could in any way compromise the effectiveness of NATO's military forces and any such explanation will be offered only after NATO has first set its policies on issues affecting internal matters;

(iv) NATO will not discuss any agenda item with the Russian Federation prior to agreeing to a NATO position within the North Atlantic Council on that agenda item; and

(v) the Permanent Joint Council will not be used to make decision on NATO doctrine, strategy or readiness.

(4) TREATY INTERPRETATION.—

(A) PRINCIPLES OF TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally-based principles of treaty interpretation set forth in condition (1) in the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988.

(B) CONSTRUCTION OF SENATE RESOLUTION OF RATIFICATION.—Nothing in condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, shall be construed as authorizing the President to obtain legislative approval for modifications or amendments to treaties through majority approval of both Houses of Congress.

(C) DEFINITION.—As used in this paragraph, the term ''INF Treaty'' refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, done at Washington on December 8, 1987.

SEC. 4. DEFINITIONS.

In this resolution:

(1) NATO.—The term ''NATO'' means the North Atlantic Treaty Organization.

(2) NATO MEMBERS.—The term ''NATO members'' means all countries that are parties to the North Atlantic Treaty.

(3) NATO-RUSSIA FOUNDING ACT.—The term ''NATO-Russia Founding Act'' means the document entitled the ''Founding Act on Mutual Relations, Cooperation and Security Between NATO and the Russian Federation'', dated May 27, 1997.

(4) NORTH ATLANTIC AREA.—The term ''North Atlantic area'' means the area covered by Article 6 of the North Atlantic Treaty, as applied by the North Atlantic Council.

(5) NORTH ATLANTIC TREATY.—The term ''North Atlantic Treaty'', means the North Atlantic Treaty signed at Washington on April 4, 1949 (63 Stat. 2241; TLAS 1964), as amended.

(6) PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC.—The term ''Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic'' refers to the following protocols transmitted by the President of the Senate on February 11, 1998 (Treaty Document No. 105–36):

(A) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Poland, signed at Brussels on December 16, 1997.

(B) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Hungary, signed at Brussels on December 16, 1997.

(C) The Protocol to the North Atlantic Treaty on the Accession of the Czech Republic, signed at Brussels on December 16, 1997.

(7) UNITED STATES INSTRUMENT OF RATIFICATION.—The term ''United States instrument of ratification'' means the instrument of ratification of the United States of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic.

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. LEAHY:

S. 1721. A bill to provide for the Attorney General of the United States to develop guidelines for Federal prosecutors to protect familial privacy and communications between parents and their children in matters that do not involve allegations of violent or drug trafficking conduct and the Judicial Conference of the United States to make recommendations regarding the advisability of amending the Federal Rules of Evidence for such purpose; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. LOTT, Mr. JEFFORDS, Mr. KENNEDY, Mr. GREGG, Mr. DODD, Mr. ENZI, Mr. HARKIN, Mr. HUTCHINSON, Ms. MIKULSKI, Ms. COLLINS, Mr. BINGAMAN, Mr. MCCONNELL, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Ms. SNOWE, Mr. NICKLES, Mr. MACK, Mrs. BOXER, Mr. DASCHLE, Mr. CHAFEE, Mrs. FEINSTEIN, Mr. ROTH, Mr. SPECTER, Mr. D'AMATO, Mr. DOMENICI, and Mr. SANTORUM):

S. 1722. A bill to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. MCCAIN, Mr. DEWINE, and Mr. SPECTER):

S. 1723. A bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. DEWINE, Mr. BOND, Mr. ENZI, Mr. FAIRCLOTH, Mr. HATCH, Mr. HELMS, Mr. ROBERTS, Mrs. HUTCHISON, and Mr. SMITH of Oregon):

S. 1724. A bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses; to the Committee on Finance.

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

S. 1725. A bill to terminate the Office of the Surgeon General of the Public Health Service; to the Committee on Labor and Human Resources.

By Mrs. MURRAY (for herself, Mr. GORTON, Mr. SMITH of Oregon, and Mr. WYDEN):

S. 1726. A bill to authorize the States of Washington, Oregon, and economic zone; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY:

S. 1727. A bill authorize the comprehensive independent study of the effects on trademark and intellectual property rights holders of adding new a generic top-level domains and related dispute resolution procedures; to the Committee on the Judiciary.

By Mr. LOTT:

S. 1728. A bill to provide for the conduct of a risk assessment for certain Federal agency rules, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BREAUX:

S. 1729. A bill to amend title 28, United States Code, to create two divisions in the Eastern Judicial District of Louisiana; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 1730. A bill to require Congressional review of Federal programs at least every 5 years, and for other purposes; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 1721. A bill to provide for the Attorney General of the United States to develop guidelines for Federal prosecutors to protect familial privacy and communications between parents and their children in matters that do not involve allegations of violent or drug trafficking conduct and the Judicial Conference of the United States to make recommendations regarding the advisability of amending the Federal Rules of Evidence for such purpose; to the Committee on the Judiciary.

PARENT-CHILD PRIVILEGE STUDY LEGISLATION

Mr. LEAHY. Mr. President, I recently spoke on the floor about the disgust that I share with most Americans about the tactics of Special Prosecutor Kenneth Starr and the disturbing spectacle of hauling a mother before a grand jury to reveal her intimate conversations with her daughter in a matter, which—even if all the allegations about the daughter's conduct were true—do not pose grave threats to the public safety. This matter does not, for example, involve any allegations of violence or drug trafficking conduct.

In this instance, as in others, Mr. Starr has scurried to apply all of the legal weapons at his command, but none of the discretion that he is obligated to exercise as one invested with almost unchecked legal authority. I also expressed my intent to introduce legislation to study whether, and under what circumstances, the confidential communications between a parent and his or her child should be protected. A number of professional relationships of trust are already protected by legal privileges, but not familial relationships. This is the legislation I introduce today.

Currently, under Rule 501 of the Federal Rules of Evidence, privileges are ''governed by the principles of the common law as they may be interpreted by the courts of the United States in the light of reason and experience.'' Thus, in the absence of any Supreme Court rules or federal statutes, courts look to the United States Constitution and the principles of federal common law to determine the applicability and the scope of privileges.

Legal academicians have expressed support for a parent-child testimonial privilege. The public policy reasons favoring such a privilege are numerous and relate to the respect we accord to fundamental family values. Recognition of such a privilege could foster and

protect strong and trusting family relationships, preserve the family, safeguard the privacy of familial communications and intimate family matters against undue government intrusion, and promote a healthy environment for the psychological development of children.

Despite these myriad reasons, there are indeed cases and circumstances when parents should be compelled in court to share what they know from their children. Indeed, courts have generally not been receptive to the parent-child privilege. Only four States—Idaho, Massachusetts, Minnesota, and New York—have adopted either by statute, or by judicial recognition, some form of a parent-child privilege. No Federal Court of Appeals have recognized this privilege nor has any State Supreme Court that has considered the issue. In my own State of Vermont, such a privilege is not recognized.

To my mind, and as a former prosecutor, prosecutors should show restraint before putting parents in the untenable position of making a legal determination as to whether their children should come to them for advice, or whether the parents instead should feel legally pressured to refer their own children to professional therapists, or lawyers, or doctors in order to protect the confidentiality of the child's communications. To be sure, there are some categories of cases, particularly cases involving grave threats to the public safety, such as violent or drug trafficking crimes, where the government can and should appropriately seek testimony from a parent about what a child has said. But we should all be clear about when prosecutors should also show restraint.

Courts have recognized privilege claims in a variety of professional relationships, ranging from attorneys to priests to psychotherapists. Yet the relationship between parent and child—the most fundamental relationship in our society—is generally not so protected in any circumstances. As one New York court explained:

> It would be difficult to think of a situation which more strikingly embodies the intimate and confidential relationship which exists among family members than that in which a troubled young person, perhaps beset with remorse and guilt, turns for counsel and guidance to his mother and father. There is nothing more natural, more consistent with our concept of the parental role, than that a child may rely on his parents for help and advice. Shall it be said to those parents, ''Listen to your son at the risk of being compelled to testify about his confidences?''—*In re Application of A&M*, 61 A.D.2d 426, 403 N.Y.S.2d 375, 378 (1978).

We should consider the sorts of circumstances and the types of cases in which prosecutors should be asked to show some restraint before turning to parents to provide evidence against their children. That is why my bill calls for a study and report by the Justice Department on what these circumstances should be, and to develop prosecutorial guidelines accordingly. Specifically, these guidelines should identify when the communications between parents and their children should carry the same protections as preferred professional relationships, and the circumstances and types of cases when those communications should be subject to government scrutiny.

We cannot rely on the courts to formulate an appropriate parent-child privilege. The Third Circuit recently declined to recognize the parent-child privilege, noting that:

> The legislature, not the judiciary, is institutionally better equipped to perform the balancing of the competing policy issues required in deciding whether the recognition of a parent-child privilege is in the best interests of society. Congress, through its legislative mechanisms, is also better suited for the task of defining the scope of any prospective privilege. . . . In short, if a new privilege is deemed worthy of recognition, the wiser course in our opinion is to leave the adoption of such a privilege to Congress.—*In re Grand Jury Proceedings (Impounded)*, 103 F.3d 1140, 1148, 1153 (3d Cir. 1996).

Likewise, the Seventh Circuit Court of Appeals has made clear that ''courts have been reluctant to create new privileges, preferring to leave such matters to the legislature despite any policy reasons supporting recognition of a particular privilege.'' *United States* v. *Riley*, 653 F.2d 1153, 1160 (7th Cir. 1981).

Congress should accept this challenge. My bill is a start to the process of seeking expert input on the significant question of when the government may not compel parents to betray the confidences of their children, and when because of compelling need or the nature of the case or circumstances, parents should be required to reveal the substance of what their children have told them.

Thus, the bill I introduce today directs the Attorney General to develop Federal prosecutorial guidelines to protect familial privacy and parent-child communications in matters that do not involve allegations of violent or drug trafficking conduct. In addition, the legislation would direct the Judicial Conference to undertake a study and then give us a report on whether the Federal Rules of Evidence should be amended to explicitly recognize a parent-child privilege in cases not involving violent or drug trafficking conduct, and, if so, in what circumstances that privilege should apply.

While we should endeavor to provide the maximum protection for parent-child communications, we should also be careful not to unduly obstruct law enforcement. Nor should the rule be susceptible to litigious mischief.

Accordingly, the Attorney General and the Judicial Conference will need to address, as part of the study and report called for in my bill, a series of important questions, including:

(1) What communications should be considered confidential for purposes of the privilege and, specifically, should the privilege apply in both criminal and civil proceedings?

(2) Should such a privilege apply only to unemancipated minors, or also to adult children?

(3) Should only the child's communications be protected, or should a parent's communications to a child also receive protection?

(4) Should such a privilege extend beyond a child's natural parents to include step-parents or grandparents?

(5) Should such a privilege be subject to rebuttal if the government establishes a compelling need for the information?

This legislation is the first step in evaluating the merits and difficulties inherent in protecting familial privacy and the parent-child relationship against unwarranted intrusions by the government and by overzealous prosecutors. The public and these families themselves should not have to endure repeated scenes of mothers being marched into grand jury inquisitions to reveal intimate talks they may have had with their children about their private relationships. This is a far cry from allegations concerning violent or drug trafficking conduct. Let us find out what the Justice Department and Judicial Conference recommend about how we can best protect child-parent confidences in ways that comport with American notions of family, fidelity, and privacy, without compromising our public safety and the integrity of our judicial system.

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

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

S. 1721

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

SECTION 1. CONFIDENTIALITY OF PARENT CHILD COMMUNICATIONS IN JUDICIAL PROCEEDINGS.

(a) STUDY AND DEVELOPMENT OF PROSECUTORIAL GUIDELINES.—The Attorney General of the United States shall—

(1) study and evaluate the manner in which the States have taken measures to protect the confidentiality of communications between children and parents and, in particular, whether such measures have been taken in matters that do not involve allegations of violent or drug trafficking conduct;

(2) develop guidelines for Federal prosecutors that will provide the maximum protection possible for the confidentiality of communications between children and parents in matters that do not involve allegations of violent or drug trafficking conduct, within any applicable constitutional limits, and without compromising public safety or the integrity of the judicial system, taking into account—

(A) the danger that the free communication between a child and his or her parent will be inhibited and familial privacy and relationships will be damaged if there is no assurance that such communications will be kept confidential;

(B) whether an absolute or qualified testimonial privilege for communications between a child and his or her parents in matters that do not involve allegations of violent or drug trafficking conduct is appropriate to provide the maximum guarantee of

familial privacy and confidentiality without compromising public safety or the integrity of the judicial system; and

(C) the appropriate limitations on a testimonial privilege for such communications between a child and his or her parents, including—

(i) whether the privilege should apply in criminal and civil proceedings;

(ii) whether the privilege should extend to all children, regardless of age, unemancipated or emancipated, or be more limited;

(iii) the parameters of the familial relationship subject to the privilege, including whether the privilege should extend to stepparents or grandparents, adopted children, or siblings; and

(iv) whether disclosure should be allowed absent a particularized showing of a compelling need for such disclosure, and adequate procedural safeguards are in place to prevent unnecessary or damaging disclosures; and

(3) prepare and disseminate to Federal prosecutors the findings made and guidelines developed as a result of the study and evaluation.

(b) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Attorney General of the United States shall submit a report to Congress on—

(1) the findings of the study and the guidelines required under subsection (a); and

(2) recommendations based on the findings on the need for and appropriateness of further action by the Federal Government.

(c) REVIEW OF FEDERAL RULES OF EVIDENCE.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall complete a review and submit a report to Congress on—

(1) whether the Federal Rules of Evidence should be amended to guarantee that the confidentiality of communications by a child to his or her parent in matters that do not involve allegations of violent or drug trafficking conduct will be adequately protected in Federal court proceedings; and

(2) if the rules should be so amended, a proposal for amendments to the rules that provides the maximum protection possible for the confidentiality of such communications, within any applicable constitutional limits and without compromising public safety or the integrity of the judicial system.

By Mr. FRIST (for himself, Mr. LOTT, Mr. JEFFORDS, Mr. KENNEDY, Mr. GREGG, Mr. DODD, Mr. ENZI, Mr. HARKIN, Mr. HUTCHINSON, Ms. MIKULSKI, Ms. COLLINS, Mr. BINGAMAN, Mr. MCCONNELL, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Ms. SNOWE, Mr. NICKLES, Mr. MACK, Mrs. BOXER, Mr. DASCHLE, Mr. CHAFEE, Mrs. FEINSTEIN, Mr. ROTH, Mr. SPECTER, Mr. D'AMATO, Mr. DOMENICI, and Mr. SANTORUM):

S. 1722. A bill to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention; to the Committee on Labor and Human Resources.

THE WOMEN'S HEALTH RESEARCH AND PREVENTION AMENDMENTS OF 1998

Mr. FRIST. Mr. President, I am very pleased to introduce today, with the majority leader, the Women's Health Research and Prevention Amendments of 1998. The purpose of this bill is to increase awareness of some of the most pressing diseases and health issues that women in our country face. This bill focuses on women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

Our goal, in introducing this bill today, is to create greater awareness of women's health issues and to highlight the critical role our public health agencies—the NIH, the National Institutes of Health, and the CDC, the Centers for Disease Control and Prevention—play in providing a broad spectrum of activities to improve women's health, including research, screening, health data management, prevention and treatment of diseases, and broad health education.

This bill reauthorizes programs at the National Institutes of Health for vital research activities into the causes, prevention, and treatment for some of the major diseases affecting women, including osteoporosis, breast cancer, ovarian cancer, as well as research into the aging processes of women.

Let me cite just a few statistics to illustrate the need for further research into these health issues.

Osteoporosis is a health threat for 28 million Americans, 80 percent of whom are women. One in every two women over the age of 50 years will have an osteoporosis-related fracture.

One out of every eight women will develop breast cancer over the course of their lifetimes, and 1 in 25 will die of breast cancer.

Ovarian cancer is the fourth leading cause of death from cancer among women. One of the most troubling aspects of ovarian cancer is the challenge we have in diagnosing this disease earlier and earlier. We know that a late diagnosis results in a worse outcome. The reauthorization of these research programs will help assure scientific progress in our fight against these diseases and will lessen their burden on women and their families.

For far too long, women in this country have been neglected in many of our research clinical studies. I am very pleased that, since 1993, we have developed guidelines to include women and minorities in NIH-sponsored trials. However, we must continue to do more. We must continue to review our women's health research agenda to set future research priorities and to incorporate new scientific knowledge regarding women's health. We must continue to focus and coordinate all our efforts in research areas, including clinical trial research design, genetic factors, the aging process, and other gender-based differences.

I am also pleased in this bill that we authorize a new research program at the National Heart, Lung, and Blood Institute at the NIH to target heart attack, stroke, and other cardiovascular diseases in women. This program, originally introduced by my colleague, Senator BOXER, will advance research into cardiovascular diseases—the leading cause of death in the United States in women. More than 500,000 American women will die annually from cardiovascular diseases. Cardiovascular diseases—that is, diseases of the heart and the blood vessels—kill almost twice as many American women as all other cancers.

One of the biggest myths in medicine is that heart disease is only a male problem. When we think of a heart attack, many people associate it with men. Even in my own studies during my internship and residency in medicine—not that long ago—all the models, the pictures that were used in textbooks, the warning signs on TV—always pictured a man.

However, since 1984, the number of cardiovascular disease deaths in women has exceeded those of men. And in 1995, 50,000 more women died of heart disease than men. The program we are including in the bill today will expand the research programs at NIH to concentrate more on cardiovascular diseases in women.

Our bill reauthorizes several programs at the Centers for Disease Control and Prevention for prevention and education activities on women's health issues. We are reauthorizing the National Center for Health Statistics, the National Program of Cancer Registries, the National Breast and Cervical Cancer Early Detection Program, the Centers for Research and Demonstration of Health Promotion and Disease Prevention, and the Community Programs on Domestic Violence.

CDC's programs provide critical health services in each of our States and in our communities to detect, prevent, and diagnose diseases such as breast and cervical cancer. For the past 7 years, the National Breast and Cervical Cancer Early Detection Program has provided critical cancer screening services to underserved women, especially low-income women, elderly women, and members of racial and ethnic minority groups. CDC supports early detection programs in all 50 States, in 5 territories, in the District of Columbia, and in 14 American Indian/Alaskan Native organizations. Through March 1997, more than 1.3 million screening tests have been provided by this one program.

CDC programs provide critical data and statistics about women's health that assist us in making informed policy decisions about health care. The National Center for Health Statistics often provides the only national data on the health status of U.S. women and their use of health care. A recent report by the National Center for Health Statistics entitled ''Women: Work and Health'' summarized the data on health conditions affecting working women. This report is the first comprehensive survey on work-related

health issues encountered by the more than 60 million women in the American labor force.

I thank the majority leader for his leadership on this issue and for his efforts in the introduction of this bill. I am pleased to state that this bill is bipartisan. We have included provisions that are the product of the efforts of many of my colleagues—Senators SNOWE, HARKIN, BOXER, and many others. We have the support of nearly the full Senate Labor and Human Resources Committee, and over 27 Members of the Senate are original cosponsors of this bipartisan bill. The level of support for this bill is a real testament to the need to combat the diseases affecting women and to maintain those crucial health services that help prevent these diseases.

This bill, again, is introduced to generate discussion of these important programs. We intend to consider these programs within the context of the upcoming NIH reauthorization bill to be introduced over the next several months. I encourage all Members and constituencies to review the current programs and to provide input as we set the future agenda of women's health research and prevention in this Nation.

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

S. 1722

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 ''Women's Health Research and Prevention Amendments of 1998''.

TITLE I—PROVISIONS RELATING TO WOMEN'S HEALTH RESEARCH AT THE NATIONAL INSTITUTES OF HEALTH

SEC. 101. EXTENSION OF PROGRAM FOR RESEARCH AND AUTHORIZATION OF NATIONAL PROGRAM OF EDUCATION REGARDING THE DRUG DES.

(a) IN GENERAL.—Section 403A(e) of the Public Health Service Act (42 U.S.C. 283a(e)) is amended by striking ''1996'' and inserting ''2001''.

(b) NATIONAL PROGRAM FOR EDUCATION OF HEALTH PROFESSIONALS AND PUBLIC.—From amounts appropriated for carrying out section 403A of the Public Health Service Act (42 U.S.C. 283a), the Secretary of Health and Human Services, acting through the heads of the appropriate agencies of the Public Health Service, shall carry out a national program for the education of health professionals and the public with respect to the drug diethylstilbestrol (commonly know as DES). To the extent appropriate, such national program shall use methodologies developed through the education demonstration program carried out under such section 403A. In developing and carrying out the national program, the Secretary shall consult closely with representatives of nonprofit private entities that represent individuals who have been exposed to DES and that have expertise in community-based information campaigns for the public and for health care providers. The implementation of the national program shall begin during fiscal year 1999.

SEC. 102. RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Section 409A(d) of the Public Health Service Act (42 U.S.C. 284e(d)) is amended by striking ''and 1996'' and inserting ''through 2001''.

