''Airworthiness Directives: Boeing Model 747–200 and –300 Series Airplanes Equipped with General Electric CF6–80C2 Series Engines; Docket No. 99–NM 247 (7–20/7–22)'' (RIN2120–AA64) (1999–0279), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4391. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: deHaviland, Inc. Models DHC–2 Mk. I, DHC–2 Mk. II, and DHC–2 Mk. III Airplanes; Docket No. 99–CE–05 (7–21/7–22)'' (RIN2120–AA64) (1999–0276), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4392. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: British Aerospace HP137 Mk1, Jetstream Models 3101 and 3201 Airplanes; Docket No. 98–CE–115 (7–20/7–22)'' (RIN2120–AA64) (1999–0275), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4393. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; North Platte, NE; Direct Final Rule; Request for Comments; Docket No. 99–ACE–33 (7–20/7–22)'' (RIN2120–AA66) (1999–0232), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4394. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Raton, NM; Direct Final Rule; Request for Comments; Docket No. 99–ASW 11 (7–20/7–22)'' (R2120–AA66) (1999–0231), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4395. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Harlan, IA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–22 (7–20/7–22)'' (RIN2120–AA66) (1999–0229), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4396. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Ottawa, KS; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–21 (7–20/7–22)'' (RIN2120–AA66) (1999–0230), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4397. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class D Airspace; Dallas NAS, Dallas, TX; Docket No. 99–ASW–08 (7–22/7–22)'' (RIN2120–AA66) (1999–0228), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4398. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (29) Amdt. 1939 (7–19/7–22)'' (RIN2120–AA65) (1999–0035), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4399. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (18) Amdt. 1940 (7–19/7–22)'' (RIN2120–AA65) (1999–0034), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1076. A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes (Rept. No. 106–122).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. CAMPBELL:

S. 1438. A bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Mr. HARKIN, and Mr. WELLSTONE):

S. 1439. A bill to terminate production under the D5 submarine-launched ballistic missile program; to the Committee on Armed Services.

By Mr. GRAMM (for himself, Mr. LOTT, and Mr. MCCONNELL):

S. 1440. A bill to promote economic growth and opportunity by increasing the level of visas available for highly specialized scientists and engineers and by eliminating the earnings penalty on senior citizens who continue to work after reaching retirement age; to the Committee on Finance.

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

S. 1441. A bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes; to the Committee on Governmental Affairs.

By Mr. REED:

S. 1442. A bill to provide for the professional development of elementary and secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mrs. LINCOLN, Mr. WELLSTONE, and Mrs. MURRAY):

S. 1443. A bill to amend section 10102 of the Elementary and Secondary Education Act of 1965 regarding elementary school and secondary school counseling; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mr. BURNS):

S. 1444. A bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit and increase the income limitation on the student loan interest deduction; to the Committee on Finance.

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

S. 1445. A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the medicare and medicaid programs; to the Committee on Finance.

By Mr. LOTT:

S. 1446. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. SNOWE (for herself and Ms. COLLINS):

S. Res. 164. A resolution congratulating the Black Bears of the University of Maine for winning the 1999 NCAA hockey championship; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. SHELBY, Mr. SESSIONS, Mr. GRASSLEY, Mr. BIDEN, Mr. KENNEDY, Mr. KOHL, Mr. DEWINE, Mr. FEINGOLD, and Mr. FITZGERALD):

S. Res. 165. A resolution in memory of Senior Judge Frank M. Johnson, Jr. of the United States Court of Appeals for the Eleventh Circuit; considered and agreed to.

By Mr. THOMAS:

S. Res. 166. A resolution relating to the recent elections in the Republic of Indonesia; to the Committee on Foreign Relations.

By Ms. COLLINS:

S. Res. 167. A resolution commending the Georges Bank Review Panel on the recent report recommending extension of the moratorium on oil and gas exploration on Georges Bank, commending the Government of Canada for extending the moratorium on oil and gas exploration on Georges Bank, and urging the Government of Canada to adopt a longer-term moratorium; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 1438. A bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia; to the Committee on Energy and Natural Resources

NATIONAL LAW ENFORCEMENT MUSEUM ACT

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the National Law Enforcement Museum Act of 1999. This legislation would authorize the construction of a National Law Enforcement Museum to be built here in our Nation's Capital.

Just over one year ago, this institution, along with millions of other Americans, were reminded about the risks that our officers must face on a daily basis. On July 24, 1998, U.S. Capitol Police Officer Jacob J. Chestnut

and Detective John Gibson were killed by a deranged man. This legislation I introduce today will ensure that their story of heroism and sacrifice is never forgotten, just as we must never forget the thousands of other officers who have made the ultimate sacrifice to secure the safety and well-being of our communities.

As a former deputy sheriff, I know first-hand the risks peace officers face in enforcing our laws. Throughout our nation's history, nearly 15,000 federal, state, and local law enforcement officers have lost their lives in the line of duty. Based on FBI statistics, nearly 63,000 officers are assaulted each year in this country, resulting in more than 21,000 injuries. On average, one police officer is killed somewhere in America every 54 hours.

Approximately 740,000 law enforcement professionals are continuing to put their lives on the line for the safety and protection of others.

We owe all of those officers a huge debt of gratitude, and it is only fitting that we properly commemorate this outstanding record of service and sacrifice.

My legislation seeks to achieve this important goal by authorizing the National Law Enforcement Officers Memorial Fund, a nonprofit organization, to establish a comprehensive law enforcement museum and research repository on federal land in the District of Columbia. The Fund is the same group that so ably carried out the congressional mandate of 1984 to establish the National Law Enforcement Officers Memorial, which was dedicated in 1991 just a few blocks from the Capitol. Clearly, their record of significant achievement speaks volumes about their ability to meet this important challenge.

Since 1993, the Fund has efficiently operated a small-scale version of the National Law Enforcement Museum at a site located about two blocks from the Memorial. The time has come to broaden the scope of this museum and move it in closer proximity to the National Law Enforcement Officers Memorial.

This museum would serve as a repository of information for researchers, practitioners, and the general public. The museum will become the premiere source of information on issues related to law enforcement history and safety, and obviously a popular tourist attraction in Washington, DC, as well.

The ideal location for this museum is directly across from the National Law Enforcement Officers Memorial on a parcel of federal-owned property that now functions as a parking lot. The building, as planned, will have underground parking for the judicial officers who currently use this lot.

Under my legislation, no federal dollars are being proposed to establish this museum. Rather, the Fund would raise all of the money necessary to construct the museum through private donations. Recognizing the national importance of this museum, however, the legislation states that upon completion of the museum facility the Secretary of the Interior and the Administrator of the General Services Administration will be responsible for the maintenance of the exterior grounds and interior space, respectively. The legislation places the responsibility of operating the museum in the hands of the Fund.

Finally, let me add that this legislation is supported by 15 national law enforcement organizations: the Concerns of Police Survivors; the Federal Law Enforcement Officers Association; the Fraternal Order of Police; the Fraternal Order of Police Auxiliary; the International Association of Chiefs of Police; the International Brotherhood of Police Officers; the International Union of Police Associations/AFL–CIO; the National Association of Police Organizations; the National Black Police Association; the National Organization of Black Law Enforcement Executives; the National Sheriffs Association; the National Troopers Coalition; the Police Executive Research Forum; the Police Foundation; the United Federation of Police; and the National Law Enforcement Council. Together, these organizations represent virtually every law enforcement officer, family member and police survivor in the United States.

Mr. President, as we remember the sacrifices made by Officer Chestnut, Detective Gibson and so many other brave officers, I strongly urge my colleagues in the Senate to join me in support of this important legislation.

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

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

S. 1438

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 ''National Law Enforcement Museum Act''.

SEC. 2. FINDING.

Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) MEMORIAL FUND.—The term ''Memorial Fund'' means the National Law Enforcement Officers Memorial Fund.

(2) MUSEUM.—The term ''Museum'' means the National Law Enforcement Museum established under section 4(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) ESTABLISHMENT.—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property directly south of the National Law Enforcement Officers Memorial, bounded by—

(1) E Street, NW., on the north;

(2) 5th Street, NW., on the west;

(3) 4th Street, NW., on the east; and

(4) Indiana Avenue, NW., on the south.

(b) DESIGN AND PLANS.—

(1) IN GENERAL.—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) APPROVAL.—The design and plans for the Museum shall be subject to the approval of—

(A) the Secretary;

(B) the Commission of Fine Arts; and

(C) the National Capital Planning Commission.

(c) FUNDING; EXTERIOR MAINTENANCE.—The Secretary—

(1) shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b); and

(2) shall maintain the exterior and exterior grounds of the Museum after completion of construction.

(d) INTERIOR MAINTENANCE.—The Administrator of General Services shall maintain the interior of the Museum after completion of construction.

(e) OPERATION.—The Memorial Fund shall operate the Museum after completion of construction.

(f) FEDERAL SHARE.—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(g) FAILURE TO CONSTRUCT.—If the Memorial Fund fails to construct the Museum by the date that is 7 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date, unless construction of the Museum begins before that date.

NATIONAL ASSOCIATION OF
POLICE ORGANIZATIONS, INC.,
Washington, D.C., July 20, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
Washington, DC,

DEAR SENATOR CAMPBELL: I am writing on behalf of the National Association of Police Organizations (NAPO) to thank you for your understanding and willingness to introduce legislation that when passed into law would authorize the National Law Enforcement Officers Memorial Fund (NLEOMF) to establish a National Law Enforcement Museum in the District of Columbia directly across the street from the National Law Enforcement Officers Memorial.

I stand ready to work with your staff to ensure speedy passage of this important legislation.

NAPO is a coalition of police unions and association from across the United States that serves in Washington, DC to advance the interest of America's law enforcement officers through legislative and legal advocacy, political action and education. Founded in 1978, NAPO now represents 4,000 police organizations and more than 220,000 sworn law enforcement officers including the Denver Police Association and the nearly 4,000 members of the Colorado Police Protective Association.

NAPO lobbied tirelessly for the passage of legislation that allowed for the establishment of the National Law Enforcement Officers Memorial and will work just as hard for this legislation, which when completed will truly complement each other.

The Memorial serves as a reminder to the law enforcement community and the law-abiding public the sacrifice made on a daily basis by our nation's law enforcement officers and their loved ones.

The museum will serve as the most comprehensive law enforcement museum and research facility in the world. It will help create a better understanding of the law enforcement mission and will assist in bringing the police and the public closer together.

I appreciate your continued support of the law enforcement community.

Sincerely,

ROBERT T. SCULLY,
Executive Director.

NATIONAL TROOPERS COALITION,
Albany, NY., July 19, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the over 40,000 members of the National Troopers Coalition, I wish to thank you for your sponsorship of legislation that will create a National Law Enforcement Museum on Federal land directly across the street from the National Law Enforcement Officers Memorial.

This museum, in combination with the National Law Enforcement Officers Memorial, will pay tribute to law enforcement as a profession, as well as educate the public on the duties performed by the public servants who have sworn to protect the Constitution and the communities they serve. The research component alone, in conjunction with established Federal resources, should serve all of law enforcement as the premier source of information for operational and training purposes.

The site being considered is a natural setting for this museum and would no doubt enhance those Federal and District of Columbia facilities located nearby.

In closing, I would like to thank you for your leadership in introducing this legislation, as well as your support for State Troopers/Highway Patrolmen and their families. Your concern for them is deeply appreciated. If I or another member of the National Troopers Coalition can assist you, please don't hesitate to contact us.

Sincerely:

MIKE MUTH,
1st Vice Chairman.

FEDERAL LAW ENFORCEMENT
OFFICERS ASSOCIATION,
East Northport, NY, July 23, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senator,
Russell Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the more than 16,000 members of the Federal Law Enforcement Officers Association (FLEOA). I wish to express FLEOA's strong support for legislation establishing a National Law Enforcement Museum on Federal land located directly across the street from the National Law Enforcement Officers Memorial (NLEOM). FLEOA thanks you for your support.

This legislation creates the largest and most comprehensive law enforcement museum and research facility, at no cost to the taxpayer as all funds necessary to complete the construction will be raised through private donations. We sincerely believe the museum and research facility will enable the public to better understand and appreciate the work of law enforcement, and thus further assist law enforcement in fighting crime. The proposed location, across the street from the Memorial Wall containing the names of nearly 15,000 American law enforcement heroes, is ideal. FLEOA, as a member of the NLEOM Executive Board, fully supports this concept and proposed legislation.

If you have any questions or need further information, please feel free to contact me directly at (212) 264–8400, or through feel free to contact me directly at (516) 368–6117. Thank you for your support.

RICHARD J. GALLO,
President.

NATIONAL BLACK POLICE
ASSOCIATION,
Washington, DC, July 21, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: The National Black Police Association was created in 1972 as a network between minority officers across the country. The NBPA fosters a bond between the minority officers and their communities. This nonprofit organization has helped to improve relations between the police departments and the community.

I am writing on behalf of the National Law Enforcement Memorial Fund to formally request that you introduce legislation authorizing the NLEOMF to establish a National Law Enforcement Museum on Federal land located directly across the street from the National Law Enforcement Officers Memorial.

The goal of the NLEOMF is to create the largest and most comprehensive law enforcement museum and research facility found anywhere in the world. The museum will become ''the source'' of information on issues related to law enforcement history and safety. This facility would help to create a much better public understanding of and appreciation for the law enforcement profession and the work that they perform at great personal risk.

