

Capt. James M. Zortman, 0000

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Raymond A. Archer III, 0000
Rear Adm. (lh) Justin D. McCarthy, 0000

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Darold F. Bigger, 0000

Capt. Fenton F. Priest III, 0000

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Donald C. Arthur, Jr., 0000

Capt. Linda J. Bird, 0000

Capt. Michael K. Loose, 0000

Capt. Richard A. Mayo, 0000

Capt. Joseph P. Vanlandingham, Jr., 0000

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Robert M. Clark, 0000

Capt. Mark M. Hazara, 0000

Capt. John R. Hines, Jr., 0000

Capt. James Manzelmann, Jr., 0000

Capt. Noel G. Preston, 0000

Capt. Howard K. Unruh, Jr., 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Vernon E. Clark, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Thomas B. Fargo, 0000

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of April 21, 1999, May 12, 1999, May 19, 1999, May 26, 1999, June 7, 1999 and June 9, 1999, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

In the Navy nominations beginning Sylvester P. Abramowicz, Jr., and ending Shelley W. S. Young, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 1999.

In the Navy nominations beginning Bruce A. Abbott, and ending Bertrand L. Zeller, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 1999.

In the Navy nominations beginning Thomas A. Abernethy, and ending Paul M. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 1999.

In the Navy nominations beginning Sevak Adamian, and ending John E. Young, which nominations were received by the Senate and

appeared in the Congressional Record of May 12, 1999.

In the Army nominations beginning Michael R. Collyer, and ending Renee M. Ponce, which nominations were received by the Senate and appeared in the Congressional Record of May 19, 1999.

In the Navy nomination of Theodore H. Brown, which was received by the Senate and appeared in the Congressional Record of May 19, 1999.

In the Air Force nominations beginning *Raan R. Aalgaard, and ending Steven R. Zwicker, which nominations were received by the Senate and appeared in the Congressional Record of May 26, 1999.

In the Navy nominations beginning Richard W. Bauer, and ending Derek K. Webster, which nominations were received by the Senate and appeared in the Congressional Record of May 26, 1999.

In the Navy nominations beginning Robert A. Yourek, and ending Lorenzo D. Brown, which nominations were received by the Senate and appeared in the Congressional Record of May 26, 1999.

In the Navy nominations beginning Douglas G. MacCrea, and ending Mladen K. Vranjican, which nominations were received by the Senate and appeared in the Congressional Record of May 26, 1999.

In the Army nomination of Michael L. McGinnis, which was received by the Senate and appeared in the Congressional Record of June 7, 1999.

In the Marine Corps nomination of Loston E. Carter, which was received by the Senate and appeared in the Congressional Record of June 7, 1999.

In the Marine Corps nomination of Jack A. Maberry, which was received by the Senate and appeared in the Congressional Record of June 7, 1999.

In the Navy nomination of James N. Frame, which was received by the Senate and appeared in the Congressional Record of June 7, 1999.

In the Navy nominations beginning Nils S. Erikson, and ending Edward C. Zeigler, which nominations were received by the Senate and appeared in the Congressional Record of June 7, 1999.

In the Navy nominations beginning Thor D. Aakre, and ending Mary M. Zurowski, which nominations were received by the Senate and appeared in the Congressional Record of June 7, 1999.

In the Navy nominations beginning Sheila A. R. Robbins, and ending Daniel E. Wilburn, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 1999.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 1288. A bill to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS (for himself and Mr. COVERDELL):

S. 1289. A bill to amend the Internal Revenue Code of 1986 to provide that the capital gain treatment under section 631(b) of such Code shall apply to outright sales of timber held for more than 1 year; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. DOMENICI, Mr. DORGAN, Mr. CONRAD,

Mr. BINGAMAN, Mr. JOHNSON, Mr. DASCHLE, and Mr. AKAKA):

S. 1290. A bill to amend title 36 of the United States Code to establish the American Indian Education Foundation, and for other purposes; to the Committee on Indian Affairs.

By Mr. DEWINE:

S. 1291. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades; to the Committee on Finance.

By Mr. GORTON:

S. 1292. An original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. COCHRAN:

S. 1293. A bill to establish a Congressional Recognition for Excellence in Arts Education Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE (for himself, Mr. AKAKA, and Mr. HOLLINGS):

S. 1294. A bill to direct the Administrator of the Federal Aviation Administration to issue regulations to limit the number of pieces of carry-on baggage that a passenger may bring on an airplane; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR:

S. 1295. A bill to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Lance Corporal Harold Gomez Post Office"; to the Committee on Governmental Affairs.

By Mr. DASCHLE (for Mr. LAUTENBERG (for himself, Mr. TORRICELLI, and Mr. SANTORUM)):

S. 1296. A bill to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1288. A bill to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

COMMUNITY FOREST RESTORATION ACT

Mr. BINGAMAN. Mr. President I rise today to introduce the Community Forest Restoration Act of 1999. This legislation provides incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico.

The densely stocked stands of small diameter trees in New Mexico present an increasing danger of catastrophic wildfire that endangers peoples' lives and livelihoods. These conditions dramatically reduce plant and animal biological diversity, decrease watershed productivity, and provide fewer benefits to people. Healthy, productive watersheds minimize the threat of catastrophic wildfire, provide diverse wildlife habitat, and produce a variety of timber and non-timber products including better quality water and increased water flows.

My goal is to promote healthy watersheds and reduce the threat of catastrophic wildfire, insect infestation, and disease in the forests in New Mexico. To do this we must restore and maintain the forest ecosystem by reducing the unnaturally high number of small diameter trees on Federal, State, and tribal forest lands, and improve the utilization of small diameter material.

This legislation directs the Secretary of Agriculture to create a program that provides forest restoration demonstration project grants to community organizations. The intent of the program is to encourage innovation and collaboration on forest restoration projects among stakeholders at the local level, and provide for multi-party assessment of those projects.

Forest restoration activities that empower local organizations to implement activities which value local and traditional knowledge can help build ownership and civic pride, and can lead to healthy, diverse, productive forest ecosystems. This approach will encourage the development of industries which are based on the creation and maintenance of healthy forest ecosystems. This bill will encourage sustainable community development through collaborative partnerships that improve communication and joint problem solving. The objective of these partnerships is to restore the forests of New Mexico by reducing the density of stands that contain an unnaturally high number of small diameter trees and improving the use of those trees.

Mr. President, I ask unanimous consent to print the text of the bill in the RECORD.