SEC. 103. RESEARCH ON CANCER.

(a) IN GENERAL.—Section 417B(a) of the Public Health Service Act (42 U.S.C. 286a–8(a)) is amended by striking ''and 1996'' and inserting ''through 2001''.

(b) RESEARCH ON BREAST CANCER.—Section 417B(b)(1) of the Public Health Service Act (42 U.S.C. 286a–8(b)(1)) is amended—

(1) in subparagraph (A), by striking ''and 1996'' and inserting ''through 2001''; and

(2) in subparagraph (B), by striking ''and 1996'' and inserting ''through 2001''.

(c) RESEARCH ON OVARIAN AND RELATED CANCER RESEARCH.—Section 417B(b)(2) of the Public Health Service Act (42 U.S.C. 286a–8(b)(2)) is amended by striking ''and 1996'' and inserting ''through 2001''.

SEC. 104. RESEARCH ON HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by inserting after section 424 the following:

''HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN

''SEC. 424A. (a) IN GENERAL.—The Director of the Institute shall expand, intensify, and coordinate research and related activities of the Institute with respect to heart attack, stroke, and other cardiovascular diseases in women.

''(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate activities under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to heart attack, stroke, and other cardiovascular diseases in women.

''(c) CERTAIN PROGRAMS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to develop methods for preventing, cardiovascular diseases in women. Activities under such subsection shall include conducting and supporting the following:

''(1) Research to determine the reasons underlying the prevalence of heart attack, stroke, and other cardiovascular diseases in women, including African-American women and other women who are members of racial or ethnic minority groups.

''(2) Basic research concerning the etiology and causes of cardiovascular diseases in women.

''(3) Epidemiological studies to address the frequency and natural history of such diseases and the differences among men and women, and among racial and ethnic groups, with respect to such diseases.

''(4) The development of safe, efficient, and cost-effective diagnostic approaches to evaluating women with suspected ischemic heart disease.

''(5) Clinical research for the development and evaluation of new treatments for women, including rehabilitation.

''(6) Studies to gain a better understanding of methods of preventing cardiovascular diseases in women, including applications of effective methods for the control of blood pressure, lipids, and obesity.

''(7) Information and education programs for patients and health care providers on risk factors associated with heart attack, stroke, and other cardiovascular diseases in women, and on the importance of the prevention or control of such risk factors and timely referral with appropriate diagnosis and treatment. Such programs shall include information and education on health-related behaviors that can improve such important risk factors as smoking, obesity, high blood cholesterol, and lack of exercise.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2001. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.''.

SEC. 105. AGING PROCESSES REGARDING WOMEN.

Section 445I of the Public Health Service Act (42 U.S.C. 285e–11) is amended by striking ''and 1996'' and inserting ''through 2001''.

SEC. 106. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

Section 486(d)(2) of the Public Health Service Act (42 U.S.C. 287d(d)(2)) is amended by striking ''Director of the Office'' and inserting ''Director of the National Institutes of Health''.

TITLE II—PROVISIONS RELATING TO WOMEN'S HEALTH AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION

SEC. 201. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)) is amended—

(1) in paragraph (1), by striking ''through 1998'' and inserting ''through 2002''; and

(2) in paragraph (2), by striking ''through 1998'' and inserting ''through 2002''.

SEC. 202. NATIONAL PROGRAM OF CANCER REGISTRIES.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e–4(a)) is amended by striking ''through 1998'' and inserting ''through 2002''.

SEC. 203. NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

(a) GRANTS.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)) is amended—

(1) in paragraph (1), by striking ''nonprofit''; and

(2) in paragraph (2), by striking ''that are not nonprofit entities''.

(b) PREVENTIVE HEALTH.—Section 1509(d) of the Public Health Service Act (42 U.S.C. 300n–4a(d)(1)) is amended by striking ''through 1998'' and inserting ''through 2002''.

(c) GENERAL PROGRAM.—Section 1510(a) of the Public Health Service Act (42 U.S.C. 300n–5(a)) is amended by striking ''through 1998'' and inserting ''through 2002''.

SEC. 204. CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION.

Section 1706(e) of the Public Health Service Act (42 U.S.C. 300u–5(e)) is amended by striking ''through 1998'' and inserting ''through 2002''.

SEC. 205. COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

Section 318(h)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)(2)) is amended by striking ''fiscal year 1997'' and inserting ''for each of the fiscal years 1997 through 2002''.

Mr. LOTT. Mr. President, this morning I am very pleased to join Senator FRIST of Tennessee, who is an outstanding Senator, and also a doctor, who has been very helpful to me, and a lot of Senators, since he joined this body, in introducing legislation entitled ''The Women's Health Research and Prevention Act.''

The bill authorizes and reauthorizes a collection of first-class research and prevention programs in the National Institutes of Health and the Centers for Disease Control and Prevention.

Breast cancer is the leading cause of death in women between the ages of 40 and 55. About one out of every eight women in the United States will, unfortunately, develop breast cancer during their lifetime. And so the Frist-Lott bill reauthorizes breast and ovarian cancer research and education programs at NIH.

Osteoporosis is a disease in which bones become fragile and more likely to break. My wife is beginning to confront this particular problem. As women age, they lose bone mass and are at risk of debilitating accidents such as fractures. This bill extends osteoporosis research and education programs at NIH.

Women's health, though, means more than just health issues specific to women. Heart disease, for instance, the No. 1 killer in the U.S. of women, of course, also affects men in great numbers. Hypertension, a leading cause of heart disease, is two to three times more common in women than in men.

In addition to these three key research areas, our bill continues programs in the Centers for Disease Control, including the National Program of Cancer Registries and the National Early Detection Program for breast and cervical cancer.

Senator FRIST, the Senate's only doctor, and an outstanding heart surgeon himself, provided the details of the bill. Senator FRIST is chairman of the Senate Public Health Subcommittee of the Senate Labor Committee, and is one of the Senate's key leaders on all of our health issues.

I am pleased that he is also serving on our Medicare commission that had its first meeting yesterday, including a meeting with the President.

I have often turned to him for advice and guidance on health matters, and will continue to do so in the future. I believe that just this morning Senator FRIST attended a meeting regarding Medicare, and that will be helpful in this effort. I know it will be a bipartisan effort.

I encourage colleagues on both sides of the aisle to cosponsor this important legislation.

This morning I was made aware that Senator MACK is a cosponsor, and Senator D'AMATO. We are inviting all Members to join us in this very serious and very important issue that we need to act on in order to reauthorize some of these programs and authorize new ones.

I thank Senator FRIST for his leadership in this area, and I yield the floor.

Mr. JEFFORDS. Mr. President, I rise to recognize Senator FRIST for taking an important step that brings together a number of Government programs of research, treatment and disease prevention for women. Over the past several years, Congress and the Nation have become increasingly concerned about women's health. I appreciate the leadership and the expertise that Dr. FRIST brings to Congress about these issues. We have much to learn about recognizing and treating the medical needs of women.

In the first session of the 105th Congress, at least 21 bills relating to women's health were introduced and referred to the Senate Labor and Human Resources Committee. At our committee hearing on women's health last July, we heard about important advances being made in research. We also heard about significant gaps of knowledge which need to be filled. More importantly, we recognize how important it is to get information about scientific advances to the public and their health care providers.

Thus, I am pleased the provisions of this bill provide for research and for public and professional education. We know that once the information is out to the public and health care professionals, we need screening programs, closely followed by access to treatment. The bill provides for important patient services.

Finally, once common conditions are well recognized, detected and treated, we need data to track our progress in disease prevention and to alert us to new help in illness trends. This bill provides for these functions through the support for cancer registries, information systems, and program evaluation. It is my hope that having women's issues collected together in one bill will focus the attention of Congress and the Nation on vigorous support of the woman's health initiative.

I am pleased to join Senator FRIST in sponsoring this legislation.

Mr. KENNEDY. Mr. President, I commend Senator FRIST for his leadership on the bill we are introducing today, ''The Women's Health Research and Prevention Amendments of 1998.'' This bill is a bipartisan effort to extend and strengthen several important women's health programs at the National Institutes of Health and the Centers for Disease Control and Prevention.

In recent years, women's health has begun to receive the high priority it deserves. Five years ago government guidelines were finally eliminated that specifically excluded women from many clinical trials. Increasingly, Congress has given higher priority to funds to address breast cancer and other women's health issues. We also established the Office of Women's Health within the Department of Health and Human Services, in order to develop and implement a national agenda for women's health. These successes, however, have revealed that there is much more to be done.

The bill we are introducing today is an attempt to fill some of the gaps in research and prevention that we have identified in women's health. It is time for Congress to acknowledge that women's health involves a wider range of issues, and that the magnitude of these issues varies greatly with age. Car crashes and unintended injuries are the leading killer of women in their teens and twenties. Cancer is the leading killer of women between the ages of 25 and 64. Heart disease is the leading killer among women over 65.

The nation's agenda on women's health must also address other key issues that are more common among women but affect men too, such as osteoporosis, depression, and auto-immune diseases, and illnesses that manifest themselves differently in men and women, such as heart disease, substance abuse, AIDS, and violence.

Our legislation extends important research and prevention activities now being carried out by the National Institutes of Health and the Centers for Disease Control and Prevention in areas traditionally considered women's health issues, such as breast and ovarian cancer, osteoporosis, and domestic violence. It also calls for greater research efforts on heart attacks, strokes, and other cardiovascular diseases, in recognition of the serious effects of these diseases on women.

Our bill also provides continued support for academic health centers to conduct research and demonstration projects related to health promotion and disease prevention to improve quality of life, and to curb premature mortality and illness that contribute to excessive health costs. These academic health centers are effective in informing women and their physicians of steps they can take to prevent serious illness and injury, especially in cases involving chronic and debilitating physical illness, such as arthritis and osteoporosis, which put women at high risk for bone fractures.

In order to enable researchers to monitor health trends among women and to help policymakers make informed decisions on the allocation of resources, it is essential for accurate and timely statistical and epidemiological data to be available. Our bill will provide continued support of the CDC's National Center for Health Statistics, which provides valuable data related to overall health status, lifestyle, onset and diagnosis of illness and disability, and use of health care and rehabilitation services.

It is also important to understand differences between racial and ethnic groups. For example, black women have far higher death rates from heart disease, cancer, stroke and diabetes than white women. Minority women suffer the most from AIDS. More than half of new female cases of AIDS over the past decade were found among blacks. For other chronic diseases, black women have the highest rates of hypertension, while Native American women have higher rates of asthma and chronic bronchitis. This bill will enable the National Center for Health Statistics to continue its important work on the health of ethnic and racial populations, and improve methods to collect data on these subgroups in

order to understand and address their various health needs more effectively.

Too many health needs of women continue to be neglected by the nation's health care system. The cost of this national neglect, both in dollars and in lives, is staggering. This bill is an excellent starting point for strengthening current programs and pursuing new initiatives to address urgent national priorities in women's health. I look forward to working with my colleagues and with the women's health community to enact the strongest legislation we can to deal with these vital issues.

Mr. HARKIN. Mr. President, I am pleased today to join many of my colleagues in support of the ''Women's Health Research and Prevention Amendments of 1998.'' This legislation, introduced by my distinguished colleague, Senator BILL FRIST, and cosponsored by nearly all the members of the Committee on Labor and Human Resources, is an important step forward in the study and prevention of diseases and conditions unique to women.

In the late 1980's, I learned that there was an embarrassing lack of research on diseases and conditions prevalent in women. In addition, the General Accounting Office (GAO) reported that women were routinely excluded from medical research studies at NIH. Because of this information, in 1990, I fought for legislation creating the Office of Research on Women's Health at the National Institutes of Health (NIH). Since its creation, the Office successfully worked to ensure that research focuses on women's health and that women be included in clinical trials.

Senator FRIST'S legislation builds upon the base of research and prevention knowledge we have developed over the past few years. The bill reauthorizes essential programs relating to women's health research at NIH and the Centers for Disease Control and Prevention (CDC).

I am particularly proud of the reauthorization of the programs promoting research and education on the drug ''diethylstilbestrol,'' otherwise known as DES. This drug was prescribed to pregnant American women from 1938 to 1971 in the mistaken belief that it would prevent miscarriage. But DES is now known to cause a five-fold increased risk of ectopic pregnancy, as well as a three-fold increased risk of miscarriage. I was proud to introduce legislation in 1992 that established a pilot program through NIH to test ways to educate the public and health professionals about how to deal with DES exposure. Last year I introduced legislation that would give people across the nation access to information developed through this pilot program. I am pleased that this bill has been incorporated in the ''Women's Health Research and Prevention Amendments of 1998.''

In addition, I am pleased that the bill extends research programs for basic and clinical research and education efforts with respect to cancer, particularly breast cancer and ovarian cancer. I have fought for a long time for increased funding for breast cancer research. During my tenure as Chairman of the Subcommittee on Appropriations that handles NIH we provided dramatic increases in funding for breast cancer research.

This legislation also extends important research at NIH on osteoporosis, Paget's disease and related bone disorders, and research on cardiovascular diseases in women. It reauthorizes programs at the National Institute on Aging, including research into the aging processes of women, with particular emphasis on the effects of menopause and the complications related to aging and the loss of ovarian hormones in women.

CDC also plays an important role in the prevention diseases and conditions in women. This legislation would extend CDC's collection of statistical and epidemiological information, which is often the only national data available on the health status of American women and their use of the health care system. The bill extends CDC's National Cancer Registries Program, which provides funds to states to enhance their cancer surveillance data needed to monitor trends and serve as the foundation of a national comprehensive cancer control strategy.

I am particularly proud that this legislation extends the National Breast and Cervical Cancer Early Detection Program. In 1990 I worked to start and fund this program which provides mammography and cervical cancer screening to low income women without insurance. This program has provided vital access to services for thousands of women across the country.

In addition, the bill would extend authorization for grants to academic health institutions for research on health promotion and disease prevention. A number of these institutions are working together to develop strategies for prevention of cardiovascular disease in women. Finally, the bill reauthorizes grants administered by CDC to non-profit private organizations to establish projects in local communities to coordinate intervention and prevention of domestic violence.

Mr. President, the research into and prevention of diseases prevalent in women is an investment in our daughters, wives, mothers, and sisters. It is an investment in our future.

Mr. BINGAMAN. Mr. President, I rise today to join Senator FRIST and my other colleagues in introducing the Women's Health Research and Prevention Amendments of 1998.

This legislation allows us to reauthorize key women's health research and prevention programs at the National Institutes of Health and the Centers for Disease Control and Prevention. These programs represent a cross section of the current research projects at the federal level that have a direct impact on women's lives here in the United States.

While in the last decade, interest and commitment to women's health has been heightened in the Congress, much work remains. We have taken steps to ensure that women will be included in health care research in the U.S. Prior to 1993, research in women's health was inadequate. Most of the health care studies were conducted only on Anglo men. Quite simply, research studies on men cannot be generalized to women. We know that there are gender and ethnic differences when it comes to health and illness. The time has come to further address the major causes of morbidity and mortality among women: heart disease, osteoporosis, breast cancer, and colorectal cancer.

This bill will provide the basis for looking at the research needs in the spectrum of women's health and as we go to hearings on the bill I am hopeful that additional women's health issues can be addressed.

There is another facet to women's health research that must be considered. It is imperative that we ensure that studies are representative of all women in the United States, including African American, Hispanic, Native American and Asian women. We need research that is culturally sensitive. We must support efforts of community based outreach that allows for recruitment and retention of minority women into research and this should be a factor when projects are planned and conducted.

Mr. President, this legislation has provisions relating to women's health research at the NIH in the disease specific issues of diethylstilbestrol (DES), osteoporosis, breast and ovarian cancer. It expands and allows for increased coordination of research activities with respect to heart attack, stroke, and other cardiovascular diseases in women at the National Heart, Lung, and Blood Institute. This program is critical since cardiovascular disease is the leading cause of death for women in the United States.

Finally, Mr. President, I wanted to take the opportunity to specifically highlight one particular CDC program in the bill. This legislation addresses the Health Promotion and Disease Prevention Research Centers Program at the CDC and will extend authorization for grants to our academic health institutions for research in the areas of health promotion and disease prevention.

The CDC's Prevention Research Center Program is an innovative, extramural link of federal, academic, state, and community based agencies.

For my home state of New Mexico, this CDC project has been particularly useful. In New Mexico a prevention center has been able to focus on health risks and promoting health through applied research at the community level. The project and grant have provided the opportunity to address areas often overlooked such as rural population

needs and Native American and Hispanic health needs.

In New Mexico about one of every three American Indian adults has diabetes. The demonstration project has allowed for the promotion of health lifestyles to combat the epidemic of adult onset diabetes. The project has facilitated the formation of a true partnership between the Navajo nation, nineteen pueblos in New Mexico, the New Mexico Department of Health, the University of New Mexico, and the New Mexico State Department of Education. There has been training of community health workers on disease prevention strategies most applicable to American Indian communities. This program is a model for increasing collaboration among established agencies and nontraditional community partners. It is a culturally sensitive approach that is having a direct, positive impact on the health of New Mexicans. The creative approach at CDC of a community based demonstration and application project coupled with evaluation of strategies through research is unique, successful, and should be reauthorized.

Mr. President, in closing, I look upon this bill as the important first step to reauthorize programs at both the CDC and NIH. I look forward to working with Senator FRIST on these and other issues of import to women's health.

Mr. WELLSTONE. Mr. President, I rise today to join my colleague from Tennessee and others in introducing the ''Women's Health Research and Prevention Amendments of 1998,'' as an original cosponsor. This bill reauthorizes funding to extend and enhance many fine programs at the National Institutes of Health and the Centers for Disease Control and Prevention. I am pleased to join in this important effort.

Mr. President, I would like to commend Senator FRIST for his work in developing this legislation to strengthen and expand Federal efforts to promote women's health. While there is still some work to be done to improve the bill as it moves through the normal legislative process, I believe this bill offers a good start and provides a solid foundation on which to build historic improvements in NIH research programs on breast cancer, heart attack, menopause, and other areas. Let me outline briefly a few critical issues that are not addressed by the bill, but which I hope to see addressed as we move forward.

One notable gap is in the area of substance abuse. I believe this bill could be an important complement to the Substances Abuse Treatment Parity Act (S. 1147), which I introduced last September to improve access to equitable medical care to treat the disease of alcohol and other drug dependencies. Substance abuse is a widespread health concern for many women, who also experience associated health, psychological, and family problems. For example, expectant mothers and mothers with small children can be helped with treatment and support services. This is an investment for them, but as importantly for their children, who would have the opportunity to grow up in a healthy, chemical-free home environment. We have to take the problem of substance abuse as seriously as we do other aspects of women's health.

Important information about this national problem will be highlighted in an upcoming five-part PBS series by Bill Moyers, where treatment programs such as the Hazelden program in my state of Minnesota are highlighted. In working with these and other treatment programs in Minnesota, I have learned a great deal about the problems of substances abuse, but also about the hope and success that occurs when effective treatments are available. The Women's Health Research and Prevention Amendments Act could be substantially improved by an additional focus on substance abuse programs.

Another notable gap is in the area of mental health and behavioral science. On page one of the New York Times today was an article on the criminalization of mental illness. The problem is that we as a nation have needed to focus on the humane, dignified treatment of mental illness, and having failed in that, more and more people who are suffering from mental illness are winding up in prisons where they are out of sight, but where they are not getting the care they need. We need to treat mental health as seriously as we treat cancer and heart disease, because mental illness can be just as serious, chronic, and life-destroying as other diseases.

I intend to work closely with Senator FRIST and others on the committee to improve the bill by including a recognition of the role that behavioral science and psychological factors have in the development of and recovery from disease. Many of the diseases mentioned in the bill are scientifically linked to behavioral or psychological factors that can be critical to prevention and recovery. Women also suffer unduly from specific mental health problems and experiences, such as depression and domestic violence. Depression, for example, is a pervasive and impairing illness which affects women at roughly twice the rate of men. Domestic violence places a significant resource and economic strain on our justice, health, and human services systems. Research conducted at urban hospitals has show that about 25% of emergency room visits by women resulted from domestic assaults. Women who have been raped or battered have significantly great physical health problems, as well as increased vulnerability to psychological and emotional suffering. My wife Sheila and I have worked for years to improve the federal response to the epidemic levels of domestic violence across the country; I want to make sure this bill adequately addresses these issues.

Mr. President, it is my commitment to work closely with the committee to enhance these and other areas that are critical to women's health. A strong focus on research and prevention of mental illness and substance abuse for women is an important investment in the health of the nation and of the health and well being of countless families.

Mr. NICKLES. Mr. President, I want to speak today on the Women's Health Research and Prevention Amendments of 1998 introduced by my colleagues Senator FRIST and Majority Leader LOTT. This bill would amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

Education and Research are the key to providing the best health care for women and for that matter, all Americans. The Women's Health Research and Prevention Amendments promote precisely that. Just two examples are the extension of NIH research programs for basic and clinical research and education efforts with respect to cancer, breast cancer, and ovarian and related cancer; and the extension of the CDC National Breast and Cervical Cancer Early Detection Program. These are the kinds of programs that will improve women's health.