The museum site that is specified in this draft legislation is federally-owned land that is currently being used by the District of Columbia as a parking lot for the court buildings in the area. Therefore, we hope that you give our request favorable consideration. The museum will become a legacy which that we all would be extremely proud.

Sincerely,

WENDELL M. FRANCE,
Chairperson.

NATIONAL LAW
ENFORCEMENT COUNCIL,
Washington, DC, July 21, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: As an honorary board member of the National Law Enforcement Officers' Memorial I am pleased to endorse plans for a museum facility on the grounds of the NLEOM. We strongly encourage you and your colleagues in the Congress to support our efforts. The land on which we wish to build our museum is locate on federal land and is located directly across from the Memorial. It requires the approval of Congress.

A Joint Resolution for the building of our Memorial (PL 98–534) was approved by the Congress and signed into law in 1991. We understand a similar Joint Resolution is required for the transfer of the public land in question, which is the site selected for the museum.

We are grateful for your interest and help in the introduction of the necessary legislation which would allow the NLEOMF to build their museum on federal land across from their Museum.

Kindest regards.

Sincerely yours,

DONALD BALDWIN.

UNITED FEDERATION OF
POLICE OFFICERS, INC.,
Briarcliff Manor, NY, July 2, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
Washington, DC.

DEAR SENATOR CAMPBELL: As a member of the National Law Enforcement Memorial Fund's Board of Directors, I am writing to formally request you introduce legislation authorizing our organization to establish the National Law Enforcement Museum on Federal Land located directly across the street from the National Law Enforcement Officers Memorial. It is my understanding that you have received a draft of the proposed legislation from our Executive Director Craig Floyd.

The goal is to create the largest and most comprehensive law enforcement museum and research facility found anywhere in the world. The museum will become the source of information on issues related to law enforcement history and safety. This facility would create a much better public understanding of and appreciation for the law enforcement profession and the work that they perform at great personal risk. The museum and research facility would also serve as an important tool for policy makers and law enforcement trainers in their efforts to make the profession safer and more effective. This museum facility work provide an effective and appropriate complement to the National Law Enforcement Officers Memorial in commemorating the extraordinary level of service and sacrifice provided throughout our history by our nation's law enforcement officers.

Therefore, on behalf of our active, retired, and associate members, I urge you to shepherd this legislation through the United States Congress so this dream will become a reality.

Sincerely,

RALPH M. PURDY,
President.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, July 20, 1999.

Re: National Law Enforcement Officers' Memorial—National Law Enforcement Museum Legislation.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senator, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the National Sheriffs' Association—representing the Office of Sheriff and the public safety community in law enforcement, jails, and judicial and court services—I write to express our organization's wholehearted support for the establishment of a National Law Enforcement Museum in Washington, D.C.

Your background as a law enforcement officer and your advocacy on behalf of the public safety community are respected and appreciated by the NSA constituency, and I assure you that—as a proud and dedicated member of the Executive Committee and Board of Directors for the National Law Enforcement Officers' Memorial—I will work hard with NSA's leadership to assist you in any way we can in furtherance of your proposed legislation for the Museum.

NSA supports all legislation for the betterment of our citizenry and the public safety community. The old motto *To Protect and Serve* would be enshrined in a museum such as that proposed and would preserve law enforcement's historical roots. Accordingly, the National Sheriffs' Association would welcome the privilege to work closely with you on this honorable endeavor.

Sincerely,

A.N. MOSER, JR.,
Executive Director.

NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES,

Alexandria, VA, July 19, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Bldg., Washington, DC.

DEAR SENATOR CAMPBELL: The National Organization of Black Law Enforcement Executives (NOBLE), applauds your efforts to honor the law enforcement officers who have protected, and those who protect our communities by introducing legislation to create the National Law Enforcement Museum.

NOBLE is an organization of over 3,500 primarily African-American law enforcement CEO's and command level officials who are committed to improving the quality of law enforcement service in this country through training, professional competence, personal example and by forming meaningful partnerships with the community.

NOBLE is a member of the board of directors of the National Law Enforcement Memorial Fund, and as such, supports the proposed National Law Enforcement Museum to be located on the isle of a parking lot in Judiciary Square, just south of the National Enforcement Officers Memorial in Washington, D.C.

The nation's memorial to law enforcement officers who have made the supreme sacrifice is unfortunately a perpetual memorial with an average of 150 names inscribed on the memorial walls each year. The memorial serves as a place where the families, friends and coworkers can find peace and solace as they cope with the loss of ''their'' officer.

Many of these visitors leave mementos that are catalogued and stored in the memorial offices. Other important items relating to law enforcement are also sent to the memorial offices. The memorial office is not an appropriate location to display these remembrances. We believe that these items should be displayed with the dignity they deserve. The National Law Enforcement Museum would compliment the memorial by not only telling the story of the courage and sacrifice of the individual officers ''on the wall'' but also the evolution of the law enforcement profession.

Besides the historical component, the museum would include a research center. This is a logical progression for the NLEOMF as the center would provide the opportunity to focus law enforcement historical and safety information at one location.

Fiscally, NOBLE believes that the National Law Enforcement Museum is a good investment for the nation. The NLEOMF is committed to this memorial and we have the capacity to construct the memorial through private donations.

The NLEOMF will partner with Secretary of the Interior and the Administrator of the General Services Administration for the maintenance of the building and grounds and the NLEOMF would operate the museum. The D.C. Supreme Court has already given its support for the museum.

We trust that Congress will act on this legislation expeditiously and turn this barren parking lot into living facility, that will meld the past, the present and the future of law enforcement with the memories of those whose names are engraved on the walls of the companion memorial.

Sincerely,

ROBERT L. STEWART,
Executive Director.

By Mr. FEINGOLD (for himself, Mr. HARKIN, and Mr. WELLSTONE):

S. 1439. A bill to terminate production under the D5 submarine-launched ballistic missile program; to the Committee on Armed Services.

TRIDENT II (D–5) MISSILE PRODUCTION LIMITATION ACT

Mr. FEINGOLD. Mr. President, I come to the floor today to introduce a bill whose time has come.

Mr. President, it is a decade since the Berlin Wall came down, heralding the end of the Cold War. Since then, we have reduced our nuclear arsenal, as have the Russians. And our Navy is advocating to downsize the Trident nuclear submarine fleet, the cornerstone of our nuclear triad strategy. It's just common sense to limit future production of weapons deployed in those submarines.

The bill I introduce today would terminate future production of the Trident II missile. In doing so, this common sense bill would save American taxpayers $5 billion over the next five years, and more than $13 billion over the next ten years.

Mr. President, the Trident II, or D–5 missile, is the Navy's submarine-launched ballistic missile (SLBM). The missile is a Cold War relic that was designed specifically to be a first-strike strategic missile that would attack targets inside the Soviet Union from waters off the continental United States.

The Trident II is deployed aboard Ohio-class nuclear submarines in the order of 24 per boat. Each missile is loaded with 8 independently targetable, nuclear warheads. In other words, 192 warheads per submarine. The warheads bear 300- to 475-kilotons of explosive power. Doing the math, that equals up to 91,200 kilotons of warheads on each and every Trident submarine.

Mr. President, the truth of the matter is we all know that one submarine firing 192 warheads could bring about an apocalypse on this planet. Needless to say, 18, 14, or even 10 submarines with that kind of firepower is beyond necessity. This is especially true if one considers that in addition to, yes, in addition to the SLBMS, the United States deploys 500 Minuteman III intercontinental ballistic missiles with three warheads each; 50 Peacekeeper ICBMs with 10 warheads each; and 94 B–52 and 21 B–2 bombers capable of carrying strategic nuclear warheads.

Mr. President, the United States is building or possesses, right now, 360 Trident II missiles. Current plans would have us purchase 65 more missiles through 2005. The 360 missiles we already own are more than enough to fully arm the ten existing Trident II-armed submarines as well as maintain an adequate test flight program. We simply do not need 65 more missiles. Nor do we need to backfit four Trident I, or C4, missile carrying submarines to carry Trident IIs, especially when one considers that the C4 submarines won't even outlast the Trident I missiles they carry.

I'd like to briefly inform my colleagues on the difference between the Trident I and Trident II missiles. According to CBO, the C4 has an accuracy shortage of about 450 feet compared to the D5, or the distance from where the presiding officer is sitting right now to where the Speaker of the House is sitting down the hall. Given the fact that either missile could utterly destroy the District of Columbia many times over, spending billions of dollars to backfit the C4 submarines seems unnecessary.

And this is not an inexpensive program, Mr. President. According to the Congressional Budget Office, which recommends that we discontinue production of the Trident II and retire all eight C4 submarines, if we terminate production of the missile after this year and retire the C4s by 2005, we would save more than $5 billion over five years, and more than $13 billion over the next ten years. Even here in the Senate, that's real money.

Mr. President, I am not naive enough to believe that Russia's deteriorating infrastructure has eliminated the threat of their ballistic missile capability. And given the missile technology advances in China, North Korea, and Iran, and attempts by rogue states to buy intercontinental ballistic missiles, it is imperative that we maintain a deterrent to ward off this threat. There is still an important role for strategic nuclear weapons in our arsenal. Their role, however, is diminished dramatically from what it was in the past, and our missile procurement decisions should reflect that change.

Mr. President, of our known potential adversaries, only Russia and China even possess ballistic missile-capable submarines. China's one ballistic missile capable submarine is used solely as a test platform. Russia is the only potential adversary with a credible SLBM force, and its submarine capabilities have deteriorated significantly or remain far behind those of our Navy. Due to Russia's continued economic hardships, they continue to cede ground to us in technology and training. Reports even contend that Russia is having trouble keeping just one or two of its strategic nuclear submarines operational. According to General Eugene E. Habiger, USAF (Ret.) and former commander in chief of the U.S. Strategic Command, Moscow's ''sub fleet is belly-up.''

Mr. President, Russia's submarine fleet has shrunk from more than 300 vessels to about 100. Even Russia's most modern submarines can't be used to full capability because Russia can't adequately train its sailors. Clearly, the threat is diminishing.

Mr. President, earlier this year, Admiral Jay Johnson, the Chief of Naval Operations, went before the Senate Armed Services Committee and stated unequivocally that the Pentagon believes that 14 Trident submarines is adequate to anchor the sea-based corner of the nuclear triad. Based on that testimony, the committee put forward a Department of Defense authorization bill supporting the Navy's plan. Common sense would dictate that fewer submarines warrant fewer missiles. The threat is diminishing; the Navy knows it and the Congress knows it.

The Navy's plan, with the Senate's agreement, to downsize our Trident submarine fleet saves valuable resources and allows us to reach START II arms levels for our SLBMs, and moves us toward future arms reduction treaties. By going with ten boats, the Navy could meet essential requirements under START II today and the anticipated requirements under a START III framework tomorrow.

And ultimately, Mr. President, the United States' leadership in reducing our nuclear stockpile shows our good faith, and will make Russia's passage of a START II treaty more likely.

This strategy of reducing our nuclear stockpile is supported widely by some of our foremost military leaders. General George Lee Butler, former commander in chief of the U.S. Strategic Command, and an ardent advocate of our deterrent force during the Cold War, has said that ''With the end of the Cold War, these weapons are of sharply reduced utility, and there is much to be gained by substantially reducing their numbers.'' I believe we should heed his words.

Mr. President, more than anything else, this issue comes down to a question of priorities. Do we want to spend $13 billion over the next ten years to purchase unnecessary Trident II missiles, or do we want to use that money to address readiness concerns that we've talked a lot about but haven't addressed adequately?

Mr. President, for the past year, we've heard the call to address our military's readiness crisis from virtually all quarters. We were told that foremost among the readiness shortfalls were operations and maintenance as well as pay and allowances accounts.

A preliminary General Accounting Office report on recruitment and retention found that issues like a lack of spare parts; concerns with the health care system; increased deployments; and dissatisfaction with military leaders have at least as much effect on retention, if not more, than a pay raise.

And the Pentagon concurs. Last September, General Henry Shelton, Chairman of the Joint Chiefs, stated that ''without relief, we will see a continuation of the downward trends in readiness . . . and shortfalls in critical skills.'' Army Chief of Staff General Dennis Reimer claimed that the military faces a ''hollow force'' without increased readiness spending. Chief of Naval Operations Admiral Jay Johnson asserted that the Navy has a $6 billion readiness deficit.

To address the readiness shortfall, Mr. President, the Congress passed an emergency supplemental appropriations bill. The bill spent close to $9 billion, but just $1 billion of it went to address the readiness shortfall. Priorities, Mr. President.

And last month, on the Defense appropriations bill, a couple of Senators inserted an amendment, without debate, to take $220 million from vital Army and Air Force spare parts and repair accounts, and from the National Guard equipment account to buy planes. Planes that the Pentagon doesn't even want. Sponsors of the amendment admitted readily that this was done for the benefit of a company that had lost a multi-billion dollar contract with a foreign country. Priorities, Mr. President.

This bill makes sense now and for the future by saving vital defense dollars now and for years to come, and by stimulating the arms treaty dialogue.

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. 1439

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

SECTION 1. TERMINATION OF D5 SUBMARINE-LAUNCHED BALLISTIC MISSILE PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate production of D5 submarine ballistic missiles under the D5 submarine-launched ballistic missile program.

