## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself, Mr. WYDEN, Mr. ABRAHAM, Mr. ALLARD, Mr. ASHCROFT, Mr. BAYH, Mr. BENNETT, Mr. BROWNBACK, Ms. COLLINS, Mr. COVERDELL, Mr. DEWINE, Mr. GORTON, Mr. GREGG, Mr. HATCH, Mrs. HUTCHISON, Mr. KERREY, Mr. LEVIN, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. SMITH of Oregon, Mr. THOMPSON, and Mr. VOINOVICH):

S. 271. A bill to provide for education flexibility partnerships; read the first time.

### THE EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

● Mr. FRIST. Mr. President, I rise today to introduce, with my colleague from Oregon, Senator WYDEN, The Education Flexibility Partnership Act of 1999. This bipartisan measure will expand the immensely popular and highly successful Ed-Flex program to all 50 states in the country. As you may know, Ed-Flex is currently a demonstration program, available only to 12 states. Under the Frist-Wyden bill, all states would have the option to participate in the program.

States and localities have waged a war on poor student performance and they need our help. For too long, Washington has dictated a plan riddled with red tape and regulation. Stagnant student performance has been the result. The longer a child is in an American school, the more his math and science skills deteriorate compared to the skills of his international peers, according to the Third International Math and Science Study (TIMSS). Out of 21 countries, the United States ranked 19th in math and 16th in science for twelfth graders.

To help our states and localities, Washington must give them the flexibility that they need in order to find creative solutions that make sense in their own communities. When localities find ideas that work, the federal government should either get out of the way or lend a helping hand. The last thing that our schools need is more bureaucracy and federal intrusion. Education dollars should be spent in the classroom, not in the front office.

Ed-Flex frees states from the burden of unnecessary, time-consuming Washington regulations, so long as states are complying with certain core federal principles, such as civil rights, and so long as the states are making progress toward improving their students' results. Under the Ed-Flex program, the Department of Education delegates to the states its power to grant individual school districts temporary waivers from certain federal requirements that interfere with state and local efforts to improve education. To be eligible, a state must waive its own regulations on schools. It must also hold schools accountable for results. The 12 states that currently participate in Ed-Flex have used this flexibility to allow school districts to innovate and better use federal resources to improve student outcomes.

For instance, the Phelps Luck Elementary School in Howard County, Maryland used its waiver to provide one-on-one tutoring for reading students who have the greatest need in grades 1–5. They also used their waiver to lower the average student/teacher ratio in mathematics and reading from 25/1 to 12/1. By granting localities more flexibility to use resources already allocated, Ed-Flex allows local decision-makers to decide for themselves how to best tailor federal programs to meet the needs of their own schools.

As the Chairman of the Senate Budget Committee Task Force on Education, formed by Budget Chairman PETE DOMENICI, I heard first-hand accounts of the success of the Ed-Flex program and the need for flexibility for our states that are overburdened by federal requirements. Secretary Riley told the Task Force that, ''through our Ed-Flex demonstration initiative, we are giving State-level officials broad authority to waive federal requirements that present an obstacle to innovation in their schools.'' The Department of Education further notes, ''Ed-Flex can help participating states and local school districts use federal funds in ways that provide maximum support for effective school reform based on challenging academic standards for all students.''

Recent GAO reports have questioned whether Ed-Flex has addressed or can address all of the concerns that local schools and school districts have regarding the regulatory and administrative requirements that federal education programs impose. GAO is definitive in its answer: Ed-Flex hasn't and it won't. We certainly do not believe that Ed-Flex is a panacea to our nation's educational system's woes. Nor do we believe that the complexity, redundancy and rigidity that are the unfortunate hallmarks of our federal education effort will magically disappear. But it is a good first step. Not all states will be as active with Ed-Flex waiver authority as front-runners like Texas, but they all deserve the opportunity to try.

The time has come for this common sense reform. In the Senate, the Ed-Flex expansion bill had 21 bipartisan cosponsors last year. The Labor Committee passed the bill by a vote of 17–1. In the House, Representatives CASTLE (R–DE) and ROEMER (D–IN) introduced companion legislation with 25 House cosponsors. The National Governors' Association has made Ed-Flex expansion a top priority and both the White House and the Department of Education support Ed-Flex expansion. Last year, there obviously was a convergence of support from all corners; nevertheless, the usual end-of-the-session morass claimed Ed-Flex as one of its many victims.

We must do better in the 106th Congress. Ed-Flex is a bi-partisan proposal with broad-based support. Even so, Ed-Flex expansion will again face an uphill battle. Some in Congress want to delay real reform by attaching poison pill amendments or waiting for the reauthorization of the far-reaching Elementary and Secondary Education Act (ESEA) scheduled for 1999. If history is any guide, Congress will be lucky to have completed the reauthorization process for K–12 education programs two years from now. Ed-Flex expansion should not get bogged down in this partisan embroglio. Delay is not the answer to our education crisis. The jury is in on Ed-Flex. Let's not allow partisanship to stop us from improving the public education system. We hope that Congress will rise to meet the challenge of helping our children sooner rather than later.

Mr. President, I believe that passage of this legislation is a strong first step for improving our public education system. Let's give states and localities the flexibility that they need to address the many needs of our students. I am hopeful that we will move this bill quickly in a bipartisan way. I strongly urge passage of this bill.●

● Mr. WYDEN. Mr. President, today I rise to introduce the Education Flexibility Partnership Act of 1999 with my colleague Senator BILL FRIST of Tennessee. This bill encourages innovation in our schools by expanding the Ed-Flex demonstration program from a handful of states to all states. Mr. President, education dollars should be spent in the classroom, not the front office. That common-sense philosophy is at the heart of an exciting new education program known as education flexibility, or Ed-Flex.

In the raging debate over the federal government's role in education, Ed-Flex defines a third-way approach—allowing local schools to receive federal assistance while being freed from the burden of unnecessary, time-consuming Washington resolutions. Local school boards, principals, teachers, and parents have the flexibility to find creative solutions that make sense in their own communities, and are held accountable for achieving real results. Ed-Flex accomplishes this by giving states the authority to grant waivers from federal regulations to individual schools or local education agencies, in exchange for agreeing to meet specific targets for student improvement.

In other words, a school that agrees to meet high standards can receive federal aid without having to worry about complying with the hundreds and hundreds of pages of regulations, and filling out the voluminous forms that usually go along with that assistance. Virtually every school district in the country, for example, employs staff whose job is to make sure that the schools are in compliance with rules for the government's Title I program. Ed-Flex could allow school districts to use fewer compliance officers and hire more teachers instead.

Ed-Flex is currently being tried as a pilot program in a dozen states around

the country, and the results have been impressive:

Oregon community colleges and high schools work together to streamline their vocational education programs. As a result, more students are learning technical skills, such as computer programming, and graduating from high school.

The Phelps Luck Elementary School in Howard County, Maryland has used its waiver to provide one-on-one tutoring for reading students who have the greatest need in grades 1–5. They also used their waiver to lower the average student/teacher ratio in mathematics and reading from 25 to 1 to 12 to 1.

Achievement scores from Texas, the state which has implemented Ed-Flex most broadly, confirm that Ed-Flex can improve academic performance. After only two years of implementation, preliminary statewide results on the Texas Assessment of Academic Skills show that districts with Ed-Flex waivers outperformed districts that didn't take advantage of the program by a full three points in reading and more than two in math.

For African-American students, the gains were even greater. At Westlawn Elementary School in LaMarque, Texas, for example, African-American students improved almost 23% over their 1996 math test scores, after the school put an Ed-Flex waiver into practice.

Ed-Flex will help schools raise achievement levels by giving them a powerful weapon to cut through the red tape that sometimes keeps teachers and principals tied up in knots. This frees them up to focus full time on giving children the best possible education. The Ohio Department of Education wrote in an annual report that Ed-Flex helps create an environment which ''encourages creativity, thoughtful planning, and innovation.'' And in Oregon, the nation's first Ed-Flex state, the program has brought ''greater flexibility and better coordination to federal education programs.''

At the heart of all this innovation is accountability. Schools need to demonstrate that what they are doing produces results. If it doesn't, Ed-Flex provides an opportunity to move on to something else that might be more effective. Parents and taxpayers should rightfully demand that schools be responsible for meeting the goals that are set for them.

Last year, Senator FRIST and I introduced legislation to expand Ed-Flex nationwide, and broaden its use in the states where it's already in place. With the support of a bipartisan group of 21 cosponsors, the bill passed almost unanimously through the Senate Labor Committee. In the House, Representatives CASTLE and ROEMER introduced a companion bill with 25 cosponsors. Unfortunately, the bills fell victim to legislative gridlock at the end of the 105th Congress. But today, at the beginning of the 106th Congress, we are reintroducing the bill with an eye toward its passage. The National Governors' Association has made expansion of Ed-Flex a top priority, and both President Clinton and Education Secretary Riley have announced their support for Ed-Flex. The time for action is near.

Every hour school officials spend filling out a government form is an hour that could be spent giving special attention to a child. Every dollar spent on complying with unproductive mandates from Washington, DC, is a dollar that could be spent on something that works. With a good education more important than ever, and confidence in our schools at an all-time low, it's time to try something different. Flexibility and accountability can be the key to a brighter future. Congress should expand Ed-Flex, and allow a flurry of creativity across our entire country to give our children a brighter future.●

● Mr. ASHCROFT. Mr. President, I am pleased to join with Senator FRIST and others today to introduce the ''Education Flexibility Partnership Act of 1999.'' I commend the Senator from Tennessee for his leadership on this proposal, which will allow states to waive various federal education regulations and give them more flexibility and authority over their use of federal resources to educate their students.

Mr. President, we all want our nation's children to get a first-class education that boosts student achievement and elevates them to excellence. Our role at the federal level should be to help states and local school districts provide the best education possible for their students.

Unfortunately, many of our federal education programs, while well-intentioned, are steeped in so many rules and regulations that states and local schools consume precious time and resources to stay in compliance with the federal programs. As a former governor, I have experienced first-hand the frustration of having to jump through a lot of federal hoops to obtain and keep federal dollars designated for various programs. I have also heard of examples around the country demonstrating this same problem I experienced.

For example, a 1990 study found that 52% of the paperwork required of an Ohio school district was related to participation in federal programs, while federal dollars provided less than 5% of total education funding in Ohio. In Florida, 374 employees administer $8 billion in state funds. However, 297 state employees are needed to oversee only $1 billion in federal funds—six times as many per dollar.