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

S. 1288

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 "Community Forest Restoration Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) forest lands in New Mexico that are densely stocked with small diameter, even-aged trees can erupt in catastrophic wildfire that can endanger human lives and livelihoods;

(2) forest lands that are densely stocked with small diameter trees can reduce biodiversity and provide fewer benefits to human communities, wildlife, and watersheds;

(3) healthy and productive watersheds minimize the threat of catastrophic wildfire, provide abundant and diverse wildlife habitat, and produce a variety of timber and non-timber products including better quality water and increased water flows;

(4) restoration efforts are more successful when there is involvement from neighboring communities and better stewardship will evolve from more diverse involvement; and

(5) designing demonstration restoration projects through a collaborative approach may—

(A) lead to the development of cost effective restoration activities;

(B) empower diverse organizations to implement activities which value local and traditional knowledge;

(C) build ownership and civic pride; and

(D) ensure healthy, diverse, and productive forests and watersheds.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to promote healthy watersheds and reduce the threat of catastrophic wildfire, insect infestation, and disease in the forests in New Mexico;

(2) to improve the functioning of forest ecosystems and enhance plant and wildlife biodiversity by reducing the unnaturally high number and density of small diameter trees on Federal, State, and tribal forest lands;

(3) to improve communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds in New Mexico;

(4) to promote the use of small diameter trees; and

(5) to encourage sustainable community and sustainable forests through collaborative partnerships, whose objectives are forest restoration.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term "Secretary" means the Secretary of Agriculture acting through the Chief of the Forest Service; and

(2) the term "stakeholder" includes: tribal governments, educational institutions, landowners, and other interested public and private entities.

SEC. 5. ESTABLISHMENT OF PROGRAM.

(a) The Secretary shall establish a cooperative forest restoration program in New Mexico in order to provide cost-share grants to stakeholders for experimental forest restoration projects that are designed through a collaborative process (hereinafter referred to as the "Collaborative Forest Restoration Program"). The Federal share of an individual project cost shall not exceed eighty percent of the total cost.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive funding under this Act, a project shall—

(1) achieve one or more of the following objectives—

(A) reducing the danger of catastrophic wildfire and re-introducing natural fire regimes on Federal, State, or tribal forest lands;

(B) restoring healthy, biologically diverse, and productive watersheds on Federal, State, or tribal forest lands or

(C) improving the use of, or add value to, small diameter trees;

(2) comply with all Federal and State environmental laws;

(3) include a diverse and balanced group of stakeholders as well as appropriate Federal, State, and tribal government representatives in the design, implementation, and monitoring of the project;

(4) incorporate current scientific forest restoration information;

(5) include a multi-party assessment to report, upon project completion, on the impact and effectiveness of the project including improvements in local management skills and on the ground results;

(6) create local employment training opportunities within the context of accomplishing restoration objectives, that are consistent with the purposes of this Act, including summer youth jobs programs such as the Youth Conservation Corps where appropriate;

(7) not exceed four years in length;

(8) not cost more than \$150,000 annually nor \$450,000 total;

(9) leverage Federal funding through in-kind or matching contributions; and

(10) include an agreement by the stakeholders that they will attend an annual workshop with other groups that receive funding pursuant to this Act.

SEC. 6. SELECTION PROCESS.

(a) After consulting with the technical advisory panel established in subsection (b), the Secretary shall select the proposals that will receive funding through the Collaborative Forest Restoration Program.

(b) The Secretary shall convene a technical advisory panel to evaluate the proposals for forest restoration grants and provide recommendations regarding which proposals would best meet the objectives of the Collaborative Forest Restoration Program. The technical advisory panel shall consider current scientific forest restoration information, the effect on long term management, and seek to use a consensus-based decision making process to develop such recommendations. The panel shall be composed of 12 to 15 members to be appointed by the Secretary as follows:

(1) a State Natural Resource official from the State of New Mexico;

(2) at least two representatives from Federal land management agencies;

(3) at least one tribal or pueblo representative;

(4) at least one academic or other scientist, qualified to address issues of southwestern forest ecology; and

(5) equal representation from

(1) conservation interests;

(2) local communities; and

(3) commodity interests.

SEC. 7. MONITORING AND EVALUATION.

The Secretary shall establish a multi-party monitoring and evaluation process in order to assess the cumulative accomplishments of the Collaborative Forest Restoration Program. The Secretary shall include any interested individual or organization in the monitoring and evaluation process.

SEC. 8. REPORT.

No later than five years after the first fiscal year in which funding is made available for this program, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the United States House of Representatives. The report shall include an assessment on whether, and to what extent, the projects funded pursuant to this Act are meeting the purposes of the Collaborative Forest Restoration Program.

By Mr. SESSIONS (for himself and Mr. COVERDELL):

S. 1289. A bill to amend the Internal Revenue Code of 1986 to provide that the capital gain treatment under section 631(b) of such Code shall apply to outright sales of timber held for more than 1 year; to the Committee on Finance.

TIMBER TAX SIMPLIFICATION ACT OF 1999

Mr. SESSIONS. Mr. President, I rise today to introduce legislation which will simplify and update a provision of the Tax Code that affects the sale of timber. It is both a simplification measure and a fairness measure. We call it the Timber Tax Simplification Act of 1999.

Under the current law, landowners who are occasional sellers of timber are often classified by the Internal Revenue Service as "dealers." As a result, the small landowner is forced to choose, because of the Tax Code, a method of selling timber that they

may not prefer. Fundamentally, there are two methods of selling timber. The first method is known as "lump sum" sales, and it is the most popular, but it is subject to a higher tax rate. The second method, pay-as-cut sales, allows for lower capital gains treatment but results in the landowner having to accept unnecessary risks throughout the timber selling process.

Why, one might ask, do these conflicting incentives exist for our Nation's timber growers? Earlier in the century, outright, or "lump sum," sales on a cash advance basis were associated with a "cut-and-run" mentality that did not promote good forest management. "Pay-as-cut" sales, in which a timber owner is only paid for timber as it is actually harvested and taken to the mill, were associated with "enlightened" resource management. Consequently, Congress, in 1943, in an effort to provide an incentive for this preferred method, passed legislation that allowed capital gains treatment under section 631(b) of the IRS Code for "pay-as-cut" plan sales, leaving the "lump sum" sales to pay a much higher rate of tax. It is said that President Roosevelt was not in favor of the bill and almost vetoed it. Ultimately, however, he signed it into law.

Today, however, section 631(b), along with many other provisions of the IRS Code, is completely outdated. Forest management practices are much different from what they were in 1943, and "lump sum" sales are no longer associated with poor forest management. Indeed, there is very little poor forest management today. People recognize the value of timberland, and timber is almost never cut without being properly replanted. While there are occasional special situations when other methods may be more appropriate, most timber owners prefer the "lump sum" method, over the "pay-as-cut" method.