(b) PAYMENT OF TERMINATION COSTS.—Funds available on or after the date of the enactment of this Act for obligation for the D5 submarine-launched ballistic missile program may be obligated for production under that program only for payment of the costs associated with the termination of production under this Act.

(c) INAPPLICABILITY TO MISSILES IN PRODUCTION.—Subsections (a) and (b) do not apply to missiles in production on the date of the enactment of this Act.

By Mr. GRAMM (for himself, Mr. LOTT, and Mr. MCCONNELL):

S. 1440. A bill to promote economic growth and opportunity by increasing the level of visas available for highly specialized scientists and engineers and by eliminating the earnings penalty on senior citizens who continue to work after reaching retirement age; to the Committee on Finance.

NEW WORKERS FOR ECONOMIC GROWTH ACT

Mr. GRAMM. Mr. President, today I am joined by Senators LOTT and MCCONNELL in introducing the New Workers for Economic Growth Act, which will increase the number of H–1B temporary work visas used by U.S. companies to recruit and hire foreign workers with very specialized skills, particularly in high technology fields. In addition, the legislation eliminates the reduction in Social Security benefits now imposed on individuals aged 65 through 69 who continue to work and whose earnings exceed $15,500 annually. This bill will ensure that the U.S. economic expansion will not be impeded by a lack of skilled workers.

With record low unemployment, many U.S. companies have been forced to slow their expansion, or cancel projects, and may be forced to move their operations overseas because of an inability to find qualified individuals to fill job vacancies. We will achieve our full economic potential only if we ensure that high-technology companies can find and hire the people whose unique qualifications and specialized skills are critical to America's future success.

Last year, the Congress increased temporarily the number of annual H–1B visas from 65,000 to 115,000 for Fiscal Years 1999 and 2000, and to 107,500 in 2001. The number of H–1B visas is scheduled to drop back to 65,000 for Fiscal Year 2002 and subsequent years. The New Workers for Economic Growth Act will increase the H–1B visa cap to 200,000 for Fiscal Years 2000, 2001 and 2002. By the end of that period, we will have the data we need to make an informed decision on the number of such visas required beyond 2002. The bill retains the language of current law which protects qualified U.S. workers from being displaced by H–1B visa holders.

According to a recent study by the American Electronics Association (AEA), Texas has the fastest growing high technology industry in the country and is second only to California in the number of high technology workers. This legislation will ensure that these companies have access to highly skilled, specialized workers, in order that such businesses can continue to grow and prosper, and in doing so, create jobs and opportunity for U.S. workers.

Additionally, our bill expands work opportunities for America's retired senior citizens by removing the financial penalty which is now imposed on those who choose to continue to work while receiving Social Security and whose wages exceed specified levels. The Social Security earnings test robs senior citizens of their money, their dignity, and their right to work, and it robs our Nation of their talent and wisdom. I believe that this legislation represents a fair and effective way to address a critical need in our Nation's economy, and I hope my colleagues will quickly approve this important proposal.

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

S. 1441. A bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEE RETIREMENT CONTRIBUTIONS ACT OF 1999

Mr. SARBANES. Mr. President, I am pleased to join with my colleagues, Senators MIKULSKI, WARNER, ROBB and AKAKA, in introducing the Federal Employee Retirement Contributions Act of 1999. This bill would return Federal employee retirement contribution rates to their 1998 levels, effective January 1st, 2000.

Mr. President, in the 1997 Budget Reconciliation bill, as part of the deficit reduction effort, Congress enacted temporary increases in Federal employee retirement contribution rates. In order to meet its fiscal year 1998 reconciliation instructions, the Governmental Affairs Committee reluctantly agreed to phased-in, temporary increases in employee retirement payments of .5 percent through December 31, 2002.

The 1997 provision effectively takes retirement contribution rates under the Civil Service Retirement System (CSRS) from 7 percent to 7.5 percent and under the Federal Employee Retirement System (FERS) from .8 percent to 1.3 percent. Rates are to return to 7 percent and .8 percent respectively in 2003.

Mr. President, the sole rationale for this additional tax on Federal employee income in 1997 was to achieve deficit reduction. It is important to point out that Federal employees received no additional benefits from their increased contributions. Thus, the size of a Federal employee's retirement annuity is not greater because of their increased contributions. Instead, these contribution increases were merely one of several measures included in the Balanced Budget Act in order to raise revenues and reduce the deficit.

The goal of deficit reduction is being realized, and after 30 years of spiraling deficits the economy is now strong and the budget has been balanced. With budget surpluses projected for the near future, the rationale for increasing Federal employees' retirement contribution is no longer valid.

During the past weeks as tax cut proposals have begun moving in the Senate, I have worked to repeal the increased contributions as part of these proposals. While the Majority's tax cut packages would grant billions of dollars in tax relief over the next ten years, and even more in future years, the bill proposals fail to remove the burden that was placed on Federal employees under the Balanced Budget Act.

Mr. President, if we are going to move forward with tax reduction proposals, it is my strong view that we should first make certain that Federal employees, who were singled out to bear an additional burden in the deficit reduction effort, are relieved of that burden. Federal employees should not be forced to continue to contribute more than their fair share, at a time when others are having their taxes reduced.

As of January 1, 1999, half of the .5 percent increase (.25 percent) has already taken effect. Unless action is taken, an additional .15 percent will be deducted from Federal employees' salaries for their retirement on January 1, 2000, followed by .10 percent more in 2001. In these times of strong economic growth, Federal workers should no longer be required to carry this additional burden.

Federal employees were asked to make numerous sacrifices in order to contribute to our Nation's fiscal health. In addition to the increase in retirement contributions, the Federal Government has cut approximately 330,000 employees from its rolls and delayed statutory pay raises over the last several years. Certainly, these were substantial contributions to our country's economy and have helped us turn the corner toward the bright economic future that is now predicted. As we consider how to best utilize projected budget surpluses, we should first remove this burden from Federal employees who have already contributed so much. Repealing the increases in Federal employee retirement contributions is the fair thing to do.

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. 1441

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 ''Federal Employee Retirement Contributions Act of 1999''.

SEC. 2. DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—The table under section 8334(c) of title 5, United States Code, is amended—

(1) in the matter relating to an employee by striking:

''7.4	January 1, 2000, to December 31, 2000.
7.5	January 1, 2001, to December 31, 2002.
7	After December 31, 2002.'';

and inserting the following:

''7	After December 31, 1999.'';

(2) in the matter relating to a Member or employee for Congressional employee service by striking:

''7.9	January 1, 2000, to December 31, 2000.
8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002.'';

and inserting the following:

''7	After December 31, 1999.'';

(3) in the matter relating to a Member for Member service by striking:

''8.4	January 1, 2000, to December 31, 2000.
8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.'';

and inserting the following:

''8	After December 31, 1999.'';

(4) in the matter relating to a law enforcement officer for law enforcement service and firefighter for firefighter service by striking:

''7.9	January 1, 2000, to December 31, 2000.
8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002.'';

and inserting the following:

''7.5	After December 31, 1999.'';

(5) in the matter relating to a bankruptcy judge by striking:

''8.4	January 1, 2000, to December 31, 2000.
8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.'';

and inserting the following:

''8	After December 31, 1999.'';

(6) in the matter relating to a judge of the United States Court of Appeals for the Armed Forces for service as a judge of that court by striking:

''8.4	January 1, 2000, to December 31, 2000.
8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.'';

and inserting the following:

''8	After December 31, 1999.'';

(7) in the matter relating to a United States magistrate by striking:

''8.4	January 1, 2000, to December 31, 2000.
8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.'';

and inserting the following:

''8	After December 31, 1999.'';

(8) in the matter relating to a Court of Federal Claims judge by striking:

''8.4	January 1, 2000, to December 31, 2000.
8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.'';

and inserting the following:

''8	After December 31, 1999.'';

(9) in the matter relating to the Capitol Police by striking:

''7.9	January 1, 2000, to December 31, 2000.
8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002.''.

and inserting the following:

''7.5	After December 31, 1999.'';

and

(10) in the matter relating to a nuclear material courier by striking:

''7.9	January 1, 2000, to December 31, 2000.

	8	January 1, 2001, to December 31, 2002.
	7.5	After December 31, 2002.''.

and inserting the following:

	''7.5	After December 31, 1999.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8422(a) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) The applicable percentage under this paragraph for civilian service shall be as follows:

''Employee	7	January 1, 1987, to December 31, 1998.
	7.25	January 1, 1999, to December 31, 1999.
	7	After December 31, 1999.
Congressional employee.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.5	After December 31, 1999.
Member	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.5	After December 31, 1999.
Law enforcement officer, firefighter, member of the Capitol Police, or air traffic controller.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.5	After December 31, 1999.
Nuclear materials courier.	7	January 1, 1987, to the day before the date of enactment of the strom Thurmond National Defense Authorization Act for Fiscal Year 1999.
	7.75	The date of enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.5	After December 31, 1999.''.

SEC. 3. CONFORMING AMENDMENTS RELATING TO MILITARY AND VOLUNTEER SERVICE UNDER FERS.

(a) MILITARY SERVICE.—Section 8422(e)(6) of title 5, United States Code, is amended to read as follows:

''(6) The percentage of basic pay under section 204 of title 37 payable under paragraph (1), with respect to any period of military service performed during January 1, 1999, through December 31, 1999, shall be 3.25 percent.''.

(b) VOLUNTEER SERVICE.—Section 8422(f)(4) of title 5, United States Code, is amended to read as follows:

''(4) The percentage of the readjustment allowance or stipend (as the case may be) payable under paragraph (1), with respect to any period of volunteer service performed during January 1, 1999, through December 31, 1999, shall be 3.25 percent.''.

SEC. 4. OTHER FEDERAL RETIREMENT SYSTEMS.

(a) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—

(1) DEDUCTIONS, WITHHOLDINGS, AND DEPOSITS.—Section 7001(c)(2) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 659) is amended to read as follows:

''(2) INDIVIDUAL DEDUCTIONS, WITHHOLDINGS, AND DEPOSITS.—Notwithstanding section 211(a)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)(1)) beginning on January 1, 1999, through December 31, 1999, the percentage deducted and withheld from the basic pay of an employee participating in the Central Intelligence Agency Retirement and Disability System shall be 7.25 percent.''.

(2) MILITARY SERVICE.—Section 252(h)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(h)(1)(A)), is amended to read as follows:

''(h)(1)(A) Each participant who has performed military service before the date of separation on which entitlement to an annuity under this title is based may pay to the Agency an amount equal to 7 percent of the amount of basic pay paid under section 204 of title 37, United States Code, to the participant for each period of military service after December 1956; except, the amount to be paid for military service performed beginning on January 1, 1999, through December 31, 1999, shall be 7.25 percent of basic pay.''.

(b) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(d)(2) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 660) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) IN GENERAL.—Notwithstanding section 805(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)(1)), beginning on January 1, 1999, through December 31, 1999, the amount withheld and deducted from the basic pay of a participant in the Foreign Service Retirement and Disability System shall be 7.25 percent.

''(B) FOREIGN SERVICE CRIMINAL INVESTIGATORS/INSPECTORS OF THE OFFICE OF THE INSPECTOR GENERAL, AGENCY FOR INTERNATIONAL DEVELOPMENT.—Notwithstanding section 805(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)(2)), beginning on January 1, 1999, through December 31, 1999, the amount withheld and deducted from the basic pay of an eligible Foreign Service criminal investigator/inspector of the Office of the Inspector General, Agency for International Development participating in the Foreign Service Retirement and Disability System shall be 7.75 percent.''.

(2) CONFORMING AMENDMENT.—Section 805(d)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4045(d)(1)) is amended in the table in the matter following subparagraph (B) by striking:

''January 1, 1970, through December 31, 1998, inclusive.	7
January 1, 1999, through December 31, 1999, inclusive.	7.25
January 1, 2000, through December 31, 2000, inclusive.	7.4
January 1, 2001, through December 31, 2002, inclusive.	7.5
After December 31, 2002.	7''.

and inserting the following:

''January 1, 1970, through December 31, 1998, inclusive.	7
January 1, 1999, through December 31, 1999, inclusive.	7.25
After December 31, 1999.	7.''.

(c) FOREIGN SERVICE PENSION SYSTEM.—

(1) IN GENERAL.—Section 856(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071e(a)(2)) is amended to read as follows:

''(2) The applicable percentage under this subsection shall be as follows:

''7.5	Before January 1, 1999.
7.75	January 1, 1999, to December 31, 1999.
7.5	After December 31, 1999.''.

(2) VOLUNTEER SERVICE.—Section 854(c)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4071c(c)(1)) is amended by striking all after ''volunteer service;'' and inserting ''except, the amount to be paid for volunteer service beginning on January 1, 1999, through December 31, 1999, shall be 3.25 percent.''.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on December 31, 1999.

By Mr. REED.

S. 1442. A bill to provide for the professional development of elementary and secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

PROFESSIONAL DEVELOPMENT REFORM ACT

Mr. REED. Mr. President, I rise today to introduce the Professional Development Reform Act to strengthen and improve professional development for teachers and administrators.

I have long worked to improve the quality of teaching in America's classrooms for the simple reason that well-trained and well-prepared teachers are central to improving the academic performance and achievement of students.

Last Congress, I introduced the TEACH Act to reform the way our prospective teachers are trained. The TEACH Act sought to foster partnerships among teacher colleges, schools of arts and sciences, and elementary and secondary schools.

