To the Congress of the United States:

I transmit herewith the 1996 Annual Report on Alaska's Mineral Resources, as required by section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 16 U.S.C. 3151). This report contains pertinent public information relating to minerals in Alaska gathered by the U.S. Geological Survey, the U.S. Bureau of Mines, and other Federal agencies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1998*.

REPORT CONCERNING FEDERAL CLIMATE CHANGE PROGRAMS AND ACTIVITIES—MESSAGE FROM THE PRESIDENT—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with section 580 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1998, I herewith provide an account of all Federal agency climate change programs and activities.

These activities include both domestic and international programs and activities directly related to climate change.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1998*.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 347. An act to designate the Federal building located at 61 Forsyth Street, S.W., in Atlanta, Georgia, as the ''Sam Nunn Atlanta Federal Center.''

H.R. 595. An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the ''William Augustus Bootle Federal Building and United States Courthouse.''

H.R. 3116. An act to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 10, 1998 he had presented to the President of the United States, the following enrolled bill:

S. 347. An act to designate the Federal building located at 61 Forsyth Street, S.W., in Atlanta, Georgia, as the ''Sam Nunn Atlanta Federal Center.''

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Final Report entitled ''Investigation of Illegal Or Improper Activities In Connection With 1996 Federal Election Campaigns'' (Rept. No. 105–167).

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. LUGAR:

S. 1733. A bill to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HUTCHISON:

S. 1734. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. ROBB):

S. 1735. A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as authorized by Public Law 102–541, by purchase or exchange as well as by donation; to the Committee on Energy and Natural Resources.

By Mr. ROBB:

S. 1736. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel BETTY JANE; to the Committee on Commerce, Science, and Transportation.

By Mr. MACK (for himself, Mr. KERREY, Mr. NICKLES, Mr. CONRAD, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. BREAUX, Mr. LOTT, Mr. CRAIG, Mr. COVERDELL, Mr. MCCONNELL, Mr. THURMOND, Mr. MURKOWSKI, Mr. BOND, Mr. LUGAR, Mr. ASHCROFT, Mr. DEWINE, and Mr. ABRAHAM):

S. 1737. A bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners; to the Committee on Finance.

By Mr. ABRAHAM:

S. 1738. A bill to amend the National Sea Grant College Program Act to exclude Lake Champlain from the definition of the Great Lakes, which was added by the National Sea Grant College Program Reauthorization Act of 1998; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST (for himself and Mr. ROCKEFELLER):

S. 1739. A bill to establish a commission, under the aegis of the National Science Foundation, to review and propose recommendations for assuring United States leadership in science and mathematics; to the Committee on Labor and Human Resources.

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 1740. A bill to amend the Communications Act of 1934 to improve the protections against the unauthorized change of subscribers from one telecommunications carrier to another, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. HUTCHISON:

S. Res. 194. A resolution designating the week of April 20 through April 26, 1998, as ''National Kick Drugs Out of America Week''; to the Committee on the Judiciary.

S. Res. 195. A bill designating the week of March 22 through March 28, 1998, as ''National Corrosion Prevention Week''; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself and Mrs. FEINSTEIN):

S. Con. Res. 82. A concurrent resolution expressing the sense of Congress concerning the worldwide trafficking of persons, that has a disproportionate impact on women and girls, and is condemned by the international community as a violation of fundamental human rights; to the Committee on Foreign Relations.

By Mr. WARNER (for himself, Mr. ROBB, and Mr. GRAHAM):

S. Con. Res. 83. A concurrent resolution remembering the life of George Washington and his contributions to the Nation; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 1733. A bill to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOOD STAMP FRAUD PREVENTION ACT

Mr. LUGAR. Mr. President, I rise today to introduce a bill to combat fraud and waste in the food stamp program—in this case, the fraud and waste results from deceased individuals being counted as food stamp recipients. At my request, the General Accounting Office (GAO) has recently completed an inquiry into groups of ineligible persons being counted as food stamp recipients. In the report being released today, GAO reported that 26,000 deceased individuals in four states were on the food stamp rolls. My bill will require the Social Security Administration to share information from its Death Master file with state food stamp agencies to verify that no deceased individuals are counted as members of food stamp households, either increasing a households' benefits or allowing an individual to illegally receive benefits in the deceased person's name.