I am pleased to be a cosponsor of the Women's Health bill because I believe that research is the best way for Congress to respond to the concern over women's health issues and health issues generally. I make this point, Mr. President, because I have been disappointed that Congress has recently put on lab coats and begun practicing medicine. We have gotten into the dangerous habit of legislating clinical procedures which are not based in science or research but rather driven by social opinion and special interests.

You only have to look back to the end of the 104th Congress to illustrate my point. A majority of Congress supported an effort last year to mandate that all insurance plans cover 48-hour maternity stays in hospitals. However, serval months following the passage of that legislation an article appeared in the Journal of the American Medical Association stating that the ''content does not solve the most important problems regarding the need for early postpartum/postnatal services. The legislation may give the public a false sense of security. It may call into question the reasonableness of relying on legislative mechanisms to micro manage clinical practice.''

In other words, Congress made a nice, laudable attempt. We said we are going to mandate 48 hours, but it has had no appreciable improvement on the quality of health care. It appears that our so-called victory in passing 48 hours may have in fact done more harm than good in helping women and newborns. This experience, and others like it, should have taught us what not to do.

It should have taught us that before we endeavor to decide what is the best therapy, procedure, or treatment for any one disease, let us look for a minute at what we are doing. What are the unintended consequences of federal mandates on health insurance companies regarding treatments and coverage of services?

Let's take breast cancer as another example. Various bills have been introduced in the last few months that mandate a length of stay for mastectomies or require coverage of an inpatient stay for women undergoing breast cancer surgery for an unspecified length of time, to be determined by the physician.

Were Congress to legislate in favor of one form of treatment over another, we are sending the message that one treatment is preferable to the other. Treatments are constantly changing. Health care needs to be flexible and should not lock doctors in to a specific approach. Shouldn't we allow medical research to decide the best course of action? If the federal government mandates a specific treatment, length of stay or procedure, that then becomes the standard.

In addition, employing mandates in the place of valid research runs the risk of discouraging innovative treatments. For example, recent improvements in anesthesiology are a result of patient appeals to cut down on nausea and vomiting after breast surgery as well as a desire to recover at home.

Longer mandated stays could discourage doctors and patients from developing the best possible plan for recovery. Patients may choose to stay in the hospital for an extended period of time out of fear or lack of knowledge and risk infection. Patients may have the false idea that longer hospital stays equal the best possible treatment when, in fact, recent research indicates that is not necessarily the case.

According to a November 6, 1996, article in The Wall Street Journal, The Johns Hopkins Breast Center in Baltimore, which has gradually eliminated inpatient stays for some women undergoing certain types of mastectomies, has found that outpatient mastectomies are associated with lower infection rates and high levels of satisfaction among women. We have the responsibility to arm patients with the kind of sound research and education this legislation provides, not prescriptive mandates from Dr. Congress.

Lillie Shockeney, R.N. the Education and Outreach Director at the Johns Hopkins Hospital Breast Center and a breast cancer survivor, summed up best in a Finance Committee hearing on November 5, 1997. ''. . . I am concerned that it [S. 249, The Women's Health and Cancer Rights Act of 1997] doesn't solve the real medical dilemma that women battling breast cancer are faced with today. We need to be striving to improve patient care for patients undergoing breast cancer surgery rather than unknowingly promote keeping it at status quo. We need to be promoting the development of a comprehensive patient education program and have teams of health care professionals dedicated to striving to improve the care and treatment provided to women with breast cancer.''

Mr. President, I want to congratulate Senator FRIST and Senator LOTT for bringing this issue before us in such a responsible and proactive bill. These programs go a long way to serve women. I thank the chair and encourage my colleagues to support this common sense legislation.

Mrs. BOXER. Mr. President, I am very pleased to join my colleagues in introducing the Women's Health Research and Prevention Amendments of 1998. This is a bipartisan initiative, which is important, because promoting the health of American women is a bipartisan concern. I commend the Senator from Tennessee for his leadership on this bill. He has done a tremendous job in building crucial and broad support for it.

I am particularly pleased that the bill includes a title on cardiovascular disease in women, which incorporates legislation I introduced last June, the Women's Cardiovascular Diseases Research and Prevention Act (S. 349). It is appropriate to include it in this comprehensive legislation because cardiovascular disease is the number one killer of women in the United States, a fact many Americans simply don't realize.

The statistics are alarming. More than 500,000 women and girls die from cardiovascular disease each year. Heart attacks and strokes are the leading causes of disability in women. More than 1 in 5 females have some form of cardiovascular disease. Of women and girls under age 65, approximately 20,000 die of heart attacks each year. Cardiovascular disease claim about as many lives each year as the next eight leading causes of death combined. More than 2,600 Americans die each day from cardiovascular diseases; that's an average of one death every 33 seconds. Cardiovascular diseases kill more women each year than does cancer. Heart attacks kill more than 5 times as many females as does breast cancer. Stroke kills twice as many women as does breast cancer. Each year since 1984, cardiovascular diseases have claimed the lives of more females than males. In 1993, of the number of individuals who died of such diseases, 52 percent were female, and 48 percent were male.

Yet for years, women have been under-represented in studies about heart disease and stroke. Models and tests for detection have largely been conducted on men, and some doctors do not recognize cardiovascular symptoms that are unique to women.

The bill we are introducing today authorizes necessary funding to the National Heart, Lung and Blood Institute to expand and intensify research, prevention, and educational outreach programs for heart attack, stroke and other cardiovascular diseases in women. This legislation will aid our Nation's doctors and scientists in developing a coordinated and comprehensive strategy for fighting this terrible disease.

This bill will help ensure that women are well represented in future cardiovascular studies and that their doctors are well informed about symptoms that are unique to women. It will also promote women's awareness of risk factors, such as smoking, obesity and physical inactivity, which greatly increase their chances of developing cardiovascular disease.

This legislation is a critical component in our efforts to draw attention and resources to cardiovascular disease, which strikes so many of our grandmothers, mothers, aunts and daughters. Through it, and in collaboration with many dedicated groups such as the American Heart Association, we can and will beat this devastating disease.

The Women's Health Research and Prevention Amendments of 1998 reauthorize several programs that are of great importance to American women, including research on osteoporosis, cancer, aging, and the drug DES. The bill extends authorization for programs that promote health, prevent disease, and reduce domestic violence. I encourage the leaders to bring this legislation to the floor as quickly as possible, so that we can move forward in our efforts to promote the health of women across the nation.

Mr. DASCHLE. Mr. President, I am pleased to join my colleagues from both sides of the aisle in support of the Women's Health Research and Prevention Amendments of 1998, a bill that responds to a fundamental weakness in our health care system: the relative paucity of research devoted to women's health issues. As we learn about the unique health care needs of women, we have an historic opportunity to redress the unjustified disparity in the level of effort and resources invested in women's health.

This measure extends several targeted initiatives of the National Institutes of Health (NIH), including research on osteoporosis; breast, cervical and ovarian cancer; and heart disease as it affects women.

This research is clearly needed. While heart disease is the leading cause of death among women, there is inadequate understanding of how heart disease manifests in our female population. Indeed, a recent study showed that 2 out of 3 doctors were not aware that the risk factors for heart disease are different for women than they are for men, and 9 out of 10 did not know the symptoms vary according to gender.

Like cardiovascular research, efforts to understand and treat osteoporosis are critically important. More than 28 million Americans, 80 percent of whom are women, suffer from or are at-risk for osteoporosis. Half of all women age

50 or over will suffer a bone fracture due to osteoporosis. Research into the causes, treatment and prevention of osteoporosis is a smart public health investment.

An equally strong case can be made for the other NIH research initiatives extended by this bill. Whether the focus is breast cancer, a disease which takes the lives of 44,000 women each year, or ovarian cancer, which currently has a tragically low survival rate, the research priorities identified for inclusion in this bill represent some of the most important initiatives of any kind that we, as a nation, can undertake.

The bill also extends key women's health initiatives at the Centers for Disease Control: One that I believe is particularly important is the CDC National Breast and Cervical Cancer Early Detection program. Over 1.5 million screening tests have been provided by the program, which began its seventh year in 1998. As a result, more than 23,000 women were able to fight back against an otherwise silent killer. The CDC early detection program is now operational in all 50 states. More than 100 women are screened in my own state each month.

Another very important program reauthorized by this bill is CDC's Community Programs on Domestic Violence initiative.

Domestic violence is a threat to women, to children and to the family unit. It is shockingly prevalent and tragically under-reported. Studies indicate that one-quarter of all women in the United States experience domestic violence at some point in their life, and that 92 percent of them do not discuss these incidents with their physician. We need to recognize the problem for what it is—a crime, a killer, and a public health threat—and fight it with every tool we have at our disposal. Through the CDC program, non-profit organizations apply for resources to combat domestic violence in communities throughout the country. Local efforts to increase public awareness, dispel the myth that domestic violence is a private family matter, and help women and children who fall victim can, case-by-case, make a tremendous difference in the lives of millions of present and potential victims.

This bill continues the effort to bridge the gender gap in the quality of research, data, and care. It asserts the fact that women have unique health care needs and addresses areas of particular importance to women's health. It also affirms the value of health research generally and recognizes the important role research plays in both improving health outcomes and decreasing health costs for many diseases. I am proud to be part of this effort.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. MCCAIN, Mr. DEWINE, and Mr. SPECTER):

S. 1723. A bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers; to the Committee on the Judiciary.

THE AMERICAN COMPETITIVENESS ACT

Mr. ABRAHAM. Mr. President, I rise today to introduce the American Competitiveness Act. First, let me thank Senators HATCH, MCCAIN, and DEWINE for cosponsoring this bill. I believe this legislation is important to the country's future because it constitutes an essential ingredient in any long-term strategy to keep the United States a leader in global markets in the 21st century. A coalition of America's leading businesses has endorsed the bill, stating that ''The American Competitiveness Act will do more to directly create jobs for Americans—and to keep jobs in this country—than any other bill that will be considered by Congress this year.''

Over the past twenty years, no part of the economy has done more to raise the standard of living of the American people than that of information technology. This industry, which barely existed as a handful of companies just a few decades ago, now employs more than 4 million people directly, and many others indirectly. This industry has improved everything from the way we work, shop, travel, and perform financial transactions, to the way our children study. And, as economist Larry Kudlow reports, this industry is central to our economic well-being. The hardware and software industries combined account for about one third of our real economic growth. Overall, electronic commerce is expected to grow to $80 billion by the year 2000.

Yet all is not well with this crucial sector of our economy. American companies today are engaged in fierce competition in global markets. To stay ahead in that competition they must win the battle for human capital. But companies across America are faced with severe high-skill labor shortages that threaten their competitiveness in this new Information Age economy.

A study conducted by Virginia Tech for the Information Technology Association of America (ITAA) estimates that right now we have more than 340,000 unfilled positions for highly skilled information technology (IT) workers in American companies. And that number does not include the non-profit sector, local or federal government agencies, mass transit systems, or companies with fewer than 100 employees.

The Virginia Tech study is hardly alone in identifying this problem. The Department of Labor's figures project that our economy will produce more than 130,000 information technology jobs in each of the next 10 years, for a total of more than 1.3 million. The data also suggest our universities will produce less than a quarter of the necessary number of information technology graduates over the next 10 years. Between 1986 and 1995, the number of bachelor's degrees awarded in computer science declined by 42 percent. This means that even if undergraduate enrollments in this field were to increase as predicted by one survey, we still would not achieve the 1986 level of computer science graduates before 2002. And even then, we would be producing thousands fewer skilled workers than the market demands.

The National Software Alliance, a consortium of concerned government, industry, and academic leaders that includes the U.S. Army, Navy, and Air Force, recently concluded that ''The supply of computer science graduates is far short of the number needed by industry.'' The Alliance points out that the current severe understaffing could lead to inflation and lower productivity and threaten America's competitiveness.

This is serious, both in individual states and for the nation. In Michigan, for example, 24 of every 1,000 private sector workers are employed by high-tech firms, and this figure is growing rapidly in and around Ann Arbor, Lansing, and elsewhere in the state.

Mr. President, if American companies cannot find home grown talent, and if they cannot bring talent to this country, a large number are likely to move key operations overseas, sending those and related jobs currently held by Americans with them. While companies may need to have some operations abroad, we should not keep in place unnecessary restrictions that artificially drive employers to send more operations out of the country.

Further, our shortage of high skilled workers endangers continued economic growth. The Hudson Institute estimates that the unaddressed shortage of skilled workers throughout our economy will result in a 5 percent drop in the growth rate of GDP. That translates into about $200 billion in lost output, nearly $1,000 for every American. One industry official captured the peril of this situation well when he said ''it is as if America ran out of iron ore during the industrial revolution.''

This problem calls for both a short term and a long term solution. Let me first address the short term. By this summer American businesses will reach the limit on the small number of highly skilled temporary workers they can bring in from abroad. Last year our employers reached this 65,000 cap on H–1B visas for the first time in history, and we did it by the end of August. If no action is taken, the cap may be reached by May this year, and perhaps January or February of 1999. Backlogs will worsen the problem until, practically speaking, companies can no longer count on being able to hire the people they need from any source. Particularly given today's short product cycles, this would be disastrous.

That is why the legislation I am introducing today will increase the number of skilled temporary workers we

allow into the United States. This will keep American companies in this country, saving American jobs and contributing to the growth of the economy.

This policy also will give us time to formulate a long-term solution. In my view, we can produce, right here in America, the talent we need to keep our high tech industries competitive. Through wise investments in human capital we can give American kids of all backgrounds, including kids whose opportunities seem severely limited, the chance to be part of the new high-tech economy.

U.S. companies cannot be expected to solve all the educational problems in this country by themselves. They now spend over $210 billion a year on the formal and informal training of their workforce, as well as donating more than $2.5 billion a year to colleges, high schools, and elementary schools. But training is not an acceptable alternative to early acquisition of the technical skills necessary to succeed, and we must do more to help kids acquire needed skills as early as possible.

Some say that the entire solution is training and education. Of course, those both are essential, but to suggest that these represent the entire answer ignores a number of factors, including the global nature of today's economy. Recently the Senate held a long and educational hearing in the Judiciary Committee on the issues centrally related to the subject matter of this legislation. We heard from several of America's leading companies and others on the importance of swiftly addressing the high tech worker shortage by raising the H-1B cap before it is hit in May or June of this year.

We heard at the hearing that Microsoft alone spends over $568 million annually on training and education, while Sun Microsystems spends over $50 million a year, not including the 20,000 volunteer hours Sun employees are contributing to link U.S. schools to the Internet in economically disadvantaged areas. Despite these expenditures, Microsoft and Sun today have 2,522 and 2,000 unfilled technical positions respectively. In addition, we heard testimony that many of their products for export need to involve individuals on H–1Bs with specific language and other skills that are pertinent to the target country.

We learned at the hearing that Texas Instruments spends over $100 million a year on training employees and has over 500 openings for skilled positions, despite, like many companies, engaging in massive and ongoing efforts to recruit on college campuses across the nation. Silicon Valley entrepreneurs are themselves making $200 million in charitable contributions to fund fellowships in science and engineering at Stanford University. Clearly more emphasis on training is extremely important, but is not the only solution.

Our young people have what it takes to be valuable employees in our high-tech age. But our educational system is not giving them the skills they need. The National Research Council estimates that three quarters of American high school graduates would fail a college freshman math or engineering course. Unfortunately, most don't even try. Only 12 percent of 1994 college graduates earned degrees in technical fields.

This is not acceptable. In a highly advanced economy like ours we cannot continue to function without highly skilled workers. And our workers cannot continue to prosper unless our educational system gives them the skills they need to succeed.

The Administration has proposed a number of small initiatives to deal with this shortage of skilled labor. I support these initiatives. But in my view it is clear that we must go farther.

Mr. President, allowing more skilled workers to come to the U.S. is in no way incompatible with improved training and education in this country. The question is not: Do we allow more skilled professionals to enter the country or do we help native-born students pursue these fields? Clearly we must do both. And I will work with my colleagues on both sides of the aisle to see to it that this is accomplished.

To that end, Mr. President, this legislation includes a scholarship program aimed at helping 20,000 low-income students a year study mathematics, engineering, and computer science at the undergraduate and graduate levels.

Of course, this is not all that we should do. We also must begin training unemployed Americans in the skills needed in the information technology industry. This legislation includes three times the funding level proposed by the Administration to train the unemployed in IT skills.

Through careful investment in education we can increase the skill levels of our workers, to everyone's benefit.

The legislation I am introducing will address these issues in the following ways:

First, the bill will increase access to skilled personnel for U.S. companies and universities. The bill will make approximately 25,000 more H–1B temporary visas available in 1998. A key goal of the legislation is to make sure there are enough visas this year to avoid backlogs and major disruptions. For that reason, the 1998 cap will be twice the level of the first 6 months of this fiscal year (through March 31, 1998), which, based on current INS data, would give a 12-month total of about 90,000 visas for the year. As a safety valve, if that total is insufficient in a future year, as of FY 1999, other temporary visas that Congress has already authorized (H–2B visas), if they are left unused from the previous year, would be available. No more than 25,000 of these H–2B visas could be made available as a safety valve in a given year.

The bill also responds to those who have expressed concern about certain occupations being included within the H–1B visa category. The bill removes physical/occupational therapists and other specialized health care workers from the H–1B program and places them into a new temporary visa category called H–1C, with a limit of 10,000 placed on such visas. Accordingly, the bill subtracts 10,000 from the H–1B cap in the first year of availability of H–1C visas. In each subsequent year, any unused H–1C visas from the previous year will be added back to the H–1B cap. The bill leaves unchanged the employment-based immigration cap of 140,000 on the number of foreign-born professionals who may remain permanently in the country.

Second, the bill authorizes $50 million for the State Student Incentive Grant (SSIG) program to create approximately 20,000 scholarships a year for low-income students pursuing an associate, undergraduate, or graduate level degree in mathematics, engineering or computer science. The program provides dollar-for-dollar federal matching funds that will grow to $100 million with state matching. The scholarships will be for up to $5,000 each.

Third, the bill authorizes $10 million a year to train unemployed American workers in new skills for the information technology industry. It also authorizes $8 million for improved online talent banks to facilitate job searches and the matching of skills to available positions in high technology.

Fourth, the bill toughens enforcement penalties and improves the operation of the H–1B program. It increases fines by five-fold for companies willfully violating the rules of the H–1B program, from $1,000 to $5,000. The bill adds new enforcement power by creating probationary periods of up to five years for willful violators of the H–1B program. During the probationary period, violating firms are subject to expanded Department of Labor ''spot inspections'' at the agency's discretion. The bill also includes reforms to achieve greater accuracy in determining prevailing wages for companies and universities.

Fifth, the bill modifies the per-country limits on employment-based visas to eliminate the discriminatory effects of these per-country limits on nationals from certain Asian Pacific nations. Today, we have a situation where in a given year there are employment-based immigrant visas available within the annual limit of 140,000, yet U.S. law prevents individuals born in particular countries from being able to join employers who want to sponsor them as permanent employees. Do we want to keep in place a provision of law that says you can hire someone who meets all the proper legal criteria set forth by the U.S. government, but just not too many Chinese or Indians in a given year? This area of law calls out for reform.

Finally, in addition to providing American universities and other non-profits with increased access to skilled

personnel, the bill overturns the Hathaway decision by requiring the Department of Labor to differentiate between prevailing wage calculations for universities, charities, and other nonprofit organizations and those of for-profit entities.

Is the current 65,000 cap on H–1Bs the magic number? Let me briefly review the history. Prior to the 1990 Act, there was no cap on H–1B visas, which previously were called H–1 visas. This bill does not eliminate the cap, but I point out the history to give some context to the discussion on this issue. The 65,000 number was chosen, essentially out of thin air, in the 1990 Act. This number proved sufficient for a number of years, but now has shown to be a significant impediment to growth, particularly in certain industries. Simply put, there is no magic to this 65,000 number. In addition, at that time, to respond to concerns about wages, a Labor Condition Application was added to the program that required companies to attest they were paying individuals on H–1Bs the higher of the prevailing wage or actual wage paid to similarly employed Americans. That remains in the law. Also, at the time, a ''complaint-driven'' system was developed to enforce compliance and prosecute violators. And it was decided that the Department of Labor would respond to complaints and operate the enforcement of the program. This was done under the chairmanship of Democratic Congressman Bruce Morrison.

Inaction on this issue is not very different from outright restriction, because it will result in such massive backlogs, that with today's fast-moving product cycles, access to these key professionals will be for all practical purposes barely possible.

Who will benefit from restricting the entry of these skilled workers? ''On a daily basis, our competitors in Tokyo scheme to stop the momentum of the American semiconductor and computer industries,'' testified Cypress Semiconductor CEO T.J. Rodgers. ''Even if they tried, they could not come up with a better plan to cut off our supply of critical engineering talent than by halting immigration. Unfortunately, it appears they may have the United States government as their ally.''