Such partnerships were a central recommendation of the National Commission on Teaching and America's Future to reform teacher training, and I was pleased that my legislation was included in the renewed teacher training title of the Higher Education Act Amendments of 1998.

As Congress turns to the reauthorization of the Elementary and Secondary Education Act, the focus shifts to new teachers and teachers already in the classroom.

Mr. President, the legislation I introduce today would reform professional development, which too often consists of fragmented, one-shot workshops, at which teachers passively listen to experts and are isolated from the practice of teaching.

We don't expect students to learn their ''ABCs'' after one day of lessons, and we shouldn't expect a one-day professional development workshop to yield the desired result.

Research shows that such professional development fails to improve or even impact teaching practice.

Moreover, a recent survey of teachers found that professional development is too short term and lacks intensity. In 1998, participation in professional development programs typically lasted from 1 to 8 hours—the equivalent of only a day or less.

As a consequence, only about 1 in 5 teachers felt very well prepared for addressing the needs of students with

limited English proficiency, those from culturally diverse backgrounds, and those with disabilities, or integrating educational technology into the curriculum.

Instead, research shows that effective professional development approaches are sustained, intensive activities that focus on deepening teachers knowledge of content; allow teachers to work collaboratively; provide opportunities for teachers to practice and reflect upon their teaching; are aligned with standards and embedded in the daily work of the school; and involve parents and other community members.

Such high-quality professional development improves student achievement. Indeed, a 1998 study in California found that the more teachers were engaged in ongoing, curriculum-centered professional development, holding school conditions and student characteristics constant, the higher their students' mathematics achievement on the state's assessment.

Community School District 2 in New York City is one district which has seen its investment in sustained, intensive professional development pay off with increases in student achievement. Professional development in District 2 is delivered in schools and classrooms and focused on system-wide instructional improvement, with intensive activities such as observation of exemplary teachers and classrooms both inside and outside the district, supervised practice, peer networks, and offsite training opportunities.

Unfortunately, a recent national evaluation of the Eisenhower Professional Development program found that the majority of professional development activities in the six districts studied did not follow such a sustained and intensive approach.

And, in a recent article in the Providence Journal, some teachers noted that professional development for them has revolved around sitting and listening to experts talk about standards, rather than working closely with teachers and students to refine new methods of teaching those standards.

Unlike the bill passed last week in the other body which would do little to address these issues or change professional development, my legislation would create a new formula program for professional development that is sustained, collaborative, content-centered, embedded in the daily work of the school, and aligned with standards and school reform efforts.

To achieve this enhanced professional development, the legislation funds the following activities: mentoring; peer observation and coaching; curriculum-based content training; dedicated time for collaborative lesson planning; opportunities for teachers to visit other classrooms to model effective teaching practice; training on integrating technology into the curriculum, addressing the specific needs of diverse students, and involving parents; professional development networks to provide a forum for interaction and exchange of information among teachers and administrators; and release time and compensation for mentors and substitute teachers to make these activities possible.

The Professional Development Reform Act also requires partnerships between elementary and secondary schools and institutions of higher education for providing training opportunities, including advanced content area courses and training to address teacher shortages. In fact, preliminary U.S. Department of Education data show that the Eisenhower Professional Development activities sponsored by institutions of higher education are most effective.

My legislation will also provide funding for skills and leadership training for principals and superintendents, as well as mentors. Indeed, ensuring that our principals have the training and support to serve as instructional leaders is critical, as is ensuring that mentors have the skills necessary to help our newest teachers and other teachers who need assistance in the classroom.

Funding is targeted to Title I schools with the highest percentages of students living in poverty, where improvements in professional development are needed most.

My legislation does not eliminate the Eisenhower program, but it does require that Eisenhower and other federal, state, and local professional development funds be coordinated and used in the manner described in our bill—on professional development activities that research shows works.

In addition, the Professional Development Reform Act offers resources but it demands results. Strong accountability provisions require that school districts and schools which receive funding actually improve student performance and increase participation in sustained professional development in three years in order to secure additional funding.

In sum, my legislation seeks to ensure that new teachers have the support they need to be successful teachers, that all teachers have access to high quality professional development regardless of the content areas they teach, and that the professional development does not isolate teachers, but rather is part of a coordinated and comprehensive strategy aligned with standards.

Not only does the research bear this out as the way to improve teaching practice and student learning, but education leaders in my home state of Rhode Island, as well as witnesses at a recent Health, Education, Labor, and Pensions Committee hearing stressed the importance of this type of professional development.

Mr. President, the time for action is now as schools must hire an estimated 2.2 million new teachers over the next decade due to increasing enrollments, the retirement of approximately half of our current teaching force, and high attrition rates.

Ensuring that teachers have the training, assistance, and support to increase student achievement and sustain them throughout their careers is a great challenge. But we must meet and overcome this challenge if we are to reform education and prepare our children for the 21st Century.

The Professional Development Reform Act, by increasing our professional development investment and focusing it on the kind of activities and opportunities for teachers and administrators that research shows is effective, is critical to this effort.

I urge my colleagues to join me in this essential endeavor by cosponsoring this legislation and working for its inclusion in the reauthorization of the Elementary and Secondary Education Act.

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

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

S. 1442

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

SECTION 1. PROFESSIONAL DEVELOPMENT.

(a) SHORT TITLE.—This section may be cited as the ''Professional Development Reform Act''.

(b) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part F; and

(2) by inserting after part D the following:

''PART E—PROFESSIONAL DEVELOPMENT

''SEC. 2351. PURPOSES.

''The purposes of this part are as follows:

''(1) To improve the academic achievement of students by providing every student with a well-prepared teacher.

''(2) To provide every new teacher with structured support, including a qualified and trained mentor, to facilitate the transition into successful teaching.

''(3) To ensure that every teacher is given the assistance, tools, and professional development opportunities, throughout the teacher's career, to help the teacher teach to the highest academic standards and help students succeed.

''(4) To provide training to prepare and support principals to serve as instructional leaders and to work with teachers to create a school climate that fosters excellence in teaching and learning.

''(5) To transform, strengthen, and improve professional development from a fragmented, one-shot approach to sustained, high quality, and intensive activities that—

''(A) are collaborative, content-centered, standards-based, results-driven, and embedded in the daily work of the school;

''(B) allow teachers regular opportunities to practice and reflect upon their teaching and learning; and

''(C) are responsive to teacher needs.

''SEC. 2252. DEFINITIONS.

''In this part:

''(1) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means effective professional development that—

''(A) is sustained, high quality, intensive, and comprehensive;

''(B) is content-centered, collaborative, school-embedded, tied to practice, focused on student work, supported by research, and aligned with and designed to help elementary school or secondary school students

meet challenging State content standards and challenging State student performance standards;

''(C) includes structured induction activities that provide ongoing and regular support to new teachers in the initial years of their careers;

''(D) includes sustained in-service activities to improve elementary school or secondary school teaching in the core academic subjects, to integrate technology into the curriculum, to improve understanding and the use of student assessments, to improve classroom management skills, to address the specific needs of diverse students, including limited English proficient students, individuals with disabilities, and economically disadvantaged individuals, and to encourage and provide instruction on how to work with and involve parents to foster student achievement; and

''(E) includes sustained onsite training opportunities that provide active learning and observational opportunities for elementary school or secondary school teachers to model effective practice.

''(2) ADMINISTRATOR.—The term 'administrator' means a school principal or superintendent.

''SEC. 2353. STATE ALLOTMENT OF FUNDS.

''From the amount appropriated under section 2361 that is not reserved under section 2360 for a fiscal year, the Secretary shall make an allotment to each State educational agency having an application approved under section 2354 in an amount that bears the same relation to the amount appropriated under section 2361 that is not reserved under section 2360 for the fiscal year as the amount the State educational agency received under part A of title I for the fiscal year bears to the amount received under such part by all States for the fiscal year.

''SEC. 2354. STATE APPLICATIONS.

''Each State educational agency desiring an allotment under section 2353 for a fiscal year shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require. The application shall include—

''(1) a description of the strategy to be used to implement State activities described in section 2355;

''(2) a description of how the State educational agency will assist local educational agencies in transforming, strengthening, and improving professional development;

''(3) a description of how the activities described in section 2355 and the assistance described in paragraph (2) will assist the State in achieving the State's goals for comprehensive education reform, will help all students meet challenging State content standards and challenging State student performance standards, and will help all teachers meet State standards for teaching excellence;

''(4) a description of the manner in which the State educational agency will ensure, consistent with the State's comprehensive education reform plan policies, or statutes, that funds provided under this part will be effectively coordinated with all Federal and State professional development funds and activities, including funds and activities under this title, titles I, III, VI, and VII, title II of the Higher Education Act of 1965, section 307 of the Department of Education Appropriations Act, 1999, and the Goals 2000: Educate America Act; and

''(5) a description of—

''(A) how the State educational agency will collect and utilize data for evaluation of the activities carried out by local educational agencies under this part, including collecting baseline data in order to measure changes in the professional development opportunities provided to teachers and measure improvements in teaching practice and student performance; and

''(B) the specific performance measures the State educational agency will use to determine the need for technical assistance described in section 2355(2) and to make a continuation of funding determination under section 2358.

''SEC. 2355. STATE ACTIVITIES.

''From the amount allotted to a State educational agency under section 2353 for a fiscal year, the State educational agency—

''(1) shall reserve not more than 5 percent to support, directly or through grants to or contracts with institutions of higher education, educational nonprofit organizations, professional associations of administrators, or other entities that are responsive to the needs of administrators and teachers, programs that—

''(A) provide effective leadership training—

''(i) to encourage highly qualified individuals to become administrators; and

''(ii) to develop and enhance instructional leadership, school management, parent involvement, mentoring, and staff evaluation skills of administrators; and

''(B) provide effective leadership and mentor training—

''(i) to encourage highly qualified and effective teachers to become mentors; and

''(ii) to develop and enhance the mentoring and peer coaching skills of such qualified and effective teachers;

''(2) may reserve not more than 2 percent for providing technical assistance and dissemination of information to schools and local educational agencies to help the schools and local educational agencies implement effective professional development activities that are aligned with challenging State content standards, challenging State student performance standards, and State standards for teaching excellence; and

''(3) may reserve not more than 2 percent for evaluating the effectiveness of the professional development provided by schools and local educational agencies under this part in improving teaching practice, increasing the academic achievement of students, and helping students meet challenging State content standards and challenging State student performance standards, and for administrative costs.

''SEC. 2356. LOCAL PROVISIONS.

''(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving an allotment under section 2353 for a fiscal year shall make an allocation from the allotted funds that are not reserved under section 2355 for the fiscal year to each local educational agency in the State that is eligible to receive assistance under part A of title I for the fiscal year in an amount that bears the same relation to the allotted funds that are not reserved under section 2355 as the amount the local educational agency received under such part for the fiscal year bears to the amount all local educational agencies in all States received under such part for the fiscal year.

''(b) APPLICATIONS.—Each local educational agency desiring a grant under this part shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require. The application shall include—

''(1) a description of how the local educational agency plans—

''(A) to work with schools served by the local educational agency that are described in section 2357 to carry out the local activities described in section 2357; and

''(B) to meet the purposes described in section 2351;

''(2) a description of the manner in which the local educational agency will ensure that—

''(A) the grant funds will be used—

''(i) to provide teachers with the knowledge and skills necessary to teach students to be proficient or advanced in challenging State content standards and challenging State student performance standards, and any local education reform plans or policies; and

''(ii) to help teachers meet standards for teaching excellence; and

''(B) funds provided under this part will be effectively coordinated with all Federal, State, and local professional development funds and activities;

''(3) a description of the local educational agency's strategy for—

''(A) selecting and training highly qualified mentors (utilizing teachers certified by the National Board for Professional Teaching Standards and teachers granted advanced certification as a master or mentor teacher by the State, where possible), for matching such mentors (from the new teachers' teaching disciplines) with the new teachers; and

''(B) providing release time for the teachers (utilizing highly qualified substitute teachers and high quality retired teachers, where possible);

''(4) a description of how the local educational agency will collect and analyze data on the quality and impact of activities carried out in schools under this part, and the specific performance measures the local educational agency will use in the local educational agency's evaluation process;

''(5) a description of the local educational agency's plan to develop and carry out the activities described in section 2357 with the extensive participation of administrators, teachers, parents, and the partnering institution described in section 2357(4); and

''(6) a description of the local educational agency's strategy to ensure that there is schoolwide participation in the schools to be served.

''SEC. 2357. LOCAL ACTIVITIES.

''Each local educational agency receiving an allocation under this part shall use the allocation to carry out professional development activities in schools served by the local educational agency that have the highest percentages of students living in poverty, as measured in accordance with section 1113(a)(5), including—

''(1) mentoring, team teaching, and peer observation and coaching;

''(2) dedicated time for collaborative lesson planning and curriculum development meetings;

''(3) consultation with exemplary teachers and short- and long-term visits to other classrooms and schools;

''(4) partnering with institutions of higher education and, where appropriate, educational nonprofit organizations, for joint efforts in designing the sustained professional development opportunities, for providing advanced content area courses and other assistance to improve the content knowledge and pedagogical practices of teachers, and, where appropriate, for providing training to address areas of teacher and administrator shortages;

''(5) providing release time (including compensation for mentor teachers and substitute teachers as necessary) for activities described in this section; and

''(6) developing professional development networks, through Internet links, where available, that—

''(A) provide a forum for interaction among teachers and administrators; and

''(B) allow the exchange of information regarding advances in content and pedagogy.