The reasons are simple. When a timber sale is entered into, the title to the timber is transferred on the closing of the sale. Once a contract is assigned, the buyer, who is often a corporation, a sawmill, or a corporate timber company, assumes the risk of any physical loss to the timber due to fire, insects, disease, or storms. Furthermore, the price to be paid for the timber is determined and received by the landowner at the time of the sale.

In addition, such a "lump sum" sale best protects the rights of the landowner, by preventing delays not only in the actual cutting and harvesting of the timber, but in the receiving of payments.

Unfortunately, in order for timber owners to qualify for the favorable capital gains treatment, they are virtually forced to market their timber on a "pay-as-cut" basis under section 631(b), which requires landowners to sell their timber with a "retained economic interest." This means that the landowner, not the buyer, must bear the risk of any physical loss during the

time period contracted with the buyer to harvest the timber. Furthermore, the buyer pays for only the timber that is actually harvested. As a result, this type of sale can be subject to fraud and abuse by the timber buyer.

Since the buyer pays only for the timber that is removed and scaled, there is an incentive to waste poor quality timber—by breaking the tree during the logging process—underscale the timber, or remove the timber without scaling.

Many different valuation methods can be utilized by sophisticated buyers against a landowner; the landowner may not fully realize how the timber is being priced, and even then he is paid only when the timber is delivered to the mill at a certain complicated rate.

But because 631(b) provides for the favorable tax treatment, many landowners are forced into exposing themselves to unnecessary risk of loss and complications by having to market their timber in this manner instead of the more preferred "lump-sum" method.

Like many of the provisions in the Tax Code, section 631(b) is outdated and prevents good forestry management. Timber farmers, that have usually spent decades producing their crop, should be able to receive equal tax treatment regardless of the method used for marketing their timber.

The IRS has no business—and, in effect, it does—stepping in and dictating the kind of sales contract a landowner must choose.

The legislation I have introduced will provide greater consistency by removing the exclusive "retained economic interest" requirement in the Internal Revenue Code section 631(b). This change has been supported or suggested by a number of groups for tax simplification purposes, including positive comments from Internal Revenue Service officials who have indicated they see no reason for this present law.

The Joint Committee on Taxation has studied this legislation to consider what impact it might have on the Treasury and found that it would have no real cost—only a "negligible impact" according to their analysis.

Reform of 631(b) is important to our Nation's nonindustrial, private landowners because it will improve the economic viability of their forestry investments and protect the taxpayer from unnecessary exposure to risk of loss. This in turn will benefit the entire forest products industry, the U.S. economy, and especially the small landowners.

So I urge my colleagues to join me and Senator PAUL COVERDELL, of Georgia, who is a cosponsor of this legislation, in this effort to simplify the Tax Code and to promote good forestry management.

There is simply no longer any need for this bizarre, complex tax regulation that is driving individual landowners to make choices they would not otherwise make. Choices that cost them

money and unnecessarily shift risk in a way that ought to be decided among the parties—the buyer and the seller—and not the Internal Revenue Service.

By Mr. INOUYE (for himself, Mr. DOMENICI, Mr. DORGAN, Mr. CONRAD, Mr. BINGAMAN, Mr. JOHNSON, Mr. DASCHLE, and Mr. AKAKA):

S. 1290. A bill to amend title 36 of the United States Code to establish the American Indian Education Foundation, and for other purposes; to the Committee on Indian Affairs.

AMERICAN INDIAN EDUCATION FOUNDATION

• Mr. INOUYE. Mr. President, I rise today to introduce a bill to establish an American Indian Education Foundation. I am joined by Senators DOMENICI, DORGAN, CONRAD, BINGAMAN, JOHNSON, DASCHLE and AKAKA as sponsors of this measure, because we believe that this foundation will help American Indian and Alaska native students immeasurably in the years to come.

The foundation will be a charitable, non-profit corporation that would be authorized to: (1) encourage, accept, and administer private gifts in support of the bureau of Indian Affairs' (BIA) Office of Indian Education; (2) conduct activities that will further educational opportunities of American Indians and Alaskan natives attending BIA schools; and (3) assist Federal, State, tribal, and individual entities that will further the educational opportunities of American Indians and Alaskan natives attending BIA schools.

Similar foundations, such as the National Park Foundation and the National Fish and Wildlife Foundation have been extremely successful over the past several years. This foundation is modeled after those foundations.

Indian children are the most important resource in native America. And while the bureau's elementary and secondary education facilities and curricula have improved over the past few years, there is still much that can be done to make the learning environment a better place for Indian students.

We want to motivate tribal students to look forward to school every day. We want them to be eager about learning. But realizing these objectives is difficult when students are forced to learn in dilapidated buildings with outdated books and broken-down or no computer equipment. The foundation will be a start in helping to address these problems.

There are many Americans who have asked how they can contribute to the education of Indian students, but currently, there is no formal mechanism that would enable private resources to be dedicated to the support of the bureau schools. The foundation would serve as a means for channeling private resources to provide that much-needed support.

Considerable thought has gone into the composition of the foundation. The board will consist of eleven directors

who must be knowledgeable and experienced in American Indian education. The Secretary of the Interior and the Assistant Secretary of Indian Affairs will both serve as ex officio non-voting members.

The foundation would be based in the District of Columbia and will meet at least once annually. The foundation will submit an annual report of its proceedings and activities to the Congress.

Mr. President, we feel that the foundation will provide greatly-needed opportunities to American Indian and Alaskan native students, and would urge our colleagues to support this measure.●

• Mr. DOMENICI. Mr. President, I am pleased to join Senator INOUYE in sponsoring this legislation to establish the American Indian Education Foundation.

Similar foundations exist for national parks and national fish and wildlife purposes. Many Americans leave assets to benefit American Indians, but there is currently no national foundation to encourage this type of giving for the benefit of Indian children in BIA schools.

The American Indian Education Foundation would primarily benefit elementary and secondary American Indian students with books, computers, school supplies, cultural preservation programs, literacy programs, and many other worthwhile activities.

There is already a pool of about \$400,000 held by the Office of Indian Education in the Bureau of Indian Affairs (BIA). These personal assets have been donated over the years for Indian students, but there is no legal mechanism to transfer these funds to BIA schools. This legislation would allow the BIA to direct these funds to BIA schools to meet immediate education needs of today's Indian students.

I am proud to encourage this kind of targeted giving, and I am optimistic about its potential. America is a generous nation. As more Americans become aware of the spectrum of needs at BIA schools on Indian reservations, I predict a huge success for this important foundation.

I commend the Administration for developing this legislation, and I thank my friend Senator INOUYE for taking the initiative to move it forward in the Senate.

I urge my colleagues to encourage private gifts to national Indian education purposes by supporting this proposed foundation.●

By Mr. COCHRAN:

S. 1293. A bill to establish a Congressional Recognition for Excellence in Arts Education Board; to the Committee on Health, Education, Labor, and Pensions.