At a hearing on a different topic held just this week in the Judiciary Committee we heard views from major executives about some issues facing the software industry. Despite differing opinions on these other important issues, the business leaders testifying were unanimous when the topic was brought up of alleviating the pending crisis involving H–1B visas.

Scott McNealy, President and CEO of Sun Microsystems, noted that two of the four founders of his company, which now employs over 20,000 Americans, were foreign-born individuals who entered the country via the employment-based immigration system. ''I cannot imagine having those two unbelievable national treasures not being allowed in,'' he said. ''And by the way, if you go down through the payroll of our organization, for every legal immigrant that we have hired and put on the payroll, they have created vast amounts of wealth and jobs and a by-product—wonderful byproducts for our economy and for the planet as a whole.''

Bill Gates, Chairman and CEO of Microsoft Corporation stated, ''Microsoft is in strong agreement that raising these caps to allow very skilled legal immigrants to come in would be a good thing for the technology industry and for the country. We particularly have a lot of people who come to the U.S. to be educated, and it seems a shame when they've been educated here, not to allow them to stay in the country and to take what they've learned and contribute to companies like ours and many others.'

Jim Barksdale, President and CEO, Netscape Communications testified, ''We employ an awful lot of legal immigrants, who are very bright people and make a great contribution and more than earn their keep and we would like to see the limit raised.''

Perhaps the clearest statement about what may be at stake came from Michael Dell, Chairman and CEO of Dell Computer. He told the Committee, ''These companies are global companies and if this work does not occur on U.S. soil it occurs on some other soils. We are disarming the economy of the United States of America if we don't allow these folks to come and stay in this country.'

The American Competitiveness Act is endorsed by the U.S. Chamber of Commerce, the National Association of Manufacturers, the American Electronics Association, the Electronics Industry Association, the Business Software Alliance, the Information Technology Association of America, American Business for Legal Immigration, the American Immigration Lawyers Association, the American Council of International Personnel, the National Technical Services Association, the Computing Technology Industries Association, and the United States Pan Asian American Chamber of Commerce.

This issue is also extremely important to America's academic community. At the February 25 hearing before the Senate Judiciary Committee, Stephen Director, Dean of the College of Engineering at the University of Michigan, testified as a representative of the nation's higher education community. His testimony, calling for an increase in H–1B visas and a permanent solution for universities on prevailing wage issues, was endorsed by the American Council on Education, the Association of American Universities, the College and University Personnel Association, the Council of Graduate Schools, NAFSA: Association of International Educators and the National Association of State Universities and Land Grant Colleges. As noted in the testimony, the combined memberships of these associations represent over 2,000 U.S. colleges and universities.

As we move forward, Mr. President, people will no doubt ask whether there are additional measures to protect against abuse of the H–1B program that can be enacted without nullifying efforts to increase high tech companies' access to skilled workers.

On that issue let me say that we must crack down on anyone who would abuse the system. As I've noted, this bill contains substantially larger fines for those engaged in willful violations and establishes long probationary periods for such egregious violators. The law already contains provisions for dealing with abuses. And there have been such cases. But let's keep in mind that in America, justice is served not by restricting the law-abiding, but by targeting those who violate our laws.

In 1997, the Department of Labor found three employers who were found to have engaged in willful violations of the H–1B program. Three. These violators accounted for three visas out of 65,000 granted in that year. So while it is important that we make it clear that we will not tolerate abuse, we must keep the number of incidents in perspective and engage in targeted actions that do not punish the innocent with the guilty.

Today, according to ITAA , 70 percent of America's high tech firms identify an inability to find enough skilled people as the leading barrier to their companies' growth and competitiveness in global markets. Other countries are catching on. Canada has loosened its entry requirements for high tech workers. Singapore has announced plans to move aggressively to attract skilled international workers. And India continues its plans to keep its best talent home to build its domestic industries. I repeat, if restrictions prevent American companies from meeting their labor needs for U.S.-based product, service, and research development, these companies will increasingly locate their facilities offshore. That will mean a loss of jobs, and less innovation and wealth creation in America.

We have a diverse economy, and the relatively small number of people who America can welcome annually to fill key positions at companies and universities benefits us in many ways. We must also pursue the type of long-term strategy, some of which is outlined in this bill, that will increase educational opportunities for U.S. students.

If we are to continue to prosper as a people, we must remain competitive as a nation. To do that, we must do everything within our power to produce more native-born workers who can fill the high skilled positions on which our high-tech and other industries depend. I believe we can accomplish this goal through increased emphasis on training and education. It requires only that we set our minds to the task at hand, and that we not bury our heads in the

sand and say that blocking increased access to skilled temporary professionals will somehow help us maintain our way of life. Our universities, our cutting-edge employers, and in particular our workers deserve better.

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

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

S. 1723

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

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the ''American Competitiveness Act''.

(b) REFERENCES IN ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to or a repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) American companies today are engaged in fierce competition in global markets.

(2) Companies across America are faced with severe high skill labor shortages that threaten their competitiveness.

(3) The National Software Alliance, a consortium of concerned government, industry, and academic leaders that includes the United States Army, Navy, and Air Force, has concluded that ''The supply of computer science graduates is far short of the number needed by industry.''. The Alliance concludes that the current severe understaffing could lead to inflation and lower productivity.

(4) The Department of Labor projects that the United States economy will produce more than 130,000 information technology jobs in each of the next 10 years, for a total of more than 1,300,000.

(5) Between 1986 and 1995, the number of bachelor's degrees awarded in computer science declined by 42 percent. Therefore, any short-term increases in enrollment may only return the United States to the 1986 level of graduates and take several years to produce these additional graduates.

(6) A study conducted by Virginia Tech for the Information Technology Association of America estimates that there are more than 340,000 unfilled positions for highly skilled information technology workers in American companies.

(7) The Hudson Institute estimates that the unaddressed shortage of skilled workers throughout the United States economy will result in a 5-percent drop in the growth rate of GDP. That translates into approximately $200,000,000,000 in lost output, nearly $1,000 for every American.

(8) It is necessary to deal with the current situation with both short-term and long-term measures.

(9) In fiscal year 1997, United States companies and universities reached the cap of 65,000 on H–1B temporary visas a month before the end of the fiscal year. In fiscal year 1998 the cap is expected to be reached as early as May if Congress takes no action. And it will be hit earlier each year until backlogs develop of such a magnitude as to prevent United States companies and researchers from having any timely access to skilled foreign-born professionals.

(10) It is vital that more American young people be encouraged and equipped to enter technical fields, such as mathematics, engineering, and computer science.

(11) If American companies cannot find home-grown talent, and if they cannot bring talent to this country, a large number are likely to move key operations overseas, sending those and related American jobs with them.

(12) Inaction in these areas will carry significant consequences for the future of American competitiveness around the world and will seriously undermine efforts to create and keep jobs in the United States.

SEC. 3. INCREASED ACCESS TO SKILLED PERSONNEL FOR UNITED STATES COMPANIES AND UNIVERSITIES.

(a) ESTABLISHMENT OF H1–C NONIMMIGRANT CATEGORY.—

(1) IN GENERAL.—Section 101(a)(15)(H)(i) (8 U.S.C. 1101(a)(15)(H)(i)) is amended—

(A) by inserting ''and other than services described in clause (c)'' after ''subparagraph (O) or (P)''; and

(B) by inserting after ''section 212(n)(1)'' the following: '', or (c) who is coming temporarily to the United States to perform labor as a health care worker, other than a physician, if the alien qualifies for the exemption from the grounds of inadmissibility described in section 212(a)(5)(C)''.

(2) TRANSITION RULE.—Any petition filed prior to the date of enactment of this Act, for issuance of a visa under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act on behalf of an alien described in the amendment made by paragraph (1)(B) shall, on and after that date, be treated as a petition filed under section 101(a)(15)(H)(i)(c) of that Act, as added by paragraph (1).

(b) ANNUAL CEILINGS FOR H1–B AND H1–C WORKERS.—

(1) AMENDMENT OF THE INA.—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended to read as follows:

''(g)(1) The total number of aliens who may be issued visas or otherwise provided nonimmigrant status during any fiscal year—

''(A) under section 101(a)(15)(H)(i)(b)—

''(i) for each of fiscal years 1992 through 1997, may not exceed 65,000,

''(ii) for fiscal year 1998, may not exceed 2 times the number of aliens issued visas or otherwise provided nonimmigrant status between October 1, 1997, and March 31, 1998,

''(iii) for fiscal year 1999, may not exceed the number determined for fiscal year 1998 under such section, minus 10,000, plus the number of unused visas under subparagraph (B) for the fiscal year preceding the applicable fiscal year, and

''(iv) for fiscal year 2000 and each applicable fiscal year thereafter, may not exceed the number determined for fiscal year 1998 under such section, minus 10,000, plus the number of unused visas under subparagraph (B) for the fiscal year preceding the applicable fiscal year, plus the number of unused visas under subparagraph (C) for the fiscal year preceding the applicable fiscal year;

''(B) under section 101(a)(15)(H)(ii)(b), beginning with fiscal year 1992, may not exceed 66,000; or

''(C) under section 101(a)(15)(H)(i)(c), beginning with fiscal year 1999, may not exceed 10,000.

For purposes of determining the ceiling under subparagraph (A) (iii) and (iv), not more than 25,000 of the unused visas under subparagraph (B) may be taken into account for any fiscal year.''.

(2) TRANSITION PROCEDURES.—Any visa issued or nonimmigrant status otherwise accorded to any alien under clause (i)(b) or (ii)(b) of section 101(a)(15)(H) of the Immigration and Nationality Act pursuant to a petition filed during fiscal year 1998 but approved on or after October 1, 1998, shall be counted against the applicable ceiling in section 214(g)(1) of that Act for fiscal year 1998 (as amended by paragraph (1) of this subsection), except that, in the case where counting the visa or the other granting of status would cause the applicable ceiling for fiscal year 1998 to be exceeded, the visa or grant of status shall be counted against the applicable ceiling for fiscal year 1999.

SEC. 4. EDUCATION AND TRAINING IN SCIENCE AND TECHNOLOGY.

(a) DEGREES IN MATHEMATICS, COMPUTER SCIENCE, AND ENGINEERING.—Subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) is amended—

(1) in section 415A(b)(1) (20 U.S.C. 1070c(b)(1))—

(A) by striking ''$105,000,000 for fiscal year 1993'' and inserting ''$155,000,000 for fiscal year 1999''; and

(B) by inserting '', of which the amount in excess of $25,000,000 for each fiscal year that does not exceed $50,000,000 shall be available to carry out section 415F for the fiscal year'' before the period; and

(2) by adding at the end the following:

''SEC. 415F. DEGREES IN MATHEMATICS, COMPUTER SCIENCE, AND ENGINEERING.

''(a) ALLOTMENTS AND GRANTS.—From amounts made available to carry out this section under section 415A(b)(1) for a fiscal year, the Secretary shall make allotments to States to enable the States to pay not more than 50 percent of the amount of grants awarded to low-income students in the States.

''(b) USE OF GRANTS.—Grants awarded under this section shall be used by the students for attendance on a full-time basis at an institution of higher education in a program of study leading to an associate, baccalaureate or graduate degree in mathematics, computer science, or engineering.

''(c) COMPARABILITY.—The Secretary shall make allotments and grants shall be awarded under this section in the same manner, and under the same terms and conditions, as—

''(1) the Secretary makes allotments and grants are awarded under this subpart (other than this section); and

''(2) are not inconsistent with this section.''.

(b) DATA BANK; TRAINING.—

(1) IN GENERAL.—The Secretary of Labor shall—

(A) establish or improve a data bank on the Internet that facilitates—

(i) job searches by individuals seeking employment in the field of technology; and

(ii) the matching of individuals possessing technology credentials with employment in the field of technology; and

(B) provide training in information technology to unemployed individuals who are seeking employment.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1999 and each of the 4 succeeding fiscal years—

(A) $8,000,000 to carry out paragraph (1)(A); and

(B) $10,000,000 to carry out paragraph (1)(B).

SEC. 5. INCREASED ENFORCEMENT PENALTIES AND IMPROVED OPERATIONS.

(a) INCREASED PENALTIES FOR VIOLATIONS OF H1–B OR H1–C PROGRAM.—Section 212(n)(2)(C) (8 U.S.C. 1182(n)(2)(C)) is amended—

(1) by striking ''a failure to meet'' and all that follows through ''an application—'' and inserting ''a willful failure to meet a condition in paragraph (1) or a willful misrepresentation of a material fact in an application—''; and

(2) in clause (i), by striking ''$1,000'' and inserting ''$5,000''.

(b) SPOT INSPECTIONS DURING PROBATIONARY PERIOD.—Section 212(n)(2) (8 U.S.C. 1182(n)(2)) is amended—

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

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

''(D) The Secretary of Labor may, on a case-by-case basis, subject an employer to random inspections for a period of up to five years beginning on the date that such employer is found by the Secretary of Labor to have engaged in a willful failure to meet a condition of subparagraph (A), or a misrepresentation of material fact in an application.''.

(c) EXPEDITED REVIEWS AND DECISIONS.—Section 214(c)(2)(C) (8 U.S.C. 1184(c)(2)(C)) is amended by inserting ''or section 101(a)(15)(H)(i)(b)'' after ''section 101(a)(15)(L)''.

(d) DETERMINATIONS ON LABOR CONDITION APPLICATIONS TO BE MADE BY ATTORNEY GENERAL.—

(1) IN GENERAL.—Section 101(a)(15)(H)(i)(b) (8 U.S.C. 1101(a)(15)(H)(i)(b)) is amended by striking ''with respect to whom'' and all that follows through ''with the Secretary'' and inserting ''with respect to whom the Attorney General determines that the intending employer has filed with the Attorney General''.

(2) CONFORMING AMENDMENTS.—Section 212(n) (8 U.S.C. 1182(n)(1)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''Secretary of Labor'' and inserting ''Attorney General'';

(ii) in the sixth and eighth sentences, by inserting ''of Labor'' after ''Secretary'' each place it appears;

(iii) in the ninth sentence, by striking ''Secretary of Labor'' and inserting ''Attorney General'';

(iv) by amending the tenth sentence to read as follows: ''Unless the Attorney General finds that the application is incomplete or obviously inaccurate, the Attorney General shall provide the certification described in section 101(a)(15)(H)(i)(b) and adjudicate the nonimmigrant visa petition.''; and

(v) by inserting in full measure margin after subparagraph (D) the following new sentence: ''Such application shall be filed with the employer's petition for a nonimmigrant visa for the alien, and the Attorney General shall transmit a copy of such application to the Secretary of Labor.''; and

(B) in the first sentence of paragraph (2)(A), by striking ''Secretary'' and inserting ''Secretary of Labor''.

(e) PREVAILING WAGE CONSIDERATIONS.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(50) The term 'prevailing wage' means the following:

''(A) If the job opportunity is subject to a wage determination in the area under the Act of March 3, 1931 (commonly known as the Davis-Bacon Act (40 U.S.C. 276a et seq.)), or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing wage shall be the rate required under such Acts.

''(B) If the job opportunity is not covered by a prevailing wage determined under the Acts referred to in subparagraph (A), the prevailing wage shall be—

''(i) the rate of wages to be determined, to the extent feasible, by adding the wage paid to workers similarly employed in the area of intended employment and dividing the total by the number of such workers, except that the wage set forth in the application shall be considered as meeting the prevailing wage standard if it is within 5 percent of the average rate of wages; or

''(ii) if the job opportunity is covered by a collective bargaining agreement, the wage rate set forth in the agreement shall be considered as not adversely affecting the wages of United States workers similarly employed and shall be considered the 'prevailing wage'.

''(C) A prevailing wage determination made pursuant to this section shall not permit an employer to pay a wage lower than that required under any other Federal, State, or local law.

''(D) For purposes of this section:

''(i) The term 'similarly employed' means having substantially comparable jobs in the occupational category in the area of intended employment, except that, if no such workers are employed by employers other than the employer applicant in the area of intended employment, the term 'similarly employed' means—

''(I) having jobs requiring a substantially similar level of skills within the area of intended employment; or

''(II) if there are no substantially comparable jobs in the area of intended employment, having substantially comparable jobs with employers outside of the area of intended employment.

''(ii) The term 'substantially comparable jobs' means jobs with substantially comparable employers, taking into account size, profit or nonprofit classification, start-up or mature business operations, the specific industry, public or private sector, status as an academic institution, or other defining characteristics which the employer can demonstrate result in a distinct wage scale from the industry at large.

''(iii) The term 'similarly employed' shall be construed to require separate average rates of wage taking into account such factors as years of experience, academic degree, educational institution attended, grade point average, publications or other distinctions, personal traits deemed essential to job performance, specialized training or skills, competitive market factors, or any other factors typically considered by employers within the industry.

(iv) Employers may use either government or nongovernment published surveys, including industry, region, or Statewide wage surveys, to determine the prevailing wage, which shall be considered correct and valid where the employer has maintained a copy of the survey information.

(f) POSTING REQUIREMENT.—Section 212(n)(1)(C)(ii) (8 U.S.C. 1182(n)(1)(C)(ii)) is amended to read as follows:

''(ii) if there is no such bargaining representative, has provided notice of filing to the employer's employees in the occupational classification through such methods as physical posting in a conspicuous location at the employer's place of business, or electronic posting through an internal job bank, or electronic notification available to employees in the occupational classification.''.

SEC. 6. ANNUAL REPORTS ON H1–B VISAS.

Section 212(n) (8 U.S.C. 1182(n)) is amended by adding at the end the following:

''(3) Using data from petitions for visas issued under section 101(a)(15)(H)(i)(b), the Attorney General shall annually submit the following reports to Congress:

''(A) Quarterly reports on the numbers of aliens who were provided nonimmigrant status under section 101(a)(15)(H)(i)(b) during the previous quarter and who were subject to the numerical ceiling for the fiscal year established under section 214(g)(1).

''(B) Annual reports on the occupations and compensation of aliens provided nonimmigrant status under such section during the previous fiscal year.''.

SEC. 7. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act, any alien who—

(1) as of the date of enactment of this Act is a nonimmigrant described in section 101(a)(15)(H)(i) of that Act;

(2) is the beneficiary of a petition filed under section 204(a) for a preference status under paragraph (1), (2), or (3) of section 203(b); and

(3) would be subject to the per country limitations applicable to immigrants under those paragraphs but for this subsection,

may apply for and the Attorney General may grant an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 8. ACADEMIC HONORARIA.

Section 212 (8 U.S.C. 1182) is amended by adding at the end the following new subsection:

''(p) Any alien admitted under section 101(a)(15)(B) may accept an honorarium payment and associated incidental expenses for a usual academic activity or activities, as defined by the Attorney General in consultation with the Secretary of Education, if such payment is offered by an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965) or other nonprofit entity and is made for services conducted for the benefit of that institution or entity.''.

AMERICAN BUSINESS FOR
LEGAL IMMIGRATION,
March 2, 1998.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: We write to applaud you, on behalf of American businesses, for introducing legislation that addresses the critical shortage of skilled employees in the workforce. The American Competitiveness Act, which you have introduced, will improve the important H–1B visa program and help to ensure that U.S. companies can continue to create jobs and meet the demands of the future.

Today, as you well know, hundreds of thousands of positions in the fastest growing sectors of the U.S. economy go unfilled. In order

for American companies to remain competitive in a global market we need to attract the best talent, regardless of place of birth. Professionals who come here on temporary H–1B visas are a key component of America's high technology workforce. With the cap on H–1B visas expected to be hit by early summer of this year, your legislation could hardly come to a more crucial time for American business. In addition, your legislation recognizes the need to provide additional training to American-born workers, so that they can continue to be the world's best workforce in the 21st century. For this recognition we also give you credit and offer our thanks.

We appreciate your steadfast dedication to the vital issues facing the American workforce, and hope that your colleagues will also recognize this problem of crisis proportions. Under your leadership, Congress can solve a major dilemma for American business and simultaneously reaffirm the value of hard work, innovation, and competition. We also firmly believe that the American Competitiveness Act will do more to directly create jobs for Americans—and to keep jobs in this country—than any other bill that will be considered by Congress this year.

Thank you once again for your continued leadership on this critical issue. We look forward to working with you to advance this much needed legislation in the weeks and months ahead.

Sincerely,

SCOTT HOFFMAN,
Director.

American Council on International Personnel; American Electronics Association; American Immigration Lawyers Association; Business Software Alliance; Computing Technology Industries Association; Electronic Industries Association; Information Technology Association of America; National Association of Manufacturers; National Technical Services Association; United States Chamber of Commerce.

UNITED STATES PAN ASIAN
AMERICAN CHAMBER OF COMMERCE,
Washington, DC, March 3, 1998.

Re the American Competitiveness Act.

Senator SPENCER ABRAHAM,
Chairman, Immigration Subcommittee, Senate Judiciary Committee, Washington, DC.

DEAR SENATOR ABRAHAM: We write to endorse the American Competitiveness Act.