"SEC. 2358. CONTINUATION OF FUNDING.

''Each local educational agency or school that receives funding under this part shall be eligible to continue to receive the funding after the third year the local educational agency or school receives the funding if the local educational agency or school demonstrates that the local educational agency or school has—

''(1) improved student performance;

''(2) increased participation in sustained professional development; and

''(3) made significant progress toward at least 1 of the following:

''(A) Reducing the number of out-of-field placements and teachers with emergency credentials.

''(B) Improving teaching practice.

''(C) Reducing the new teacher attrition rate for the local educational agency or school.

''(D) Increasing partnerships and linkages with institutions of higher education.

"SEC. 2359. SUPPLEMENT NOT SUPPLANT.

''Funds made available under this part shall be used to supplement and not supplant other Federal, State, and local funds expended to carry out activities relating to teacher programs or professional development.

"SEC. 2360. NATIONAL ACTIVITIES.

''(a) RESERVATION.—The Secretary shall reserve not more than 5 percent of the amount appropriated under section 2361 for each fiscal year for the national evaluation described in subsection (b) and the dissemination activities described in subsection (c).

''(b) NATIONAL EVALUATION.—

''(1) IN GENERAL.—The Secretary shall provide for an annual, independent, national evaluation of the activities assisted under this part not later than 3 years after the date of enactment of the Professional Development Reform Act. The evaluation shall include information on the impact of the activities assisted under this part on student performance.

''(2) STATE REPORTS.—Each State receiving an allotment under this part shall submit to the Secretary the results of the evaluation described under section 2355(3).

''(3) REPORT TO CONGRESS.—The Secretary annually shall submit to Congress a report that describes the information in the national evaluation and the State reports.

''(c) DISSEMINATION.—The Secretary shall collect and broadly disseminate information (including creating and maintaining a national database or clearinghouse) to help States, local educational agencies, schools, teachers, and institutions of higher education learn about effective professional development policies, practices, and programs, data projections of teacher and administrator supply and demand, and available teaching and administrator opportunities.

"SEC. 2361. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $1,000,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004.''.

By Mr. HARKIN (for himself, Mrs. LINCOLN, Mr. WELLSTONE, and Mrs. MURRAY):

S. 1443. A bill to amend section 10102 of the Elementary and Secondary Education Act of 1995 regarding elementary school and secondary school counseling; to the Committee on Health, Education, Labor, and Pensions.

ELEMENTARY AND SECONDARY SCHOOL COUNSELING IMPROVEMENT ACT OF 1999

Mr. HARKIN. Mr President, in April, the nation was rocked by an unspeakable act of violence at Columbine High School in Littleton, Colorado. Twelve innocent students, a heroic teacher and the two student gunmen were killed in the 8th deadly school shooting in 39 months.

Since that tragic incident, there has been a nation wide discussion on the causes of such violence and a search for solutions to prevent such occurrences in the future. I would like to take a few moments to discuss one innovative program that can help us prevent violent acts from happening in the first place.

Mr. President, children today are subjected to unprecedented social stresses, including the fragmentation of the family, drug and alcohol abuse, violence, child abuse and poverty. In 1988, the Des Moines Independent School District recognized the situation confronting young students and expanded counseling services in elementary schools.

The expanded counseling program—Smoother Sailing operates on the simple premise that we must get to kids early to prevent problems rather than waiting for a crisis. As a result, the district more than tripled the number of elementary school counselors to make sure that at least one well-trained professional is available in every single elementary school building.

Smoother Sailing began as a pilot program in 10 elementary schools. The program increased the number of counselors in the elementary schools so there is one counselor for every 250 students—the ratio recommended for an effective program. The participating schools began seeing many positive changes.

After two years, the schools participating in Smoother Sailing saw a dramatic reduction in the number of students referred to the office for disciplinary reasons.

During the 1987–88 school year, 157 students were referred to the office for disciplinary action. After two years of Smoother Sailing, the number of office referrals in those schools dropped to 83—a 47% reduction in office referrals.

During the same period, Des Moines elementary schools with a traditional crisis intervention counseling program had only a 21% reduction in office referrals.

There were other changes as well. Teachers in Smoother Sailing schools reported fewer classroom disturbances and principals noticed fewer fights in the cafeteria and on the playground. The schools and classrooms had become more disciplined learning environments. It was clear that Smoother Sailing was making a difference so the counseling program was expanded to all 42 elementary schools in Des Moines in 1990.

Smoother Sailing continues to be a success.

Smoother Sailing helps students solve problems in a positive manner. Assessments of 4th and 5th grade students show that students can generate more than one solution to a problem. Further, the types of solutions were positive and proactive. We know that the ability to effectively solve problems is essential for helping students make the right decisions when confronted with violence or drugs.

Smoother Sailing gets high marks in surveys of administrators, teachers and parents. They report a high degree of satisfaction with the program.

Ninety-five percent of parents surveyed said the counselor is a valuable part of my child's educational development. Ninety-three percent said they would seek assistance from the counselor if the child was experiencing difficulties at school.

Administrators credit Smoother Sailing with decreasing the number of student suspensions and referrals to the office for disciplinary action. In addition, principals report that the program is responsible for creating an atmosphere that is conducive to learning.

Experts tell us that to be effective, there should be at least one counselor for every 250 students. Unfortunately, the current student:counselor ratio is more than double the recommended level—it is 531:1. That means counselors are stretched to the limit and cannot devote the kind of attention to children that is needed.

In most schools, the majority of counselors are employed at the middle and secondary levels. Therefore, the situation is more acute in elementary schools where the student to counselor ratio is greater than 1000:1.

Mr. President, Smoother Sailing was the model for the Elementary School Counseling Demonstration Act, a section of the Elementary and Secondary School Act.

Today, along with Senators LINCOLN and WELLSTONE, I am introducing the Elementary and Secondary School Counseling Improvement Act of 1999. This legislation does three things.

First, it reauthorizes the Elementary School Counseling Demonstration Act and expands services to secondary schools.

Second, it authorizes $100 million in funding to hire school counselors, school psychologists and school social workers.

Finally, since the counselor shortage is particularly acute in elementary schools, the amendment requires that the first $60 million appropriated would go to provide grants for elementary schools.

Mr. President, CNN and USA Today recently conducted a public opinion poll of Americans. They asked what would make a difference in preventing a future outbreak of violence in our nation's schools.

The leading response was to restrict access to firearms. The second most popular response—a response selected by 60% of those polled—was to increase the number of counselors in our nation's schools.

We should heed the advice of the American people. We have a desperate

need to improve counseling services in our nation's schools and this legislation will be an important step in addressing this critical issue. I urge my colleagues to support this legislation.

This legislation is supported by several organizations—the American Counseling Association, the American School Counseling Association, the American Psychological Association, the National Association of School Psychologists, the School of Social Work Association of America and the National Association of Social Workers. I ask unanimous consent that a copy of the letter be printed in the RECORD.

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

JULY 26, 1999.

DEAR SENATOR. We are writing to urge your support of the ''Elementary and Secondary Counseling Improvement Act'' introduced by Senator Tom Harkin (D–IA). The Act would increase and expand access to much needed counseling and mental health services for children in our nation's elementary and secondary schools.

According to the National Institute of Mental Health (NIMH), although 7.5 million children under the age of 18 require mental health services, only one in five receive them. As the tragedy of this year's school shootings remind us, students have mental, emotional, and behavioral needs which require the services of qualified counseling professionals. Additionally, counseling and mental health services are essential to help teachers provide quality instruction and enable students to achieve to high academic standards.

Unfortunately, in schools across the nation, the supply of qualified school counselors, school psychologists and school social workers is scarce. The U.S. average student-to-counselor ratio is 513:1. In states like California and Minnesota, one counselor serves more than 1,000 students, and in other states, one school psychologist serves as many as 2,300 students. Similar caseloads exist for school social workers; in one county in Georgia, one school social worker is responsible for over 4,000 students. These ratios make it nearly impossible for students to get the counseling and mental health services they need. This serious shortage of qualified professionals has undermined efforts to make schools safe, improve academic achievement, and has overly burdened teachers.

High caseloads are not the only obstacle facing a student in need of help. School counselors, school psychologists, and school social workers are often charged with miscellaneous administrative or paperwork duties, and may spend almost a quarter of their time on these tasks. Providers need to be able to provide direct services to student, teachers, families, and staff in schools.

The Elementary School Counseling Demonstration Act (ESCD) was first enacted with bi-partisan support as part of the Improving America's Schools Act in 1994. The Act provided counseling services through qualified school counselors, school psychologists, and school social workers. Senator Harkin's ''Elementary and Secondary Counseling Improvement Act'' would reauthorize the Elementary School Counseling Demonstration, and expand services to secondary schools.

The Elementary and Secondary Counseling Improvement Act would provide funding to schools to expand counseling programs and services provided by only hiring qualified school counselors, school psychologists, and social workers. The Act ensures that programs funded will be comprehensive and accountable by requiring that applicants:

Design the program to be developmental and preventative; Provide in-service training for school counselors, school psychologists, and school social workers; Convene an advisory board composed of parents, counseling professionals, teachers, school administrators, and community leaders to oversee the design and implementation of the program; and Require that counseling professionals spend at least 85% of their work time providing direct services to students and no more than 15% on administrative tasks.

We urge you to support Senator Harkin's Elementary and Secondary Counseling Improvement Act.

Sincerely,

American Counseling Association (AA).

American Psychological Association (APA).

National Association of School Psychologists (NASP).

National Association of Social Workers (NASW).

By Mr. GRASSLEY (for himself and Mr. BURNS):

S. 1444. A bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit and increase the income limitation on the student loan interest deduction; to the Committee on Finance.

EXPANSION OF THE STUDENT LOAN INTEREST DEDUCTION

Mr. GRASSLEY. Mr. President, I am joined today by Senator BURNS introducing legislation to expand the student loan interest deduction. Specifically, my bill will repeal the sixty-month payment limitation and increase the income levels qualifying students for the tax deduction for student loan interest. I previously presented the elimination of the sixty-month student loan deductibility restriction in a bill in February. As a member of the Finance Committee, I have asked that both it and the income limit expansion I now propose be included in the Reconciliation bill that will be before the Senate this week. I am happy to report that both are in the committee reported bill.

In a move detrimental to the education of our nation's students, the Tax Reform Act of 1986 eliminated the tax deduction for student loan interest. Deeply troubled that this important relief was no longer available to young women and men trying to start their careers, since 1987 my colleagues on both sides of the aisle and I have sought to ease the heavy burden of paying back student loans by reinstating the tax deduction. In 1992, we succeeded in passing legislation to restore the deduction for student loan interest, only to be stymied by a veto as part of a larger bill with tax increases. After ten arduous years, our persistent work on behalf of America's students finally came to fruition when we succeeded in reinstating the deduction under the Taxpayer Relief Act of 1997. Our victory demonstrated Congress' sincere commitment to making educational opportunities available to all students and families across the nation, and confirmed our willingness to assist young Americans in acquiring the best education possible by easing the financial hardship they face.

While our endeavors in 1997 were progressive, we were unable to go as far as we wanted to go due to financial constraints. Because the nation was still in a fiscal crisis at that time, we were compelled to limit the deductibility of student loan interest to sixty payments, and to only those taxpayers with an adjusted gross income of between $40,000 and $55,000 filing individually or between $60,000 and $75,000 for married couples. Additionally, the deduction itself was phased in at $1000, and will cap out at $2500 in 2002.

In keeping the income limits for the deduction at such low income levels, we are letting a great opportunity to assist more young Americans pass us by. Setting the income cap at the current low mark does a disservice to some of our nation's most needy collegiate borrowers. A great number of students are forced to borrow heavily to acquire an education that will allow them to stay competitive in our global economy. The present income restriction punishes resourceful students who land jobs which pay salaries slightly above the meager cap, even though they may have been forced to borrow heavily to obtain their education due to limited means.

Currently, the deductibility of student loan interest is limited to a mere sixty loan payments, equivalent to five years plus time spent in forbearance or deferment. This payment limitation, like the income restriction, was put in place during our fiscal difficulties of 1997. Since we are now experiencing a great budget surplus with our booming economy, Congress now has the ability to expand on both of these areas where previously we were forced to scale back. As mentioned, I already introduced a bill, S. 471, that would eliminate the 60-month limit on student loan interest reductions.

Fortunately, our situation today is quite different than when we made our original improvements in 1997. Now, with our robust economy and budget surplus, we have a splendid opportunity to do what we were unable to do before. As the price of going to college has continued to spiral upward, student debt has risen to appalling levels. We must not shrink from our responsibility to provide additional relief to our students. We should repeal the sixty-month payment limitation. We should increase the income levels from $40,000 to $50,000 for single students, and, eliminating any marriage penalty, increase from $60,000 to $100,000 for married couples. The amount of the deduction would then be gradually phased out for taxpayers with incomes between $50,000 and $65,000 filing individually and between $100,000 and $115,000 for married couples. Let our actions clearly demonstrate that the United States Congress stands behind

all of our nation's students in their efforts to better their lives.