The Federal Department of Education requires over 48.6 million hours worth of paperwork to receive federal dollars. This bureaucratic maze takes up to 35% of every federal education dollar. Clearly, states and local school districts need relief from excessive federal regulations, which take away precious dollars and teacher time from our children.

The Education Flexibility Partnership Act of 1999 will help to relieve administrative burdens and save federal resources by providing states with more flexibility to operate their education programs through the waiver of certain federal and state regulations. The bill expands to all states the highly successful Education Flexibility Partnership Demonstration Program that is currently operating in 12 states and is producing great results. This legislation will help to reduce excessive bureaucratic oversight over education and return more control to the state and local levels.

Again, I appreciate Senator FRIST's dedication to providing greater flexibility to the states and I look forward to working with him to pass the Education Flexibility Partnership Act of 1999. We in Congress should support proposals—such as this one—that return decision-making authority back to state and local decision-makers, where parents, teachers, and school boards have the greatest opportunity to participate in determining priorities, developing curriculum, and making other important education-related decisions.●

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By Mrs. FEINSTEIN:

S. 273. A bill for the relief of Oleg Rasulyevich Rafikova, Alfia Fanilevna Rafikova, Evgenia Olegovna Rafikova, and Ruslan Khamitovich Yagudin; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

● Mrs. FEINSTEIN. Mr. President, I am introducing a private relief bill that provides permanent residency to Oleg Rasulyevich Rafikova, Alfia Fanilevna Rafikova, and their children, Evgenia Olegovna Rafikova and Ruslan Khamitovich Yagudin, who without this legislation, would have to return to Russia and face possible threats of blackmail and kidnaping.

The Rafikova family came to the United States on August 28, 1997, from Ufa, Russia, on a visitor's visa to receive their inheritance from Alfia's uncle, the famous ballet dancer, Rudolf Nureyev. Rafikova's now fear returning to their home country because they fear that the local Mafia would try to extort their inheritance from them.

According to Alfia, everything changed for the family in Ufa, Russia, when the local media announced the death of her uncle, Rudolf Nureyev and exaggerated the amount of her inheritance and falsely made assertions that the family already had the money. Alfia claims that she and her husband started getting harassing phone calls, threats of kidnaping their children for ransom, and death threats. The events escalated to a day when they were robbed of everything except the clothes they were wearing.

Alfia's inheritance is substantial enough that she and her family will not be a public charge. In fact, Alfia and her husband Oleg, who is a chef by training, would like to start a restaurant in San Francisco, providing jobs for Americans. Alfia's two children are attending school in San Francisco and look forward to the day they

could call the United States their new home.

I urge all my colleagues to support this legislation so we can give the Rafikova family a chance to restart their life in the United States.

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

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

S. 273

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR OLEG RASULYEVICH RAFIKOV, ALFIA FANILEVNA RAFIKOVA, EVGENIA OLEGOVNA RAFIKOVA, AND RUSLAN KHAMITOVICH YAGUDIN.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Oleg Rasulyevich Rafifkov, Alfia Fanilevna Rafikov, Evgenia Olegovna Rafikova, and Ruslan Khamitovich Yagudin shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Oleg Rasulyevich Rafikov, Alfia Fanilevna Rafikova, Evgenia Olegovna Rafikova, or Ruslan Khamitovich Yagudin enters the United States before the filing deadline specified in subsection (c), he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Oleg Rasulyevich Rafikov, Alfia Fanilevna Rafikova, Evgenia Olegovna Rafikova, and Ruslan Khamitovich Yagudin, the Secretary of State shall instruct the proper officer to reduce by 4, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.●

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

S. 274. A bill to amend the Internal Revenue Code of 1986 to increase the maximum taxable income for the 15-percent rate bracket; to the Committee on Finance.

MIDDLE CLASS TAX RELIEF ACT OF 1999

● Mr. COVERDELL. Mr. President, I rise today, along with Senators MCCAIN and TORRICELLI, to introduce the Middle Class Tax Relief Act of 1999. The Senate's agenda on tax relief is premised on the realization that political leaders need to create policies that unleash the creativity, innovation and expertise of the American people. We should reject Washington-based solutions and instead, seek to move power, money and decision-making back to the people of this nation.

Now is the time for us to consider sweeping middle class tax relief. This tax relief proposal accomplishes several goals. First, it directs the vast majority of the relief to those who feel the tax squeeze the most: middle-income taxpayers.

Second, because it is across-the-board relief, every middle class taxpayer wins. Every American earning $25,000 in taxable income or more would see relief. Estimates by the Joint Committee on Taxation show that approximately 29 million taxpayers would see tax relief this year.

Third, it provides modest marriage penalty relief without adding complexity to the tax code.

Fourth, it is a realistic proposal that is also entirely consistent with the long-term goal of achieving a flatter, simpler tax code.

My proposal, the Middle Class Tax Relief Act, achieves these goals by raising the roof on the 15% individual income tax bracket. In other words, it returns middle class taxpayers to the lowest individual income bracket. It would increase the income threshold between the 15% and the 28% income tax rate brackets by $10,000 for married couples—$5,000 for singles—over a five year period.

If the Middle Class Tax Relief Act were fully in place today, it would mean that a family of four who earned $71,250 or less would be taxed at the 15% rate. It would mean such families could expect up to $1,300 in tax relief annually. That amounts to increasing their take-home pay by more than $100 a month and that is real relief.

In the coming weeks, a great deal of discussion will focus on providing the American people with the tax relief they need and deserve, and how that is to be accomplished. There are a number of proposals providing tax relief, some of which I support. However, I believe the Middle Class Tax Relief Act will be successful ultimately because we can actually achieve it during this Congress. I ask my colleagues to join me in this effort.●

● Mr. MCCAIN. Mr. President, I am proud to cosponsor The Middle Class Tax Relief Act of 1999 with Senators COVERDELL and Senator TORRICELLI. This bill would deliver sweeping tax relief to lower- and middle-income taxpayers. The bill incrementally increases the number of individuals who pay the lowest tax rate, which is 15%. If this bill had been law in 1998, approximately millions of taxpayers now in the 28% tax-bracket would have paid taxes at the 15% rate. In addition, this bill significantly lessens the effect of one of the Tax Code's most inequitable provisions: the Marriage Penalty.

Mr. President, before I proceed, I want to congratulate Senator COVERDELL for his leadership and his tireless work in crafting this historic legislation. This bill recognizes the need to maintain the momentum toward fundamental tax reform evidenced by the Taxpayer Relief Act of 1997.

This bill is the only major tax relief proposal focused directly on addressing the middle-class tax squeeze. According to preliminary estimates by the Tax Foundation, 29 million taxpayers would benefit from this broad-based, middle-class tax relief in 1998 alone.

Mr. President, I support this legislation because: First, it is a step toward further reform; second, it helps ordinary middle-class families who are struggling to make ends meet without asking the government to help out, and third, it promotes future economic prosperity by increasing the amount of money taxpayers have available for their own savings and investment.

It is essential that we provide American families with relief from the excessive rate of taxation that saps job growth and robs them of the opportunity to provide for their needs and save for the future. Over a five-year period, this bill would deliver sweeping tax relief to middle-class taxpayers by increasing the number of individuals who pay the lowest tax rate. In addition, this bill is simple, and it calculates tax relief based upon income alone, not on factors such as the number of school-age children.

This bill benefits our citizens in several ways. It focuses tax relief on the individuals who feel the tax squeeze the most: lower- and middle-income taxpayers. Under this bill, unmarried individuals will be able to make $35,000 and married individuals can make $70,000, and still be in the lowest tax bracket.

This measure also results in taxpayers being able to keep more of the money they earn. This extra income will allow individuals to save and invest more. Increased savings and investment are key to sustaining our current economic growth.

In sum, the measure is a win for individuals, and a win for America as a whole. Millions of Americans would realize some tax savings from this legislation. Citizens will be able to keep more of what they earn, which will ensure that Americans have more of the resources they need to invest in their own individual futures, and America's future.

Mr. President, on a broader scale, I believe we should abandon our existing tax code altogether and create a new system. This new system should have one tax rate, which taxes income only one time. This system should also reduce the time to prepare tax returns from days to minutes, and the expense to prepare tax returns from thousands of dollars to pennies.

The 1997 Taxpayer Relief Act was a step in the right direction to provide tax relief to lower- and middle-income

families. The Middle Class Tax Relief Act of 1999 represents an important further step toward a flatter, fairer tax system, which also provides immediate tax relief for hard-working Americans and families.

Mr. President, on behalf of the millions of Americans in need of relief from over-taxation, I urge my colleagues to support this important measure.●

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By Mrs. FEINSTEIN:

S. 275. A bill for the relief of Suchada Kwong; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

● Mrs. FEINSTEIN. Mr. President, I am offering today, a legislation that previously passed the Senate by unanimous consent but failed to be enacted because the bill was not considered by the House during last Congress.

This legislation provides permanent residency to Suchada Kwong, a recently widowed young mother of a U.S. citizen child who faces the devastation of being separated from her child and family here in the U.S.

Suchada Kwong's U.S. citizen husband, Jimmy Kwong, was tragically killed in an automobile accident in June of 1996, leaving a 3-month-old U.S.-born son and his 29-year-old bride.

Because current law does not allow Suchada to adjust her status to permanent residency without her husband, Suchada now faces deportation.

Suchada and Jimmy Kwong met in Bangkok, Thailand, through a mutual friend in 1993. He communicated with her frequently by phone and visited her every time he was in Bangkok. They fell in love and were married in September 1995 and Suchada gave birth to Ryan Stephen Kwong in May 1996.

Suchada was supposed to have her INS interview on August 15, 1996. However, Jimmy was killed in an accident in June, less than 3 weeks after his son was born and 2 months short of the INS interview. Now, because the petitioner is deceased, Suchada is ineligible to adjust her status. While the immigration law provides for widows of U.S. citizens to self-petition, that provision is only available for people who have been married for over 2 years.

Suchada's deportation will not only cause hardship to her and her young child but to Suchada's mother-in-law, Mrs. Kwong, who faces losing her grandson, only a short time after she lost her only son.

Mrs. Kwong is elderly, and though she is financially capable, could not care for her grandson herself. Mrs. Kwong is proud to be self-supporting, having owned and worked in a small business until her retirement. The family has never used public assistance, and through Jimmy's job, the family has sufficient resources to support Suchada and Ryan. It would also be difficult for Suchada as a single mother in Thailand. Here in the United States, she has the support of Mrs. Kwong and their church.