CONGRESSIONAL RECOGNITION FOR EXCELLENCE
IN ARTS EDUCATION ACT

Mr. COCHRAN. Mr. President, today I am pleased to introduce the Congressional Recognition for Excellence in Arts Education Act. The act estab-

lishes awards for schools that include the arts in their regular curriculum.

When Congress passed the Improving America's Schools Act in 1994, we found "that the arts are forms of understanding and ways of knowing that are fundamentally important to education." Since then, many professional studies have been published about the relationship of arts education to brain development, student achievement, career potential and other life quality issues.

The 1997 National Assessment of Educational Progress (NAEP) Arts Report Card was the first ever assessment of the effects of specific arts instruction and the level of fine arts skills in American students. The assessment found that music and visual arts were more likely to be taught than theater or dance, but the percentages of students actually in classes and their achievement varied widely. The report card showed that instruction improved competency and literacy; and without it, very few students were able to create or perform at an advanced or adequate level. This report card makes clear that attaining knowledge and skill in the arts is no different from becoming proficient in any school subject. While a few students are gifted, most have to be taught in order to discover and use our abilities. And gifted students also need training and learning opportunities.

The evidence of the positive effects of arts education on overall scholastic achievement is an incentive for students, parents and schools to support serious sequential course work. In 1997, The College Board reported that high school students with four or more years of arts instruction scored over 100 points higher on the Scholastic Aptitude Test than students with no arts instruction. And according to the medical publication, Neurological Research, a California study determined that young children with six months of keyboard instruction performed 34% higher on tests measuring temporal-spatial ability than other children.

Arts activity has been shown to lower the likelihood of delinquent behavior. In 1996, the Department of Justice and the National Endowment for the Arts began a project called YouthARTS, which developed model after-school arts programs for teenagers. The evaluation of programs in Fulton County, Georgia; Portland, Oregon; and San Antonio, Texas found that YouthARTS participants significantly decreased their delinquent behavior, increased their communication skills, and improved their ability to complete tasks. The National Dropout Prevention Center reported that school arts classes and activities encourage attendance and achievement of at-risk high school students.

Programs teaching arts in schools differ widely from state to state, and from district to district within a state. The effectiveness of the programs also varies. The Arts Education Partnership

is a private, nonprofit coalition of education, arts, business, philanthropic, and government organizations that demonstrates and promotes the essential role of arts education in enabling all students to succeed in school, life, and work. It was formed in 1995 through a cooperative agreement between the National Endowment for the Arts, the United States Education Department, the National Assembly of State Arts Agencies, and the Council of Chief State School Officers.

Mr. President, earlier this year, the Arts Education Partnership, with the President's Committee on the Arts and Humanities, released a report titled, Gaining the Arts Advantage: Lessons From School Districts that Value Arts Education. It is a national study of arts education in schools. Thirteen "critical success factors" of district-wide arts education programs were identified. The introduction to the report summarizes the findings this way, "the presence and quality of arts education in public schools today require an exceptional degree of involvement by influential segments of the community which value the arts in the total affairs of the school district: in governance, funding, and program delivery."

The report profiles 91 American school districts with successful arts curriculum programs. I was very pleased to find the Hattiesburg and Starkville, Mississippi school districts featured in the report.

Outside funding and the success of classes in music, drama, dance and visual arts has turned the arts into a priority in the Hattiesburg Public School District budget. Hattiesburg superintendent Dr. Gordon Walker views arts as a school responsibility to ensure that, "all students' lives are enriched and enhanced through academic achievement in the arts."

Starkville's K-12 arts programs include: theater, visual arts, music labs, television and graphic arts. Other features in their arts education plan are a design program that brings university architecture students to an elementary school and an after school program funded by a U.S. Department of Education grant. Joyce Polk, Starkville School District arts coordinator explained that a comprehensive arts education, "... improves academic achievement and results in the development of well-rounded students who are able to leave rural Mississippi and compete in prestigious college and university environments." She also attributes arts opportunities in the schools with a higher quality of life for all community members, an understanding between diverse ethnic and cultural groups, a common bond among students, and long term healthy lifestyles. I am proud of these school districts and the example they set for other American school districts.

An example of innovative efforts to support excellence and commitment in arts instruction is the Mississippi Arts Commission's Whole Schools Institute,

which began this year. The institute at Millsaps College in Jackson, Mississippi, is a week of professional development in teaching, planning and implementing new curriculum. School teams of over 150 superintendents, principals, teachers, community and business leaders had one-on-one training with nationally renowned arts educators, child and brain development researchers and arts professionals.

By recognizing the importance of arts instruction, I hope that we make arts classes in schools as common as English or math. My bill establishes the Congressional Recognition for Excellence in Arts Education (CREATE) Awards and a board to direct the activities needed to promote it, to encourage arts curriculum, and to determine eligible schools.

Mr. President, vision and excellence can't be mandated, but through legislation, such as the Congressional Recognition for Excellence in Arts Education Act, we can reward it.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1293

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 "Congressional Recognition for Excellence in Arts Education Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Arts literacy is a fundamental purpose of schooling for all students.

(2) Arts education stimulates, develops, and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem-posing and problem-solving.

(3) Arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy.

(4) Arts education improves teaching and learning.

(5) Where parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs, arts education is more successful.

(6) Effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence.

(7) The 1999 study, entitled "Gaining the Arts Advantage: Lessons from School Districts that Value Arts Education", found that the literacy, education, programs, learning and growth described in paragraphs (1) through (6) contribute to successful districtwide arts education.

(8) Despite all of the literacy, education, programs, learning and growth findings described in paragraphs (1) through (6), the 1997 National Assessment of Educational Progress reported that students lack sufficient opportunity for participatory learning in the arts.

(9) The Arts Education Partnership, a coalition of national and State education, arts, business, and civic groups has demonstrated

its effectiveness in addressing the purposes described in section 5(a) and the capacity and credibility to administer arts education programs of national significance.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARTS EDUCATION PARTNERSHIP.—The term "Arts Education Partnership" (formerly known as the Goals 2000 Arts Education Partnership) is a private, nonprofit coalition of education, arts, business, philanthropic, and government organizations that—

(A) demonstrates and promotes the essential role of arts education in enabling all students to succeed in school, life, and work; and

(B) was formed in 1995 through a cooperative agreement among—

- (i) the National Endowment for the Arts;
- (ii) the Department of Education;
- (iii) the National Assembly of State Arts Agencies; and

(iv) the Council of Chief State School Officers.

(2) BOARD.—The term "Board" means the Congressional Recognition for Excellence in Arts Education Awards Board established under section 4.