This is a new age. Americans and U.S. businesses are operating in an increasingly competitive global environment. Although we are the first and best in the world, we must strive to stay on top. To this end, a well-educated citizenry, a hospitable workplace that offers equal opportunity to all without regard to race or gender, and a skilled work force are essential to sustained growth in the U.S. economy.

In my own business, I represent American companies who have an unfulfilled need for information technology professionals. Because our colleges and universities do not produce enough of them, and whomever they have trained are immediately absorbed into the workforce; our companies must recruit from outside the country to get jobs done. That is why your proposal to increase H–1B temporary visas by 25,000 is so timely and important. This increase will reduce the backlog of issuing H–1B visas to qualified workers whom our companies need to render their services, save jobs and create more jobs.

We would oppose granting the Department of Labor the vastly expanded authority it is now seeking. The Administration's proposals to shorten the maximum length of stay for an individual on an H–1B, require up-front recruiting, which could delay hiring for many months or even years, and broad no-layoff attestations are clearly designed to kill, rather than improve the program. These ''reforms'' will severely diminish companies' access to necessary personnel and will therefore work against any increase in the H–1B visa quota.

The Labor Department claims it is protecting U.S. workers, but against whom are they being protected? Many of those entering the United States on H–1B visas are from Asian Pacific countries. Our organization finds it offensive that the Administration would try to demonize such individuals in the minds of the American public. This type of immigrant-bashing coming from the Administration must stop.

As a non-profit organization, we wholeheartedly support your proposal to permit different prevailing wage calculations for universities, charities and other non-profit organizations. This proposal brings reality to the administration of our immigration laws. It also reflects the true condition of the market place where non-profit organizations do not pay at the rate of for profit businesses. The proposal makes good sense.

The Act's provisions for scholarships for low-income students to pursue higher education in mathematics, engineering and computer science, and increased training and job search support in the information technology industry will indeed prepare America's work force for the coming century.

We applaud your efforts in the bill to eliminate the discriminatory effect of per country employment immigration limits on nationals from certain Asian Pacific nations.

The American Competitiveness Act is a significant step into the direction that will keep us competitive into the next millenium. We are pleased to support it.

Sincerely

SUSAN AU ALLEN,
President.

By Ms. COLLINS (for herself, Mr. DEWINE, Mr. BOND, Mr. ENZI, Mr. FAIRCLOTH, Mr. HATCH, Mr. HELMS, Mr. ROBERTS, Mrs. HUTCHISON, and Mr. SMITH of Oregon):

S. 1724. A bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses; to the Committee on Finance.

THE HIGHER EDUCATION REPORTING RELIEF ACT

Ms. COLLINS. Mr. President, today I am introducing legislation, the Higher Education Reporting Relief Act, to reduce the burdensome reporting requirements imposed on educational institutions by the Hope Scholarship and Lifetime Learning tax credits. I am very pleased to be joined by my principal cosponsor, the distinguished Senator from Ohio, Senator DEWINE, who has been a real leader in education issues. I am also pleased to have the Presiding Officer, Senator GORDON SMITH, as one of my cosponsors as well as Senators BOND, ENZI, FAIRCLOTH, HATCH, HELMS, HUTCHISON, and ROBERTS.

Mr. President, when Congress created the Hope Scholarship and the Lifetime Learning Tax Credit, it, unfortunately, at the same time also created a very burdensome and costly reporting requirement for our universities, our colleges, and our proprietary schools. Beginning with the tax year 1998, the regulations will require schools to report to the IRS information on their students—including name, address, Social Security number, information about attendance status, program level, a campus contact, and the amount of qualified tuition and student aid.

Mr. President, this is a perfect example of the law of unintended consequences. We have inadvertently imposed a costly burden on our institutions of higher education. In the words of the president of the University of Maine at Farmington:

At a time when we are working to increase access and to contain college costs, new government reporting requirements are working against us. We will need to add personnel, not in support of our educational functions, but to comply with the new IRS regulations. This is not sensible and it is definitely not in the interests of the people we are here to serve.

Mr. President, she said it very well. This is not sensible and it is not in the interests of the people that we are here to serve.

Yet another example from my State comes from the University of Maine at Presque Isle, a small campus with fewer than 1,000 students. The President there has told me that he may well need to hire an additional person to oversee the data collection and reporting requirements of this new law. Indeed, Mr. President, analysis of these reporting requirements indicate that they will cost America's postsecondary educational institutions as much as $125 million, and that is just to set up the system. In addition, tens of millions of dollars will have to be spent each year on an ongoing basis to comply with these onerous new regulations.

Mr. President, this simply does not make sense. The Collins-DeWine bill will repeal the provision of the Internal Revenue Code that requires a school to report this information for its students. Instead, Mr. President, we will treat these educational tax credits just the way we would treat any kind of tax credit. Taxpayers will be required to report the necessary information on their tax returns and to maintain records of their expenses that will support any tax credits that they claim.

Mr. President, the rationale for the Hope and Lifetime Learning education credits is to make postsecondary education both more affordable and thus more accessible to lower income individuals. But in this case, Mr. President, what Congress is giving with one hand it is taking away at least in part with its regulatory hand. The cost of conforming to these regulatory requirements will inevitably result in increases in tuition, chipping away at the very benefit of these tax credits.

Mr. President, the American Council on Education strongly supports this bill. It will help avoid a wasteful expenditure of the resources, the scarce resources, of America's colleges and universities.

I ask unanimous consent a letter from the president of the American Council on Education endorsing our bill on behalf of seven national education associations be printed in the RECORD.

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

AMERICAN COUNCIL ON EDUCATION,
OFFICE OF THE PRESIDENT,
Washington, DC, March 5, 1998.

Hon. SUSAN M. COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: The creation last year of the Hope Scholarship and Lifetime Learning tax credits through the Taxpayer Relief Act was met with great enthusiasm by the higher education community. These education tax incentives will clearly benefit students and their families. Unfortunately, the creation of these tax credits has an extraordinarily negative by-product: an unprecedented barrage of new regulatory and record-keeping requirements for colleges and universities.

The cost of complying with the education tax provisions in the Taxpayer Relief Act will be enormous. More than 15 million degree-seeking students currently are enrolled in America's colleges and universities; we believe, based on preliminary estimates, that the cost of reporting will be approximately $6 to $8 per student. Note that this estimate does not include the cost of collecting and reporting the data on the roughly 15 million students who take continuing (i.e. non-degree) courses every year. When examined on an institution by institution basis, the cost is alarming. The University of California at Los Angeles estimates it will cost $427,000 to comply with the requirements of the new law; Colorado State University estimates the cost will be approximately $250,000. Unavoidably, the cost of complying with these externally imposed requirements will be passed on to students.

Given the costs and burdens that will be associated with implementing these important provisions, we are grateful for your efforts to minimize the burden to be placed on schools by introducing the ''Higher Education Reporting Relief Act.''

The higher education community is involved in efforts to minimize or eliminate the reporting burden while preserving important accountability for the use of federal funds. We have established a task force comprised of nine associations to analyze and document the full extent of the burden that these regulations pose. Led by the National Association of College and University Business Officers, this task force will estimate the costs associated with compliance; make recommendations to alleviate the regulatory burden; and assess the possible use of third-party service providers to manage reporting for individual colleges and universities. This group is expected to complete its work in mid-May; we hope that it will be an excellent source of technical assistance to you and others.

We greatly appreciate your leadership on this issue and expect that many of our campuses will contact you directly to express their thanks. We look forward to working with you to relieve higher education institutions from the reporting requirements associated with the new education tax incentives. Thank you for your attention to his issue and for your consistent commitment to students and families, and to American higher education.

Sincerely

STANLEY O. IKENBERRY,
Presdient.

On behalf of: American Association of Community Colleges; American Council on Education; Association of American Universities; Association of Governing Boards of Universities and Colleges; National Association of College and University Business Officers; National Association of State Universities and Land-Grant Colleges; National Association of Student Financial Aid Administrators; The College Fund/UNCF.

Mr. DEWINE. Mr. President, I am delighted to join Senator COLLINS today in the introduction of the Higher Education Reporting Relief Act. This bill, as my colleague has explained, would repeal section 605 of the Internal Revenue Code, thereby eliminating responsibility of schools to file returns to the IRS on behalf of their students.

Now, the National Commission on the Cost of Higher Education has recommended that the most direct way to minimize the regulatory burden on colleges and universities would be to repeal the sections of law that impose reporting requirements.

What is the problem? Here is the problem: Current law relating to the Hope Scholarship and the Lifetime Learning tax credit requires all colleges and universities to comply with very burdensome and costly regulations. Beginning with tax year 1998, schools will be expected to provide the IRS with information regarding its students, including the following: name, address, Social Security number of the students, whether the student was in attendance at least half-time during the academic period, whether the student was enrolled exclusively in a program leading to a graduate-level educational credential, the person to contact at the institution in case there are questions, the amount of qualified tuition and gift aid a student receives—on and on.

The Taxpayer Relief Act of 1997 that we are amending today contained a provision requiring colleges, universities, and trade schools to begin issuing annual reports to students and to the Internal Revenue Service detailing the students' tuition payments in case they apply for the new education tax credit. Preliminary analysis shows the reporting requirements will cost 6,000 colleges in America more than $125 million to implement and tens of millions of dollars annually to maintain.

The bill that Senator COLLINS and I are introducing will free colleges, universities, and trade schools from complying with these very burdensome and costly requirements. Under our bill, taxpayers will now simply claim the new education tax credits on their income tax returns as they do with other tax credits and deductions.

Now, Mr. President, in my home State of Ohio, I have heard from many colleges. They have told me that the reporting requirement will place a significant financial and human resource burden on colleges and universities that will ultimately lead to an increase in the cost of higher education.

Ohio institutions such as Cleveland State, Bowling Green State University, Shawnee State University, and North Central Technical College have all written me and told me these requirements place schools in a very difficult position, putting them between students and parents and the IRS, because the schools are required under the current law to collect information that, frankly, they would not otherwise have to collect. While these schools are very supportive of the Hope Scholarship and Lifetime Learning tax credit, the burden placed on universities will increase the cost of higher education, which, of course, reduces the benefit of the tax credit to the students.

The bill that my colleague from Maine and I are introducing is commonsense legislation that will eliminate an unfunded mandate placed upon colleges and universities. In realistic terms, if the new reporting requirement is not lifted off the backs of colleges and universities, those schools will be forced to raise tuition costs to cover this unfunded mandate. In effect, students and families will not benefit from passage of the Hope Scholarship because the money received from the tax credit will be used to pay this higher tuition.

I support the Hope Scholarship, and I am excited that students will be given a financial boost in their plans to attain a higher education. However, the Hope Scholarship and Lifetime Learning tax credit will not be as beneficial if it means that colleges and universities will raise their tuition to cover the costs of this unfunded mandate. Trying to pay for an unfunded mandate shifts a school's focus away from its primary goal, which, of course, is giving the students the best possible education.

Now, similar legislation to our bill has already been introduced in the House of Representatives. The House bill is supported by a bipartisan coalition of Members of the House. In addition, Mr. President, the American Association of State Colleges and Universities, representing 425 of the largest colleges and universities in the country, and also the American Association of Community Colleges, representing 1,200 community colleges, have both endorsed this initiative.

Mr. President, I conclude today by asking my colleagues to take a closer look at how this legislation will benefit students and families in this country. I invite any of my colleagues to join us today to cosponsor this bill. Passage of the Hope Scholarship and Lifetime Learning tax credit was a good beginning, but we must now assure that universities and colleges will not raise tuition costs simply to cover the costs of this unfunded mandate.

Our bill, then, is simple. It is simple, fair legislation that will greatly benefit any person who wants to obtain a higher education in this country.

Mr. FAIRCLOTH. Mr. President, I am pleased to be a co-sponsor of the Higher Education Reporting Relief Act. Last year, this body was instrumental in

providing key incentives for students who want to go to school to improve their lives and build job skills. The Hope Scholarship and Lifetime Learning tax credits, as adopted in the Taxpayer Relief Act, give financial assistance to young and old who want to attend a community college, university or trade school.

Unfortunately, the legislation also contained a provision requiring these institutions to comply with burdensome reporting procedures such as issuing annual reports to students and the Internal Revenue Service. Preliminary analysis shows the reporting requirements will cost the 6,000 institutions of higher learning in America more than $125 million combined to implement and tens of millions of dollars annually to maintain.

The Higher Education Reporting Relief Act would repeal the Taxpayer Relief Act requirements that higher education institutions collect and report information on all eligible students to the Internal Revenue Service. In lieu of these extensive reporting requirements, taxpayers would be allowed to claim the tax credits on their income tax forms, similar to the way other tax deductions are now reported.

Let's not let this tremendous accomplishment for education be overshadowed by burdensome paperwork. Please join Senators COLLINS, DEWINE, and me in supporting the Higher Education Reporting Relief Act.

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

S. 1725. A bill to terminate the Office of the Surgeon General of the Public Health Service; to the Committee on Labor and Human Resources.

THE OFFICE OF SURGEON GENERAL SUNSET ACT

Mr. BURNS. Mr. President, I rise to introduce the Office of Surgeon General Sunset Act, along with Senators HELMS, THOMAS, and KYL. This legislation has the same purpose as my bill from the 104th Congress, but has a different enactment provision. This bill will sunset the Office of Surgeon General only after Dr. Satcher vacates the office; this bill would not remove him from that position.

Every recent Surgeon General nomination, including that of Dr. Koop, has resulted in a political battle which has detracted from important health issues. The position has been used by both parties as a political advocate as much as a public health advocate. In the wake of the recent nomination process, I am more persuaded than ever that the office is a lightning rod for controversy which provides no public benefit.

The Surgeon General and his staff of six serve no compelling purpose. It is often said that the Surgeon General occupies a bully pulpit from which to address the nation on important health issues. But we've been without a surgeon general since the end of 1994, and there was no shortage of voices on major health issues. The president, the first lady, the secretary of health and human services, the commissioner of the Food and Drug Administration, and the former surgeon general all spoke on public health issues.

What's more, the Surgeon General and his office are duplicative. The office performs no crucial function that is not handled by a different bureaucracy. In fact, the budget for the office has already been folded into the Office of Public Health and Science, headed by Dr. Satcher in his role as Assistant Secretary for Health. This office has a staff of 300 and a current budget of over $80 million. My bill will merely complete the transition to the Assistant Secretary for Health, eliminating a redundant federal office.

This legislation is not about Dr. Satcher, or about any previous Surgeon General. Dr. Satcher will continue to be Surgeon General and the office would sunset immediately after he vacates it. This legislation will sunset an office that has become a political football and has long since outlived its usefulness.

By Mrs. MURRAY (for herself, Mr. GORTON, Mr. SMITH of Oregon, and Mr. WYDEN):

S. 1726. A bill to authorize the States of Washington, Oregon, and California to regulate the Dungeness crab fishery in the exclusive economic zone; to the Committee on Commerce, Science, and Transportation.

THE DUNGENESS CRAB CONSERVATION AND MANAGEMENT ACT

Mrs. MURRAY. Mr. President, I rise today with my colleagues, Senator GORTON, Senator SMITH of Oregon, and Senator WYDEN to introduce the Dungeness Crab Conservation and Management Act. Having outlined the history and intent of this important piece of legislation on February 12, 1998, I ask unanimous consent that additional material be printed in the RECORD.

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

S. 1726

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 ''Dungeness Crab Conservation and Management Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the ocean Dungeness crab (Cancer magister) fishery adjacent to the States of Washington, Oregon, and California has been successfully conserved and managed by those States since the 19th century;

(2) in recognition of the need for coastwide conservation of Dungeness crab, the States of Washington, Oregon, and California have—

(A) enacted certain laws that promote conservation of the resource;

(B) signed a memorandum of understanding declaring the intent of those States to take mutually supportive actions to further the management of Dungeness crab; and

(C) through the Pacific States Marine Fisheries Commission, formed the Tri-State Dungeness Crab Committee to provide a public forum for coordinating conservation and management actions;

(3) tribal treaty rights to crab under the subproceeding numbered 89–3 in United States v. Washington, D.C. No. CV–70–09213, are being implemented by the State of Washington through annual preseason negotiations with the affected Indian tribes;

(4) the expiration of interim authority referred to in paragraph (7) will jeopardize the ability of the State to effectively provide for State-tribal harvest agreements that include restrictions on nontreaty fishers in the exclusive economic zone;

(5) the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) requires that Federal fishery management plans be established for fisheries that require conservation and management;

(6) under the Magnuson-Stevens Fishery Conservation and Management Act, several fisheries in the Atlantic and Pacific Oceans, including king crab in the Gulf of Alaska, have remained under the jurisdiction of individual States or interstate organizations because conservation and management can be better achieved without the implementation of a Federal fishery management plan;

(7) section 112(d) of the Sustainable Fisheries Act (Public Law 104–297; 110 Stat. 3596 though 3597) provided interim authority for the States of Washington, Oregon, and California to exercise limited jurisdiction over the ocean Dungeness crab fishery in the exclusive economic zone and required the Pacific Fishery Management Council to report to Congress on progress in developing a fishery management plan for ocean Dungeness crab and any impediments to that progress;

(8) the Pacific Fishery Management Council diligently carried out the responsibilities referred to in paragraph (7) by holding public hearings, requesting recommendations from a committee of that Council and the Tri-State Dungeness Crab Committee;

(9) representatives from the Indian tribes involved, the west coast Dungeness crab industry, and the fishery management agencies of the States of Washington, Oregon, and California were consulted by the Pacific Fishery Management Council, and the Council voted in public session on its final report; and

(10) by a unanimous vote, the Pacific Fishery Management Council found that amending section 112 of the Sustainable Fisheries Act and providing for permanent authority to the States of Washington, Oregon, and California to manage, with certain limitations, the ocean Dungeness crab fishery in that portion of the exclusive economic zone adjacent to each of the States, respectively, and continued participation by fishermen and the Indian tribes subject to the tribal treaty rights referred to in paragraph (3) would—

(A) best accomplish the conservation and management of the ocean Dungeness crab fishery; and

(B) best serve the public interest.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide for the continued conservation and management of ocean Dungeness crab in a manner that recognizes the contributions of the States of Washington, Oregon, and California and the needs of the Indian tribes that are subject to the tribal treaty rights to crab described in subsection (a)(3); and

(2) to carry out the recommendations that the Pacific Fishery Management Council made in accordance with requirements established by Congress.

SEC. 3. DEFINITIONS.

In this Act:

(1) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' has the meaning given that term in section 3(11) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(11)).

(2) FISHERY.—The term ''fishery'' has the meaning given that term in section 3(13) of the Magnuson-Stevens Fishery Management Act (16 U.S.C. 1802(13)).

(3) FISHING.—The term ''fishing'' has the meaning given that term in section 3(15) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(15)).

SEC. 4. AUTHORITY FOR MANAGEMENT OF DUNGENESS CRAB.

(a) IN GENERAL.—Subject to the provisions of this section, and notwithstanding section 306(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1856(a)), each of the States of Washington, Oregon, and California may adopt and enforce State laws (including regulations) governing fishing and processing in the exclusive economic zone adjacent to that State in any Dungeness crab (Cancer magister) fishery for which there is no fishery management plan in effect under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) REQUIREMENTS FOR STATE LAWS.—Any law adopted by a State under this section for a Dungeness crab fishery—

(1) except as provided in paragraph (2), shall, without regard to the State that issued the permit under which a vessel is operating, apply equally to—

(A) vessels engaged in the fishery in the exclusive economic zone; and

(B) vessels engaged in the fishery in the waters of the State;

(2) shall not apply to any fishing by a vessel in the exercise of tribal treaty rights; and

(3) shall include any provisions necessary to implement tribal treaty rights in a manner consistent with the decision of the United States District Court for the Western District of Washington in United States v. Washington, D.C. No. CV–70–09213.

(c) EXCLUSIVE ECONOMIC ZONE.—

(1) IN GENERAL.—Subject to paragraph (2), any law of the State of Washington, Oregon, or California that establishes or implements a limited entry system for a Dungeness crab fishery may not be enforced against a vessel that—

(A) is otherwise legally fishing in the exclusive economic zone adjacent to that State; and

(B) is not registered under the laws of that State.

(2) EXCLUSION.—A State referred to in paragraph (1) may regulate the landing of Dungeness crab.

(d) REQUIREMENTS FOR HARVEST.—No vessel may harvest or process Dungeness crab in the exclusive economic zone adjacent to the State of Washington, Oregon, or California, except—

(1) as authorized by a permit issued by any of the States referred to in subsection (c)(1); or

(2) under any tribal treaty rights to Dungeness crab in a manner consistent with the decision of the United States District Court for the Western District of Washington in United States v. Washington, D.C. No. CV–70–09213.

(e) STATUTORY CONSTRUCTION.—Except as expressly provided in this section, nothing in this section is intended to reduce the authority of any State under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to regulate fishing, fish processing, or landing of fish.

SEC. 5. ELIMINATION OF INTERIM AUTHORITY.

Section 112 of the Sustainable Fisheries Act (Public Law 104–297; 110 Stat. 3596) is amended by striking subsection (d).