Suchada was previously granted voluntary departure for one year on October 1996 to explore other options or prepare to leave the United States. During that time period, Suchada and her family have explored all options but failed. Now, the voluntary departure period has expired and Suchada must leave the country immediately, leaving behind her young child and her family here in the U.S.

Suchada has done everything she could to become a permanent resident of this country—except for the tragedy of her husband's death 2 months before she could become a permanent resident. I hope you support this bill so that we can help Suchada rebuild her life in the United States.

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

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

S. 275

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR SUCHADA KWONG.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Suchada Kwong shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Suchada Kwong enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence of Suchada Kwong, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.●

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By Mrs. FEINSTEIN:

S. 276. A bill for the relief of Sergio Lozano, Fauricio Lozano and Ana Lozano; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

● Mrs. FEINSTEIN. Mr. President, I am introducing today a legislation that previously passed the Senate by unanimous consent but failed to be enacted because it was never considered by the House during last Congress.

The bill provides permanent resident status to three children, Sergio (18 years old), Fauricio (16 years old), and Ana Lozano (15 years old) who now face deportation because they lost their mother in 1997 and the immigration law prohibits permanent legal residency to minor children under the age of twenty-one without their parents.

The Lozano children face a dire situation without this legislation since despite the fact that they came into the country legally, they could be deported because they were orphaned.

The children lived with their mother, Ana Ruth Lozano, until February 1997 when she died of complications developed from typhoid fever. Since their mother's death, the children have been living with their closest relative, their U.S. citizen grandmother, who currently lives in Los Angeles, California.

Without their mother, these children can be deported by the INS despite the fact the children have no family who will take care of them in El Salvador except their estranged father who cannot be located by the family.

Without this bill, the children will most likely be sent to an orphanage in El Salvador. Here in the U.S., the children have their U.S. citizen grandmother and uncles who will give them a loving home.

I have previously sought administrative relief for the Lozano children by asking the INS District Office in Los Angeles and Commissioner Meissner if any humanitarian exemptions could be made in their case. INS has told my staff that there is nothing further they can do administratively and a private relief bill may be the only way to protect the children from deportation.

I urge all the members to support this bill so that we can help the Lozano children rebuild their lives in the United States.

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

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

S. 276

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR SERGIO LOZANO, FAURICIO LOZANO AND ANA LOZANO.**

(a) IN GENERAL.—Notwithstanding subsections 9a) and (b) of section 201 of the Immigration and Nationality Act, Sergio Lozano, Fauricio Lozano and Ana Lozano shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—if Sergio Lozano, Fauricio Lozano and Ana Lozano enter the United States before the filing deadline specified in subsection (c), they shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Sergio Lozano, Fauricio Lozano and Ana Lozano, the Secretary of State shall instruct the proper officer to reduce by three, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.●

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

S. 278. A bill to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico; to the Committee on Energy and Natural Resources.

THE RIO ARRIBA, NEW MEXICO LAND CONVEYANCE ACT OF 1999

● Mr. DOMENICI. Mr. President, today I rise to introduce legislation that will provide long-term benefits for the people of Rio Arriba County, New Mexico. In November of 1997, I introduced the Rio Arriba, New Mexico Land Conveyance Act of 1998. The bill would have transferred unwanted federal land and facilities to a community desperately seeking the ability to grow. The bill had bipartisan support, and created a win-win situation. After incorporating suggested changes from the Administration, the Senate Energy and Natural Resources Committee reported the bill unanimously in May 1998, and the Senate passed S. 1510 on July 17, 1998.

Unfortunately, despite the logic and benefit of the legislation, the bill failed to pass the House of Representatives in the waning days of the 105th Congress. I am hoping that this body can promptly pass this needed legislation again, and that the House will agree that this type of transfer is logical and should be quickly passed since it provides facilities and lands for community use while removing unwanted and unused land and facilities from federal ownership.

Over one-third of the land in New Mexico is owned by the federal government, and therefore finding appropriate sites for community and educational purposes can be difficult. More than seventy percent of Rio Arriba County is in federal ownership. Communities in this area have found themselves unable to grow or find available property necessary to provide local services. This legislation allows for transfer by the Secretary of the Interior real property and improvements at an abandoned and surplus ranger station for the Carson National Forest to Rio Arriba County. The site is known as the Old Coyote Administrative Site, near the small town of Coyote, New Mexico.

The Coyote Station will continue to be used for public purposes for the County, potentially including a community center and a fire substation. Some of the buildings will also be available for the County to use for storage and repair of road maintenance equipment and other County vehicles.

Mr. President, the Forest Service has determined that this site is of no further use to them, since they have recently completed construction of a new administrative facility for the Coyote Ranger District. The Forest Service reported to the General Services Administration that the improvements on the site were considered surplus, and would be available for disposal under their administrative procedures. At this particular site, however, the land on which the facilities have been built is withdrawn public domain land, under the jurisdiction of the Bureau of Land Management.

I worked closely in the last Congress with the Forest Service and Bureau of Land Management to make this transfer a reality. The Administration is supportive of the legislation and the changes made to the bill at their suggestion. Since neither the Bureau of Land Management nor the Forest Service have any interest in maintaining Federal ownership of this land and the surplus facilities, and Rio Arriba County desperately needs them, passage of this bill is a win-win situation for both the federal government, New Mexico, and the people of Rio Arriba County. I look forward to prompt passage of this legislation again in the Senate, the House's agreement, and Presidential signature as soon as possible.

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. 278

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

**SECTION 1. OLD COYOTE ADMINISTRATIVE SITE.**

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior (herein ''the Secretary'') shall convey to the County of Rio Arriba, New Mexico (herein ''the County''), subject to the terms and conditions stated in subsection (b), all right, title, and interest of the United States in and to the land (including all improvements on the land) known as the ''Old Coyote Administrative Site'' located approximately ½ mile east of the Village of Coyote, New Mexico, on State Road 96, comprising one tract of 130.27 acres (as described in Public Land Order 3730), and one tract of 276.76 acres (as described in Executive Order 4599).

(b) TERMS AND CONDITIONS.—

(1) Consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretary and the County indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for public purposes. If such lands cease to be used for public purposes, at the option of the United States, such lands will revert to the United States.

(c) LAND WITHDRAWALS.—Land withdrawals under Public Land Order 3730 and Executive Order 4599 as extended in the Federal Register on May 25, 1989 (54 F.R. 22629) shall be revoked simultaneous with the conveyance of the property under subsection (a).●

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By Mr. MCCAIN (for himself, Mr. KYL, and Mr. HELMS):

S. 279. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

THE SENIOR CITIZENS FREEDOM TO WORK ACT OF 1999

● Mr. KYL. Mr. President, I rise to join Senator JOHN MCCAIN as an original cosponsor of the Senior Citizens Freedom to Work Act of 1999. Senator MCCAIN's legislation would give seniors relief from the Social Security earnings limitation contained in current law.

During the 1992 presidential campaign, President Clinton said that America must ''lift the Social Security earnings test limitation so that older Americans are able to help rebuild our economy and create a better future for us all.'' I could not agree more. Yet, despite 6 years of urging from many members of Congress and millions of Americans, the President appears reluctant to make good on this campaign promise. So, it has fallen to Senator MCCAIN to pursue this issue, as he has for several years.

The Social Security Earnings Limitation (SSEL) was created during the Depression in order to move older workers out of the labor force and to create job opportunities for younger workers. Obviously, this situation no longer exists.

In an effort to address this problem, legislation was enacted in 1996, which I supported, which will raise the Social Security earnings limitation to $30,000 by 2002. However, I believe we must do more. Senator MCCAIN's bill would repeal the entire limitation immediately.

Currently, under the SSEL, senior citizens aged 62 to 64 lose $1 in benefits for every $2 they earn over the $9,600 limit. Seniors aged 65–99 lose $1 in benefits for every $3 they earn over $15,500 annually. When combined with federal and state taxes, a senior citizen earning just over $14,000 per year faces an effective marginal tax rate of 56 percent.

However, when combined with the President's tax on Social Security benefits passed in 1993, a senior's marginal tax rate can reach 88 percent—twice the rate millionaires pay!

Some lawmakers apparently forget the Social Security is not an insurance policy intended to offset some unforeseen future occurrence; rather, it is a pension with a fixed sum paid regularly to the retirees who made regular contributions throughout their working lives. Social Security is a planned savings program to supplement income during an individual's retirement years.

I believe no American should be discouraged from working. Such a policy violates the principles of self-reliance and personal responsibility on which America was founded. Regrettably, American's senior citizens re severely penalized for attempting to be financially independent. When senior citizens work to pay for the high cost of health care, pharmaceuticals and housing, they are penalized like no other group in our society.

Senior citizens possess a wealth of experience and expertise acquired through decades of productivity in the work place. Companies hiring seniors have noted their strong work ethic, punctuality, flexibility. Their participation in the workforce can add billions of dollars to our Nation's economy. To remain competitive in the global marketplace, America needs for its senior citizens to be involved in the economy: working, producing, and paying taxes to the federal government. A law which discourages this is not just bad law, it's wrong—and it hurts not only seniors but all Americans.

I will work with Senator MCCAIN in the 106th Congress to enact this legislation which will lift the unjust and counterproductive burden from the backs of our senior citizens.●

● Mr. MCCAIN. Mr. President, I rise today with Senators KYL and HELMS to introduce again this year the Senior Citizen's Freedom to Work Act. Our bill would fully repeal the erroneous Social Security Earnings test.

Since coming to the Senate in 1987, I have been working to eliminate the discriminatory and unfair earnings test.

I am pleased that in 1996, Congress passed and President Clinton signed into law my bill, the Senior Citizens Right to Work Act. This legislation took a step in the right direction by increasing the earning threshold for senior citizens from $11,520 to $30,000 by the year 2002. Now it is time to eliminate the unjust earnings test in its entirety.

Most Americans are shocked and appalled when they discover that older Americans are penalized for working. Nobody should be penalized for working or discouraged from engaging in work. Yet, this is exactly what the Social Security earnings test does to our nation's senior citizens. The Social Security earnings test punishes Americans between the ages of 65 and 70 for their attempts to remain productive after retirement.

The Social Security earnings test mandates that, for every $3 earned by a retiree over the established limit of $15,500 in 1999, the retiree loses $1 in Social Security benefits. This is clearly age discrimination, and it is very wrong. Due to this cap on earnings, our senior citizens, many of whom exist on fixed, low-incomes, are burdened with a 33.3 percent tax on their earned income. When this is combined with Federal, State, local, and other Social Security taxes, it amounts to an outrageous 55 to 65 percent tax bite or and even higher.

