral Kimmel. I believe

that members of the Senate will be very interested in Mr. Hanify's perspective, and I ask unanimous consent that a letter he wrote to me last September may be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. KENNEDY. No action by the Senate can ever fully atone for the injustice suffered by these two officers. But we can correct the historical record, and restore the distinguished reputations of Admiral Kimmel and General Short.

I commend Senator BIDEN and Senator ROTH for their leadership in sponsoring this measure, and I urge the Senate to act expeditiously on this long-overdue resolution.

EXHIBIT 1

SEPTEMBER 3, 1998.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: I am advised that a Resolution known as the Roth/Biden Resolution has been introduced in the Senate and that it has presently the support of the following Senators: Roth; Biden; Helms; Thurmond; Inouye; Stevens; Specter; Hollings; Faircloth; Cochran and McCain. The substance of the Resolution is to request the President to advance the late Rear Admiral Husband E. Kimmel to the grade of Admiral on the retired list of the Navy and to advance the late Major General Walter C. Short to the grade of Lieutenant General on the retired list of the Army.

Admiral Kimmel at the time of Pearl Harbor was Commander in Chief of the Pacific Fleet then based in Pearl Harbor and General Short was the Commanding General of the Hawaiian Department of the Army.

The reason for my interest in this Resolution is as follows: IN early 1944 when I was a Lieutenant j.g. (U.S.N.R.) the Navy Department gave me orders which assigned me as one of counsel to the defense of Admiral Kimmel in the event of his promised court martial. As a consequence, I am probably one of the few living persons who heard the testimony before the Naval Court of Inquiry, accompanied Admiral Kimmel when he testified before the Army Board of Investigation and later heard substantially all the testimony before the members of Congress who carried on the lengthy Congressional investigation of Pearl Harbor. In the intervening fifty years I have followed very carefully all subsequent developments dealing with the Pearl Harbor catastrophe and the allocation of responsibility for that disaster.

On the basis of this experience and further studies over a fifty year period I feel strongly:

(1) That the odious charge of "dereliction of duty" made by the Roberts Commission was the cause of almost irreparable damage to the reputation of Admiral Kimmel despite the fact that the finding was later repudiated and found groundless;

(2) I am satisfied that Admiral Kimmel was subject to callous and cruel treatment by his superiors who were attempting to deflect the blame ultimately ascribed to them, particularly on account of their strange behavior on the evening of December 6th and morning of December 7th in failing to warn the Pacific Fleet and the Hawaiian Army Department that a Japanese attack on the United States was scheduled for December 7th at 1:00 p.m. Washington time (dawn at Pearl Harbor) and that intercepted intelligence indicated that

Pearl Harbor was a most probable point of attack; (Washington had this intelligence and knew that the Navy and Army in Hawaii did not have it or any means of obtaining it)

(3) Subsequent investigations by both services repudiated the "dereliction of duty" charge and in the case of Admiral Kimmel the Naval Court of Inquiry found that his plans and dispositions were adequate and competent in light of the information which he had from Washington.

The proposed legislation provides some measure of remedial Justice to a conscientious officer who for years unjustly bore the odium and disgrace associated with the Pearl Harbor catastrophe. You may be interested to know that a Senator from Massachusetts, Honorable David I. Walsh then Chairman of the Naval Affairs Committee, was most effective in securing legislation by Congress which ordered the Army and Navy Departments to investigate the Pearl Harbor disaster—an investigation conducted with all the "due process" safeguards for all interested parties not observed in other investigations or inquiries.

I sincerely hope that you will support the Roth/Biden Resolution.

Sincerely,

EDWARD B. HANIFY,
Ropes & Gray.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. CAMPBELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 74

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 218

At the request of Mr. MOYNIHAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 218, a bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits.

S. 242

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 249

At the request of Mr. ROBB, his name was added as a cosponsor of S. 249, a bill to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

S. 322

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey

(Mr. TORRICELLI) 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. 327

At the request of Mr. HAGEL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 348

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 387

At the request of Mr. McCONNELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 446

At the request of Mrs. BOXER, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors 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 Mr. BREAUX, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. GRASSLEY, the names of the Senator from Iowa (Mr.