Last year, GAO reported to the Agriculture Committee that over $3 million in food stamp benefits were being overpaid to prisoners' households. In response, we passed legislation to stop prisoners from receiving payments. In follow-up to the prisoner study and legislation, I requested that GAO determine if other ineligible individuals were similarly being counted as members of food stamp households. Today

GAO will release the details of their study showing that, over a 2-year period, about 26,000 deceased individuals in the four states examined (California, Texas, New York, and Florida) were counted as members of food stamp households. According to GAO, this resulted in overpayments of food stamp benefits of an estimated $8.6 million in four states alone.

Current law requires that households notify their local welfare office of any changes in the makeup of the household within ten days. The GAO report showed that the deceased individuals were counted in food stamp households for an average of four months; and, in a few instances, the deceased individuals were counted as beneficiaries for the full two years the review was conducted. This is unacceptable particularly since this type of fraud can easily be prevented.

Mr. President, one federal agency has the information to prevent this fraud and abuse, but is not sharing it with other agencies issuing federal benefits. The Social Security Administration (SSA) has a Death Master File that compiles death information from a wide variety of sources and is considered the most comprehensive list of death information available in the federal government. According to the GAO, a match using SSA's Death Master File information could be a cost-effective method for identifying such individuals in food stamp households and eliminating these overpayments. States already rely on the SSA to verify the social security numbers of food stamp applicants. Therefore, a system already exists in one branch of the federal government that, with some modifications, could stop these overpayments.

Although the Social Security Administration agrees that a portion of their death information can be shared with the states and the Department of Agriculture for food stamp program purposes, in SSA's comments to GAO it does not believe it has the authority, under current law, to share all of the death information. Therefore, I am introducing legislation that will require the Commissioner of SSA to establish cooperative arrangements with each state agency that administers the food stamp program that will allow the sharing of all death data. My bill then requires the food stamp program to provide the information necessary for the Commissioner to verify that no deceased individual is being counted as part of a food stamp household.

The Food Stamp program provides a safety net for millions of people. We cannot allow fraud and abuse to undermine the food stamp program. Integrity is essential to ensure a program that can serve those in need. It is Congress' responsibility to play a role in ending fraud and abuse in all federally funded programs. This legislation is an important step in ending fraud and abuse in the Food Stamp program.

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. 1733

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

SECTION 1. NOTIFICATION OF CERTAIN STATE AGENCIES BY COMMISSIONER OF SOCIAL SECURITY OF DECEASED INDIVIDUALS.

(a) IN GENERAL.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following:

''(8)(A) The Commissioner shall establish a cooperative arrangement with each State agency that administers the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

''(B) Under the arrangement in subparagraph (A), the State agency shall provide information to the Commissioner, in such form and manner as the Commissioner determines necessary, regarding individuals receiving benefits under the food stamp program.

''(C) The Commissioner shall compare information received under subparagraph (B) with information obtained under paragraph (1) and notify the State agency of the individuals who are deceased.

''(D) An arrangement under subparagraph (A) shall meet the requirements of paragraph (3)(A).''.

(b) REPORT.—Not later than 180 days, 1 year, and 18 months after the date of enactment of this Act, the Commissioner of Social Security shall submit a report regarding the progress and effectiveness of the cooperative arrangements established with State agencies under section 205(r)(8) of the Social Security Act (42 U.S.C. 405(r)(8)) to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(3) the Committee on Ways and Means of the House of Representatives;

(4) the Committee on Finance of the Senate; and

(5) the Secretary of the Treasury.

(c) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Clause (ii) of subparagraph (B) of section 6103(d)(4) of the Internal Revenue Code of 1986 (relating to the availability and use of death information) is amended by inserting ''or, in the case of a food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), State agency'' after ''agency''.

SEC. 2. PROVISION OF INFORMATION TO ENSURE NONISSUANCE OF FOOD STAMP COUPONS FOR DECEASED INDIVIDUALS.

Section 11(e)(20) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(20)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) to provide such information to the Commissioner of Social Security as the Commissioner determines is necessary to enable the Commissioner to use the information provided under the arrangement established under section 205(r)(8) of the Social Security Act (42 U.S.C. 405(r)(8)) to verify and otherwise ensure that coupons are not issued for deceased individuals;''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 180 days after the date of enactment of this Act.

By Mr. WARNER (for himself and Mr. ROBB):

S. 1735. A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as authorized by Public Law 102–541, by purchase or exchange as well as by donation; to the Committee on Energy and Natural Resources.