This earnings limit is punitive and serves as a tremendous disincentive to work. An individual who is struggling to make ends meet on approximately $15,500 a year should not be faced with an effective marginal tax rate which exceeds 55 percent.

The Social Security earnings test is a relic of the Great Depression, designed to move older people out of the workforce and create employment for younger individuals. This is an archaic policy and should no longer be our goal. Many senior citizens can make a significant contribution, and often their knowledge and experience compliments or exceeds that of younger employees. Tens of millions of Americans are over the age of 65, and together they have over a billion years of cumulative work experience. These individuals have valuable experience to offer our society, and we need them.

In addition experts predict a labor shortage when the ''baby boom'' generation ages, and it is evident that employers will have to develop new sources of labor as our elderly population continues to grow much faster than the number of workers entering the workforce. According to the U.S. Chamber of Commerce, ''retaining older workers is a priority in labor intensive industries, and will become even more critical as we approach the year 2000.'' It seems counterproductive and foolish to keep willing, diligent workers out of the American workforce. Our country must continue to support pro-work, not pro-welfare policies.

More importantly, many of the older Americans penalized by the earnings test need to work in order to cover their basic expenses: health care, housing and food. Many seniors do not have significant savings or a private pension. For this reason, low-income workers are particularly hard-hit by the earnings test.

It is important to note that wealthy seniors, who have lucrative investments, stocks, and substantial savings, are not affected by the earnings limit. Their supplemental ''unearned'' income is not subject to the earnings threshold. The earnings limit only affects seniors who must work and depend on their earned income for survival.

Finally, let me stress that repealing the burdensome and unfair earnings test would not jeopardize the solvency of the Social Security funds. Opponents who claim otherwise are engaging in cruel scare tactics. The Social Security benefits which working seniors are losing due to the earnings test penalty are benefits they have rightfully earned by contributing to the system throughout their working years before retiring. These are benefits which they should not be losing because they are trying to survive by supplementing their Social Security income. Furthermore, certain studies indicate that repealing the earnings test would actually result in a net increase of $140 million in federal revenue because more seniors would be earning wages and paying income taxes on these wages.

Mr. President, there is no compelling justification for denying economic opportunity to an individual on the basis of age. It is quite evident that the earnings test is outdated, unjust and discriminatory.

I am pleased that this Congress will be focusing on the overall structure of the Social Security system and working together for solutions which would strengthen the system for the seniors of today and tomorrow without placing an unfair burden on working Americans. It is absolutely crucial that we include elimination of the unfair earnings test in any Social Security bill we enact this year.

I find it encouraging that President Clinton indicated in his State of the Union Address that he is finally ready to address this issue and allow seniors the freedom to work without being unfairly penalized. As many of my colleagues may recall, this was a campaign initiative of President Clinton in 1992 and I am pleased that it appears that we may finally have a bipartisan victory for eliminating this unfair penalty on working seniors in 1999. I urge my colleagues on both sides of the aisle to work with me to get this accomplished for America's seniors.

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

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

THE 60 PLUS ASSOCIATION,
*Arlington, VA, January 20, 1999.*

Hon. JOHN MCCAIN,
*U.S. Senate, Washington, DC.*

DEAR SENATOR MCCAIN: Congratulations on your legislation to repeal the Social Security earnings test.

The 60 Plus Association has been a longtime advocate of removing this provision which penalizes those senior citizens who work or want to work while receiving Social Security benefits. It is unfair to penalize them by mandating that for every $3 earned over the established limit (in 1998, a total of $14,500) the senior works, he or she suffers the loss of $1 in Social Security benefits. Seniors are denied by this penalty the opportunity to continue contributing productively to our economy. And it is a case of age discrimination against ambitious seniors, and seniors who need to continue working.

You demonstrate that you are a real friend of all senior citizens by sponsoring this legislation to repeal the Social Security earnings limit. You may be sure we at the 60 Plus Association will work diligently to support this legislation and hope it will soon be enacted into law.

Sincerely,

JAMES L. MARTIN,
*President.*●

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By Mr. HARKIN:

S. 281. A bill to amend the Tariff Act of 1930 to clarify that forced or indentured labor includes forced or indentured child labor; to the Committee on Finance.

TARIFF ACT AMENDMENTS

● Mr. HARKIN. Mr. President, I ask unanimous consent that the text of S.

281, to amend the Tariff Act of 1930 to clarify that forced or indentured labor includes forced or indentured child labor be printed in the RECORD.

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

S. 281

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

**SECTION 1. FORCED OR INDENTURED CHILD LABOR.**

Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by adding at the end the following new sentence: ''For purposes of this section, the term 'forced labor or/and indentured labor' includes forced or indentured child labor.''.●

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By Mr. MCCAIN:

S. 283. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion from gross income for individuals and interest received by individuals; to the Committee on Finance.

THE MIDDLE-INCOME SAVINGS AND INVESTMENT ACT OF 1999

● Mr. MCCAIN. Mr. President, today I am introducing the Middle-Income Savings and Investment Act of 1999. This bill is designed to encourage lower- and middle-income Americans to save and invest more of their hard-earned dollars, by allowing taxpayers to earn $200 ($400 for joint filers) of interest and dividend income tax-free. This bill also lessens the impact of one of the most nefarious aspects of our current tax code—double taxation.

Mr. President, this legislation is important. Consumers can do three things with their income: spend it, pay taxes, or save it. Unfortunately, Americans are not doing enough of the latter.

America's personal savings rate is at an all-time low. Furthermore, the U.S. national savings rate ranks among the lowest of the G–7 countries. According to the Department of Commerce, in September 1998, the personal savings rate was 0%. In other words, we saved nothing. In October 1998, things got worse and our personal savings rate fell to −2%. Americans spent more that month than they earned.

Other countries have high tax rates, but their citizens still manage to save more of their hard-earned dollars than most Americans. Economists say that this is because many other countries provide a tax incentive for small savers by exempting some portion or all of their interest or dividend income from tax. In contrast, the U.S. tax code taxes the savings twice, once when the individual earns the income, and again when the small savers earn interest or dividends generated by the savings or investments.

Congress can not place the blame entirely on the American consumer for our nation's record low savings rates. Our current tax code discourages savings and investment. Income is taxed first when it is earned. If the income is spent, then it is not taxed again. However, if the income is saved or invested, the returns on the savings are taxed once again. Thus, savings and investment are taxed twice.

The multiple layers of taxation on savings increase the cost of savings, which leads to a smaller supply of capital, and a decreased personal savings rate. A fairer tax code would not penalize savings relative to consumption. This legislation is not a cure for all of the ills of our overly complicated burdensome tax code, but it is an important step to eradicating the double taxation inherent in our antiquated tax code.

The Middle-Income Savings and Investment Act provides some tax relief to taxpayers by allowing individuals to earn up to $200 in interest or dividend income tax-free; a married couple could earn up to $400 in interest and dividends tax-free. $200 may not sound like much money, but it represents an important first step in eliminating the bias against savings and investment.

This legislation would provide tax relief to the majority of Americans. However, because of the low $200 and $400 exemption levels, this legislation will particularly benefit lower- and middle-income taxpayers, and boost savings incentives among non-savers and small-savers alike. The vast majority of moderate-income savers would not be taxed on any of their interest or dividend income under this legislation. The Congressional Joint Economic Committee estimates that this type of interest and dividend exclusion would affect 57% of all taxpayers, with more than 30 million taxpayers not paying any tax on interest and dividend income.

It is vital that we create further incentives to encourage moderate-income Americans to save and invest more of their hard-earned dollars. Policy makers and economists have long been concerned about the adequacy of savings in the United States. These fears address both the financial well-being of individuals, and the fiscal stability of the national economy.

Increased savings and investment are an essential element of low- to moderate-income Americans' financial well-being. Savings impact taxpayers' ability to save for emergencies, education, home buying and most importantly, for retirement.

Consumer spending is powering the United States economy at a brisk rate of growth, even as we struggle with diminished export sales and slumping economies in Asia, Russia, and Latin America. However, as demonstrated by the low levels of personal savings in September and October of 1998, we are raiding our savings to purchase homes, consumer goods, and other products. Consumers cannot raid their wealth forever.

The recent devaluation of the Brazilian currency and other geopolitical instability could result in a potential economic downturn in the United States. In the event this does happen, increased personal savings will give Americans a financial cushion to weather any potential downturn.

Retirement looms around the corner for many baby boomers. While I am confident Congress will ensure that the Social Security trust funds will be solvent when the baby boomers retire, Social Security alone may not be sufficient to maintain the boomers' current standard of living. Personal savings must make up this gap. Since personal savings are at an all-time low, it is unlikely that a substantial number of baby boomers will have sufficient personal savings to supplement their social security benefits to make up this income gap. Tax reform which encourages savings and investment can be an important tool to ensure that retiring Americans have sufficient personal savings to maintain their current standard of living.

Increased personal savings and investment are also good for the nation's fiscal well-being. The money financial institutions lend or invest does not grow on trees. This capital comes from the funds everyday Americans deposit or invest in these institutions. Thus, savings are important because they are a key element of capital formation. Capital formation is necessary for economic growth and rising wages.

We must increase the savings rate if we wish to continue our current economic expansion. Without savings, it is impossible to build factories, purchase equipment, conduct research, or develop technology. Savings allow businesses to purchase equipment, and new equipment allows factories to be more productive, which in turn raises the income of workers and owners.

This link between savings rates and capital formation is not rocket science. Workers are more productive when they are working with modern equipment. More productive workers earn higher real wages. Higher real wages are the beginning of higher standards of living. But, the key is capital. American industry must have access to a readily available supply of affordable domestic capital to purchase this productivity enhancing equipment.

The bottom line is that capital formation is necessary for economic growth and rising wages. Further incentives for savings and investment will increase capital formation. The Middle-Class Savings and Investment Act provides a necessary incentive to get low- to moderate-income Americans to save and invest more.

At present, America is not suffering from its current savings dilemma. However, we must act now to increase the personal savings rate to prepare for the challenges of the next millennium.

Mr. President, the Congressional Budget Office estimates a budget surplus of $80 billion for fiscal year 1999. Informal estimates by the Joint Committee on Taxation indicate that this bill will only cost $15 billion over 5 years. What better way to use a small portion of the surplus than to return it to the American people in the form of much-needed middle-class tax relief.●

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By Mr. MCCAIN:

S. 284. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by increasing the standard deduction for married individuals filing joint returns to twice the standard deduction for unmarried individuals; to the Committee on Finance.