By expanding the student loan interest deduction, we will bring vital relief to some of our most deserving borrowers seeking the American dream. Rather than penalizing resourceful students who find jobs with incomes above the present cap, we will be rewarding the hard work and ingenuity of our students. We must continue to support young Americans who land jobs with salaries slightly above our current threshold yet still needing financial assistance.

Excessive student debt is a major problem for many students. As people in a position to help them, Congress must seek out more ways to be of service to our young people. In this time of economic plenty, it is our duty to invest in our students' education, for to do so is an investment in America's future. A well-deducted workforce is vital to maintain competitiveness in an ever-changing global economy. By broadening the income limits to receive the tax deduction for student loan interest, we demonstrate our commitment to education and maintaining the position of the United States at the pinnacle of the free world.

I urge my colleagues to join me in this effort to relieve the excessive burdens on those trying to better themselves and their families through education by loosening the income limits to quality for the tax deduction for student loan interest payments and eliminating the sixty-month payment limitation.

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

S. 1445. A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs; to the Committee on Finance.

PATIENT ABUSE PREVENTION ACT

Mr. KOHL. Mr. President, I rise today to reintroduce the Patient Abuse Prevention Act. I am pleased to be joined in this effort by Senator REID, who has worked tirelessly with me on this important legislation.

This bill is the product of collaboration and input from the administration, the health care industry, patient and employee advocates—who all have the same goal I do: protecting patients in long-term care from abuse, neglect, and mistreatment.

Last fall, the Department of Health and Human Services Office of Inspector General issued a report describing how easy it is for people with abusive and criminal backgrounds to find work in nursing homes. On September 14 of last year, the Senate Aging Committee held hearings on this disturbing problem, where we heard horrifying stories of elderly patients being abused by the very people who are charged with their care. While the vast majority of nursing home workers are dedicated and professional, even one instance of abuse is inexcusable. This should not be happening in a single nursing home in America.

Mr. President, it is estimated that more than 43 percent of Americans over the age of 65 will likely spend time in a nursing home. The number of people needing long-term care services will continue to increase as the Baby Boom generation ages. The vast majority of nursing homes, home health agencies and hospices do an excellent job in caring for their patients. But it only takes a few abusive staff to cast a dark shadow over what should be a healing environment.

A disturbing number of cases have been reported where workers with criminal backgrounds have been cleared to work in direct patient care, and have subsequently abused patients in their care. In 1997, the Milwaukee Journal-Sentinel ran a series of articles describing this problem, which led my home State of Wisconsin to pass a criminal background check law for health care workers. The legislation I introduce today follows their example and builds on their efforts.

Why is it necessary to act? Because it is just far too easy for a worker with a history of abuse to find employment and prey on the most vulnerable patients. The OIG report found that 5 percent of nursing home employees in two States had prior criminal records. The OIG also found that between 15–20 percent of those convicted of patient abuse had prior criminal records. It is just too easy for known abusers to find work in health care and continue to prey on patients.

Current state and national safeguards are inadequate to screen out abusive workers. All States are required to maintain registries of abusive nurse aides. But nurse aids are not the only workers involved in abuse, and other workers are not tracked at all. Even worse, there is no system to coordinate information about abusive nurse aides between States. A known abuser in Iowa would have little trouble moving to Wisconsin and continuing to work with patients there.

In addition, there is no Federal requirement that long-term care facilities conduct criminal background checks on prospective employees. People with violent criminal backgrounds—people who have already been convicted of murder, rape, and assault—could easily get a job in a nursing home or other health care setting without their past ever being discovered.

Our legislative will go a long way toward solving this problem. First, it will create a National Registry of abusive long-term care employees. States will be required to submit information from their current State registries to the National Registry. Facilities will be required to check the National Registry before hiring a prospective worker. Any worker with a substantiated finding of patient abuse will be prohibited from working in long-term care.

Second, the bill provides a second line of defense to protect patients from violent criminals. If the National Registry does not contain information about a prospective worker, the facility is then required to initiate an FBI background check. Any conviction for patient abuse or a relevant violent crime would bar that applicant from working with patients.

I realize that this legislation will not solve all instances of abuse. We still need to do more to stop abuse from occurring in the first place. But this bill will ensure that those who have already abused an elderly or disabled patient, and those who have committed violent crimes against people in the past, are kept away from vulnerable patients.

Mr. President, I want to repeat that I strongly believe that most long-term care providers and their staff work hard to deliver the highest quality care. However, it is imperative that Congress act immediately to get rid of those that don't. When a patient checks into a nursing home or hospice, or receives home health care, they should not have to give up their right to be free from abuse, neglect, or mistreatment.

Our nation's seniors made our country what it is today. It is our obligation to make sure we treat them with the dignity, care, and respect they deserve. I look forward to continuing to work with my colleagues, the administration, and the health care industry in this effort to protect patients. Our nation's seniors and disabled deserve nothing less than our full attention.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD. I also ask unanimous consent that a letter of support for this legislation from the National Citizens' Coalition for Nursing Home Reform be included in the RECORD.

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

S. 1445

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 ''Patient Abuse Prevention Act''.

SEC. 2. ESTABLISHMENT OF PROGRAM TO PREVENT ABUSE OF NURSING FACILITY RESIDENTS.

(a) NURSING FACILITY AND SKILLED NURSING FACILITY REQUIREMENTS.—

(1) MEDICAID PROGRAM.—Section 1919(b) of the Social Security Act (42 U.S.C. 1396r(b)) is amended by adding at the end the following:

''(8) SCREENING OF NURSING FACILITY WORKERS.—

''(A) BACKGROUND CHECKS ON APPLICANTS.—Subject to subparagraph (B)(ii), before hiring a nursing facility worker, a nursing facility shall—

''(i) give the worker written notice that the facility is required to perform background checks with respect to applicants;

''(ii) require, as a condition of employment, that such worker—

''(I) provide a written statement disclosing any conviction for a relevant crime or finding of patient or resident abuse;

''(II) provide a statement signed by the worker authorizing the facility to request the search and exchange of criminal records;

''(III) provide in person a copy of the worker's fingerprints; and

''(IV) provide any other identification information the Secretary may specify in regulation;

''(iii) initiate a check of the data collection system established under section 1128E in accordance with regulations promulgated by the Secretary to determine whether such system contains any disqualifying information with respect to such worker; and

''(iv) if that system does not contain any such disqualifying information—

''(I) request that the State initiate a State and national criminal background check on such worker in accordance with the provisions of subsection (e)(8); and

''(II) furnish to the State the information described in subclauses (II) through (IV) of clause (ii) not more than 7 days (excluding Saturdays, Sundays, and legal public holidays under section 6103(a) of title 5, United States Code) after completion of the check against the system initiated under clause (iii).

''(B) PROHIBITION ON HIRING OF ABUSIVE WORKERS.—

''(i) IN GENERAL.—A nursing facility may not knowingly employ any nursing facility worker who has any conviction for a relevant crime or with respect to whom a finding of patient or resident abuse has been made.

''(ii) PROVISIONAL EMPLOYMENT.—After complying with the requirements of clauses (i), (ii), and (iii) of subparagraph (A), a nursing facility may provide for a provisional period of employment for a nursing facility worker pending completion of the check against the data collection system described under subparagraph (A)(iii) and the background check described under subparagraph (A)(iv). Such facility shall maintain direct supervision of the worker during the worker's provisional period of employment.

''(C) REPORTING REQUIREMENTS.—A nursing facility shall report to the State any instance in which the facility determines that a nursing facility worker has committed an act of resident neglect or abuse or misappropriation of resident property in the course of employment by the facility.

''(D) USE OF INFORMATION.—

''(i) IN GENERAL.—A nursing facility that obtains information about a nursing facility worker pursuant to clauses (iii) and (iv) of subparagraph (A) may use such information only for the purpose of determining the suitability of the worker for employment.

''(ii) IMMUNITY FROM LIABILITY.—A nursing facility that, in denying employment for an applicant (including during the period described in subparagraph (B)(ii)), reasonably relies upon information about such applicant provided by the State pursuant to subsection (e)(8) or section 1128E shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

''(iii) CRIMINAL PENALTY.—Whoever knowingly violates the provisions of clause (i) shall be fined in accordance with title 18, United States Code, imprisoned for not more than 2 years, or both.

''(E) CIVIL PENALTY.—

''(i) IN GENERAL.—A nursing facility that violates the provisions of this paragraph shall be subject to a civil penalty in an amount not to exceed—

''(I) for the first such violation, $2,000; and

''(II) for the second and each subsequent violation within any 5-year period, $5,000.

''(ii) KNOWING RETENTION OF WORKER.—In addition to any civil penalty under clause (i), a nursing facility that—

''(I) knowingly continues to employ a nursing facility worker in violation of subparagraph (A) or (B); or

''(II) knowingly fails to report a nursing facility worker under subparagraph (C);

shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

''(F) DEFINITIONS.—In this paragraph:

''(i) CONVICTION FOR A RELEVANT CRIME.—The term 'conviction for a relevant crime' means any Federal or State criminal conviction for—

''(I) any offense described in paragraphs (1) through (4) of section 1128(a); and

''(II) such other types of offenses as the Secretary may specify in regulations, taking into account the severity and relevance of such offenses, and after consultation with representatives of long-term care providers, representatives of long-term care employees, consumer advocates, and appropriate Federal and State officials.

''(ii) DISQUALIFYING INFORMATION.—The term 'disqualifying information' means information about a conviction for a relevant crime or a finding of patient or resident abuse.

''(iii) FINDING OF PATIENT OR RESIDENT ABUSE.—The term 'finding of patient or resident abuse' means any substantiated finding by a State agency under subsection (g)(1)(C) or a Federal agency that a nursing facility worker has committed—

''(I) an act of patient or resident abuse or neglect or a misappropriation of patient or resident property; or

''(II) such other types of acts as the Secretary may specify in regulations.

''(iv) NURSING FACILITY WORKER.—The term 'nursing facility worker' means any individual (other than any volunteer) that has direct access to a patient of a nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide such services, and nonlicensed individuals providing such services, as defined by the Secretary, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants.''.

(2) MEDICARE PROGRAM.—Section 1819(b) of the Social Security Act (42 U.S.C. 1395i–3(b)) is amended by adding at the end the following:

''(8) SCREENING OF SKILLED NURSING FACILITY WORKERS.—

''(A) BACKGROUND CHECKS ON APPLICANTS.—Subject to subparagraph (B)(ii), before hiring a skilled nursing facility worker, a skilled nursing facility shall—

''(i) give the worker written notice that the facility is required to perform background checks with respect to applicants;

''(ii) require, as a condition of employment, that such worker—

''(I) provide a written statement disclosing any conviction for a relevant crime or finding of patient or resident abuse;

''(II) provide a statement signed by the worker authorizing the facility to request the search and exchange of criminal records;

''(III) provide in person a copy of the worker's fingerprints; and

''(IV) provide any other identification information the Secretary may specify in regulation;

''(iii) initiate a check of the data collection system established under section 1128E in accordance with regulations promulgated by the Secretary to determine whether such system contains any disqualifying information with respect to such worker; and

''(iv) if that system does not contain any such disqualifying information—

''(I) request that the State initiate a State and national criminal background check on such worker in accordance with the provisions of subsection (e)(6); and

''(II) furnish to the State the information described in subclauses (II) through (IV) of clause (ii) not more than 7 days (excluding Saturdays, Sundays, and legal public holidays under section 6103(a) of title 5, United States Code) after completion of the check against the system initiated under clause (iii).

''(B) PROHIBITION ON HIRING OF ABUSIVE WORKERS.—

''(i) IN GENERAL.—A skilled nursing facility may not knowingly employ any skilled nursing facility worker who has any conviction for a relevant crime or with respect to whom a finding of patient or resident abuse has been made.

''(ii) PROVISIONAL EMPLOYMENT.—After complying with the requirements of clauses (i), (ii), and (iii) of subparagraph (A), a skilled nursing facility may provide for a provisional period of employment for a skilled nursing facility worker pending completion of the check against the data collection system described under subparagraph (A)(iii) and the background check described under subparagraph (A)(iv). Such facility shall maintain direct supervision of the covered individual during the worker's provisional period of employment.

''(C) REPORTING REQUIREMENTS.—A skilled nursing facility shall report to the State any instance in which the facility determines that a skilled nursing facility worker has committed an act of resident neglect or abuse or misappropriation of resident property in the course of employment by the facility.

''(D) USE OF INFORMATION.—

''(i) IN GENERAL.—A skilled nursing facility that obtains information about a skilled nursing facility worker pursuant to clauses (iii) and (iv) of subparagraph (A) may use such information only for the purpose of determining the suitability of the worker for employment.

''(ii) IMMUNITY FROM LIABILITY.—A skilled nursing facility that, in denying employment for an applicant (including during the period described in subparagraph (B)(ii)), reasonably relies upon information about such applicant provided by the State pursuant to subsection (e)(6) or section 1128E shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

''(iii) CRIMINAL PENALTY.—Whoever knowingly violates the provisions of clause (i) shall be fined in accordance with title 18, United States Code, imprisoned for not more than 2 years, or both.

''(E) CIVIL PENALTY.—

''(i) IN GENERAL.—A skilled nursing facility that violates the provisions of this paragraph shall be subject to a civil penalty in an amount not to exceed—

''(I) for the first such violation, $2,000; and

''(II) for the second and each subsequent violation within any 5-year period, $5,000.