LONGSTREET'S FLANK ATTACK LEGISLATION

Mr. WARNER. Mr. President, I rise today to introduce legislation which will preserve a site of great historical importance. The legacy of Civil War battlefields must be perpetuated, not only to commemorate those who lost their lives in this tragic epoch, but also to consecrate land upon which some of our country's finest strategic maneuvers occurred. On the hallowed land of Wilderness, VA occurred one of the greatest tactical stratagems in military history. Snatching the initiative to turn the tide of battle, Lt. Gen. James A. Longstreet, under the command of Gen. Robert E. Lee, forced back Union forces directed by Gen. Ulysses S. Grant, in an advance known as ''Longstreet's Flank Attack.''

Mr. President, this legislation will allow the Park Service to acquire this stretch of land, which will serve to complete Wilderness Battlefield. The legacy of the Civil War is far-reaching. A war which wrought such destruction has been the source of much fascination for scholars and amateur historians. The Battle of Wilderness is legendary for the tactical skills employed and the caliber of the soldiers who fought. There, among the tangled forests and twisted undergrowth, the Union Army, numerically superior and well supplied, were forced into confrontation with General Lee's hardscrabble Confederate troops. It would be one of the last battles in which Lee's incomparable martial machine would force Grant's Army of the Potomac to withdraw. It is also the site of the wounding of General Longstreet, who, like Gen. Stonewall Jackson, was wounded by friendly fire. Though Longstreet's injury was not mortal, the genius of the cadre of officers under the command of Lee dwindled. Thus would begin the twilight of the Confederacy.

Legislation passed in the 102d Congress would have allowed the Park Service to acquire this land by donation. Despite numerous efforts, the Park Service has been unable to accomplish this. The legislation at hand would amend Public law 102–541 to allow the Park Service to procure the land by purchase or exchange as well as donation. The heritage and history which dwell amongst the interlaced undergrowth of this land deserve our recognition. I look forward to the swift passage of this bill.

By Mr. ROBB:

S. 1736. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel *Betty Jane*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER LEGISLATION

Mr. ROBB. Mr. President, I am introducing a bill today to authorize the Coast Guard to issue the appropriate endorsement for the vessel *Betty Jane* Virginia Registration number VA 7271 P to engage in the coastwise trade and fisheries. This legislation is necessary to resolve an issue regarding official documentation of the *Betty Jane*'s chain of title.

The *Betty Jane* was built in the United States in Deltaville, Virginia by an American private boat builder in 1970. It is a 36-foot wood hull, in-board gas propulsion boat, which is planned to be used for the excursion tourboat trade. The builder and the only former boat owner are deceased. The lack of an appropriate affidavit from these persons has left a gap in the chain of title of the vessel. The Coast Guard has informed the owner of the *Betty Jane* that if the gap is left unresolved, a coastwise endorsement cannot be issued for the vessel, even though the present owner is a U.S. citizen, the only former owner was a U.S. citizen, and the vessel was built in the United States.

The Congress passes a number of these technical bills every year. I'm introducing this bill today so that the Senate Commerce Committee may act upon it with the upcoming coastwise bill this session.

By Mr. MACK (for himself, Mr. KERREY, Mr. NICKLES, Mr. CONRAD, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. BREAUX, Mr. CRAIG, Mr. COVERDELL, Mr. MCCONNELL, Mr. THURMOND, Mr. MURKOWSKI, Mr. BOND, Mr. LUGAR, Mr. ASHCROFT, Mr. DEWINE, and Mr. ABRAHAM):

S. 1737. A bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners; to the Committee on Finance.

THE TAXPAYER CONFIDENTIALITY ACT OF 1998

Mr. MACK. Mr. President, I rise to introduce the Taxpayer Confidentiality Act of 1998. This bill corrects an inequity in the way that taxpayers are treated by the IRS. Under current law, communications between taxpayers and their lawyers concerning tax advice can often be protected from disclosure to the IRS by the common law attorney-client privilege.

Many taxpayers choose to obtain their tax advice from practitioners who are not attorneys. Under federal law, there are other categories of tax practitioners to whom these taxpayers can turn for tax advice—certified public accountants, enrolled agents, enrolled actuaries, and attorneys providing advice in the role of a tax practitioner. These tax practitioners are subject to federal regulation, and are authorized to provide tax advice and to represent taxpayers before the IRS.