[From the CONGRESSIONAL RECORD, Feb. 12, 1998]

Mrs. MURRAY. Mr. President, soon after the upcoming recess, I will join my colleague, Senator Slade Gorton, to introduce the Dungeness Crab Conservation and Management Act. The ocean Dungeness crab fishery in WA, OR, and CA has been successfully managed by the three states for many years. The states cooperate on season openings, male-only harvest requirements, and minimum sizes; and all three states have enacted limited entry programs. Although the resource demonstrates natural cycles in abundance, over time the fishery has been sustained at a profitable level for fishermen and harvesters with no biological programs.

The fishery is conducted both within state waters and in the federal exclusive economic zone (EEZ). Although state landing laws restrict fishermen to delivering crab only to those states in which they are licensed, the actual harvest takes place along most of the West Coast, roughly from San Francisco to the Canadian border. Thus, it is not unusual for an Oregon-licensed fisherman from Newport to fish in the EEA northwest of Westport, WA, and deliver his catch to a processor in Astoria, OR.

In recent yeas, federal court decisions under the umbrella of *U.S.* v. *Washington* have held that Northwest Indian tribes have treaty rights to harvest a share of the crab resource off Washington. To accommodate these rights, the State of Washington has restricted fishing by Washington-licensed fishermen. This led Washington fishermen to request an extension of state fisheries jurisdiction into the EEZ. The Congress partially granted this request during the last Congress by giving the West Coast states interim authority over Dungeness crab, which expires in 1999 (16 U.S.C. 1856 note). The Congress also expressed its interest in seeing a fishery management plan established for Dungeness crab and asked the Pacific Fishery Management Council (PFMC) to report to Congress on this issue by December, 1997.

The PFMC established an industry committee to examine the issues, which developed several options. At its June meeting, the PFMC selected two options for further development and referred them for analysis to the Tri-State Dungeness Crab Committee which operates under the Pacific States Marine Fisheries Commission. After lengthy debate, the Tri-State Committee recommended to the Council that the Congress be requested to make the interim authority permanent with certain changes, including a clarification of what license is required for the fishery, broader authority for the states to ensure equitable access to the resource, and clarification of tribal rights. The Tri-State Committee agrees that each state's limited entry laws should apply only to vessels registered in that state. I ask unanimous consent to include the report of the Tri-State Dungeness Crab Committee and the membership list of the Committee in the RECORD.

On September 12, 1997, the PFMC unanimously agreed to accept and support the Tri-State Committee recommendation. The Council agreed that the existing management structure effectively conserves the resource, that allocation issues are resolved by the restriction on application of state limited entry laws, that tribal rights are protected, and that the public interest in conservation and fiscal responsibility after better served by the legislative proposal than by developing and implementing a fishery management plan under the Magnuson-Stevens Fishery Conservation and Management Act. This legislation will fully implement the Tri-State Committee recommendation and ensure the conservation and sound management of this important West Coast fishery.

I look forward to the Senate's timely consideration of this bill.

REPORT OF THE TRI-STATE DUNGENESS CRAB COMMITTEE TO THE PACIFIC FISHERY MANAGEMENT COUNCIL ON OPTIONS FOR DUNGENESS CRAB FISHERY MANAGEMENT, AUGUST 7, 1997

The Tri State Dungeness Crab Committee met on August 6–7, 1997 to review the Pacific Fishery Management Council (PFMC) Analysis of Options for Dungeness Crab Management. A list of the attending Committee members, advisors, and observers is attached. After completing that review, the Committee discussed the merits of each option and offered the following comments for PFMC consideration.

There was general agreement within the Committee that Option 1, No Action, would not satisfy the current needs of the industry. There was unanimous opposition, however, among Oregon and California representatives to Option 3, Development of a Limited Federal Fishery Management Plan (FMP). Washington representatives were not strongly in favor of a FMP, but viewed it as the only realistic means to address their concerns for the fishery. After an extended discussion, it was the consensus of the Committee that a modified version of Option 2, Extension of Interim Authority, was preferred.

There were three common themes that appeared during the discussion. No Committee members believed that there should be fishing or processing of Dungeness crab in waters of the EEZ under PFMC jurisdiction by any vessel not permitted or licensed in either Washington, Oregon, or California. The Committee generally accepted that additional tools beyond area closures and pot limits could be needed to address tribal allocation issues. Finally, the Committee also agreed that as a matter of fairness, vessels fishing alongside each other in an area should be subject to the same regulations. On that basis, the Tri-State Dungeness Crab Committee recommends that:

1. The PFMC immediately request that Congress make the current Interim Authority a permanent part of the Magnuson-Stevens Fishery Conservation and Management Act, applying only to Pacific coast Dungeness crab, with the following adjustments.

(a) delete the limitations listed in the current Section 2 of the Interim Authority so that state regulations will apply equally to all vessels in the EEZ and adjacent State waters; and

(b) clarify the language in the current Section 3B of the Interim Authority to prohibit participation in the fishery by vessels that are not registered in either Washington, Oregon, or California.

2. The PFMC defer action on a Dungeness crab FMP until March 1998 to determine whether Congress will be receptive to this extension of the Interim Authority.

Proposed draft bill language for an extension of the Interim Authority is attached.

This recommendation is not made without reservations on both sides. Washington representatives were reluctant to totally withdraw consideration of a federal FMP option, in the event that efforts to extend the Interim Authority fail. They expressed little confidence that a request for Congressional action would be successful. Representatives from Oregon were concerned that discriminatory regulations could be enacted in the future by other states that could effectively exclude them from participation on traditional fishing grounds. They preferred this risk over the involvement of federal agencies under a federal fishery management plan.

TRI-STATE DUNGENESS CRAB COMMITTEE MEETING ATTENDANCE—AUGUST 6–7, 1997, PORTLAND, OR

COMMITTEE MEMBERS

Dick Sheldon: Columbia River Dungeness Crab Fishermen's Association, Ocean Park, WA
Ernie Summers: Washington Dungeness Crab Fishermen's Association, Westport, WA
Larry Thevik: Washington Dungeness Crab Fishermen's Association, Westport, WA
Terry Krager: Chinook Packing, Chinook, WA
Paul Davis: Oregon Fisher, Brookings, OR
Bob Eder: Oregon Fisher, Newport, OR
Tom Nowlin: Oregon Fisher, Coos Bay, OR
Stan Schones: Oregon Fisher, Newport, OR
Russell Smotherman: Oregon Fisher, Warrenton, OR
Joe Speir: Oregon Fisher, Brookings, OR
Rod Moore: West Coast Seafood Processors Association, Portland, OR
Harold Ames: CA Fisher, Bodega Bay, CA
Mike Cunningham: CA Fisher, Eureka, CA
Tom Fulkerson: CA Fisher, Trinidad, CA
Tom Timmer: CA Fisher, Crescent City, CA
Jerry Thomas: Eureka Fisheries, Inc., Eureka, CA

ADVISORS

Steve Barry: Washington Department of Fish and Wildlife, Montesano, WA
Paul LaRiviere: Washington Department of Fish and Wildlife, Montesano, WA
Neil Richmond: Oregon Department of Fish and Wildlife, Charleston, OR

OBSERVERS

Tom Kelly: WA Fisher, Westport, WA
Mike Mail: Quinault Tribe, Taholah, WA
Nick Furman: Oregon Dungeness Crab Commission, Coos Bay, OR

By Mr. LEAHY:

S. 1727. A bill to authorize the comprehensive independent study of the effects on trademark and intellectual property rights holders of adding new generic top-level domains and related dispute resolution procedures; to the Committee on the Judiciary.

STUDY AUTHORIZATION LEGISLATION

Mr. LEAHY. Mr. President, from its origins as a U.S.-based research vehicle, the Internet has matured into a democratic, international medium for communication, commerce and education. As the Internet evolves, the traditional means of organizing its technical functions need to evolve as well.

In the days before the Internet, the U.S. Defense Department's research network—called the ARPAnet—used a naming system that would map a computer's numerical address to a more user-friendly host name. With only a few computers linked to the ARPAnet, the U.S. Defense Department's research network maintained a master list of each computer's numerical address and host name. Sending an electronic message or file was a simple matter of looking up the computer's host name on a master list to find its numerical address. As the number of host computers grew, however, it became clear that a new addressing system was needed. Thus, in 1987, the current Domain Name System (DNS) was created.

On today's Internet, the DNS works through a hierarchy of names. At the top of this hierarchy are a set of Top Level Domains that can be classified into two categories: generic Top Level Domains (gTLD) such as ''.gov,'' ''.net,'' ''.com,'' ''.edu,'' ''.org,'' ''.int,'' and ''.mil,'' and the country code Top Level Domain names, such as ''.us'' and ''.uk.'' Before each TLD suffix, is a Second Level Domain name.

Since the Internet is an outgrowth of U.S. government investments carried out under agreements with U.S. agencies, major components of the DNS are still performed by or subject to agreements with U.S. agencies. Examples include assignments of numerical addresses to Internet users, management of the system of registering names for Internet users, operation of the root server system, and protocol assignment.

For the past five years, a company based in Herndon, Virginia, named Network Solutions, Inc., has served under a cooperative agreement with the National Science Foundation as the exclusive registry of all second level domain names in several of the gTLDs (e.g., .com, .net, .org, and .edu). This contract will end next month, with an optional ramp-down period that expires on September 30, 1998.

The National Science Foundation's exclusive arrangement with Network Solutions regarding the assignment of domain names has drawn criticism from Internet users. This arrangement has also been the subject of antitrust scrutiny by the Justice Department and of two lawsuits in Federal Court. I wrote to Attorney General Reno in July 1997, asking to be kept apprised, as appropriate, of any developments in the Justice Department's antitrust investigation concerning the assignment of the most popular domain names for Internet addresses. I was assured that the Department's objective was consistent with my concerns to ensure that the DNS functions, to the maximum extent possible, in an open, competitive environment that maximizes innovation and consumer choice.

Despite the controversies associated with certain aspects of Network Solutions' management of the gTLDs, many of us have been concerned about what would happen at the end of that company's exclusive contract. Simply put, how will we avoid chaos on the Internet and the potential risk of multiple registrations of the same domain name for different computers?

That is why I welcomed the Administration's intent to address this issue comprehensively. In the Administration's ''Framework for Global Electronic Commerce,'' the President last year directed the Secretary of Commerce to privatize, increase competition and promote international participation in the DNS. At the beginning of this year, I wrote to Secretary Daley requesting that the Administration present its policy recommendations regarding the management of the DNS without further delay, lest the stability and integrity of the Internet domain name system be threatened.

On January 30, 1998, the Commerce Department released a ''Green Paper,'' or discussion draft, entitled ''A Proposal to Improve Technical Management of Internet Names and Addresses,'' proposing privatization of the management of the DNS through the creation of a new, not-for-profit corporation. This organization would set policy for the allocation of number blocks to regional number registries; oversee operation of the root server system; determine when new top-level-domains should be added to the root system; and coordinate development of protocol parameters for the Internet.

While the corporation would be able to decide when to add new gTLDs, the Administration has indicated that it does not want to wait until the corporation is formed to bring competition to the domain name registration process. Thus, the Green Paper proposes to allow firms other than Network Solutions assign addresses that end in the gTLDs: ''.com,'' ''.org'' and ''.net.'' The Green Paper also proposes the creation of five new gTLDs, each of which would be based on registries operated by separate firms. The Administration continues to solicit comments on the Green Paper from the DNS stakeholder community, and hopes to finalize and begin implementation of the Green Paper's proposals in April 1998.

Developing this proposal to privatize and increase competition in the DNS was an important and difficult task. I am delighted that the Administration undertook this herculean effort and has finally released its draft proposal to improve the DNS. I especially applaud the hard work of Ira Magaziner, Senior Advisor to the President for Policy Development, Larry Irving, Assistant Secretary of Commerce for Communications and Information and Administrator of the National Telecommunications and Information Administration (NTIA), and Becky Burr, Associate Administrator, NTIA, Office of International Affairs.

I fully agree with the four basic principles guiding the Administration's proposal to structure this evolution; namely that private sector control is preferable to government control; competition should be encouraged; management of the Internet should reflect the diversity of its users and their needs; and stability of the Internet should be maintained during the transition period. These shared principles form the basis of a solid framework from which to determine the evolution of the DNS. That being said, I think it prudent that the Green Paper—already shaped by months of discussions with a variety of Internet stakeholders—is in the form of a discussion draft and that additional public comments are being solicited. The Internet is a democratic form of communication, and changes in its management structure warrant consideration through an open and democratic process.

Among the more challenging questions presented by the Green Paper are

how to protect consumers' interests in locating the brand or vendor of their choice on the Internet without being deceived or confused, and how to protect companies from having their brand equity diluted in an electronic environment. Adding new gTLDs, as the Green Paper proposes, would allow more competition and more individuals and businesses to obtain addresses that more closely reflect their names and functions. On the other hand, businesses are also rightly concerned that the increase in gTLDs may make the job of protecting their trademarks from infringement or dilution more difficult. Recent news reports have highlighted the prevalence of ''stealth'' domain name addresses, which are slight spelling variations on the addresses of popular Web sites used to increase visits by potential subscribers. For instance, as reported in the March 2, 1998 edition of Newsweek, ''www.whitehouse.com'' is an explicit adult Web site. One needs to use the domain name ''www.whitehouse.gov'' to reach the White House's web site.

Congress recently addressed certain trademark issues with passage of the Federal Trademark Dilution Act. That legislation proscribes the dilution of famous trademarks in circumstances that might not otherwise amount to trademark infringement. When that legislation passed the Senate, I noted that ''no one else has yet considered this application,'' but expressed ''my hope that this antidilution statute can help stem the use of deceptive Internet addresses taken by those who are choosing marks that are associated with the products and reputations of others.'' CONGRESSIONAL RECORD, S 19312 (December 29, 1995).

Over the past several years, I understand that disputes between trademark owners and domain name owners have been on the rise. To address the legitimate concerns of trademark holders and the diverse needs of Internet users, the Green Paper proposes that a study be undertaken on the effects of adding new gTLDs and related dispute resolution procedures on trademark and intellectual property rights holders. Specifically, the Green Paper states:

> We also propose that . . . a study be undertaken on the effects of adding new gTLDs and related dispute resolution procedures on trademark and intellectual property rights holders. This study should be conduced under the auspices of a body that is internationally recognized in the area of dispute resolution procedures, with input from trademark and domain name holders and registries.

Although some of the recommendations in the Green Paper have proved to be controversial, I understand that DNS stakeholders of diverse background and interests, including those businesses who are concerned that the increase in gTLDs may make the job of protecting their trademarks from infringement or dilution more difficult, such as ATT and Bell Atlantic, support this Green Paper recommendation. The legislation I introduce today directs the Secretary of Commerce, acting through the Assistant Secretary of Commerce and Commissioner of Patent and Trademarks, to request the National Research Council (NRC) of the National Academy of Sciences to conduct a comprehensive study of the effects on trademark and intellectual property rights holders of adding new gTLDs and related dispute resolution procedures. The study shall assess and, as appropriate, make recommendations for policy, practice, or legislative changes regarding: (1) the short-term and long-term effects on the protection of trademark and intellectual property rights and consumer interests of increasing or decreasing the number of gTLDs; (2) trademark and intellectual property rights clearance processes for domain names, including whether domain name databases should be readily searchable through a common interface to facilitate the ''clearing'' of trademarks and intellectual property rights and proposed domain names across a range of gTLDs; identifying what information from domain name databases should be accessible for the ''clearing'' of trademarks and intellectual property rights; and whether gTLDs registrants should be required to provide certain information; (3) domain name trademark and intellectual property rights dispute resolution mechanisms, including how to reduce trademark and intellectual property rights conflicts associated with the addition of any new gTLDs and how to reduce trademark and intellectual property rights conflicts through new technical approaches to Internet addressing; (4) choice of law or jurisdiction for resolution of trademark and intellectual property rights disputes relating to domain names, including which jurisdictions should be available for trademark and intellectual property rights owners to file suit to protect their trademarks and intellectual property rights; (5) trademark and intellectual property rights infringement liability for registrars, registries, or technical management bodies; and (6) short-term and long-term technical and policy options for Internet addressing schemes and their impact on current trademark and intellectual property issues.

The bill also calls upon the Secretary of Commerce to seek the cooperation of the Patent and Trademark Office, the National Telecommunications and Information Administration, other Commerce Department entities and all other appropriate Federal departments, Government contractors, and similar entities with the study.

I use the Internet frequently, and I therefore have a personal stake in ensuring that the evolution of the DNS is one that makes sense from an end-user perspective. In addition, I am proud to say that Vermont companies have been leaders in cyber selling. Both users and companies seeking to do business on the Internet have a direct stake in ensuring that the DNS develops in a manner that protects the rights and promotes their shared interests.

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. 1727

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

SECTION 1. STUDY OF EFFECTS ON TRADEMARKS AND INTELLECTUAL PROPERTY RIGHTS OF ADDING GENERIC TOP-LEVEL DOMAINS.

(a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Commerce, acting through the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive study, taking into account the diverse needs of Internet users, of the short-term and long-term effects on trademark and intellectual property rights holders of adding new generic top-level domains and related dispute resolution procedures.

(b) MATTERS TO BE ASSESSED IN STUDY.—The study shall assess and, as appropriate, make recommendations for policy, practice, or legislative changes relating to—

(1) the short-term and long-term effects on the protection of trademark and intellectual property rights and consumer interests of increasing or decreasing the number of generic top-level domains;

(2) trademark and intellectual property rights clearance processes for domain names, including—

(A) whether domain name databases should be readily searchable through a common interface to facilitate the clearing of trademarks and intellectual property rights and proposed domain names across a range of generic top-level domains;

(B) the identification of what information from domain name databases should be accessible for the clearing of trademarks and intellectual property rights; and

(C) whether generic top-level domain registrants should be required to provide certain information;

(3) domain name trademark and intellectual property rights dispute resolution mechanisms, including how to—

(A) reduce trademark and intellectual property rights conflicts associated with the addition of any new generic top-level domains; and

(B) reduce trademark and intellectual property rights conflicts through new technical approaches to Internet addressing;

(4) choice of law or jurisdiction for resolution of trademark and intellectual property rights disputes relating to domain names, including which jurisdictions should be available for trademark and intellectual property rights owners to file suit to protect such trademarks and intellectual property rights;

(5) trademark and intellectual property rights infringement liability for registrars, registries, or technical management bodies; and

(6) short-term and long-term technical and policy options for Internet addressing schemes and the impact of such options on current trademark and intellectual property rights issues.

(c) COOPERATION WITH STUDY.—

(1) INTERAGENCY COOPERATION.—The Secretary of Commerce shall—

(A) direct the Patent and Trademark Office, the National Telecommunications and Information Administration, and other Department of Commerce entities to cooperate fully with the National Research Council in

its activities in carrying out the study under this section; and

(B) request all other appropriate Federal departments, Federal agencies, Government contractors, and similar entities to provide similar cooperation to the National Research Council.

(2) PRIVATE CORPORATION COOPERATION.—The Secretary of Commerce shall request that any private, not-for-profit corporation established to manage the Internet root server system and the top-level domain names provide similar cooperation to the National Research Council.

(d) REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the National Research Council shall complete the study under this section and submit a report on the study to the Secretary of Commerce. The report shall set forth the findings, conclusions, and recommendations of the Council concerning the effects of adding new generic top-level domains and related dispute resolution procedures on trademark and intellectual property rights holders.

(2) SUBMISSION TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after the date on which the report is submitted to the Secretary of Commerce, the Secretary shall submit the report to the Committees on the Judiciary of the Senate and House of Representatives.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $800,000 for the study conducted under this Act.

By Mr. LOTT:

S. 1728. A bill to provide for the conduct of a risk assessment for certain Federal agency rules, and for other purposes; to the Committee on Governmental Affairs.

THE RISK ASSESSMENT IMPROVEMENT ACT

Mr. LOTT. Mr. President, federal bureaucrats issued thousands of new rules and regulations last year, adding billions to the regulatory costs already imposed on American businesses and the economy. Whether you realize it or not, almost every aspect of our daily existence is regulated in some way by the government.

That is not to say that the government should not regulate when it's necessary to protect human health and the environment. However, we would all agree that there are reasonable limits to how much protection we really need. For instance, cars are dangerous vehicles. If not properly operated, they can cause serious injury or death. It is certainly acceptable for the government to issue regulations ensuring that a vehicle is able to withstand anticipated impacts. But should we outlaw cars simply because improper operation can lead to death? Of course not. We all can see that the benefits of being able to drive a car far outweigh any risk of death.

Mr. President, how do we separate true risks from inflated risks? How do we parcel out real problems from those created by fear or misinformation? How do we rank risks so that we attend to the most pressing ones first?

I believe that the solution is to strengthen the risk assessment portion of the current federal law. It is about time that federal agencies focused on finding solutions to problems that present real risks, risks that are based on sound science. For too long, agencies have been allowed to use scant science and political windsocks to determine what should be considered a risk to human health or the environment. From an overblown analysis of risk comes irrational and ineffective solutions—some even more harmful than the basic problem.