MARRIAGE PENALTY ELIMINATION ACT OF 1999

● Mr. McCAIN. Mr. President, I am proud to introduce the Marriage Penalty Elimination Act of 1999. This bill would deliver sweeping tax relief to millions of lower- and middle-income Americans by eliminating the marriage penalty. The bill is simple: it incrementally increases the standard deduction over a 5-year period, until the joint filer's standard deduction is equal to 2 times the individual filer's deduction.

This bill significantly lessens the effect of one of the Tax Code's most inequitable provisions, the marriage penalty. Under today's Tax Code, the marriage penalty occurs when the sum of the tax liabilities of two unmarried individuals filing their own tax returns is less than their tax liability would be under a joint return if they were married. The Marriage Penalty Elimination Act would allow a married couple to claim the same amount of the standard deduction as two individuals. It seems logical that a married couple would be eligible to take two times the standard deduction that an individual can take. This is not the case. Under current law, joint filers are only eligible to take approximately 1.67 times the standard deduction of single filers.

Because CBO has estimated that federal budget surpluses will total more than $700 billion over the next 10 years, there could be no better time for Congress to focus our attention on relieving the tax burden on the American people. There is no better time than now to provide relief to the taxpayers who have been overtaxed and overburdened with our antiquated tax system.

Mr. President, as Congress is well aware, it is essential to provide relief to the ordinary, hard-working, middle-class American families who are struggling to make ends meet. This bill focuses directly on lower- and middle-income taxpayers, because the disparity between a married couple's standard deduction and an unmarried couple's combined standard deduction is most discriminating to the lower- and middle-income level taxpayers.

The current standard deduction for joint returns is currently 1.67 times that of single returns for tax bracket rates of 15%, 28% and 31%. However, the disparity narrows at the 36% bracket for joint filers to 1.2 times that of individual filers. And, at the highest bracket rate of 39.6%, the standard deduction for married and unmarried couples is equal. These figures make clear the discrimination that our present Tax Code imposes on lower- and middle-income taxpayers.

This bill would eliminate the unjust disparity between the standard deduction afforded a married couple and an unmarried couple. It is vital to our Nation that Congress work to foster strength among American families. By enacting the Marriage Penalty Elimination Act, this Congress would not only be addressing the tax concerns of the American people, but also providing an incentive for the American family. As the Tax Code is written now, couples are punished with an undue financial burden just for being married. In effect, the marriage penalty taxes marriage, one of our most fundamental institutions. There can be no doubt that this kind of disincentive for marriage is wrong.

In addition to the overriding moral objection to a marriage penalty, there exists a basic question of fairness. Not only is it debilitating to our society to penalize those who enter into the sacred institution of marriage to create a family, but it is fundamentally unjust to impose a greater tax burden on two married people than on two unmarried people who live together.

Mr. President, on behalf of the millions of lower- and middle-income American families, I urge my colleagues to support this important bill.

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

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

S. 285

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

**SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.**

(a) SHORT TITLE.—This Act may be cited as the ''Marriage Penalty Elimination Act of 1999''.

(b) ELIMINATION OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

**SEC. 2. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.**

(a) IN GENERAL.—Section 63(c) (relating to standard deduction) is amended by adding at the end the following new paragraph:

''(7) ELIMINATION OF MARRIAGE PENALTY FOR JOINT FILERS.—

''(A) IN GENERAL.—In the case of a joint return or a surviving spouse (as defined in section 2(a)), the basic standard deduction under paragraph (2)(A) shall be increased by an amount equal to the applicable percentage of the excess of—

''(i) 200 percent of the basic standard deduction in effect for the taxable year under paragraph (2)(C), over

''(ii) the basic standard deduction in effect for the taxable year under paragraph (2)(A) (without regard to this paragraph).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined as follows:

| ''For taxable years beginning in calendar year: | The applicable percentage is: |
|---|---|
| 1999 | 20 |
| 2000 | 40 |
| 2001 | 60 |
| 2002 | 80 |
| 2003 and thereafter | 100.'' |

(b) CONFORMING AMENDMENT.—Section 63(c)(2)(A) is amended by inserting ''except as provided in paragraph (7),'' before ''$5,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.●

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By Mr. MCCAIN (for himself, Mr. DEWINE, Ms. LANDRIEU, Mr. DURBIN, Mr. CLELAND, Mr. HAGEL, Mr. WELLSTONE, and Mr. BREAUX):

S. 285. A bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test; to the Committee on Finance.

BLIND PERSONS EARNINGS EQUITY ACT

● Mr. MCCAIN. Mr. President, I rise today to introduce an important piece of legislation which would have a tremendous impact on the lives of many blind people. This bill restores the 20-year link between blind people and senior citizens in regards to the Social Security earnings limit which has helped many blind people become self-sufficient and productive.

When the Congress passed the Senior Citizens Freedom to Work Act in 1996, we unfortunately broke the longstanding linkage in the treatment of blind people and seniors under Social Security, which resulted in allowing the earnings limit to be raised for seniors only and did not give blind people the same opportunity to increase their earnings without penalizing their Social Security benefits.

My intent when I sponsored the Senior Citizens Freedom to Work Act was not to break the link between the blind people and the senior population. In 1996, time constraints and fiscal considerations forced me to focus solely on raising the unfair and burdensome earnings limit for seniors. I am happy to say that the Senior Citizens Freedom to Work Act became law in 1996, and the earnings exemption for seniors is being raised in annual increments until it reaches $30,000 in the year 2002. This law is allowing millions of seniors to continue contributing to society as productive workers.

Now we should work together in the spirit of fairness to ensure that this same opportunity is given to the blind population. We should provide blind people the opportunity to be productive and ''make it'' on their own. We should not continue policies which discourage these individuals from working and contributing to society.

The bill I am introducing today is identical to one I sponsored in the last Congress. It would reunite the earnings exemption amount for blind people with the exemption amount for senior citizens. If we do not reinstate this link, blind people will be restricted to earning $14,800 in the year 2002 in order

to protect their Social Security benefits, compared to the $30,000 which seniors will be permitted to earn.

There are very strong and convincing arguments in favor of reestablishing the link between these two groups and increasing the earnings limit for blind people.

First, the earnings test treatment of our blind and senior populations has historically been identical. Since 1977, blind people and senior citizens have shared the identical earnings exemption threshold under Title II of the Social Security Act. Now, senior citizens will be given greater opportunity to increase their earnings without losing a portion of their Social Security benefits; the blind, however, will not have the same opportunity.

The Social Security earnings test imposes as great a work disincentive for blind people as it does for senior citizens. In fact, the earnings test probably provides a greater aggregate disincentive for blind individuals since many blind beneficiaries are of working age (18–65) and are capable of productive work.

Blindness is often associated with adverse social and economic consequences. It is often tremendously difficult for blind individuals to find sustained employment or any employment at all, but they do want to work. They take great pride in being able to work and becoming productive members of society. By linking the blind with seniors in 1977, Congress provided a great deal of hope and incentive for blind people in this country to enter the work force. Now, we are taking that hope away from them by not allowing them the same opportunity to increase their earnings as senior citizens.

Blind people are likely to respond favorably to an increase in the earnings test by working more, which will increase their tax payments and their purchasing power and allow the blind to make a greater contribution to the general economy. In addition, encouraging the blind to work and allowing them to work more without being penalized would bring additional revenue into the Social Security trust funds as well as the Federal Treasury. In short, restoring the link between blind people and senior citizens for treatment of Social Security benefits would help many blind people become self-sufficient, productive members of society.

I am pleased that this Congress will be focusing on the overall structure of the Social Security system and working together for solutions which would strengthen the system for seniors of today and tomorrow without placing an unfair burden on working Americans. It is absolutely crucial that we include raising the earnings test for blind individuals as a part of any Social Security bill we enact this year.

I urge each of my colleagues to join me in sponsoring this important measure to restore fair and equitable treatment for our blind citizens and to give the blind community increased financial independence. Our nation would be better served if we restore equality for the blind and provide them with the same freedom, opportunities and fairness as our nation's seniors.●

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By Mr. McCAIN:

S. 286. A bill to amend the Internal Revenue Code to repeal the increase in the tax on Social Security benefits; to the Committee on Finance.

SENIOR CITIZENS' EQUITY ACT

● Mr. MCCAIN. Mr. President, I rise today to introduce legislation to repeal the increase in tax on Social Security benefits. As my colleagues know, the 1993 Omnibus Budget Reconciliation Act increased the taxable portion of Social Security benefits from 50% to 85% for Social Security recipients whose threshold incomes exceed $34,000 (single) and $44,000 (couples). The legislation I am introducing today simply phases out this increase gradually over a four-year period. In 1999, the applicable percentage would be 75 percent; in 2000, 65 percent: in 2001, 60 percent; in 2002, 55 percent; and finally in 2001, the taxable percentage would return to 50%.

I believe the increase in the taxable portion of Social Security benefits was blatantly unfair because it changed the rules in the middle of the game. Responsible senior citizens who had carefully planned for their retirement were penalized and saw their income fall while their marginal tax rate skyrocketed. Nearly 9,000 seniors representing 23.4 percent of recipients are affected by this provision. These seniors relied on and based their decisions on the old law, and they cannot now go back in time to change these decisions.

Clearly, we should be encouraging all Americans to save and invest for the future. We can not be sure that Social Security benefits will take care of all our retirement needs. If Congress continues to change the rules after plans and investment decisions have been made, we will diminish the incentive for Americans to prepare for the future and plan accordingly.

I am consistently amazed by the perverse disincentives Congress enacts. Aside being patently unfair, taxing 85% of Social Security benefits above the current income levels creates a tremendous disincentive for seniors to work. It simply does not make sense to work if every dollar you earn over the threshold drastically reduces your Social Security benefits.

This legislation is supported by the National Committee to Preserve Social Security and Medicare, the Seniors Coalition and Sixty-Plus.

I am pleased that this Congress will be focusing on strengthening and restructuring our nation's Social Security system for the seniors of today and tomorrow without placing an unfair burden on American workers. As we continue working together for a solution to our nation's retirement system I will push to include this provision in any Social Security bill we enact this year.

Finally, I am sure many of my colleagues note that the problems with this additional tax on Social Security benefits are strikingly similar to the Social Security earnings limit. It is my strong hope that we will act expeditiously on this legislation as well as my legislation to fully repeal the unfair earnings test.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

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

NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE,
*Washington, DC, January 20, 1999.*

Hon. JOHN MCCAIN,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR MCCAIN: The National Committee to Preserve Social Security and Medicare is pleased to endorse your legislation to repeal the inequitable tax increase on Social Security benefits enacted as part of the 1993 budget reconciliation bill.