''(ii) KNOWING RETENTION OF WORKER.—In addition to any civil penalty under clause (i), a skilled nursing facility that—

''(I) knowingly continues to employ a skilled nursing facility worker in violation of subparagraph (A) or (B); or

''(II) knowingly fails to report a skilled nursing facility worker under subparagraph (C);

shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

''(F) DEFINITIONS.—In this paragraph:

''(i) CONVICTION FOR A RELEVANT CRIME.—The term 'conviction for a relevant crime' means any Federal or State criminal conviction for—

''(I) any offense described in paragraphs (1) through (4) of section 1128(a); and

''(II) such other types of offenses as the Secretary may specify in regulations, taking into account the severity and relevance of such offenses, and after consultation with representatives of long-term care providers, representatives of long-term care employees, consumer advocates, and appropriate Federal and State officials.

''(ii) DISQUALIFYING INFORMATION.—The term 'disqualifying information' means information about a conviction for a relevant crime or a finding of patient or resident abuse.

''(iii) FINDING OF PATIENT OR RESIDENT ABUSE.—The term 'finding of patient or resident abuse' means any substantiated finding by a State agency under subsection (g)(1)(C) or a Federal agency that a skilled nursing facility worker has committed—

''(I) an act of patient or resident abuse or neglect or a misappropriation of patient or resident property; or

''(II) such other types of acts as the Secretary may specify in regulations.

''(iv) SKILLED NURSING FACILITY WORKER.—The term 'skilled nursing facility worker' means any individual (other than any volunteer) that has direct access to a patient of a skilled nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide such services, and nonlicensed individuals providing such services, as defined by the Secretary, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants.''.

(b) STATE REQUIREMENTS.—

(1) MEDICAID PROGRAM.—

(A) EXPANSION OF STATE REGISTRY TO COLLECT INFORMATION ABOUT NURSING FACILITY EMPLOYEES OTHER THAN NURSE AIDES.—Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended—

(i) in subsection (e)(2)—

(I) in the paragraph heading, by striking ''NURSE AIDE REGISTRY'' and inserting ''NURSING FACILITY EMPLOYEE REGISTRY'';

(II) in subparagraph (A)—

(aa) by striking ''By not later than January 1, 1989, the'' and inserting ''The'';

(bb) by striking ''a registry of all individuals'' and inserting ''a registry of (I) all individuals''; and

(cc) by inserting before the period '', and (II) all other nursing facility employees with respect to whom the State has made a finding described in subparagraph (B)'';

(III) in subparagraph (B), by striking ''involving an individual listed in the registry'' and inserting ''involving a nursing facility employee''; and

(IV) in subparagraph (C), by striking ''nurse aide'' and inserting ''nursing facility employee or applicant for employment''; and

(ii) in subsection (g)(1)—

(I) in subparagraph (C)—

(aa) in the first sentence, by striking ''nurse aide'' and inserting ''nursing facility employee''; and

(bb) in the third sentence, by striking ''nurse aide'' each place it appears and inserting ''nursing facility employee''; and

(II) in subparagraph (D), by striking ''nurse aide'' each place it appears and inserting ''nursing facility employee''.

(B) FEDERAL AND STATE REQUIREMENT TO CONDUCT BACKGROUND CHECKS.—Section 1919(e) of the Social Security Act (42 U.S.C. 1396r(e)) is amended by adding at the end the following:

''(8) FEDERAL AND STATE REQUIREMENTS CONCERNING CRIMINAL BACKGROUND CHECKS ON NURSING FACILITY EMPLOYEES.—

''(A) IN GENERAL.—Upon receipt of a request by a nursing facility pursuant to subsection (b)(8) that is accompanied by the information described in subclauses (II) through (IV) of subsection (b)(8)(A)(ii), a State, after checking appropriate State records and finding no disqualifying information (as defined in subsection (b)(8)(F)(ii)), shall submit such request and information to the Attorney General and shall request the Attorney General to conduct a search and exchange of records with respect to the individual as described in subparagraph (B).

''(B) SEARCH AND EXCHANGE OF RECORDS BY ATTORNEY GENERAL.—Upon receipt of a submission pursuant to subparagraph (A), the Attorney General shall direct a search of the records of the Federal Bureau of Investigation for any criminal history records corresponding to the fingerprints or other positive identification information submitted. The Attorney General shall provide any corresponding information resulting from the search to the State.

''(C) STATE REPORTING OF INFORMATION TO NURSING FACILITY.—Upon receipt of the information provided by the Attorney General pursuant to subparagraph (B), the State shall—

''(i) review the information to determine whether the individual has any conviction for a relevant crime (as defined in subsection (b)(8)(F)(i));

''(ii) report to the nursing facility the results of such review; and

''(iii) in the case of an individual with a conviction for a relevant crime, report the existence of such conviction of such individual to the database established under section 1128E.

''(D) FEES FOR PERFORMANCE OF CRIMINAL BACKGROUND CHECKS.—

''(i) AUTHORITY TO CHARGE FEES.—

''(I) ATTORNEY GENERAL.—The Attorney General may charge a fee to any State requesting a search and exchange of records pursuant to this paragraph and subsection (b)(8) for conducting the search and providing the records. The amount of such fee shall not exceed the lesser of the actual cost of such activities or $50. Such fees shall be available to the Attorney General, or, in the Attorney General's discretion, to the Federal Bureau of Investigation, until expended.

''(II) STATE.—A State may charge a nursing facility a fee for initiating the criminal background check under this paragraph and subsection (b)(8), including fees charged by the Attorney General, and for performing the review and report required by subparagraph (C). The amount of such fee shall not exceed the actual cost of such activities.

''(ii) PROHIBITION ON CHARGING APPLICANTS OR EMPLOYEES.—An entity may not impose on an applicant for employment or an employee any charges relating to the performance of a background check under this paragraph.

''(E) REGULATIONS.—

''(i) IN GENERAL.—In addition to the Secretary's authority to promulgate regulations under this title, the Attorney General, in consultation with the Secretary, may promulgate such regulations as are necessary to carry out the Attorney General's responsibilities under this paragraph and subsection (b)(8), including regulations regarding the security, confidentiality, accuracy, use, destruction, and dissemination of information, audits and recordkeeping, and the imposition of fees.

''(ii) APPEAL PROCEDURES.—The Attorney General, in consultation with the Secretary, shall promulgate such regulations as are necessary to establish procedures by which an applicant or employee may appeal or dispute the accuracy of the information obtained in a background check conducted under this paragraph. Appeals shall be limited to instances in which an applicant or employee is incorrectly identified as the subject of the background check, or when information about the applicant or employee has not been updated to reflect changes in the applicant's or employee's criminal record.

''(F) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Attorney General shall submit a report to Congress on—

''(i) the number of requests for searches and exchanges of records made under this section;

''(ii) the disposition of such requests; and

''(iii) the cost of responding to such requests.''.

(2) MEDICARE PROGRAM.—

(A) EXPANSION OF STATE REGISTRY TO COLLECT INFORMATION ABOUT SKILLED NURSING FACILITY EMPLOYEES OTHER THAN NURSE AIDES.—Section 1819 of the Social Security Act (42 U.S.C. 1395i–3) is amended—

(i) in subsection (e)(2)—

(I) in the paragraph heading, by striking ''NURSE AIDE REGISTRY'' and inserting ''SKILLED NURSING CARE EMPLOYEE REGISTRY'';

(II) in subparagraph (A)—

(aa) by striking ''By not later than January 1, 1989, the'' and inserting ''The'';

(bb) by striking ''a registry of all individuals'' and inserting ''a registry of (I) all individuals''; and

(cc) by inserting before the period '', and (II) all other skilled nursing facility employees with respect to whom the State has made a finding described in subparagraph (B)'';

(III) in subparagraph (B), by striking ''involving an individual listed in the registry'' and inserting ''involving a skilled nursing facility employee''; and

(IV) in subparagraph (C), by striking ''nurse aide'' and inserting ''skilled nursing facility employee or applicant for employment''; and

(ii) in subsection (g)(1)—

(I) in subparagraph (C)—

(aa) in the first sentence, by striking ''nurse aide'' and inserting ''skilled nursing facility employee''; and

(bb) in the third sentence, by striking ''nurse aide'' each place it appears and inserting ''skilled nursing facility employee''; and

(II) in subparagraph (D), by striking ''nurse aide'' each place it appears and inserting ''skilled nursing facility employee''.

(B) FEDERAL AND STATE REQUIREMENT TO CONDUCT BACKGROUND CHECKS.—Section 1819(e) of the Social Security Act (42 U.S.C. 1395i–3(e)) is amended by adding at the end the following:

''(6) FEDERAL AND STATE REQUIREMENTS CONCERNING CRIMINAL BACKGROUND CHECKS ON SKILLED NURSING FACILITY EMPLOYEES.—

''(A) IN GENERAL.—Upon receipt of a request by a skilled nursing facility pursuant to subsection (b)(8) that is accompanied by the information described in subclauses (II) through (IV) of subsection (b)(8)(A)(ii), a State, after checking appropriate State records and finding no disqualifying information (as defined in subsection (b)(8)(F)(ii)), shall submit such request and information to the Attorney General and shall request the Attorney General to conduct a search and exchange of records with respect to the individual as described in subparagraph (B).

''(B) SEARCH AND EXCHANGE OF RECORDS BY ATTORNEY GENERAL.—Upon receipt of a submission pursuant to subparagraph (A), the Attorney General shall direct a search of the

records of the Federal Bureau of Investigation for any criminal history records corresponding to the fingerprints or other positive identification information submitted. The Attorney General shall provide any corresponding information resulting from the search to the State.

''(C) STATE REPORTING OF INFORMATION TO SKILLED NURSING FACILITY.—Upon receipt of the information provided by the Attorney General pursuant to subparagraph (B), the State shall—

''(i) review the information to determine whether the individual has any conviction for a relevant crime (as defined in subsection (b)(8)(F)(i));

''(ii) report to the skilled nursing facility the results of such review; and

''(iii) in the case of an individual with a conviction for a relevant crime, report the existence of such conviction of such individual to the database established under section 1128E.

''(D) FEES FOR PERFORMANCE OF CRIMINAL BACKGROUND CHECKS.—

''(i) AUTHORITY TO CHARGE FEES.—

''(I) ATTORNEY GENERAL.—The Attorney General may charge a fee to any State requesting a search and exchange of records pursuant to this paragraph and subsection (b)(8) for conducting the search and providing the records. The amount of such fee shall not exceed the lesser of the actual cost of such activities or $50. Such fees shall be available to the Attorney General, or, in the Attorney General's discretion, to the Federal Bureau of Investigation until expended.

''(II) STATE.—A State may charge a skilled nursing facility a fee for initiating the criminal background check under this paragraph and subsection (b)(8), including fees charged by the Attorney General, and for performing the review and report required by subparagraph (C). The amount of such fee shall not exceed the actual cost of such activities.

''(ii) PROHIBITION ON CHARGING APPLICANTS OR EMPLOYEES.—An entity may not impose on an applicant for employment or an employee any charges relating to the performance of a background check under this paragraph.

''(E) REGULATIONS.—

''(i) IN GENERAL.—In addition to the Secretary's authority to promulgate regulations under this title, the Attorney General, in consultation with the Secretary, may promulgate such regulations as are necessary to carry out the Attorney General's responsibilities under this paragraph and subsection (b)(9), including regulations regarding the security confidentiality, accuracy, use, destruction, and dissemination of information, audits and recordkeeping, and the imposition of fees.

''(ii) APPEAL PROCEDURES.—The Attorney General, in consultation with the Secretary, shall promulgate such regulations as are necessary to establish procedures by which an applicant or employee may appeal or dispute the accuracy of the information obtained in a background check conducted under this paragraph. Appeals shall be limited to instances in which an applicant or employee is incorrectly identified as the subject of the background check, or when information about the applicant or employee has not been updated to reflect changes in the applicant's or employee's criminal record.

''(F) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Attorney General shall submit a report to Congress on—

''(i) the number of requests for searches and exchanges of records made under this section;

''(ii) the disposition of such requests; and

''(iii) the cost of responding to such requests.''.

(c) APPLICATION TO OTHER ENTITIES PROVIDING LONG-TERM CARE SERVICES.—

(1) MEDICAID.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in paragraph (65), by striking the period and inserting ''; and''; and

(B) by inserting after paragraph (65) the following:

''(66) provide that any entity that is eligible to be paid under the State plan for providing long-term care services for which medical assistance is available under the State plan to individuals requiring long-term care complies with the requirements of subsections (b)(8) and (e)(8) of section 1919.''.

(2) MEDICARE.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by adding at the end the following:

''APPLICATION OF SKILLED NURSING FACILITY PREVENTIVE ABUSE PROVISIONS TO ANY PROVIDER OF SERVICES OR OTHER ENTITY PROVIDING LONG-TERM CARE SERVICES

''SEC. 1897. The requirements of subsections (b)(8) and (e)(6) of section 1819 shall apply to any provider of services or any other entity that is eligible to be paid under this title for providing long-term care services to an individual entitled to benefits under part A or enrolled under part B (including an individual provided with a Medicare+Choice plan offered by a Medicare+Choice organization under part C).''.