That is why I am introducing the Risk Assessment Improvement Act.

Before an agency can issue a rule or carry out a cost/benefit analysis, it must determine that there is indeed a risk. Since risk assessment is the first threshold for issuing regulations, I believe that a targeted bill like this one would address the most important part of regulatory reform.

Simply put, Mr. President, this bill ensures that there is no ambiguity about whether or not there is a risk. By requiring rulemaking agencies to follow a prescribed and stringent set of evaluations, the bill strengthens the current method of evaluating risk. In addition, the Risk Assessment Improvement Act states that risks must be reviewed in light of other risks. In other words, it would require agencies to rank risks from least to most severe, guaranteeing that the most serious ones are addressed first. This is not only smart regulatory and health policy, it is smart fiscal policy. We will be better able to allocate federal resources if we know ahead of time which risks are most pressing.

I know that Senator THOMPSON has done his best to assemble a comprehensive regulatory reform package, and I certainly commend his efforts. But a comprehensive approach offers many complexities, both substantively and procedurally. That is why I am introducing a bill to deal with just one element of the regulatory process—risk.

If you take a look at the language of my bill, you will find that it is identical to that in the risk assessment title of the original LEVIN-THOMPSON bill. The reason for this is simple: their language is both strong and well written. And it gets the job done. I hope that I can count on Senators THOMPSON and LEVIN's support in moving the bill through the Government Affairs Committee.

In closing, Mr. President, I ask my colleagues to join me in taking an incremental and doable step towards real regulatory reform by supporting the Risk Assessment Improvement Act.

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. 1728

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 Regulatory Risk Assessment Act of 1997''.

SEC. 2. RISK ASSESSMENTS.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER II—RISK ASSESSMENTS

''§ 621. Definitions

''For purposes of this subchapter the definitions under section 551 shall apply and—

''(1) the term 'cost' means the reasonably identifiable significant adverse effects, including social, health, safety, environmental, economic, and distributional effects that are expected to result directly or indirectly from implementation of, or compliance with, a rule;

''(2) the term 'Director' means the Director of the Office of Management and Budget, acting through the Administrator of the Office of Information and Regulatory Affairs;

''(3) the term 'flexible regulatory options' means regulatory options that permit flexibility to regulated persons in achieving the objective of the statute as addressed by the rule making, including regulatory options that use market-based mechanisms, outcome oriented performance-based standards, or other options that promote flexibility;

''(4) the term 'major rule' means a rule or a group of closely related rules that—

''(A) the agency proposing the rule or the Director reasonably determines is likely to have an annual effect on the economy of $100,000,000 or more in reasonably quantifiable costs; or

''(B) is otherwise designated a major rule by the Director on the ground that the rule is likely to adversely affect, in a material way, the economy, a sector of the economy, including small business, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments, or communities;

''(5) the term 'reasonable alternative' means a reasonable regulatory option that would achieve the objective of the statute as addressed by the rule making and that the agency has authority to adopt under the statute granting rule making authority, including flexible regulatory options;

''(6) the term 'risk assessment' means the systematic process of organizing hazard and exposure assessments to estimate the potential for specific harm to exposed individuals, populations, or natural resources;

''(7) the term 'rule' has the same meaning as in section 551(4), and shall not include—

''(A) a rule exempt from notice and public comment procedure under section 553;

''(B) a rule that involves the internal revenue laws of the United States, or the assessment and collection of taxes, duties, or other revenue or receipts;

''(C) a rule of particular applicability that approves or prescribes for the future rates, wages, prices, services, corporate or financial structures, reorganizations, mergers, acquisitions, accounting practices, or disclosures bearing on any of the foregoing;

''(D) a rule relating to monetary policy proposed or promulgated by the Board of Governors of the Federal Reserve System or by the Federal Open Market Committee;

''(E) a rule relating to the safety or soundness of federally insured depository institutions or any affiliate of such an institution (as defined in section 2(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(k)); credit unions; the Federal Home Loan Banks; government-sponsored housing enterprises; a Farm Credit System Institution; foreign banks, and their branches, agencies, commercial lending companies or representative offices that operate in the United States and any affiliate of such foreign banks (as those terms are defined in the International Banking Act of 1978 (12 U.S.C.

3101)); or a rule relating to the payments system or the protection of deposit insurance funds or Farm Credit Insurance Fund;

''(F) a rule or order relating to the financial responsibility, recordkeeping, or reporting of brokers and dealers (including Government securities brokers and dealers) or futures commission merchants, the safeguarding of investor securities and funds or commodity future or options customer securities and funds, the clearance and settlement of securities, futures, or options transactions, or the suspension of trading under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or emergency action taken under the Commodity Exchange Act (7 U.S.C. 1 et seq.), or a rule relating to the protection of the Securities Investor Protection Corporation, that is promulgated under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), or a rule relating to the custody of Government securities by depository institutions under section 3121 or 9110 of title 31;

''(G) a rule issued by the Federal Election Commission or a rule issued by the Federal Communications Commission under sections 312(a)(7) and 315 of the Communications Act of 1934 (47 U.S.C. 312(a)(7) and 315);

''(H) a rule required to be promulgated at least annually pursuant to statute; or

''(I) a rule or agency action relating to the public debt; and

''(8) the term 'substitution risk' means an increased risk to health, safety, or the environment reasonably likely to result from a regulatory option.

''§ 622. Applicability

''Except as provided in section 623(d), this subchapter shall apply to all proposed and final major rules the primary purpose of which is to address health, safety, or environmental risk.

''§ 623. Risk assessments

''(a)(1) Before publishing a notice of a proposed rule making for any rule, each agency shall determine whether the rule is or is not a major rule covered by this subchapter.

''(2) The Director may designate any rule to be a major rule under section 621(4)(B), if the Director—

''(A) makes such designation no later than 30 days after the close of the comment period for the rule; and

''(B) publishes such determination in the Federal Register together with a succinct statement of the basis for the determination within 30 days after such determination.

''(b)(1) When an agency publishes a notice of proposed rule making for a major rule to which section 624(a) applies, the agency shall prepare and place in the rule making file an initial risk assessment, and shall include a summary of such assessment in the notice of proposed rule making.

''(2)(A) When the Director has published a determination that a rule is a major rule to which section 624(a) applies, after the publication of the notice of proposed rule making for the rule, the agency shall promptly prepare and place in the rule making file an initial risk assessment for the rule and shall publish in the Federal Register a summary of such assessment.

''(B) Following the issuance of an initial risk assessment under subparagraph (A), the agency shall give interested persons an opportunity to comment under section 553 in the same manner as if the initial risk assessment had been issued with the notice of proposed rule making.

''(c)(1) When the agency publishes a final major rule to which section 624(a) applies, the agency shall also prepare and place in the rule making file a final risk assessment, and shall prepare a summary of the assessment.

''(2) Each final risk assessment shall address each of the requirements for the initial risk assessment under subsection (b), revised to reflect—

''(A) any material changes made to the proposed rule by the agency after publication of the notice of proposed rule making;

''(B) any material changes made to the risk assessment; and

''(C) agency consideration of significant comments received regarding the proposed rule and the risk assessment.

''(d)(1) A major rule may be adopted without prior compliance with this subchapter if—

''(A) the agency for good cause finds that conducting the risk assessment under this subchapter is contrary to the public interest due to an emergency, or an imminent threat to health or safety that is likely to result in significant harm to the public or the environment; and

''(B) the agency publishes in the Federal Register, together with such finding, a succinct statement of the basis for the finding.

''(2) If a major rule is adopted under paragraph (1), the agency shall comply with this subchapter as promptly as possible unless compliance would be unreasonable because the rule is, or soon will be, no longer in effect.

''§ 624. Principles for risk assessments

''(a)(1) Subject to paragraph (2), each agency shall design and conduct risk assessments in accordance with this subchapter for each proposed and final major rule , or that results in a significant substitution risk, in a manner that promotes rational and informed risk management decisions and informed public input into and understanding of the process of making agency decisions.

''(2) If a risk assessment under this subchapter is otherwise required by this section, but the agency determines that—

''(A) a final rule subject to this subchapter is substantially similar to the proposed rule with respect to the risk being addressed;

''(B) a risk assessment for the proposed rule has been carried out in a manner consistent with this subchapter; and

''(C) a new risk assessment for the final rule is not required in order to respond to comments received during the period for comment on the proposed rule,

the agency may publish such determination along with the final rule in lieu of preparing a new risk assessment for the final rule.

''(b) Each agency shall consider in each risk assessment reliable and reasonably available scientific information and shall describe the basis for selecting such scientific information.

''(c)(1) Each agency may use reasonable assumptions to the extent that relevant and reliable scientific information, including site-specific or substance-specific information, is not reasonably available.

''(2) When a risk assessment involves a choice of assumptions, the agency shall—

''(A) identify the assumption and its scientific or policy basis, including the extent to which the assumption has been validated by, or conflicts with, empirical data;

''(B) explain the basis for any choices among assumptions and, where applicable, the basis for combining multiple assumptions; and

''(C) describe reasonable alternative assumptions that were considered but not selected by the agency for use in the risk assessment, how such alternative assumptions would have changed the conclusions of the risk assessment, and the rationale for not using such alternatives.

''(d) Each agency shall provide appropriate opportunity for public comment and participation during the development of a risk assessment.

''(e) Each risk assessment supporting a major rule under this subchapter shall include, as appropriate, each of the following:

''(1) A description of the hazard of concern.

''(2) A description of the populations or natural resources that are the subject of the risk assessment.

''(3) An explanation of the exposure scenarios used in the risk assessment, including an estimate of the corresponding population at risk and the likelihood of such exposure scenarios.

''(4) A description of the nature and severity of the harm that could reasonably occur as a result of exposure to the hazard.

''(5) A description of the major uncertainties in each component of the risk assessment and their influence on the results of the assessment.

''(f) To the extent scientifically appropriate, each agency shall—

''(1) express the overall estimate of risk as a reasonable range or probability distribution that reflects variabilities, uncertainties, and lack of data in the analysis;

''(2) provide the range and distribution of risks and the corresponding exposure scenarios, identifying the range and distribution and likelihood of risk to the general population and, as appropriate, to more highly exposed or sensitive subpopulations, including the most plausible estimates of the risks; and

''(3) where quantitative estimates are not available, describe the qualitative factors influencing the range, distribution, and likelihood of possible risks.

''(g) When scientific information that permits relevant comparisons of risk is reasonably available, each agency shall use the information to place the nature and magnitude of a risk to health, safety, or the environment being analyzed in relationship to other reasonably comparable risks familiar to and routinely encountered by the general public. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks.

''(h) When scientifically appropriate information on significant substitution risks to health, safety, or the environment is reasonably available to the agency, the agency shall describe such risks in the risk assessment.

''§ 625. Deadlines for rule making

''(a) All deadlines in statutes or imposed by a court of the United States, that require an agency to propose or promulgate any major rule to which section 624(a) applies, during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

''(1) the date on which the requirements of this subchapter are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

''(b) In any case in which the failure to promulgate a major rule to which section 624(a) applies by a deadline occurring during the 2-year period beginning on the effective date of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

''(1) the date on which the requirements of this subchapter are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

''§ 626. Judicial review

''(a) Compliance or noncompliance by an agency with the provisions of this subchapter shall only be subject to judicial review in accordance with this section.

''(b) Any determination of an agency whether a rule is or is not a major rule under section 621(4)(A) shall be set aside by a reviewing court only upon a clear and convincing showing that the determination is erroneous in light of the information available to the agency at the time the agency made the determination.

''(c) Any determination by the Director that a rule is a major rule under section 621(4), or any failure to make such determination, shall not be subject to judicial review in any manner.

''(d) Any risk assessment required under this subchapter shall not be subject to judicial review separate from review of the final rule to which the assessment applies. Any risk assessment shall be part of the whole rule making record for purposes of judicial review of the rule and shall be considered by a court in determining whether the final rule is arbitrary or capricious unless the agency can demonstrate that the assessment would not be material to the outcome of the rule.

''(e) If an agency fails to perform the risk assessment, a court shall remand or invalidate the rule.''.

(b) PRESIDENTIAL AUTHORITY.—Nothing in this Act shall limit the exercise by the President of the authority and responsibility that the President otherwise possesses under the Constitution and other laws of the United States with respect to regulatory policies, procedures, and programs of departments, agencies, and offices.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Part I of title 5, United States Code, is amended by striking the chapter heading and table of sections for chapter 6 and inserting the following:

''CHAPTER 6—THE ANALYSIS OF REGULATORY FUNCTIONS

''SUBCHAPTER I—ANALYSIS OF REGULATORY FLEXIBILITY

''SUBCHAPTER II—RISK ASSESSMENTS

(2) Chapter 6 of title 5, United States Code, is amended by inserting immediately before section 601, the following subchapter heading:

''SUBCHAPTER I—ANALYSIS OF REGULATORY FLEXIBILITY''.

SEC. 3. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect 180 days after the date of enactment of this Act, but shall not apply to any agency rule for which a notice of proposed rulemaking is published on or before August 1, 1997.

By Mr. BREAUX:

S. 1729. A bill to amend title 28, United States Code, to create two divisions in the Eastern Judicial District of Louisiana; to the Committee on the Judiciary.

EASTERN JUDICIAL DISTRICT OF LOUISIANA LEGISLATION

Mr. BREAUX. Mr. President, I rise today to introduce legislation to amend Title 28 of the U.S. Code to create two divisions in the Eastern Judicial District of Louisiana: a New Orleans Division, which would be comprised of Jefferson, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint John the Baptist, Saint Tammany, Tangipahoa, and Washington Parishes; and a Houma Division, which would be comprised of Terrebonnne, Lafourche, Saint James, and Assumption Parishes.

It has long been recognized that there is a distinct need for a permanent United States District Court Judge in Houma, Louisiana. The Houma-Thibodaux metropolitan area is the fourth largest in Louisiana, and the area is growing by leaps and bounds, due in no small part to a revitalized oil and gas industry. With this increase in population and commercial activity, the number of court cases filed in the area will likewise grow.

This inevitable increase in litigation will mean that an increasing number of people from the Houma-Thibodaux area will be forced to travel to New Orleans to appear in federal district court. This is a difficult, congested, and time-consuming trip. Also, many of the rural areas in the Eastern Judicial District have easier access to Houma than they do to New Orleans. Because of these factors, it makes sense to provide residents of the Houma-Thibodaux area and the surrounding, rural areas access to a federal district court closer to home.

A brand new federal courthouse already exists for this very purpose. The George M. Arceneaux Federal Courthouse in Houma, Louisiana, was dedicated for use by the United States District Court for the Eastern District of Louisiana. Unfortunately, this new courthouse is not being used as originally intended. Judges have difficulty making the trip from New Orleans to Houma. As a result, Houma area residents must travel to New Orleans and the new courthouse remains severely under-used.

It is for these reasons, Mr. President, that I offer this legislation today. I also want to note that the Assumption, Terrebonne, Lafourche, Saint James, and 29th Judicial District Court Bar Associations have all passed resolutions expressing their support for this legislation. Furthermore, the bill contains language to ensure that neither pending cases nor summoned, impaneled, or actually serving juries will be affected by the change. I urge my colleagues to join me in supporting the passage of this bill.

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

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

S. 1729

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

SECTION 1. CREATION OF TWO DIVISIONS.

Section 98(a) of title 28, United States Code, is amended to read as follows:

''(a) The Eastern District comprises two divisions.

''(1) The New Orleans Division comprises the parishes of Jefferson, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint John the Baptist, Saint Tammany, Tangipahoa, and Washington.

''Court for the New Orleans Division shall be held at New Orleans.

''(2) The Houma Division comprises the parishes of Assumption, Lafourche, Saint James, and Terrebonne.

''Court for the Houma Division shall be held at Houma.''.

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

(b) PENDING CASES NOT AFFECTED.—This Act and the amendments made by this Act shall not affect any action commenced before the effective date of this Act and pending on such date in the United States District Court for the Eastern District of Louisiana or in the United States District Court for the Western District of Louisiana.

(c) JURIES NOT AFFECTED.—This Act and the amendments made by this Act shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on the effective date of this Act.

By Mr. WYDEN:

S. 1730. A bill to require Congressional review of Federal programs at least every 5 years, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL PROGRAM SUNSET REVIEW ACT OF 1998

Mr. WYDEN. Mr. President, someone once said that the only thing which truly lives forever is a Government program in Washington, DC. I am introducing legislation today to rein in the growth of those big Government programs and to require the Congress to stop rubberstamping programs in this body. The sunset legislation that I put forward today will require the key programs of Government to face regular scrutiny and stand or fall on their merits.

This legislation would give Congress a new and powerful tool to rein in the bureaucracy and create a Federal Government that would be smaller, less costly, and more accountable to the American people.

The legislation that I introduce today would establish a special bipartisan, bicameral congressional committee which would be charged with reviewing the key programs of Government every 5 years. Any U.S. citizen of voting age could petition this committee for the termination of these programs. If the committee recommended termination and Congress failed to reauthorize that program within 1 year of that recommendation, it would then become impossible to provide any appropriation for that program without a three-fifths vote in both Houses. In other words, a sunset law would provide a mechanism for shutting the door on unneeded, mismanaged, or failed efforts in Government.

This legislation would end the inertia which sometimes carries Federal programs forward in perpetuity. It would

be a meaningful, effective check on the continual growth of Government.

Mr. President, I think that each of us sees, as we look at the Federal budget and carry out our duties, some programs that we believe have served their purpose and can be terminated, some programs that were mistakes in the first place, some that were well-intentioned and just have not worked out.

I look, for example, at programs like the 1872 mining statute which costs the Government about $1 billion per year; the tobacco subsidy programs where we continue to pay out vast sums year after year and then have to encourage, through public education campaigns, individuals not to smoke. I see fighter jet programs that cost billions; the $4.7 billion National Ignition Facility. The list goes on and on.

So it is time, Mr. President, to look at new tools to put the brakes on some of this spending. The legislation that I am introducing today will do that by putting an end to programs and providing an end date for those programs that would otherwise sit on the shelf forever. Twenty-four States, including my own, already have statutes like the Federal sunset law that I propose to the Senate today.

What has been the experience of those sunset laws? One analysis found that during a 5-year period, as many as 23 percent of the agencies reviewed under States' sunset laws were eliminated, including some legislative dinosaurs that would oversee lightning rod salesmen, septic tank cleaners, tourist guides, massage therapists, rainmakers, horse hunters, textbook salesmen, and even tattoo artists.

Sunset laws have given the State governments the chance to streamline and rationalize the myriad of agencies that spring up as governmental bodies respond to the concerns of the moment. I am of the view that the Federal Government needs a similar process to help clean up what former President Reagan used to call ''the puzzle palaces on the Potomac.''

At its heart, the legislation that I introduce today calls for using a sunset concept on Federal programs as a tool for good and careful government. There is a tendency in Washington, DC, to focus exhaustive attention on programs before they are created and then virtually ignore them from that point out. I sat on the Oversight and Investigations Subcommittee of the Commerce Committee as a Member of the other body, and I saw firsthand that the Congress can spend an extraordinary amount of time and effort trying to pass laws and very little to actually see if what is on the books works.

Requiring that each and every program is periodically reauthorized would focus the Congress' attention and the attention of the media on the operations and effectiveness of individual Government programs in a way that is simply not done today. It will, in my view, increase the pressure on agency managers to perform and do so in a cost-effective fashion. I suspect that some Federal agencies will function a bit differently when they know that there is a certainty of accountability and potential termination of their program that hangs over them.

Mr. President, when any Member of this body has a town meeting at home, they will hear from citizens who are tired of Government programs that don't work and still grow larger each year. Now is the time for the Senate to establish a system to assure that only those parts of Government are kept that work and that there is a renewed effort to terminate programs which simply take up space and waste the taxpayers' money. Our constituents deserve better.

The States have found that sunset laws can provide them the opportunity to reduce waste while still keeping programs that work, and I believe that it is high time for the U.S. Senate to pass favorably on the sunset concept that is working at the State level across this country.

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. 1730

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 Program Sunset Review Act of 1998''.

SEC. 2. PURPOSE.

The purpose of this Act is to require Congressional reexamination and review of selected Federal programs once every 5 years.

SEC. 3. DEFINITIONS, BUDGET CATEGORIES, REVIEW DATE.

(a) DEFINITIONS.—In this Act:

(1) AGENCY.—The term ''agency'' means an executive agency as defined in section 105 of title 5, United States Code, except that such term includes the United States Postal Service and the Postal Rate Commission but does not include the General Accounting Office.

(2) BUDGET AUTHORITY.—The term ''budget authority'' has the same meaning given that term in section 3(2) of the Congressional Budget Act of 1974.

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

(4) PERMANENT BUDGET AUTHORITY.—The term ''permanent budget authority'' means budget authority provided for an indefinite period of time or an unspecified number of fiscal years which does not require recurring action by the Congress, but does not include budget authority provided for a specified fiscal year which is available for obligation or expenditure in one or more succeeding fiscal years.