(3) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms "elementary school" and "secondary school" mean—

(A) a public or private elementary school or secondary school (as the case may be), as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or

(B) a bureau funded school as defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

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

SEC. 4. ESTABLISHMENT OF BOARD.

There is established as an independent establishment of the Federal Government a Congressional Recognition for Excellence in Arts Education Awards Board. The Board shall be responsible for administering the awards program described in section 5.

SEC. 5. BOARD DUTIES.

(a) AWARDS PROGRAM ESTABLISHED.—The Board shall establish and administer an awards program to be known as the "Congressional Recognition for Excellence in Arts Education Awards Program". The purpose of the program shall be to—

(1) celebrate the positive impact and public benefits of the arts;

(2) encourage all elementary schools and secondary schools to integrate the arts into the school curriculum;

(3) spotlight the most compelling evidence of the relationship between the arts and student learning;

(4) demonstrate how community involvement in the creation and implementation of arts policies enriches the schools;

(5) recognize school administrators and faculty who provide quality arts education to students;

(6) acknowledge schools that provide professional development opportunities for their teachers;

(7) create opportunities for students to experience the relationship between early participation in the arts and developing the life skills necessary for future personal and professional success;

(8) increase, encourage, and ensure comprehensive, sequential arts learning for all students; and

(9) expand accessibility of the arts to schools in every community.

(b) DUTIES.—

(1) SCHOOL AWARDS.—The Board shall—

(A) make annual awards to elementary schools and secondary schools in the States in accordance with criteria established under subparagraph (B), which awards—

(i) shall be of such design and materials as the Board may determine, including a well-designed certificate or a work of art, designed for the awards event by an appropriate artist; and

(ii) shall be reflective of the dignity of Congress;

(B) establish criteria required for a school to receive the award, and establish such procedures as may be necessary to verify that the school meets the criteria, which criteria shall include 3 of the following:

(i) the school provides comprehensive, sequential arts learning and integrates the arts throughout the curriculum;

(ii) the community serving the school is actively involved in shaping and implementing the arts policies and programs of the school;

(iii) the school principal supports the policy of arts education for all students;

(iv) arts teachers in the school are encouraged to learn and grow in mastery of their art form as well as in their teaching competence;

(v) the school actively encourages the use of arts assessment techniques for improving student, teacher, and administrative performance; and

(vi) school leaders engage the total school community in arts activities that create a climate of support for arts education; and

(C) include, in the procedures necessary for verification that a school meets the criteria described in subparagraph (B), written evidence of the specific criteria, and supporting documentation, that includes—

(i) three letters of support for the school, of which—

(I) one shall be from the school's Parent Teacher Association (PTA);

(II) one shall be from community leaders, such as elected or appointed officials; and

(III) one shall be from arts organizations or institutions in the community that partner with the school; and

(ii) the completed application for the award signed by the principal or other education leader such as a school district arts coordinator, school board member, or school superintendent;

(D) determine appropriate methods for disseminating information about the program and make application forms available to schools, which methods may include—

(i) the Arts Education Partnership web site and publications;

(ii) the Department of Education Community Update newsletter;

(iii) websites and publications of the Arts Education Partnership steering committee members;

(iv) press releases, public service announcements and other media opportunities; and

(v) direct communication by postal mail, or electronic means;

(E) delineate such roles as the Board considers to be appropriate for the Director in administering the program, and set forth in the bylaws of the Board the duties, salary, and benefits of the Director;

(F) raise funds for the operation of the program;

(G) determine, and inform Congress regarding, the national readiness for interdisciplinary individual student awards described in paragraph (2), on the basis of the 1997 National Assessment of Educational Progress arts education achievement levels; and

(H) take such other actions as may be appropriate for the administration of the Congressional Recognition for Excellence in Arts Education Awards Program.

(2) STUDENT AWARDS.—

(A) IN GENERAL.—At such time as the Board determines appropriate, the Board—

(i) shall make annual awards to elementary school and secondary school students for individual interdisciplinary arts achievement; and

(ii) establish criteria for the making of the awards.

(B) AWARD MODEL.—The Board may use as a model for the awards the Congressional Award Program and the President's Physical Fitness Award Program.

(C) PRESENTATION.—The Board shall arrange for the presentation of awards under this section to the recipients and shall provide for participation by Members of Congress in such presentation, when appropriate.

(D) DATE OF ANNOUNCEMENT.—The Board shall determine an appropriate date or dates for announcement of the awards under this section, which date shall coincide with a National Arts in Schools Week or similarly designated day, week or month, if such designation exists.

(e) REPORT.—

(1) IN GENERAL.—The Board shall prepare and submit an annual report to Congress not later than March 1 of each year summarizing the activities of the Congressional Recognition for Excellence in Arts Education Awards Program during the previous year and making appropriate recommendations for the program. Any minority views and recommendations of members of the Board shall be included in such reports.

(2) CONTENTS.—The annual report shall contain the following:

(A) Specific information regarding the methods used to raise funds for the Congressional Recognition for Excellence in Arts Education Awards Program and a list of the sources of all money raised by the Board.

(B) Detailed information regarding the expenditures made by the Board, including the percentage of funds that are used for administrative expenses.

(C) A description of the programs formulated by the Director under section 7(b)(1), including an explanation of the operation of such programs and a list of the sponsors of the programs.

(D) A detailed list of the administrative expenditures made by the Board, including the amounts expended for salaries, travel expenses, and reimbursed expenses.

(E) A list of schools given awards under the program, and the city, town, or county, and State in which the school is located.

(F) An evaluation of the state of arts education in schools, which may include anecdotal evidence of the effect of the Congressional Recognition for Excellence in Arts Education Awards Program on individual school curriculum.

(G) On the basis of the findings described in section 2 and the purposes of the Congressional Recognition for Excellence in Arts Education Awards Program described in section 5(a), a recommendation regarding the national readiness to make individual student awards under subsection (b)(2).

SEC. 6. COMPOSITION OF BOARD.

(a) COMPOSITION.—

(1) IN GENERAL.—The Board shall consist of 24 members as follows:

(A) Two Members of the Senate appointed by the Majority Leader of the Senate.

(B) Two Members of the Senate appointed by the Minority Leader of the Senate.

(C) Two Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(D) Two Members of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(E) The Director of the Board, who shall serve as a nonvoting member.

(F) Fifteen members appointed by the Arts Education Partnership steering committee from among representatives of the Arts Education Partnership.

(2) SPECIAL RULE.—In making appointments to the Board, the individuals and entities making the appointments under paragraph (1) shall consider recommendations submitted by any interested party, including any member of the Board.

(3) INTEREST.—

(A) IN GENERAL.—Members of Congress appointed to the Board shall have an interest in 1 of the purposes described in section 5(a).