(d) REIMBURSEMENT OF REASONABLE COSTS FOR BACKGROUND CHECKS.—The Secretary of Health and Human Services shall factor into any payment system under titles XVIII and XIX of the Social Security Act the reasonable costs of the requirements of sections 1819(b)(8) and 1919(b)(8) of such Act, as added by this section, incurred by any entity subject to such requirements.

SEC. 3. INCLUSION OF ABUSIVE NURSING FACILITY WORKERS IN THE DATABASE ESTABLISHED AS PART OF NATIONAL HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) INCLUSION OF ABUSIVE ACTS WITHIN A LONG-TERM CARE FACILITY.—Section 1128E(g)(1)(A) of the Social Security Act (42 U.S.C. 1320a–7e(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv), the following:

''(v) A finding of abuse or neglect of a patient or a resident of a long-term care facility, or misappropriation of such a patient's or resident's property.''.

(b) COVERAGE OF LONG-TERM CARE FACILITY EMPLOYEES.—Section 1128E(g)(2) of the Social Security Act (42 U.S.C. 1320a–7e(g)(2)) is amended by inserting '', and includes any individual of a long-term care facility (other than any volunteer) that has direct access to a patient or resident of such a facility under an employment or other contract, or both, with the facility (including individuals who are licensed or certified by the State to provide services at the facility, and nonlicensed individuals, as defined by the Secretary, providing services at the facility, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants)'' before the period.

(c) REPORTING BY LONG-TERM CARE FACILITIES.—

(1) IN GENERAL.—Section 1128E(b)(1) of the Social Security Act (42 U.S.C. 1320a–7e(b)(1)) is amended by striking ''and health plan'' and inserting '', health plan, and long-term care facility''.

(2) CORRECTION OF INFORMATION.—Section 1128E(c)(2) of the Social Security Act (42 U.S.C. 1320a–7e(c)(2)) is amended by striking ''and health plan'' and inserting '', health plan, and long-term care facility''.

(d) ACCESS TO REPORTED INFORMATION.—Section 1128E(d)(1) of the Social Security Act (42 U.S.C. 1320a–7e(d)(1)) is amended by striking ''and health plans'' and inserting '', health plans, and long-term care facilities''.

(e) MANDATORY CHECK OF DATABASE BY LONG-TERM CARE FACILITIES.—Section 1128E(d) of the Social Security Act (42 U.S.C. 1320a–7e(d)) is amended by adding at the end the following:

''(3) MANDATORY CHECK OF DATABASE BY LONG-TERM CARE FACILITIES.—A long-term care facility shall check the database maintained under this section prior to hiring under an employment or other contract, or both, any individual as an employee of such a facility who will have direct access to a patient or resident of the facility (including individuals who are licensed or certified by the State to provide services at the facility, and nonlicensed individuals, as defined by the Secretary, that will provide services at the facility, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants).''.

(f) DEFINITION OF LONG-TERM CARE FACILITY.—Section 1128E(g) of the Social Security Act (42 U.S.C. 1320a–7e(g)) is amended by adding at the end the following:

''(6) LONG-TERM CARE FACILITY.—The term 'long-term care facility' means a skilled nursing facility (as defined in section 1819(a)), a nursing facility (as defined in section 1919(a)), a home health agency, a hospice facility, an intermediate care facility for the mentally retarded (as defined in section 1905(d)), or any other facility that provides long-term care services and receives payment for such services under the medicare program under title XVIII or the medicaid program under title XIX.''.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the amendments made by this section, $10,200,000 for fiscal year 2000.

SEC. 4. PREVENTION AND TRAINING DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish a demonstration program to provide grants to develop information on best practices in patient abuse prevention training (including behavior training and interventions) for managers and staff of hospital and health care facilities.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall be a public or private nonprofit entity and prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts received under a grant under this section shall be used to—

(1) examine ways to improve collaboration between State health care survey and provider certification agencies, long-term care ombudsman programs, the long-term care industry, and local community members;

(2) examine patient care issues relating to regulatory oversight, community involvement, and facility staffing and management with a focus on staff training, staff stress management, and staff supervision;

(3) examine the use of patient abuse prevention training programs by long-term care entities, including the training program developed by the National Association of Attorneys General, and the extent to which such programs are used; and

(4) identify and disseminate best practices for preventing and reducing patient abuse.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such

sums as may be necessary to carry out this section.

SEC. 5. EFFECTIVE DATE.

The provisions of and amendments made by the Act shall apply, without regard to whether implementing regulations are in effect, to any individual applying for employment or hired for such employment—

(1) by any skilled nursing facility (as defined in section 1819(a) of the Social Security Act) or any nursing facility (as defined in section 1919(a) of such Act), on or after the date which is 6 months after the date of enactment of this Act,

(2) by any home health agency, on or after the date which is 12 months after such date of enactment, and

(3) by any hospice facility, any intermediate care facility for the mentally retarded (as defined in section 1905(d) of the Social Security Act), or any other facility that provides long-term care services and receives payment for such services under the medicare program under title XVIII of such Act or the medicaid program under title XIX of such Act, on or after the date which is 18 months after such date of enactment.

NATIONAL CITIZENS' COALITION FOR
NURSING HOME REFORM,
Washington, DC, July 21, 1999.

Hon. HERBERT KOHL,
U.S. Senate, Washington, DC.

DEAR SENATOR KOHL: The National Citizens' Coalition for Nursing Home Reform (NCCNHR) commends you and your staff for your initiative in seeking to improve care and conditions in long-term care facilities. NCCNHR is a non-profit consumer organization whose mission is to improve the quality of care and life for long term care residents. Our organization represents residents and their advocates. We work closely with the nation's long-term care ombudsmen and house the National Long Term Care Ombudsman Resource Center.

We strongly support your proposed legislation cited as the Patient Abuse Prevention Act, which would require criminal background checks for nursing home workers. This legislation would provide residents protection from individuals with a history of committing crimes against residents. It would also create a much needed National Registry for long-term care employees with a history of abuse, to be used by nursing homes hiring employees for their facilities.

In particular, NCCNHR applauds your revisions to last year's bill, the ''Long-Term Care Patient Protection Act of 1998'' to include (1) a requirement that criminal background checks of employees will be conducted in all facilities (including specifically, nursing homes, home health, and hospices); (2) that applicants may not be charged for the costs of the checks; (3) that applicants who challenge the accuracy of the background check will also be able to appeal the decision and (4) that there is no longer a prohibition on Medicare and Medicaid reimbursement for the costs of conducting background checks.

We strongly urge, however, that the legislation also expand its language to provide criminal background checks on all long-term care workers and not just employees who have direct access to residents. Considering the vulnerability of long-term care residents, criminal background checks should be conducted on all workers, including contract workers, in all health care settings, including home care, and assisted living.

Again, NCCNHR congratulates you, Senator Kohl, on your persistence and foresight. If you need further information, contact me or Ana Rivas-Beck, J.D., Law and Policy Specialist.

Sincerely,

ELMA HOLDER,
Founder.

Mr. REID. Mr. President, I rise today to join my colleague, Senator KOHL, in introducing the ''Patient Abuse Prevention Act.'' This legislation would help protect our nation's most vulnerable citizens by keeping workers with criminal and abusive backgrounds out of our long-term care facilities.

It is simply too easy for workers with criminal or abusive histories to gain employment in long-term care facilities. A report released last year by the Office of the Inspector General at the Department of Health and Human Services (HHS) confirmed that current regulations were not sufficient to protect the frail and elderly from being placed in the hands of known abusers and criminals. If we do not take steps to keep workers with criminal and abusive backgrounds out of our long-term care facilities, the growing number of reports of abuse and theft in these facilities will only continue to increase.

The ''Patient Abuse Prevention Act'' would give employers the tools they need to weed out potential employees who are unfit to provide care to the elderly because of abusive or criminal backgrounds. Our bill would create a national registry of abusive workers within an existing database at HHS. It would also expand existing State nurse aide registries to include substantiated findings of abuse by all facility employees, not just nurse aides. States would submit any existing or newly acquired information contained in the State registries to the national registry. This would ensure that once an employee is added to the national registry, the offender will not be able to simply cross state lines and find employment in another facility where he may continue to prey on the frail and elderly.

Our bill would require all long-term care facilities to initiate a search of the national registry of abusive workers when considering a potential employee. If the prospective employee is not listed on the registry, the facility would then conduct a State and national criminal background check on the individual through the Federal Bureau of Investigations.

The Inspector General for the Department of Health and Human Services reports that 46 percent of facilities believe that incidents of abuse are under-reported. Our bill would require long-term care facilities to report all instances of resident neglect, abuse, or theft by an employee to the State. This would ensure that offenders are reported and added to the national registry before they have the opportunity to strike again.

Over the past few years, Senator KOHL and I have worked to ensure that our frail and elderly are not placed in the hands of criminals. During the 105th Congress, we introduced similar legislation and conducted hearings through the Senate Special Committee on Aging. This bill is a culmination of our efforts to institute greater protections for all residents of long-term care facilities.

One of the most difficult times for any individual or family is when they must make the decision to rely upon the support and services of a long-term care facility. Families should not have to live with the fear that their loved one is being left in the hands of a criminal. Last year, Richard Meyer testified before the Senate Aging Committee about the sexual assault of his 92-year-old mother by a male certified nursing assistant who had previously been charged and convicted for sexually assaulting a young girl. This legislation would prevent tragedies like this one from occurring in the future.

I have visited countless long-term care facilities in my home state of Nevada. During these visits, I have always been impressed by the compassion and dedication of the staff. Most nurse aides and health care workers are professional, honest, and dedicated. Unfortunately, it only takes one abusive staff member to terrorize the lives of the residents. That is why we must work to weed out the ''bad apples'' who do not have the best interest of the residents in mind. I urge you to join Senator KOHL and me in our efforts to provide greater protections for all residents of long-term care facilities.

By Mr. LOTT:

S. 1446. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions; to the Committee on Finance.

STATE AND LOCAL GOVERNMENT ESSENTIAL SERVICES FINANCING LEGISLATION

Mr. LOTT. Mr. President, I rise today to introduce legislation to help state and local governments more effectively finance the cost of essential services such as schools, streets, and water and sewer systems.

By easing tax law restrictions on the refinancing of certain bonds, this proposal would allow local jurisdictions to take advantage of favorable market interest rates. Financing the essential projects of our communities is primarily a state and local government responsibility. Federal tax laws should make it easier—not more difficult—for them to lessen the burden of taxes and other governmental charges on our citizens.

The proposal would adjust tax law restrictions on the refinancing of certain bonds issued to provide services such as government-owned schools, hospitals, streets and water and sewer systems.

Under current tax rules, most state and local governments may undertake an advance refunding of bonded indebtedness only one time and are thus unable to take full advantage of periods when market interest rates are low.

This legislation would allow every state and local government an additional opportunity to refinance bonded indebtedness issued to finance essential governmental projects.

Furthermore, this legislation would give state and local governments flexibility skin to that of a homeowner who refinances a mortgage to reduce monthly payments and thereby increase income. The federal government should not expect state and local governments to shoulder the burden of financing local infrastructure, and then deny them the flexibility to handle their own affairs in the most efficient and cost-effective manner. The change will help continue shifting power and control to local government where it belongs.

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. 1446

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

SECTION 1. ADDITIONAL ADVANCE REFUNDINGS OF CERTAIN GOVERNMENTAL BONDS.

(a) IN GENERAL.—Section 149(d)(3)(A)(i) of the Internal Revenue Code of 1986 (relating to advance refundings of other bonds) is amended—

(1) by striking ''or'' at the end of subclause (I),

(2) by adding ''or'' at the end of subclause (II), and

(3) by inserting after subclause (II) the following:

''(III) the 2nd advance refunding of the original bond if the original bond was issued after 1985 or the 3rd advance refunding of the original bond if the original bond was issued before 1986, if, in either case, the original bond was issued as part of an issue 90 percent or more of the net proceeds of which were used to finance governmental facilities used for 1 or more essential governmental functions (within the meaning of section 141(c)(2)),''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to refunding bonds issued on or after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 10, a bill to provide health protection and needed assistance for older Americans, including access to health insurance for 55 to 65 year olds, assistance for individuals with long-term care needs, and social services for older Americans.

S. 37

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 37, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 71

At the request of Ms. SNOWE, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S. 75

At the request of Mr. LUGAR, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 75, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 76

At the request of Mr. LUGAR, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 76, a bill to phase-out and repeal the Federal estate and gift taxes and the tax on generational-skipping transfers.

S. 77

At the request of Mr. LUGAR, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 77, a bill to increase the unified estate and gift tax credit to exempt small businesses and farmers from estate taxes.

S. 78

At the request of Mr. LUGAR, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 78, a bill to amend the Internal Revenue Code of 1986 to increase the gift tax exclusion to $25,000.

S. 88

At the request of Mr. BUNNING, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 88, a bill to amend title XIX of the Social Security Act to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 335

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 407

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 407, a bill to reduce gun trafficking by prohibiting bulk purchases of handguns.

S. 409

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 409, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 471

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 471, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit on student loan interest deductions.

S. 472

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

S. 484

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

S. 662

At the request of Mr. CHAFEE, the names of the Senator from Nevada (Mr. BRYAN), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 664

At the request of Mr. CHAFEE, the names of the Senator from Indiana (Mr. BAYH), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 800

At the request of Mr. BURNS, the name of the Senator from Kansas (Mr.