But under current law, communications with these other tax practitioners cannot be protected from disclosure to the IRS by a client privilege. The very same words on the very same piece of paper that would be beyond the reach of the IRS if they were the advice of an attorney at law would have to be turned over to the IRS if they came from a certified public accountant or an enrolled agent. This is an unfair penalty to impose on a taxpayer based on their choice of tax advisor, particularly since many taxpayers do not have the financial resources to hire legal counsel.

The Taxpayer Confidentiality Act of 1998 fixes this unjust situation, and provides taxpayers with the confidence of knowing that their tax advice communications with any federally-authorized tax practitioners are afforded equal confidentiality protections in dealings with the IRS.

This bill does not unduly restrict the ability of the IRS to gather information. The IRS will still be able to discover the facts. The taxpayer can protect from disclosure only tax advice communications that would be protected by the attorney-client privilege if the advisor were acting as an attorney. The client privilege extends only to communications and does not cover the taxpayer's business records. Also, courts have widely held that information used to prepare a tax return is not subject to a privilege and thus, under the Act, would remain subject to disclosure.

The bill will not hinder criminal investigations and prosecutions, as taxpayers can assert the privilege only in noncriminal matters before the IRS and noncriminal judicial proceedings arising from these matters. And existing exceptions to the attorney-client confidentiality privilege would also apply to the protections under the bill. Thus, communications in the furtherance of a crime or a fraud would not be protected.

And the bill does not affect the ability of anyone other than the IRS—including other federal or state agencies, and private individuals involved in civil litigation—to obtain access to information that they have the right under current law to obtain. It is just a narrowly-tailored, common-sense solution to the problem of treating taxpayers differently based on the tax advisor they employ. Taxpayers should have a right to privacy in the tax advice they receive from qualified tax practitioners.

The Taxpayer Confidentiality Act of 1998 does not modify the attorney-client privilege in any way, and does not expand the authority of federally-regulated tax practitioners in any way. It merely provides equal treatment for all taxpayers who receive tax advice from federally-authorized sources. The Act curbs unwarranted IRS intrusiveness, and must be included in our IRS reform efforts.

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. 1737

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 ''Taxpayer Confidentiality Act of 1998''.

SEC. 2. UNIFORM APPLICATION OF CONFIDENTIALITY PRIVILEGE TO TAXPAYER COMMUNICATIONS WITH FEDERALLY AUTHORIZED PRACTITIONERS.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7525. UNIFORM APPLICATION OF CONFIDENTIALITY PRIVILEGE TO TAXPAYER COMMUNICATIONS WITH FEDERALLY AUTHORIZED PRACTITIONERS.

''(a) GENERAL RULE.—With respect to tax advice, the same common law protections of confidentiality which apply to a communication between a taxpayer and an attorney shall also apply to a communication between a taxpayer and any federally authorized tax practitioner if the communication would be considered a privileged communication if it were between a taxpayer and an attorney.

''(b) LIMITATIONS.—Subsection (a) may only be asserted in—

''(1) noncriminal tax matters before the Internal Revenue Service, and

''(2) noncriminal proceedings in Federal courts with respect to such matters.

''(c) FEDERALLY AUTHORIZED TAX PRACTITIONER.—For purposes of this section, the term 'federally authorized tax practitioner' means any individual who is authorized under Federal law to practice before the Internal Revenue Service if such practice is subject to Federal regulation under section 330 of title 31, United States Code.''

(b) CONFORMING AMENDMENT.—The table of sections for such chapter 77 is amended by adding at the end the following new item:

''Sec. 7525. Uniform application of confidentiality privilege to taxpayer communications with federally authorized practitioners.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

By Mr. ABRAHAM:

S. 1738. A bill to amend the National Sea Grant College Program act to exclude Lake Champlain from the definition of the Great Lakes, which was added by the National Sea Grant College Program Reauthorization Act of 1998; to the Committee on Commerce, Science, and Transportation.

GREAT LAKES LEGISLATION

Mr. ABRAHAM. Mr. President, I rise today to introduce legislation to reverse the recent designation of Lake Champlain as a ''Great Lake.''

Mr. President, I was extremely pleased to be an original cosponsor of the Sea Grant College Program Act, an important piece of legislation which supplies crucial funding for programs targeted at zebra mussel research and control. This Act is extremely important to the Great Lake states, which suffer considerably from zebra mussel infestation.