(B) DIVERSITY.—Representatives of the Arts Education Partnership appointed to the Board shall represent the diversity of that organization's membership, so that artistic and education professionals are represented in the membership of the Board.

(b) TERMS.—Members of the Board shall serve for terms of 6 years, except that of the members first appointed—

(1) one Member of the House of Representatives, 1 Member of the Senate, and 3 members of the Arts Education Partnership shall serve for terms of 2 years;

(2) one Member of the House of Representatives, 1 Member of the Senate, and 4 members of the Arts Education Partnership shall serve for terms of 4 years; and

(3) two Members of the House of Representatives, 2 Members of the Senate, and 8 representatives of the Arts Education Partnership shall serve for terms of 6 years, as determined by lot when all such members have been appointed.

(c) VACANCY.—

(1) IN GENERAL.—Any vacancy in the membership of the Board shall be filled in the same manner in which the original appointment was made.

(2) TERM.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.

(3) EXTENSION.—Any appointed member of the Board may continue to serve after the expiration of the member's term until the member's successor has taken office.

(4) SPECIAL RULE.—Vacancies in the membership of the Board shall not affect the Board's power to function if there remain sufficient members of the Board to constitute a quorum under subsection (d).

(d) QUORUM.—A majority of the members of the Board shall constitute a quorum.

(e) COMPENSATION.—Members of the Board shall serve without pay but may be compensated for reasonable travel expenses incurred by the members in the performance of their duties as members of the Board.

(f) MEETINGS.—The Board shall meet annually at the call of the Chairperson and at such other times as the Chairperson may determine to be appropriate. The Chairperson shall call a meeting of the Board whenever $\frac{1}{2}$ of the members of the Board submit written requests for such a meeting.

(g) OFFICERS.—The Chairperson and the Vice Chairperson of the Board shall be elected from among the Members of Congress serving on the Board, by a majority vote of the members of the Board, for such terms as the Board determines. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

(h) COMMITTEES.—

(1) IN GENERAL.—The Board may appoint such committees, and assign to the committees such functions, as may be appropriate to assist the Board in carrying out its duties

under this Act. Members of such committees may include the members of the Board or such other qualified individuals as the Board may select.

(2) SPECIAL RULE.—Any employee or officer of the Federal Government may serve as a member of a committee created by the Board, but may not receive compensation for services performed for such a committee.

(i) BYLAWS AND OTHER REQUIREMENTS.—The Board shall establish such bylaws and other requirements as may be appropriate to enable the Board to carry out the Board's duties under this Act.

SEC. 7. ADMINISTRATION.

(a) IN GENERAL.—In the administration of the Congressional Recognition for Excellence in Arts Education Awards Program, the Board shall be assisted by a Director, who shall be the principal executive of the program and who shall supervise the affairs of the Board. The Director shall be nominated by the Arts Education Partnership steering committee and appointed by a majority vote of the Board.

(b) DIRECTOR'S RESPONSIBILITIES.—The Director shall, in consultation with the Board—

(1) formulate programs to carry out the policies of the Congressional Recognition for Excellence in Arts Education Awards Program;

(2) establish such divisions within the Congressional Recognition for Excellence in Arts Education Awards Program as may be appropriate; and

(3) employ and provide for the compensation of such personnel as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, subject to such policies as the Board shall prescribe under its bylaws.

(c) APPLICATION.—Each school or student desiring a grant under this Act shall submit an application to the Board at such time, in such manner and accompanied by such information as the Board may require.

SEC. 8. LIMITATIONS.

(a) IN GENERAL.—Subject to such limitations as may be provided for under this section, the Board may take such actions and make such expenditures as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, except that the Board shall carry out its functions and make expenditures with only such resources as are available to the Board from the Congressional Recognition for Excellence in Arts Education Awards Trust Fund pursuant to section 10(e), and from sources other than the Federal Government.

(b) CONTRACTS.—The Board may enter into such contracts as may be appropriate to carry out the business of the Board, but the Board may not enter into any contract which will obligate the Board to expend an amount greater than the amount available to the Board for the purpose of such contract during the fiscal year in which the expenditure is made.

(c) GIFTS.—The Board may seek and accept, from sources other than the Federal Government, funds and other resources to carry out the Board's activities. The Board may not accept any funds or other resources that are—

(1) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Recognition for Excellence in Arts Education Awards Program; or

(2) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

(d) VOLUNTEERS.—The Board may accept and utilize the services of voluntary, uncompensated personnel.

(e) REAL OR PERSONAL PROPERTY.—The Board may lease (or otherwise hold), acquire, or dispose of real or personal property necessary for, or relating to, the duties of the Board.

(f) PROHIBITIONS.—The Board shall have no power—

(1) to issue bonds, notes, debentures, or other similar obligations creating long-term indebtedness;

(2) to issue any share of stock or to declare or pay any dividends; or

(3) to provide for any part of the income or assets of the Board to inure to the benefit of any director, officer, or employee of the Board except as reasonable compensation for services or reimbursement for expenses.

SEC. 9. AUDITS.

The financial records of the Board may be audited by the Comptroller General of the United States at such times as the Comptroller General may determine to be appropriate. The Comptroller General, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit to any books, documents, papers, and records of the Board (or any agent of the Board) which, in the opinion of the Comptroller General, may be pertinent to the Congressional Recognition for Excellence in Arts Education Awards Program.

SEC. 10. TERMINATION.

The Board shall terminate 6 years after the date of enactment of this Act. The Board shall set forth, in its bylaws, the procedures for dissolution to be followed by the Board.

SEC. 11. TRUST FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Congressional Recognition for Excellence in Arts Education Awards Trust Fund". The fund shall consist of amounts appropriated to the fund pursuant to section 12 and amounts credited to the fund under subsection (d).

(b) INVESTMENT OF FUND ASSETS.—

(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the marketplace.

(2) SPECIAL RULE.—The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that when such average rate is not a multiple of $\frac{1}{8}$ of 1 percent, the rate of interest of such special obligations shall be the multiple of $\frac{1}{8}$ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(c) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary of the Treasury at the market price, and such spe-

cial obligations may be redeemed at par plus accrued interest.

(d) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

(e) EXPENDITURES FROM TRUST FUND.—The Secretary of the Treasury is authorized to pay to the Board from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Board to carry out this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Recognition for Excellence in Arts Education Awards Trust Fund established under section 11, \$1,000,000 during the period beginning with fiscal year 2001 and ending with fiscal year 2005.

By Mr. DASCHLE (for Mr. LAUTENBERG (for himself, Mr. TORRICELLI, and Mr. SANTORUM)):

S. 1296. A bill to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

LOWER DELAWARE WILD AND SCENIC RIVERS ACT

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation to designate the Lower Delaware River as a National Wild and Scenic River. I am pleased to be joined by Senators TORRICELLI and SANTORUM in sponsoring this legislation.

Under the Wild and Scenic Rivers Act, designation as a Wild and Scenic River is reserved for free flowing rivers with at least one "outstandingly remarkable" resource value such as exceptional scenery, recreational opportunities, fisheries and wildlife, historic site, or cultural resources. Mr. President, the Lower Delaware River has several "outstandingly remarkable" resources of national significance and will make a fine addition to the National Wild and Scenic River System.

Henry Hudson called the Delaware River "one of the best, finest, and pleasantest rivers of the world." The river begins in the Catskill Mountains and flows south some 300 miles through forested mountains, farmlands, historic towns, suburban and urban communities, industrial complexes and extensive wetlands as it nears the Atlantic Ocean. Although it is one of the largest rivers in the densely populated Northeast, the river retains much of its natural beauty. Woodlands still cover many of the river's islands, the coast's steeply sloping hills and cliffs, and much of its floodplain along both sides of the river. Threatened and endangered species, such as bald eagles and peregrine falcons, are found in forests within the river's watershed and rare fish species like striped bass, shortnose sturgeon and Atlantic sturgeon are found in its waters.

The Lower Delaware is the natural boundary between New Jersey and Pennsylvania and this magnificent part of the river flows through rolling hills, broad valleys, and cliffs carved

and shaped by the river's floods. On these cliffs are a startling variety of plant life. Cactus are found on the cliff shelves on the south-facing New Jersey side of the river, while shelves on the north-facing Pennsylvania side support arctic-alpine plants. The Nature Conservancy has identified over forty "critical habitats" along the river corridor.

The Lower Delaware is also rich in cultural history. The river corridor contains 29 national historic districts and eight national historic landmarks. On Christmas Day in 1776, George Washington crossed the Lower Delaware with his rag-tag Continental Army at present-day Washington Crossing State Park, New Jersey, on his way to a victory over the British and their Hessian mercenaries near Trenton, New Jersey. Villages founded at 18th and 19th century crossroads are located on both sides of the Lower Delaware. Historic canals such as the Delaware and Raritan Canal and the Delaware Canal still parallel portions of the river, and their surviving towpaths provide hiking and bicycling opportunities.

The Delaware Valley hosts a population of more than 5 million people and the river is within close proximity to major population centers. This proximity provides recreational opportunities for thousands of individuals who use the Lower Delaware for canoeing, kayaking, tubing, birdwatching and fishing.

In 1978, both the Upper Delaware and the Middle Delaware River portions were designated as Wild and Scenic Rivers. Upon the designation of the Lower Delaware, the entire length of the Delaware River from Trenton north, with the exception of a few short sections, would have national designation as a Wild and Scenic River, while the portion of the river from Trenton south is already included in the National Estuary Program. Designation of the Lower Delaware would make the Delaware River the only river system in the eastern United States to have this distinctive status.

Lastly, Mr. President, I just wanted to note that designation of a river as Wild and Scenic does not mean that private lands will suddenly be open to public access. Nor does it mean that existing uses of private property will be restricted. Designated rivers do receive permanent protection from federally licensed or assisted dams and other water resource projects that would have direct and adverse effects on the river's free-flowing condition or "outstandingly remarkable" resources. A major factor in determining suitability for designation as a Wild and Scenic River is whether or not there is strong support for designation among the localities that border the river. In fact, the Department of the Interior will support designation of a river as Wild and Scenic only if the localities that adjoin the eligible river pass resolutions in support of designation of

their individual segments as Wild and Scenic.

Although designation has received overwhelming support from the great majority of the localities along the river, a handful of localities in Pennsylvania and New Jersey did not pass the necessary resolutions supporting the designation of their river segments as Wild and Scenic. Therefore, although the river segments adjoining these townships are eligible for designation in the future, the legislation that I propose would not designate these river segments as Wild and Scenic River segments under the Wild and Scenic Rivers Act.

Organizations that support designation of this part of the Lower Delaware River as Wild and Scenic include: The Heritage Conservancy, American Rivers, the Delaware River Greenway Partnership, Central Bucks Chamber of Commerce, Lehigh Valley Planning Commission, Tinicum Conservancy, Pennsylvania Department of Conservation and Natural Resources, Delaware River Mill Society and the Delaware and Raritan Canal Commission. Many individuals have worked hard to ensure that designation of this portion of the river becomes a reality including William Sharp of the National Park Service, the members of the Lower Delaware River Wild and Scenic Management Committee and the Lower Delaware Advisory Committee including New Jersey residents Richard Albert, Jim Amon, Maya Vanrossum, Thomas Dallessio, Linda Mead, Christian R. Nielson, Tisha Petrushka, Joseph M. Pylka, Chris Robert, William Rockafellow, Jean Shaddow, Robert Stokes, Caroline Armstrong, Ron Tindall, Celeste Tracy, Pamela Vinicombe, Lori Hixon, Kenneth G. Zinis, Dan Longhi, Patricia McIlvaine, and John Brunner.

I invite my colleagues to join me in support of this legislation to recognize the recreational, scenic and cultural resources of national significance that the Lower Delaware River has to offer both to the citizens of New Jersey and the nation.

I ask that a copy of the bill be printed in the RECORD.

The bill follows:

S. 1296

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 "Lower Delaware Wild and Scenic Rivers Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102-460 directed the Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, to conduct a study of the eligibility and suitability of the lower Delaware River for inclusion in the Wild and Scenic Rivers System;

(2) during the study, the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service prepared a river management plan for the study area entitled "Lower Delaware River Management Plan"

and dated August 1997, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

(3) after completion of the study, 24 municipalities along segments of the Delaware River eligible for designation passed resolutions supporting the Lower Delaware River Management Plan, agreeing to take action to implement the goals of the plan, and endorsing designation of the river.

SEC. 3. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the first undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104-208, as paragraph 157;

(2) by designating the second undesignated paragraph following paragraph 156, pertaining to the Clarion River, Pennsylvania, and enacted by Public Law 104-314, as paragraph 158;

(3) by designating the third undesignated paragraph following paragraph 156, pertaining to the Lamphey River, New Hampshire, and enacted by Public Law 104-333, as paragraph 159;

(4) by striking the fourth undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104-333; and

(5) by adding at the end the following:

"(160) LOWER DELAWARE RIVER AND ASSOCIATED TRIBUTARIES, NEW JERSEY AND PENNSYLVANIA.—

"(A) SEGMENTS.—The 65.6 miles of river segments in New Jersey and Pennsylvania, consisting of—

"(i) the segment from river mile 193.8 to the northern border of the city of Easton, Pennsylvania (approximately 10.5 miles, 16.9 kilometers), to be administered by the Secretary of the Interior as a recreational river;

"(ii) the segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station (approximately 14.2 miles, 22.8 kilometers), to be administered by the Secretary of the Interior as a recreational river;

"(iii) the segment from the point just south of the Point Pleasant Pumping Station to a point 1,000 feet north of the Route 202 bridge (approximately 6.3 miles, 10.1 kilometers), to be administered by the Secretary of the Interior as a recreational river;

"(iv) the segment from a point 1,750 feet south of the Route 202 bridge to the southern border of the town of New Hope, Pennsylvania (approximately 1.9 miles, 3.0 kilometers), to be administered by the Secretary of the Interior as a recreational river;

"(v) the segment from the southern boundary of the town of New Hope, Pennsylvania, to the town of Washington Crossing, Pennsylvania (approximately 6 miles, 9.7 kilometers), to be administered by the Secretary of the Interior as a recreational river;

"(vi) Tinicum Creek (approximately 14.7 miles, 23.7 kilometers), to be administered by the Secretary of the Interior as a scenic river;

"(vii) Tohickon Creek from the Lake Nockamixon Dam to the Delaware River (approximately 10.7 miles, 17.2 kilometers), to be administered by the Secretary of the Interior as a scenic river; and

"(viii) Paunacussing Creek in Solebury Township (approximately 3 miles, 4.8 kilometers), to be administered by the Secretary of the Interior as a recreational river.

"(B) ADMINISTRATION.—The segments shall be administered by the Secretary of the Interior as a component of the National Park System.

"(C) MANAGEMENT OF SEGMENTS.—The segments shall be managed—

"(i) in accordance with the river management plan entitled 'Lower Delaware River Management Plan' and dated August 1997, (referred to in this paragraph as the 'management plan'), prepared by the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

"(ii) in cooperation with appropriate Federal, State, regional, and local agencies, including—

"(I) the New Jersey Department of Environmental Protection;

"(II) the Pennsylvania Department of Conservation and Natural Resources;

"(III) the Delaware and Lehigh Navigation Canal Heritage Corridor Commission;

"(IV) the Delaware and Raritan Canal Commission; and

"(V) the Delaware River Greenway Partnership.

"(D) SATISFACTION OF REQUIREMENTS FOR PLAN.—The management plan shall be considered to satisfy the requirements for a comprehensive management plan under subsection (d).

"(E) FEDERAL ROLE.

"(i) RESTRICTIONS ON WATER RESOURCE PROJECTS.—In determining under section 7(a) whether a proposed water resources project would have a direct and adverse effect on the value for which a segment is designated as part of the national wild and scenic rivers system, the Secretary shall consider the extent to which the project is consistent with the management plan.

"(ii) COOPERATIVE AGREEMENTS.—Any cooperative agreements entered into under section 10(e) relating to any of the segments shall—

"(I) be consistent with the management plan; and

"(II) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

"(iii) SUPPORT FOR IMPLEMENTATION.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

"(F) LAND MANAGEMENT.

"(i) IN GENERAL.—The Secretary may provide planning, financial, and technical assistance to local municipalities to assist in the implementation of actions to protect the natural, economic, and historic resources of the segments.

"(ii) PLAN REQUIREMENTS.—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c).

"(G) ADDITIONAL SEGMENTS.

"(i) IN GENERAL.—In this subparagraph, the term 'additional segment' means—

"(I) the segment from the Delaware Water Gap to the Toll Bridge connecting Columbia, New Jersey, and Portland, Pennsylvania (approximately 9.2 miles, 14.8 kilometers), which, if made part of the national wild and scenic river system in accordance with this subparagraph, shall be administered by the Secretary as a recreational river;

"(II) the segment from the Erie Lackawanna railroad bridge to the southern tip of Dildine Island (approximately 3.6 miles, 5.8 kilometers), which, if made part of the national wild and scenic river system in accordance with this subparagraph, shall be administered by the Secretary as a recreational river;

“(III) the segment from the southern tip of Mack Island to the northern border of the town of Belvidere, New Jersey (approximately 2 miles, 3.2 kilometers), which, if made part of the national wild and scenic river system in accordance with this subparagraph, shall be administered by the Secretary as a recreational river;

“(IV) the segment from the southern border of the town of Phillipsburg, New Jersey, to a point just north of Gilbert Generating Station (approximately 9.5 miles, 15.2 kilometers), which, if made part of the national wild and scenic river system in accordance with this subparagraph, shall be administered by the Secretary as a recreational river;

“(V) Paulinskill River in Knowlton Township (approximately 2.4 miles, 3.8 kilometers), which, if made part of the national wild and scenic river system in accordance with this subparagraph, shall be administered by the Secretary as a recreational river; and

“(VI) Cook's Creek (approximately 3.5 miles, 5.6 kilometers), which, if made part of the national wild and scenic river system in accordance with this subparagraph, shall be administered by the Secretary as a scenic river.

“(ii) FINDING.—Congress finds that each of the additional segments is suitable for designation as a recreational river or scenic river under this paragraph, if there is adequate local support for the designation.

“(iii) DESIGNATION.—If the Secretary finds that there is adequate local support for designating any of the additional segments as a recreational river or scenic river—

“(I) the Secretary shall publish in the Federal Register a notice of the designation of the segment; and

“(II) the segment shall thereby be designated as a recreational river or scenic river, as the case may be, under this Act.

“(iv) CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of an additional segment, the Secretary shall consider, among other things, the preferences of local governments expressed in resolutions concerning designation of the segment.

“(H) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this paragraph.”●

ADDITIONAL COSPONSORS

S. 42

At the request of Mr. HELMS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 42, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 386

At the request of Mr. GORTON, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 391

At the request of Mr. KERREY, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Delaware (Mr. BIDEN), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 391, a bill to provide

for payments to children's hospitals that operate graduate medical education programs.

S. 472

At the request of Mr. GRASSLEY, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 593

At the request of Mr. COVERDELL, the names of the Senator from Missouri (Mr. BOND) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 593, a bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes.

S. 635

At the request of Mr. MACK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 636

At the request of Mr. REED, the names of the Senator from California (Mrs. BOXER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 636, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 757

At the request of Mr. LUGAR, the name of the Senator from Vermont

(Mr. JEFFORDS) was added as a cosponsor of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 768

At the request of Mr. SESSIONS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 768, a bill to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States.

S. 783

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 783, a bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

S. 791

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 820

At the request of Mr. CHAFEE, the names of the Senator from Montana (Mr. BURNS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of 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.

S. 847

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 847, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 914

At the request of Mr. SMITH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 914, a bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 980, a bill to promote