The Omnibus Budget Reconciliation Act of 1993 increased the amount of Social Security benefits subject to tax from 50 percent to 85 percent for individual beneficiaries with income above $34,000 or for couples with income above $44,000. The ''Senior Citizens' Equity Act'' would gradually phase out this increase and return the taxable percentage to 50 percent.

The 1993 tax increase affects not only wealthy seniors but also middle income seniors. Over time, many more moderate and low income retirees will see their income pushed over the thresholds because the thresholds are not indexed. Taxing 85 percent of Social Security benefits over the current income thresholds unfairly penalizes responsible older Americans who planned for their retirement through employment, saving, and investment. Many National Committee Members need or want to work, but they also deserve to receive their hard-earned retirement benefits. The increased tax rate only discourages work and retirement savings.

Moreover, a Price-Waterhouse analysis demonstrated that the 1993 legislation targeted seniors by increasing their tax burden more than non-seniors in every income category—on average twice as great for senior families as for non-senior families. Middle income seniors experienced a disproportionately large tax increase under the 1993 bill, and your legislation will provide them with much needed relief.

The 5.5 million members and supporters of the National Committee thank you for your efforts on behalf of older Americans.

Sincerely,

MARTHA A. MCSTEEN,
*President.*

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THE 60 PLUS ASSOCIATION,
*Arlington, VA, January 20, 1999.*

Hon. JOHN MCCAIN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MCCAIN: I commend you for introducing the Senior Citizens' Equity Act, which would repeal the previously enacted tax on Social Security benefits.

A great inequity hit senior citizens when President Clinton's 1993 Omnibus Budget Reconciliation Act increased the taxable proportion of Social Security benefits from 50% to 85%. It hit seniors whose income was as low as $34,000 (single) and $44,000 (couples). This placed an unfair burden on our seniors who were suddenly singled out and had the income for which they had worked subject to

a burdensome increase in taxes. Almost one-third of our seniors were dealt this blow.

Your Senior Citizens' Equity Act will help seniors while restoring fairness to the tax system for them. I hope Congress will act quickly to pass your legislation and that the President will sign it. We owe that much to our seniors.

Sincerely,

JAMES L. MARTIN, *President*.●

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By Mr. ROTH (for himself and Mr. BIDEN):

S. 287. A bill to amend the Small Business Act to require the establishment of a regional or branch office of the Small Business Administration in each State; to the Committee on Small Business.

SMALL BUSINESS ADMINISTRATION EQUAL REPRESENTATION ACT

● Mr. ROTH. Mr. President, I come to the floor today to introduce legislation to ensure that the federal government provides Delaware small businesses with the same treatment as those in other states. Delaware is the only state in which the Small Business Administration does not maintain a district office. As a result, Delaware small businesses are being shortchanged.

The primary function of Small Business Administration district offices is the approval of Small Business Administration loan guarantee applications. Without a district office, Delaware applications must be processed out of state. As a result, community benefit, interviews, and local outlook cannot be considered with loan guarantee paperwork as is common in other states, and applications take longer to process. Small Business Administration district offices will also provide Delaware's Small Business community with more effective outreach and awareness of Small Business Administration programs and services.

The bill I am introducing today, with the cosponsorship of Senator BIDEN, will correct this inequity. This bill, the Small Business Administration Equal Representation Act, specifies that each state is entitled to a single Small Business Administration district office. But it will do so without authorizing any additional appropriations.

Mr. President, Delaware small businesses deserve the same level of support from the Small Business Administration as is found in every other state. Even Puerto Rico benefits from having a Small Business Administration district office. The Small Business Administration Equal Representation Act will assure that Delaware receives from the Small Business Administration the level of support it deserves.●

● Mr. BIDEN. Mr. President, I am pleased to join BILL ROTH, my good friend and colleague from Delaware, the distinguished chairman of the Finance Committee, in introducing legislation important to our State.

Small businesses are the cornerstone of our economy—in Delaware and across the rest of the country. They are key players in the record economic expansion we have enjoyed over the last seven years. They are engines of job growth and technical innovation, and they deserve not only our praise, but our support as well.

The Small Business Administration has many programs that can provide that support—including loan guarantee—through a national network of district offices. However, Delaware remains the only State in the Union that is without a Small Business Administration district office. The higher hurdles between Delaware small businesses and the services of the Small Business Administration reduce the value of those services to Delawareans.

That is why Senator ROTH and I are introducing this legislation, that will guarantee that every state—including Delaware—will have its own Small Business Administration district office. This can be accomplished without any additional expenditures under the current Small Business Administration budget.

A district office in Delaware will make sure that Delaware businesses will enjoy the same access to Small Business Administration programs that their counterparts in other States now have. I look forward to working with BILL ROTH, and Congressman MIKE CASTLE in the House, to make this fair and sensible proposal a success in this session of Congress.●

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By Mr. JEFFORDS (for himself, Mr. HATCH, Mr. KENNEDY, Mr. SMITH of Oregon, Mr. LEAHY, Mr. KERREY, and Mr. DURBIN):

S. 288. A bill to amend the Internal Revenue Code of 1986 to exclude from income certain amounts received under the National Health Service Corps Scholarship Program and F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program; to the Committee on Finance.

TAX LEGISLATION

● Mr. JEFFORDS. Mr. President, today I am introducing a bill to amend our tax law's treatment of scholarships awarded under the National Health Service Corps (NHSC) scholarship program. Although, as a general rule, scholarships are excludable from income, the Internal Revenue Service has taken the position that NHSC scholarships are includible in income. Imposing taxes on the scholarships could have disastrous effects on a program that for over 20 years has helped funnel doctors, nurse-practitioners, physician assistants, and other health professionals into medically underserved communities.

Under the National Health Service Corps program, health professions students are given a scholarship covering the cost of tuition and fees, together with a monthly stipend covering living expenses. For each year of scholarship funding, NHSC scholars are obligated, upon completion of their training, to provide a year of full-time primary health care in one of 2,000 designated health professions shortage areas. These shortage areas include the nation's neediest communities, both rural areas and inner cities. NHSC scholars who renege on their service obligations are required to re-pay an amount equal to three times the scholarship, plus interest.

Generally, the Internal Revenue Code provides that amounts received as scholarships are not includible in a recipient's gross income. There is an exception to this rule, however, when a scholarship is provided in exchange for services or a promise to perform services. Without such an exception, an employer could disguise compensation as a scholarship. National Health Corps Service scholarships, however, are not disguised compensation. Upon completion of their studies, the large majority of NHSC scholars do not work for the Federal government, which awarded them the scholarship. Instead, they work at places like low-income clinics or inner-city hospitals. Consequently, this is not a situation where an employer is transforming compensation into a scholarship.

I introduced a bill similar to this one during the last Congress. It was passed by the Senate as part of the Education Savings and School Excellence Act of 1998, and was included in the conference agreement for that bill. This bill was vetoed by the president, so the problem still exists. The conference committee also determined that amounts received under the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program should also be eligible for tax-free treatment. This is a program similar to the National Health Service Corps available to members of the armed forces. The bill I am introducing today also provides for exclusion from income for scholarships received under this program.

Last year, the Joint Committee on Taxation estimated that providing an exclusion from income for amounts received under these two scholarship programs would have a negligible effect on budget receipts. I do not expect any change in that analysis, and I urge my colleagues to join me in support of this bill.●

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By Mr. ABRAHAM (for himself, Mr. COVERDELL, Mr. HUTCHINSON, and Mr. SESSIONS):

S. 289. A bill to amend the Public Health Service Act to permit faith-based substance abuse treatment centers to receive Federal assistance, to permit individuals receiving Federal drug treatment assistance to select private and religiously oriented treatment, and to protect the rights of individuals from being required to receive religiously oriented treatment; to the Committee on Health, Education, Labor, and Pensions.

FAITH-BASED DRUG TREATMENT ENHANCEMENT ACT

● Mr. ABRAHAM. Mr. President, today, I, along with my colleagues Senators COVERDELL, HUTCHINSON, and

SESSIONS introduced the ''Faith-Based Drug Treatment Enhancement Act.'' The purpose of this legislation is to make successful faith-based drug and alcohol treatment programs eligible for federal substance abuse treatment dollars. It will allow faith-based programs to stand on an equal footing with other treatment programs which receive federal aid, allowing them to compete for federal funds without changing the religious nature of the help they provide. This is important because it is the religious character of the program to which program recipients often point as the reason for their success in overcoming their addiction.

Many faith-based treatment centers have astounding treatment success rates, particularly when compared with the single-digit success rates of many government-sponsored secular programs. One faith-based organization, the Mel Trotter Ministry, is located in my state of Michigan. This ministry points to the accountability demanded of addicts entering its faith-based program as a reason for its success. Another contributing factor to Mel Trotter's astounding 70 percent success rate is the program's ability to provide recipients with an incentive to change. The drug addict finds a new life at Mel Trotter Ministries and is finally able to overcome his or her addiction.

A similar program in my state, the Detroit Rescue Mission Ministries, boasts a 78 percent success rate for its substance abuse programs. One of the program recipients describes his experience at Detroit Rescue Mission Ministries this way: ''I was in and out of jail. During the winter of 1995, I was exposed to arctic cold with a resulting case of frostbite so severe I was threatened with amputation. Released from probation for the sixth time, I found Detroit Rescue Mission Ministries' Oasis shelter on Woodward Avenue and stayed 22 nights. There I found more than a shelter—I found a relationship with God and a new life of service for Him.''

Mel Trotter Ministry and Detroit Rescue Mission Ministries are examples of substance abuse treatment programs with proven success records. These programs and programs like them should be allowed to provide the crucial assistance needed for individuals to overcome their substance abuse once and for all.

This legislation builds on the charitable choice provision Senator ASHCROFT fought to have included in the historic welfare reform bill. That provision allows faith based charities to contract with government to supply social services without having to give up their religious character. No longer will religious groups have to literally hide the Bibles in order to help people.

Where sterile, bureaucratic government run programs fail, faith based programs can succeed, and are succeeding already. I urge my colleagues to support these efforts by supporting this legislation.●

By Mr. ABRAHAM (for himself and Ms. LANDRIEU):

S. 290. A bill to establish an adoption awareness program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADOPTION PROMOTION ACT

● Mr. ABRAHAM. Mr. President, I rise to urge my colleagues' support for The Adoption Promotion Act. This legislation will work to provide important information on adoption to women facing unplanned pregnancies.