(b) BUDGET CATEGORIES.—For purposes of this Act, each program (including any program exempted by a provision of law from inclusion in the Budget of the United States) shall be assigned to the functional and subfunctional categories to which it is assigned in the Budget of the United States Government, fiscal year 1998. Each committee of the Senate or the House of Representatives which reports any bill or resolution which authorizes the enactment of new budget authority for a program not included in the fiscal year 1998 budget shall include, in the committee report accompanying such bill or resolution (and, where appropriate, the conferees shall include in their joint statement on such bill or resolution), a statement as to the functional and subfunctional category to which such program is to be assigned.

(c) REVIEW DATE.—For purposes of titles I, II, and III of this Act, the review date applicable to a program is the date specified for such program under section 201(b).

TITLE I—FEDERAL PROGRAM REVIEW BY CONGRESS

SEC. 101. JOINT COMMITTEE ON SUNSET REVIEW OF FEDERAL PROGRAMS.

(a) ESTABLISHMENT.—

(1) COMMITTEE MEMBERSHIP.—There is established not later than 60 days after the date of enactment a Joint Committee on Sunset Review of Federal Programs (in this title referred to as the ''Joint Committee'') to be composed of 8 Members of the Senate to be appointed by the President and Minority Leader of the Senate, and 8 Members of the House of Representatives to be appointed by the Speaker and Minority Leader. In each instance, not more than 4 Members shall be members of the same political party. No Member shall serve on the Joint Committee for more than 6 years (excluding any period of service of less than 1 year) but a Member may be reappointed after the expiration of 2 years.

(2) CHAIRMAN.—The Chairman shall be elected by the members of the Joint Committee and the chairmanship shall rotate between the Senate and the House of Representatives with the first Chairman being selected from Members of the Senate.

(3) VACANCIES.—Vacancies in the membership of the Joint Committee shall not affect the power of the remaining Members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original appointment.

(4) HEARINGS, ETC.—The Joint Committee is authorized to hold such hearings as it deems advisable. Such hearings must be held in public. The Joint Committee may appoint and fix the compensation of not more than 3 professional staff. The Joint Committee may use the services, information, and facilities of the departments and agencies of the Federal Government that have jurisdiction of the programs being reviewed by the Joint Committee.

(b) FUNCTION.—

(1) IN GENERAL.—In each year, the Joint Committee shall review the programs that have review dates, set under section 201(b), which will occur on September 30 of the following year to determine if such programs should be reauthorized or terminated.

(2) CRITERIA.—The Joint Committee shall consider the following criteria in determining if a program should be reauthorized or terminated:

(A) The efficiency with which the program operates.

(B) An identification of the objectives intended for the program and the problem or need that the program was intended to address, the extent to which the objectives have been achieved, and any activities of the program in addition to those granted by statute and the authority for these activities.

(C) The extent to which the program is needed and is used.

(D) The extent to which the jurisdiction of the program and the other programs administered with the program overlap or duplicate others and the extent to which the program can be consolidated with the other programs.

(E) Whether the agency administering the program has recommended to Congress statutory changes calculated to be of benefit to the public at large rather than only those served directly by the program.

(F) The promptness and effectiveness with which the program disposes of complaints concerning persons affected by the program.

(G) The extent to which the program has encouraged participation by the public in making its rules and decisions and the extent to which the public participation has resulted in rules compatible with the objectives of the program.

(H) The extent to which the program has complied with applicable requirements regarding equality of employment opportunity.

(I) The extent to which changes are necessary in the enabling statutes of the program so that the program can adequately comply with the criteria listed in this paragraph.

(J) The effect on State and local governments if the program is terminated.

(3) RECOMMENDATION.—Upon completion of its review of a program, the Joint Committee shall submit to the appropriate legislative committees of the House of Representatives and the Senate not later than December 31 of the year preceding the year of a program's review date a recommendation for the extension, including extension with change, or termination of the program. Each such recommendation shall be voted on in public by the Joint Committee and shall be published.

(c) LEGISLATIVE COMMITTEES.—

(1) IN GENERAL.—Each year, each legislative committee shall review the programs within the jurisdiction of the committee subject to review under section 201(b) for that year.

(2) RECOMMENDATIONS OF THE JOINT COMMITTEE.—The legislative committee shall—

(A) consider the recommendations of the Joint Committee with respect to programs reviewed; and

(B) with respect to any program recommended for termination by the Joint Committee, report legislation terminating the program or reauthorizing the program.

(d) SPECIAL REQUESTS.—

(1) MEMBERS OF CONGRESS.—A Member of the Senate or House of Representatives may submit to the Joint Committee a written recommendation that a program be terminated. Any such recommendation shall address each of the criteria set forth in subsection (b)(2) and shall contain the views of each department or agency of the executive branch which is responsible for the administration of a program subject to reexamination pursuant to this section. The Joint Committee may consider in advance of the review schedule set forth in subsection (b)(1) each such recommendation.

(2) CITIZENS.—The Joint Committee may consider in advance of the review schedule set forth in subsection (b)(1) a written petition for termination of a program submitted by a United States citizen who is of voting age. Any such petition shall address each of the criteria set forth in subsection (b)(2).

SEC. 102. POINT OF ORDER.

(a) FAILURE TO TERMINATE OR REAUTHORIZE.—It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution, or amendment thereto, which provides new budget authority for a program for any fiscal year beginning after any review date applicable to such program under section 201(b) if the program was recommended for termination by the Joint Committee and was not reauthorized, unless the provision of such new budget authority is specifically authorized by a law which constitutes a required authorization for such program.

(b) SUPERMAJORITY REQUIREMENT.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate and the House of Representatives to sustain an appeal of a ruling of the Chair on a point of order sustained under this section.

SEC. 103. EXECUTIVE BRANCH.

Each department or agency of the executive branch which is responsible for the administration of a program subject to reexamination pursuant to section 201 shall, by the first Monday of June the year before the review year for that program, submit to the Joint Committee a report of its findings, recommendations, and justifications with respect to each of the matters set forth in section 101(b)(3).

TITLE II—SCHEDULE OF SUNSET REVIEW OF FEDERAL PROGRAMS

SEC. 201. REVIEW.

(a) IN GENERAL.—Each Federal program (except those listed in section 202) shall be reviewed at least once during each sunset review cycle during Congress in which the review date applicable to such program (pursuant to subsection (b)) occurs.

(b) REVIEW DATE.—The first review date applicable to a Federal program is the date specified in the following table, and each subsequent review date applicable to a program is 5 years.

Programs included within subfunctional category	First sunset review date
272 Energy Conservation.	September 30, 2000.
301 Water Resources.	
352 Agricultural Research and Services.	
371 Mortgage Credit.	
373 Deposit Insurance.	
376 Other Advancement of Commerce.	
501 Elementary, Secondary, and Vocational Education.	
601 General Retirement and Disability Insurance (excluding social security).	
602 Federal Employee Retirement and Disability.	
703 Hospital and Medical Care for Veterans.	
808 Other General Government.	
050 National Defense.	September 30, 2001.
051 Department of Defense—Military	
053 Atomic Energy Defense Activities.	
154 Foreign Information and Exchange Activities.	
251 General Science and Basic Research.	
306 Other Natural Resources.	
351 Farm Income Stabilization.	
401 Ground Transportation.	
502 Higher Education.	
701 Income Security for Veterans.	
752 Federal Litigative and Judicial Activities.	
802 Executive Direction and Management.	
803 Central Fiscal Operations.	
054 Defense Related Activities	September 30, 2002.
152 International Security Assistance.	
155 International Financial Programs.	
252 Space Flight, Research, and Supporting Activities.	
274 Emergency Energy Preparedness.	
302 Conservation and Land Management.	
304 Pollution Control and Abatement.	
407 Other Transportation.	
504 Training and Employment.	
506 Social Services.	
554 Consumer and Occupational Health and Safety.	
704 Veterans Housing.	
751 Federal Law Enforcement Activities.	
801 Legislative Functions.	
806 General Purpose Fiscal Assistance.	
153 Conduct of Foreign Affairs	September 30, 2003.
271 Energy Supply.	
303 Recreational Resources.	
402 Air Transportation.	
505 Other Labor Services.	
551 Health Care Services.	
604 Housing Assistance.	
702 Veterans Education, Training, and Rehabilitation.	
753 Federal Correctional Activities.	
805 Central Personnel Management.	
908 Other Interest.	
151 International Development and Humanitarian Assistance.	September 30, 2004.
276 Energy Information, Policy and Regulation.	
372 Postal Service.	
403 Water Transportation.	
451 Community Development.	
452 Area and Regional Development.	
453 Disaster Relief and Insurance.	
503 Research and General Education Aids.	
552 Health Research and Training.	
603 Unemployment Compensation.	
705 Other Veterans Benefits and Services.	
754 Criminal Justice Assistance.	
804 General Property and Record Management.	
901 Interest on the Public Debt.	

SEC. 202. PROGRAMS NOT SUBJECT TO REVIEW.

Section 201 shall not apply to the following:

(1) Programs included within functional category 900 (Interest).

(2) Any Federal program or activity to enforce civil rights guaranteed by the Constitution of the United States or to enforce antidiscrimination laws of the United States, including the investigation of violations of civil rights, civil or criminal litigation the implementation or enforcement of judgments resulting from such litigation, and administrative activities in support of the foregoing.

(3) Programs that are related to the administration of the Federal judiciary and which are classified in the fiscal year 1997 budget under subfunctional category 752 (Federal litigative and judicial activities).

(4) Payments of refunds of internal revenue collections as provided in title I of the Supplemental Treasury and Post Office Departments Appropriation Act of 1949 (62 Stat. 561).

(5) Programs included in the fiscal year 1997 budget in subfunctional categories 701 (Income security for veterans), 704 (Veterans housing), and programs for providing health care which are included in such budget in subfunctional category 703 (Hospital and medical care for veterans).

(6) Social Security and Federal retirement programs including the following:

(A) Programs funded through trust funds which are included with subfunctional categories 551 (Health care services), 601 (General retirement and disability insurance (excluding social security)), 602 (Federal employee retirement and disability), or 602 (Department of Defense military retirement and survivor annuities).

(B) Retirement pay and medical benefits for retired commissioned officers of the Coast Guard, the Public Health Service Commissioned Corps, and the National Oceanic and Atmospheric Commissioned Corps and their survivors and dependents, classified in the fiscal year 1997 budget in subfunctional

category 551 (Health care services) or in subfunctional category 306 (Other natural resources).

(C) Retired pay of military personnel of the Coast Guard and Coast Guard Reserve, members of the former Lighthouse Service, and for annuities payable to beneficiaries of retired military personnel under chapter 73 of title 10, United States Code, classified in the fiscal year 1997 budget in subfunctional category 403 (Water transportation).

(D) Payments to the Central Intelligence Agency Retirement and Disability Fund, classified in fiscal year 1997 budget in subfunctional category 054 (Defense-related activities).

(E) Payments to the Civil Service Retirement and Disability Fund for financing unfunded liabilities, classified in fiscal year 1997 budget in subfunctional category 805 (Central personnel management).

(F) Payments to the Foreign Service Retirement and Disability Fund, classified in fiscal year 1997 budget in subfunctional category 153 (Conduct of foreign affairs) or in subfunctional category 602 (Federal employee retirement and disability).

(G) Payments to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, classified in fiscal year 1997 budget in various subfunctional categories.

(H) Administration of the retirement and disability programs set forth in this section.

(7) Programs included within subfunctional category 373 (Deposit insurance).

TITLE III—PROGRAM INVENTORY

SEC. 301. PROGRAM INVENTORY.

(a) PREPARATION.—The Comptroller General and the Director of the Congressional Budget Office, in cooperation with the Director of the Congressional Research Service, shall prepare an inventory of Federal programs (hereafter in this title referred to as the ''program inventory'').

(b) PURPOSE.—The purpose of the program inventory is to advise and assist Congress in carrying out the requirements of titles I and II. Such inventory shall not in any way bind the committees of the Senate or the House of Representatives with respect to their responsibilities under such titles and shall not infringe on the legislative and oversight responsibilities of such committees. The Comptroller General shall compile and maintain the inventory and the Director of the Congressional Budget Office shall provide budgetary information for inclusion in the inventory.

(c) SUBMISSION.—Not later than 120 days of the date of enactment of this Act, the Comptroller General, after consultation with the Director of the Congressional Budget Office, the Director of the Congressional Research Service, and each committee of the Senate and the House of Representatives, shall submit the program inventory to the Senate and the House of Representatives.

(d) GROUPING OF PROGRAMS.—In the report submitted under subsection (c), the Comptroller General, after consultation and in cooperation with and consideration of the views and recommendations of each committee of the Senate and the House of Representatives and of the Director of the Congressional Budget Office, shall group programs into program areas appropriate for the exercise of the review and reexamination requirements of this Act. Such groupings shall identify program areas in a manner that classifies each program in only 1 functional and only 1 subfunctional category and that is consistent with the structure of national needs, agency missions, and basic programs developed pursuant to section 1105 of title 31, United States Code.

(e) INVENTORY CONTENT.—The program inventory shall set forth for each program each of the following matters:

(1) The specific provision or provisions of law authorizing the program.

(2) The committees of the Senate and the House of Representatives which have legislative or oversight jurisdiction over the program.

(3) A brief statement of the purpose or purposes to be achieved by the program.

(4) The committees that have jurisdiction over legislation providing new budget authority for the program, including the appropriate subcommittees of the Committees on Appropriations of the Senate and the House of Representatives.

(5) The agency and, if applicable, the subdivision thereof responsible for administering the program.

(6) The grants-in-aid, if any, provided by such program to State and local governments.

(7) The next review date for the program.

(8) A unique identification number which links the program and functional category structure.

(9) The year in which the program was originally established and, where applicable, the year in which the program expires.

(10) Where applicable, the year in which new budget authority for the program was last authorized and the year in which current authorizations of new budget authority expire.

(f) LISTING OF EXEMPT PROGRAMS.—The inventory shall contain a separate tabular listing of programs that are not required to be reviewed pursuant to section 102.

(g) BUDGET AUTHORITY.—The report also shall set forth for each program whether the new budget authority provided for such programs is—

(1) authorized for a definite period of time;

(2) authorized in a specific dollar amount but without limit of time;

(3) authorized without limit of time or dollar amounts;

(4) not specifically authorized; or

(5) permanently provided,

as determined by the Director of the Congressional Budget Office.

(h) CBO INFORMATION.—For each program or group of programs, the program inventory also shall include information prepared by the Director of the Congressional Budget Office indicating each of the following matters:

(1) The amounts of new budget authority authorized and provided for the program for each of the preceding 4 fiscal years and, where applicable, the 4 succeeding fiscal years.

(2) The functional and subfunctional category in which the program is presently classified and was classified under the fiscal year 1997 budget.

(3) The identification code and title of the appropriation account in which budget authority is provided for the program.

SEC. 302. MUTUAL EXCHANGE OF INFORMATION.

The General Accounting Office, the Congressional Research Service, and the Congressional Budget Office shall permit the mutual exchange of available information in their possession that would aid in the compilation of the program inventory.

SEC. 303. ASSISTANCE BY EXECUTIVE BRANCH.

The Office of Management and Budget, and the Executive agencies and the subdivisions thereof shall, to the extent necessary and possible, provide the General Accounting Office with assistance requested by the Comptroller General in the compilation of the program inventory.

SEC. 304. REVISION OF PROGRAM INVENTORY.

(a) REVIEW AND REVISION.—The Comptroller General, after the close of each session of Congress, shall review and revise the program inventory and report the revisions to the Senate and the House of Representatives.

(b) REPORT.—After the close of each session of Congress, the Director of the Congressional Budget Office shall prepare a report, for inclusion in the revised inventory, with respect to each program included in the program inventory and each program established by law during such session, that includes the amount of the new budget authority authorized and the amount of new budget authority provided for the current fiscal year and each of the 5 succeeding fiscal years. If new budget authority is not authorized or provided or is authorized or provided for an indefinite amount for any of such 5 succeeding fiscal years with respect to any program, the Director shall make projections of the amounts of such new budget authority necessary to be authorized or provided for any such fiscal year to maintain a current level of services.

(c) NEW BUDGET AUTHORITY NOT AUTHORIZED.—Not later than 1 year after the first or any subsequent review date, the Director of the Congressional Budget Office, in consultation with the Comptroller General and the Director of the Congressional Research Service, shall compile a list of the provisions of law related to all programs subject to such review date for which new budget authority was not authorized. The Director of the Congressional Budget Office shall include such a list in the report required by subsection (a). The committees with legislative jurisdiction over the affected programs shall study the affected provisions and make any recommendations they deem to be appropriate with regard to such provisions to the Senate and the House of Representatives.

TITLE IV—MISCELLANEOUS

SEC. 401. APPROPRIATION REQUESTS.

Section 1108(e) of title 31, United States Code, is amended by inserting before the period ''or at the request of a committee of either House of Congress or of the Joint Committee on Sunset Review of Federal Programs presented after the day on which the President transmits the budget to Congress under section 1105 of this title for the fiscal year''.

SEC. 402. DISCLOSURE.

Nothing in this Act shall require the public disclosure of matters that are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order, or which are otherwise specifically protected by law.

SEC. 403. RULEMAKING.

The provisions of this section, section 304, and titles I and II are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 404. EXECUTIVE BRANCH ASSISTANCE.

To assist in the review or reexamination of a program, the head of an agency that administers such program and the head of any other agency, when requested, shall provide to each committee of the Senate and the House of Representatives that has legislative jurisdiction over such program, or to the

Joint Committee on Sunset Review of Federal Programs, such studies, information, analyses, reports, and assistance as the committee may request.

SEC. 405. CONGRESSIONAL REVIEW.

The Committee on Rules and Administration of the Senate and the Committee on Rules of the House of Representatives shall review the operation of the procedures established by this Act, and shall submit a report not later than December 31, 2002, and each 5 years thereafter, setting forth their findings and recommendations. Such reviews and reports may be conducted jointly.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 1153

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1153, a bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture.

S. 1465

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1465, a bill to consolidate in a single independent agency in the executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies.

S. 1563

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1563, a bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation.

S. 1618

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1618, a bill to amend the Communications Act of 1934 to improve the protection of consumers against ''slamming'' by telecommunications carriers, and for other purposes.

S. 1701

At the request of Ms. COLLINS, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from California (Mrs. BOXER), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1701, a bill to amend the Higher Education Act of 1965 in order to increase the dependent care allowance used to calculate Pell Grant Awards.

SENATE JOINT RESOLUTION 41

At the request of Mr. SARBANES, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of Senate Joint Resolution 41, a joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. DORGAN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of Senate Concurrent Resolution 78, A concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as ''National Tartan Day'' to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 179

At the request of Mr. DORGAN, the names of the Senator from Nebraska (Mr. KERREY), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of Senate Resolution 179, a resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

SENATE RESOLUTION 184

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of Senate Resolution 184, A resolution expressing the sense of the Senate that the United States should support Italy's inclusion as a permanent member of the United Nations Security Council if there is to be an expansion of this important international body.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

ABRAHAM AMENDMENT NO. 1715

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to amendment No. 1708 proposed by Mr. MCCONNELL to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

On page 2, line 10, strike ''and''.

On page 2, line 15, strike the period and insert ''; and''.

On page 2, between lines 15 and 16, insert the following:

(D) is a targeted business.

On page 4, line 21, strike ''an emerging business enterprise'' and insert ''a business''.

On page 5, lines 6 and 7, strike ''targeted businesses and''.

On page 5, line 21, strike ''targeted businesses and for''.

On page 6, line 23, strike ''a targeted business or''.

JEFFORDS (AND OTHERS) AMENDMENT NO. 1716

Mr. JEFFORDS (for himself, Mr. SPECTER, Mr. MOYNIHAN, Mr. LEAHY, Ms. SNOWE, Mr. GREGG, Mr. SARBANES, Mr. SANTORUM, Mr. GRASSLEY, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle A of title I, add the following:

SEC. 11___. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

(a) DEFINITIONS.—In this section:

(1) COVERED BRIDGE.—The term ''covered bridge''—

(A) means a roofed bridge that is made primarily of wood; and

(B) includes the roof, flooring, trusses, joints, walls, piers, footings, walkways, support structures, arch systems, and underlying land.

(2) HISTORIC COVERED BRIDGE.—The term ''historic covered bridge'' means a covered bridge that—

(A) is at least 50 years old; or

(B) is listed on the National Register of Historic Places.

(b) HISTORIC COVERED BRIDGE PRESERVATION.—The Secretary shall—

(1) develop and maintain a list of historic covered bridges;

(2) collect and disseminate information concerning historic covered bridges;

(3) foster educational programs relating to the history, construction techniques, and contribution to society of historic covered bridges;

(4) sponsor or conduct research on the history of covered bridges; and

(5) sponsor or conduct research, and study techniques, on protecting covered bridges from rot, fire, natural disasters, or weight-related damage.

(c) DIRECT FEDERAL ASSISTANCE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

(A) to rehabilitate or repair a historic covered bridge;

(B) to preserve a historic covered bridge, including through—

(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;