Late last year, the Sea Grant College Program Act was amended to allow

Vermont Universities to apply for grants related to zebra mussel programs. This amendment, which designated Vermont's Lake Champlain a Great Lake, was never offered in Committee for consideration. Nor was it shared with the Great Lakes Task Force, whose Members would have been very interested in reviewing it.

This was unfortunate, Mr. President, because that Lake Champlain suffers greatly from zebra mussel infestations and needs help. Let me make clear, I am not opposed to allowing Vermont Universities to apply to the Sea Grant program. Lake Champlain has a very real zebra mussel problem and it should be addressed. Michiganians can understand and empathize with Vermont's efforts to battle this invader.

However, I am troubled by the approach taken to achieve funding for zebra mussel programs in Vermont. Rather than asking for language which would specifically allow Vermont Universities to apply for Sea Grant dollars, the definition of a Great Lake was changed to include Lake Champlain when, clearly, it is not. Lake Ontario, covering over 7,300 square miles, is the smallest of the Great Lakes. It is almost 17 times the size of Lake Champlain and twice as deep. Lake Superior, the largest of the Great Lakes, is over 70 times the size of Lake Champlain. Clearly Vermont's lake is not a member of this elite class.

For that reason, Mr. President, I have introduced this legislation to reverse the designation of Lake Champlain as a Great Lake. I would support language that specifically allows Vermont to apply for Sea Grant assistance, but I cannot agree to language changing the definition of a Great Lake, even for such a limited purpose. Notwithstanding assurances to the contrary, I believe such an action could lead to a host of unintended consequences and even serve as the basis for states outside the region to push for participation in a number of substantial Great Lakes issues. In addition, I oppose defining Lake Champlain as a Great Lake in the interest of clarity and truth. To call Lake Champlain a Great Lake is sheer nonsense.

The legislation I have introduced will amend the definition to state that only the Great Lakes, Superior, Michigan, Huron, Erie and Ontario are to be defined as Great Lakes. I hope that we can resolve this soon and put this entire matter to rest.

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. 1738

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

SECTION 1. DEFINITION OF GREAT LAKES FOR NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended in paragraph (5), as added by section 4(a)(3) of the National Sea Grant College Program Reauthorization Act of 1998, by striking ''includes Lake Champlain'' and inserting ''applies to Lake Superior, Lake Michigan, Lake Huron, Lake Erie and Lake Ontario''.

By Mr. FRIST (for himself and Mr. ROCKEFELLER):

S. 1739. A bill to establish a commission, under the aegis of the National Science Foundation, to review and propose recommendations for assuring United States leadership in science and mathematics; to the Committee on Labor and Human Resources.

THE NATIONAL COMMISSION FOR SCIENCE AND MATHEMATICS LEADERSHIP ACT

Mr. FRIST. Mr. President, I rise today to announce the establishment of the National Commission for Science and Mathematics Leadership. This effort is a direct result of the United States' devastating performance of 12th grade students on the recently released Third International Mathematics and Science Study (TIMSS), the most comprehensive and rigorous comparison of quantitative skills across nations. If we, as a nation, are going to continue to be global leaders in the new knowledge-based economy, we must first re-evaluate our current failures in our classrooms. I concur with Secretary Daley when he stated, ''These results are entirely unacceptable.''

TIMSS was designed to constructively assess the students' knowledge of mathematics and science needed to function effectively in society as adults. American 12th graders were outperformed in mathematics and science literacy by their counterparts in 12 of 20 countries, and only faired better than 2, Cypress and South Africa. In advanced mathematics and physics, no country performed more poorly. We simply cannot accept the conclusion of this study without considering its consequences on our entire educational system.

The 4th grade TIMSS measurement indicated that the American students are well above the international average in mathematics and very near the top in achievement in science. However, the United States Is the only country in TIMSS whose students dropped in ranking from above average in mathematics at the fourth grade level to slightly below average performance at the eighth grade. And it only gets worse. Why does this drop-off occur? American students start out equal with or ahead in basic skills and steadily decline the longer they stay in school, compared with the students of our country's main trading partners.

Our children cannot afford to be illiterate in mathematics and science. The rapidly changing American society demands skills requiring mathematics, science, and technology. Information Technology, perhaps the fastest growing sector of our economy with 90% of new jobs, relies on more than basic high school literacy in mathematics and science.

The National Commission on Science and Mathematics Leadership is a first step toward improving our current educational system. It is a solid commitment from Congress to establish a core of national experts to review and propose recommendations for assuring leadership in science and mathematics training in the United States. Furthermore, using TIMSS as a comprehensive and valuable tool, the Commission, in coordination with the National Academy of Sciences, will analyze the results of this international study to better our schools, and more importantly, the future of our children.

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleague Senator FRIST in introducing legislation to authorize the National Science Foundation to form a commission to review and propose recommendations for assuring the United States leadership in science and mathematics. This bill would require the formation of a 12 member commission of experts in the field of science and mathematics education. The commission is charged with reviewing the recently released Third International Mathematics and Science (TIMSS) study results, along with whatever other relevant information they need to assess the state of science and mathematics education in the United States, and reporting back to Congress with a set of recommendations for implementation by public and private agencies; these recommendations would serve to allow United States students to become preeminent among the nations of the world.

As everyone in the Senate knows, I have been a long and ardent supporter of education. That is why I read with such dismay the recent TIMSS study results which show United States students behind every major industrialized nation in the study. This is an unacceptable situation. The United States' economy is becoming increasingly dependent on high-technology, information management, and intellectual ability rather than raw materials, natural resources and muscle power. It is imperative that our high-school graduates—whether they go on to college, post-secondary technical training, or move straight into the workforce—have a solid foundation of science and mathematics education. A recent study suggests that 60 percent of positions require some sort of computer skills, while only 22 percent of today's workers have applicable skills. We can not let this inequality continue to future generations.

Unfortunately the TIMSS study results show that we are setting up our students to fail. We need to identify, and work diligently to implement, means to correct this situation. The commission formed by this bill is a needed first step. I encourage my colleagues to support this bill.

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 1740. A bill to amend the Communications Act of 1934 to improve the

protections against the unauthorized change of subscribers from one telecommunications carrier to another, and other purposes; to the Committee on Commerce, Science, and Transportation.

THE TELEPHONE SLAMMING PREVENTION ACT OF 1998

Ms. COLLINS. Mr. President, today I am introducing a bill to curtail a fraudulent practice known as slamming—the unauthorized change of a customer's telephone service provider. Telephone slamming is a widespread and growing problem. In Maine, for example, slamming complaints to the local telephone company increased by 100% from 1996 to 1997. Nationwide, slamming is also the number one telephone-related complaint to the FCC. While the FCC received a total of more than 20,000 slamming complaints in 1997, a significant increase over the previous year, estimates from phone companies indicated that as many as one million people were slammed last year.

Last fall, the Permanent Subcommittee on Investigations, which I chair, undertook an extensive investigation of the slamming problem. On February 18th, I chaired a field hearing on slamming in Portland, Maine. My distinguished colleague, Senator RICHARD DURBIN, joined me at the hearing, and we heard first-hand from several consumers about the problems they experienced with telephone slamming.

At the Subcommittee hearing, Maine slamming victims explained how some long-distance companies used fraudulent or deceptive practices to change their telephone service. Witnesses used words such as ''stealing,'' and ''criminal,'' and ''break-in'' to describe practices employed by unscrupulous telephone companies to switch unsuspecting customers and boost profits.

One witness, Pamela Corrigan from West Farmington, Maine, testified that she was sent an unsolicited ''welcome package'' in the mail, which looked like the stacks of junk mail that we receive every day. However, this ''junk mail'' was not what it appeared to be. This ''welcome package'' automatically signed her up for a new long distance service unless she returned a card rejecting the change. She was amazed and appalled that it was possible for a company to change her long distance service simply because she did not respond that she did not want their service.

Another witness, Susan Deblois from Winthrop, Maine, testified that when she was slammed, her children were unable to use the 800 number she had for them to call home in case of an emergency.

Slamming not only affects families but also small businesses and communities. For example, Steve Klein, the owner of Mermaid Transportation Company in Portland, Maine, testified that his business phone lines, which are critical to his livelihood, were tied up for four days which he was slammed by a long-distance telephone reseller which falsely represented itself as AT&T.

Similarly, Ms. Corrigan, who is the town manager of Farmington, Maine, reported that the town's phone lines were also slammed. Simply put, Mr. President, no one is immune from this illegal activity.

Victims of slamming are frustrated. They are angry. They should not have to spend their time and energy resolving problems that are not of their own making. People rely on their home and business telephone service, and they should be able to choose their own long-distance company without fear that their decision will be changed without their consent.

Deliberate slamming is like stealing and should not be tolerated. The FCC must step up enforcement efforts to make sure that existing laws and regulations are followed by telephone companies, and Congress must act to strengthen penalties to halt this pernicious practice.

The comprehensive legislation that I am introducing today, along with my colleague Senator DURBIN, will attack the problem of slamming from all sides.

First, the bill gets tough with those who engage in deliberate slamming. It would increase civil penalties and establish new criminal penalties for intentional slamming. Specifically, civil penalties would be increased to a minimum of $50,000 for the first slamming offense and $100,000 for a subsequent offense.

Criminal penalties would be established for intentional slamming, the same as those for any other federal crime: a maximum of $100,000 and one year imprisonment for a misdemeanor and $250,000 and five years imprisonment for a felony. In addition, anyone convicted of intentional slamming will be disqualified from being a telecommunications service provider. The bill would also allow the states to bring action in federal court against slammers on behalf of its residents, a provision suggested by Senator DURBIN.

Second, our legislation increases consumer protection. It would give control back to consumers by taking the financial incentive away from companies that engage in slamming. Rather than paying the slamming company, consumers could pay their original carrier at their previous rate. It would further protect consumers by eliminating the so-called ''welcome package'' method of verification, a favorite tool of slammers, which is misused and deceptive.

Third, the bill strongly encourages the FCC to step up its enforcement efforts against slamming. It would require local telephone companies to report a summary of slamming complaints to the FCC for further investigation, and it would require the FCC to report to Congress on its enforcement actions against slammers.

Finally, the legislation would require the FCC to report to Congress on whether or not its current procedures contain sufficient safeguards to prevent unscrupulous telecommunications providers from receiving an FCC license in the first place.

Mr. President, consumers have lost control over their telecommunications service to unscrupulous providers. The Collins-Durbin legislation would go a long way toward halting slamming. I urge my colleagues to join me in the fight against slamming by co-sponsoring the ''Telephone Slamming Prevention Act of 1998.''

For the information of all my colleagues, I ask unanimous consent to include in the RECORD a detailed summary of the provisions contained in this comprehensive anti-slamming bill.

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

SUMMARY OF TELEPHONE SLAMMING PREVENTION ACT OF 1998

(1) *Clarification of Verification Procedures:* The bill amends current law, which allows the FCC to determine the verification procedures that telecommunications carriers can use when executing a change in subscriber service, to place some restrictions on the approved verification methods. Specifically, this provision will eliminate the ''welcome package'' method of verification. It will still allow the FCC to determine the appropriate forms of verification and the time and manner in which such verification must be retained by carriers.

(2) *Liability for Charges:* The bill also allows subscribers who have been slammed, and who have not yet paid their telephone bill to the unauthorized carrier, to pay their original carrier for their phone usage, at the rate they would have been charged by their original carrier. The provision will not change existing law and FCC regulations that make the slamming carrier liable to the original carrier for any charges it collects from a slammed subscriber. This provision is designed to take away the financial incentive for slamming.

(3) *Additional Penalties:* The bill also increases the civil penalties for slamming and creates criminal penalties.

The civil penalties provision will require the FCC to assess a minimum of $50,000 for the first slamming offense, and $100,000 for any subsequent offense, unless the Commission determines that there are mitigating circumstances. Currently, the penalty typically assessed by the FCC is only $40,000 for each offense.

In addition, this provision will allow the Commission, at its discretion, to assess civil penalties against carriers that make unauthorized carrier changes on behalf of their agents or resellers. It will require the Commission to promulgate regulations on the oversight responsibilities of the underlying facilities-based carriers for their agents or resellers. This will make it clear to carriers, who sell access to their telephone lines, that they have some responsibility for the actions of their agents or resellers.

Currently, slamming is not a crime. The criminal penalties provision will make intentional slamming a misdemeanor for the first offense (not more than one year imprisonment), and a felony for subsequent intentional slamming offenses (not more than five years imprisonment). Criminal fines for intentional slamming are the same as those for any other federal crime: a maximum of

$100,000 for a misdemeanor and $250,000 for a felony. In addition, anyone convicted of the crime of intentional slamming will not be allowed to be a telecommunications service provider, and any company substantially controlled by a person convicted of intentional slamming will also be disqualified from providing such services. After five years, however, the FCC shall have the option to reinstate such individuals or companies disqualified under this provision, if it is in the public interest to do so.

(4) *State Actions:* The bill gives the states the right to take action against slammers on behalf of its residents, and makes it clear that nothing in this section preempts the states from taking action against intra-state slammers. This provision is necessary because some state supreme courts have ruled that FCC regulatory authority preempts the states from acting in this area.

(5) *Reports on Slamming Complaints:* The bill requires all telecommunications carriers, including local exchange carriers, to report on the number of subscriber slamming complaints against each carrier. The provision allows the FCC to determine how often these reports would have to be submitted. This provision would *not* require carriers to refer complaints on an individual basis, only a summary report that could be used by the FCC to determine which companies are engaging in patterns and practices of slamming.

(6) *FCC Report on Slamming and Enforcement Actions:* The bill establishes a requirement that FCC submit a report to Congress on its slamming enforcement actions. The FCC already provides this information in its Common Carrier Scorecard, so this provision does not establish a new report. It is designed to make it clear to the FCC that Congress considers slamming enforcement important.

(7) *FCC Report on Adequacy of FCC License Process:* This bill requires the FCC report to Congress on whether current licensing requirements and procedures are sufficient to prevent fraudulent telecommunications providers from receiving an FCC license. Currently, the FCC does not review telecommunications provider applications prior to issuing FCC licenses, allowing fraudulent companies into the telecommunications marketplace.

ADDITIONAL COSPONSORS

S. 238

At the request of Mr. GRAMS, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 238, a bill to amend title XVIII of the Social Security Act to ensure medicare reimbursement for certain ambulance services, and to improve the efficiency of the emergency medical system, and for other purposes.

S. 328

At the request of Mr. HUTCHINSON, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 328, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 1312

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 1312, a bill to save lives and prevent injuries to children in motor vehicles through an improved national, State, and local child protection program.

S. 1571

At the request of Mr. MCCAIN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1571, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 1638

At the request of Mr. CONRAD, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1638, a bill to help parents keep their children from starting to use tobacco products, to expose the tobacco industry's past misconduct and to stop the tobacco industry from targeting children, to eliminate or greatly reduce the illegal use of tobacco products by children, to improve the public health by reducing the overall use of tobacco, and for other purposes.

S. 1673

At the request of Mr. HUTCHINSON, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from North Carolina [Mr. HELMS], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 1673, a bill to terminate the Internal Revenue Code of 1986.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Pennsylvania [Mr. SANTORUM] 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. D'AMATO, his name 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 Georgia [Mr. COVERDELL] 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 187

At the request of Mr. MACK, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Kansas [Mr. BROWNBACK] were added as cosponsors of Senate Resolution 187, a resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

SENATE RESOLUTION 193

At the request of Mr. REID, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Nebraska [Mr. KERREY], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Resolution 193, a resolution designating December 13, 1998, as ''National Children's Memorial Day.''

AMENDMENT NO. 1709

At the request of Mr. MCCAIN his name was added as a cosponsor of Amendment No. 1709 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1710

At the request of Mr. MCCAIN his name was added as a cosponsor of Amendment No. 1710 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1766

At the request of Mr. MURKOWSKI the names of the Senator from Virginia [Mr. ROBB] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Amendment No. 1766 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 82—RELATIVE TO A VIOLATION OF FUNDAMENTAL HUMAN RIGHTS

Mr. WELLSTONE (for himself and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 82

Whereas one of the fastest growing international trafficking businesses is the trade in women, whereby women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves in situations of forced prostitution, sweatshop labor, exploitative domestic servitude, or battering and extreme cruelty.

Whereas trafficked women are often subjected to rape and other forms of sexual abuse by their traffickers and often held as virtual prisoners by their exploiters, made to work in slavery-like conditions, in debt bondage without pay and against their will;

Whereas the President, the First Lady, the Secretary of State, and the President's Interagency Council on Women have all identified trafficking in women as a significant problem and are working to mobilize a response;

Whereas the Fourth World Conference on Women (Beijing Conference) called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls in trafficking, to address the root factors that put women at risk to traffickers, and to take measures to dismantle the national, regional, and international networks in trafficking;