Mr. President, each year more than a million couples eagerly await the opportunity to adopt a child. Unfortunately, only 50,000 domestic, non-related adoptions occur each year. Couples waiting to adopt are willing and able to provide loving homes. Some of them have for one reason or another found themselves incapable of having children of their own. Others simply wish to share their lives and their homes with another child. Every one of them could nurture and give a good upbringing to whatever youngster is lucky enough to get them as parents. Unfortunately, the would-be parents often must wait several years for the opportunity to adopt a healthy child. For the anxious parents, the waiting seems to last an eternity.

There are many reasons for the sharp disparity between the relatively limited number of children available for adoption and the growing number of families anxiously waiting to adopt a child. Crucial is the fact that many women are not provided adequate information about adoption when they are making the important decision of how to deal with an unexpected pregnancy. Too few women are fully informed concerning the adoption option.

We know that providing information to women on adoption as a choice can increase the number of adoptions that occur each year and decrease the number of abortions. I believe that this is an important goal. For this reason, I have introduced, along with my colleague, Senator LANDRIEU, legislation that authorizes an Adoption Promotion program. This program will provide $25 million in grants to be used for adoption promotion activity. It will also require recipients to contribute $25 million of in-kind donations. The total amount going to adoption promotion will, therefore, be $50 million. This amount will allow for a thorough information campaign to take place—reaching women all over the country.

The legislation provides for grants to be used for public service announcements on print, radio, TV, and billboards. Grants will also be provided for the development and distribution of brochures regarding adoption through federally funded Title X clinics. These provisions will enable women to have accurate and clear information on adoption as an alternative when at a crucial point in their pregnancies. Further, the campaign will help to raise the level of awareness around the country about the importance of adoption.

Mr. President, I believe that each and every one of us, whether pro-life or pro-choice, should be working to reduce the number of abortions that occur each year. Indeed, I have often heard on this floor that abortion should be ''safe, legal and rare.'' I take my colleagues at their word and urge them to join me in this voluntary information program; a program designed to inform women of all their choices regarding any unexpected pregnancy.

Too many women in America feel abandoned and helpless in the face of an unexpected pregnancy. The father of the child may have left, the woman's family and friends even may desert her. Even those who stay with her may simply pressure her to end an embarrassing and troublesome situation.

Too often, then, our women, in a vulnerable state, are left without full, unbiased information and guidance concerning their options. I think it is crucial in these circumstances that we keep these women fully informed of all their options—including the option of releasing their child into the arms of a welcoming couple, anxious to become loving parents.

If we truly are committed to making every child a wanted child, Mr. President, I believe it is our duty to see to it that pregnant women know that there are couples out there who would love to care for their children. It is time for us, as a nation, to make clear our commitment to truly full information for expectant mothers, information that includes the availability of safe, loving homes for their children.●

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

S. 291. A bill to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District; to the Committee on Energy and Natural Resources.

THE CARLSBAD IRRIGATION PROJECT ACQUIRED LAND TRANSFER ACT

● Mr. DOMENICI. Mr. President, I am again introducing the Carlsbad Irrigation Project Acquired Land Transfer Act. I, along with Congressman SKEEN, have been working to convey tracts of land—paid for by Carlsbad Irrigation District and referred to as ''acquired lands''—back to the district, during the past several congresses.

I introduced this bill in May of 1997 in order to transfer lands back to the rightful owners. This legislation transfers acquired land without affecting operations at the New Mexico state park at Brantley Dam, or the operations and ownership of the dam itself. Furthermore, the bill allows the Carlsbad Irrigation District to utilize proceeds from oil and gas leases on the transferred lands and moves land management responsibilities from the federal government to a local entity.

The Carlsbad Irrigation Project is a single-purpose project created in 1905 by the Bureau of Reclamation. The district has had operations and maintenance responsibilities for the irrigation

and drainage system since 1932. This legislation directs the Carlsbad Irrigation District to continue to manage the lands as they have been in the past, for the purposes for which the project was constructed. It met all the repayment obligations to the government in 1991, and it's about time we let Carlsbad Irrigation District have what is rightfully theirs.

This is a fair and equitable bill that has been developed over years of negotiations. This legislation accomplishes three things: conveys title of acquired lands and facilities to Carlsbad Irrigation District; allows the District to assume management of leases and the benefits of the receipts from these acquired lands; and sets a 180 day deadline for the transfer, establishing a 50–50 cost-sharing standard for carrying out the transfer.

This bill passed the Senate near the end of the 105th Congress, but unfortunately did not get through the House of Representatives due to political wrangling at the end of the session. However, this bill has strong bipartisan and administration support, and it is about time that we pass this legislation to provide the Bureau of Reclamation with the ability to accomplish their stated goal of logical transfer such as this.

This transfer shifts responsibility from the federal government back to a local entity, and creates opportunity for the district to improve and enhance the management of these lands. I hope that both the Senate and the House of Representatives will act quickly on this legislation so that the Carlsbad Irrigation District will promptly begin getting the benefits for that which they have paid.

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. 291

*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 ''Carlsbad Irrigation Project Acquired Land Transfer Act''.

**SEC. 2. CONVEYANCE.**

(a) LANDS AND FACILITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to subsection (c), the Secretary of the Interior (in this Act referred to as the ''Secretary'') may convey to the Carlsbad Irrigation District (a quasi-municipal corporation formed under the laws of the State of New Mexico and in this Act referred to as the ''District''), all right, title, and interest of the United States in and to the lands described in subsection (b) (in this Act referred to as the ''acquired lands'') and all interests the United States holds in the irrigation and drainage system of the Carlsbad Project and all related lands including ditch rider houses, maintenance shop and buildings, and Pecos River Flume.

(2) LIMITATION.—

(A) RETAINED SURFACE RIGHTS.—The Secretary shall retain title to the surface estate (but not the mineral estate) of such acquired lands which are located under the footprint of Brantley and Avalon dams or any other project dam or reservoir division structure.

(B) STORAGE AND FLOW EASEMENT.—The Secretary shall retain storage and flow easements for any tracts located under the maximum spillway elevations of Avalon and Brantley Reservoirs.

(b) ACQUIRED LANDS DESCRIBED.—The lands referred to in subsection (a) are those lands (including the surface and mineral estate) in Eddy County, New Mexico, described as the acquired lands and in section (7) of the ''Status of Lands and Title Report: Carlsbad Project'' as reported by the Bureau of Reclamation in 1978.

(c) TERMS AND CONDITIONS OF CONVEYANCE.—Any conveyance of the acquired lands under this Act shall be subject to the following terms and conditions:

(1) MANAGEMENT AND USE, GENERALLY.—The conveyed lands shall continue to be managed and used by the District for the purposes for which the Carlsbad Project was authorized, based on historic operations and consistent with the management of other adjacent project lands.

(2) ASSUMED RIGHTS AND OBLIGATIONS.—Except as provided in paragraph (3), the District shall assume all rights and obligations of the United States under—

(A) the agreement dated July 28, 1994, between the United States and the Director, New Mexico Department of Game and Fish (Document No. 2–LM–40–00640), relating to management of certain lands near Brantley Reservoir for fish and wildlife purposes; and

(B) the agreement dated March 9, 1977, between the United States and the New Mexico Department of Energy, Minerals, and Natural Resources (Contract No. 7–07–57–X0888) for the management and operation of Brantley Lake State Park.

(3) EXCEPTIONS.—In relation to agreements referred to in paragraph (2)—

(A) the District shall not be obligated for any financial support agreed to by the Secretary, or the Secretary's designee, in either agreement; and

(B) the District shall not be entitled to any receipts for revenues generated as a result of either agreement.

(d) COMPLETION OF CONVEYANCE.—If the Secretary does not complete the conveyance within 180 days from the date of enactment of this Act, the Secretary shall submit a report to the Congress within 30 days after that period that includes a detailed explanation of problems that have been encountered in completing the conveyance, and specific steps that the Secretary has taken or will take to complete the conveyance.

**SEC. 3. LEASE MANAGEMENT AND PAST REVENUES COLLECTED FROM THE ACQUIRED LANDS.**

(a) IDENTIFICATION AND NOTIFICATION OF LEASEHOLDERS.—Within 120 days after the date of enactment of this Act, the Secretary of the Interior shall—

(1) provide to the District a written identification of all mineral and grazing leases in effect on the acquired lands on the date of enactment of this Act; and

(2) notify all leaseholders of the conveyance authorized by this Act.

(b) MANAGEMENT OF MINERAL AND GRAZING LEASES, LICENSES, AND PERMITS.—The District shall assume all rights and obligations of the United States for all mineral and grazing leases, licenses, and permits existing on the acquired lands conveyed under section 2, and shall be entitled to any receipts from such leases, licenses, and permits accruing after the date of conveyance. All such receipts shall be used for purposes for which the Project was authorized and for financing the portion of operations, maintenance, and replacement of the Summer Dam which, prior to conveyance, was the responsibility of the Bureau of Reclamation, with the exception of major maintenance programs in progress prior to conveyance which shall be funded through the cost share formulas in place at the time of conveyance. The District shall continue to adhere to the current Bureau of Reclamation mineral leasing stipulations for the Carlsbad Project.

(c) AVAILABILITY OF AMOUNTS PAID INTO RECLAMATION FUND.—

(1) EXISTING RECEIPTS.—Receipts in the reclamation fund on the date of enactment of this Act which exist as construction credits to the Carlsbad Project under the terms of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359) shall be deposited in the General Treasury and credited to deficit reduction or retirement of the Federal debt.

(2) RECEIPTS AFTER ENACTMENT.—Of the receipts from mineral and grazing leases, licenses, and permits on acquired lands to be conveyed under section 2, that are received by the United States after the date of enactment and before the date of conveyance—

(A) not to exceed $200,000 shall be available to the Secretary for the actual costs of implementing this Act with any additional costs shared equally between the Secretary and the District; and

(B) the remainder shall be deposited into the General Treasury of the United States and credited to deficit reduction or retirement of the Federal debt.

**SEC. 4. VOLUNTARY WATER CONSERVATION PRACTICES.**

Nothing in this Act shall be construed to limit the ability of the District to voluntarily implement water conservation practices.

**SEC. 5. LIABILITY.**

Effective on the date of conveyance of any lands and facilities authorized by this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed property, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors, prior to conveyance. Nothing in this section shall be considered to increase the liability of the United States beyond that provided under chapter 171 of title 28, United States Code, popularly known as the Federal Tort Claims Act.

**SEC. 6. FUTURE BENEFITS.**

Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be entitled to receive any further Reclamation benefits pursuant to the Reclamation Act of June 17, 1902, and Acts supplementary thereof or amendatory thereto attributable to their status as part of a Reclamation Project.●

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

S. 292. A bill to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance; to the Committee on Energy and Natural Resources.

ROUTE 66 CORRIDOR PRESERVATION ACT

● Mr. DOMENICI. Mr. President, today I introduce a bill which will help preserve an important part of American history for future generations—Route 66. This legislation, which passed in the Senate at the end of the 105th Congress, will protect the unique cultural resources along the famous Route 66 corridor and authorize the Interior Secretary to provide assistance

through the Park Service. Congresswoman HEATHER WILSON of Albuquerque, New Mexico, has reintroduced a companion bill (H.R. 66) in the House of Representatives, and we hope this Congress will act promptly in passing this legislation aiding grassroots efforts to maintain this important part of American culture.

The road system of a nation links its people together. Without such a road, the movement of goods and services would be impossible. History is replete with examples of pioneers, such as those that forged the Santa Fe Trail, trying to find passage across this great country.

John Steinbeck referred to Route 66 as the ''Mother Road'' in ''The Grapes of Wrath,'' and many in this Chamber may recall traveling across country on this road in their youth. New Mexico added to the aura of Route 66, giving new generations of Americans their first experience of our colorful culture and heritage. Starting in Chicago, Illinois, and winding 2,200 miles across the United States to Santa Monica, California, Route 66 linked the urban centers of the Midwest and West. Services sprung up along the route to provide for travelers crossing the heart of the country.

It rolled through eight American states, and in New Mexico, it went through the communities of Tucumcari, Santa Rosa, Albuquerque, Grants and Gallup. Route 66 allowed generations of vacationers to travel to previously remote areas and experience the natural beauty and cultures of the Southwest and Far West. Route 66 symbolized freedom and mobility for an entire generation of Americans in their automobiles. This bill will facilitate greater coordination in federal, state and private efforts to preserve structures and other cultural resources of the historic Route 66 corridor, the 20th Century route equivalent to the Santa Fe Trail.

I introduced the Route 66 Study Act of 1990, which directed the National Park Service to determine the best ways to preserve, commemorate and interpret Route 66. The study, which was completed in 1995, determined that Route 66 had historic national significance, and the structures along the disappearing asphalt should be preserved. As a result, I introduced a bill last June authorizing the National Park Service to join with federal, state and private efforts to preserve aspects of the historic Route 66 corridor, the nation's most important thoroughfare for east-west migration in the 20th century.

The Administration testified in favor of this legislation, with some modifications. We made some good changes to the bill, which passed the Senate, and prompt passage will ensure success of this Park Service program. This legislation authorizes a funding level over 10 years and stresses that we want the federal government to support grassroots efforts to preserve aspects of this historic highway.

This bill authorizes the National Park Service to support state, local and private efforts to preserve the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants. The Park Service will also act as a clearing house for communication among federal, state, local, private and American Indian entities interested in the preservation of the Route 66 corridor.

As we draw to the close of this century, there is more interest in trying to save Route 66. I once again ask this body to promptly pass this legislation, and sincerely hope the House of Representatives follows suit. The time is now to provide tangible means of assistance to preserve this special part of Americana.

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. 292

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

**SECTION 1. DEFINITIONS.**

In this Act:

(1) ROUTE 66 CORRIDOR.—The term ''Route 66 corridor'' means structures and other cultural resources described in paragraph (3), including—

(A) public land within the immediate vicinity of those portions of the highway formerly designated as United States Route 66; and

(B) private land within that immediate vicinity that is owned by persons or entities that are willing to participate in the programs authorized by this Act.

(2) CULTURAL RESOURCE PROGRAMS.—The term ''Cultural Resource Programs'' means the programs established and administered by the National Park Service for the benefit of and in support of preservation of the Route 66 corridor, either directly or indirectly.

(3) PRESERVATION OF THE ROUTE 66 CORRIDOR.—The term ''preservation of the Route 66 corridor'' means the preservation or restoration of structures or other cultural resources of businesses, sites of interest, and other contributing resources that—

(A) are located within the land described in paragraph (1);

(B) existed during the route's period of outstanding historic significance (principally between 1933 and 1970), as defined by the study prepared by the National Park Service and entitled ''Special Resource Study of Route 66'', dated July 1995; and

(C) remain in existence as of the date of enactment of this Act.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Cultural Resource Programs at the National Park Service.

(5) STATE.—The term ''State'' means a State in which a portion of the Route 66 corridor is located.

**SEC. 2. MANAGEMENT.**

(a) IN GENERAL.—The Secretary, in collaboration with the entities described in subsection (c), shall facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of the Route 66 corridor.

(b) DESIGNATION OF OFFICIALS.—The Secretary shall designate officials of the National Park Service stationed at locations convenient to the States to perform the functions of the Cultural Resource Programs under this Act.

(c) GENERAL FUNCTIONS.—The Secretary shall—

(1) support efforts of State and local public and private persons, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and entities in the States for the preservation of the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants;

(2) act as a clearinghouse for communication among Federal, State, and local agencies, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and private persons and entities interested in the preservation of the Route 66 corridor; and

(3) assist the States in determining the appropriate form of and establishing and supporting a non-Federal entity or entities to perform the functions of the Cultural Resource Programs after those programs are terminated.

(d) AUTHORITIES.—In carrying out this Act, the Secretary may—

(1) enter into cooperative agreements, including, but not limited to study, planning, preservation, rehabilitation and restoration;

(2) accept donations;

(3) provide cost-share grants and information;

(4) provide technical assistance in historic preservation; and

(5) conduct research.

(e) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide assistance in the preservation of the Route 66 corridor in a manner that is compatible with the idiosyncratic nature of the Route 66 corridor.

(2) PLANNING.—The Secretary shall not prepare or require preparation of an overall management plan for the Route 66 corridor, but shall cooperate with the States and local public and private persons and entities, State Historic Preservation Offices, nonprofit Route 66 preservation entities, and Indian tribes in developing local preservation plans to guide efforts to protect the most important or representative resources of the Route 66 corridor.

**SEC. 3. RESOURCE TREATMENT.**

(a) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a program of technical assistance in the preservation of the Route 66 corridor.

(2) GUIDELINES FOR PRESERVATION NEEDS.—

(A) IN GENERAL.—As part of the program under paragraph (1), the Secretary shall establish guidelines for setting priorities for preservation needs.

(B) BASIS.—The guidelines under subparagraph (A) may be based on national register standards, modified as appropriate to meet the needs for preservation of the Route 66 corridor.

(b) PROGRAM FOR COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a program of historic research, curation, preservation strategies, and the collection of oral and video histories of events that occurred along the Route 66 corridor.

(2) DESIGN.—The program under paragraph (1) shall be designed for continuing use and implementation by other organizations after the Cultural Resource Programs are terminated.

(c) GRANTS.—The Secretary shall—

(1) make cost-share grants for preservation of the Route 66 corridor available for resources that meet the guidelines under subsection (a); and

(2) provide information about existing cost-share opportunities.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated $10,000,000 for the period of fiscal years 2000 through 2009 to carry out the purposes of this Act.●

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

S. 293. A bill to direct the Secretaries of Agriculture and Interior and to convey certain lands in San Juan County, New Mexico, to San Juan College; to the Committee on Energy and Natural Resources.

THE OLD JICARILLA SITE CONVEYANCE ACT OF 1999

● Mr. DOMENICI. Mr. President, I rise to again introduce important legislation allowing for a transfer of an unwanted piece of federal property to an educational institution which needs it. The Old Jicarilla Site Conveyance Act of 1999 allows for transfer by the Secretaries of Agriculture and Interior of real property and improvements at an abandoned and surplus ranger station to San Juan College. The site is in the Carson National Forest near the village of Gobernador, New Mexico. The Jicarilla Site will continue to be used for public purposes, including educational and recreational purposes of the college.

Over one third of the land in New Mexico is owned by the federal government, and therefore finding appropriate sites for community and educational purposes can be difficult. The Forest Service determined that these ten acres are of no further use to them because a new administrative facility has been located in the town of Bloomfield, New Mexico. In fact, the facility has had no occupants for several years, and the Forest Service testified last year that enactment of this bill would ''provide long-term benefits for the people of San Juan County and the students and faculty of San Juan College.''

I am hoping this bill will again move swiftly through this body. Clearly, this legislation deserves prompt approval in the House and signature by the President because it is noncontroversial and the land can readily be put to good use for San Juan College and the area residents. We also need to put this property in the hands of the college so it can protect the area from further deterioration and fire.

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. 293

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

**SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.**

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of enactment of this Act, the Secretaries of Agriculture and Interior (herein ''the Secretaries'') shall convey to San Juan College, in Farmington, New Mexico, subject to the terms and conditions under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) consisting of approximately ten acres known as the ''Old Jicarilla Site'' located in San Juan County, New Mexico (T29N; R5W; portions of Sections 29 and 30).

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretaries and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) TERMS AND CONDITIONS.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(d) LAND WITHDRAWALS.—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b) above, shall be revoked simultaneous with the conveyance of the property under subsection (a).●

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## ADDITIONAL COSPONSORS

S. 3

At the request of Mr. GRAMS, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 3, a bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates by 10 percent.

S. 4

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 4, a bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes.

S. 5

At the request of Mr. DEWINE, the names of the Senator from Florida (Mr. MACK) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 5, a bill to reduce the transportation and distribution of illegal drugs and to strengthen domestic demand reduction, and for other purposes.

S. 13

At the request of Mr. SESSIONS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 17

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 17, a bill to increase the availability, affordability, and quality of child care.

S. 18

At the request of Mr. HARKIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 18, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement.

S. 74

At the request of Mr. DASCHLE, the name of the Senator from South Carolina (Mr. HOLLINGS) 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. 89

At the request of Mr. HUTCHINSON, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 89, a bill to state the policy of the United States with respect to certain activities of the People's Republic of China, to impose certain restrictions and limitations on activities of and with respect to the People's Republic of China, and for other purposes.

S. 92

At the request of Mr. DOMENICI, the names of the Senator from Florida (Mr. MACK), the Senator from Ohio (Mr. VOINOVICH), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 102

At the request of Mr. ABRAHAM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 102, a bill to provide that the Secretary of the Senate and the Clerk of the House of Representatives shall include an estimate of Federal retirement benefits for each Member of Congress in their semiannual reports, and for other purposes.

S. 146

At the request of Mr. ABRAHAM, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 146, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 185

At the request of Mr. ASHCROFT, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 185, a bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative.