local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes (Rept. No. 106–413).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SESSIONS (for himself, Mr. CLELAND, Mr. THURMOND, Mr. MILLER, Mr. DODD, Mr. FRIST, Mr. HATCH, Mr. LOTT, Mr. L. CHAFEE, Mr. MACK, Mr. HELMS, Mr. SPECTER, Mr. SANTORUM, Mr. NICKLES, Mr. STEVENS, Mr. DURBIN, Mr. COCHRAN, Mr. HUTCHINSON, Mr. WELLSTONE, Mr. JEFFORDS, Mr. ABRAHAM, Mr. THOMAS, Mr. SHELBY, Mr. KYL, Mr. ASHCROFT, Mr. HARKIN, Mr. MCCONNELL, Mr. BENNETT, Mr. GRAMS, and Mr. BUNNING):

S. 3045. A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes; to the Committee on the Judiciary.

By Mr. LOTT (for himself, Mr. SANTORUM, Mr. NICKLES, Mr. STEVENS, Mr. DURBIN, Mr. COCHRAN, Mr. HUTCHINSON, Mr. WELLSTONE, Mr. JEFFORDS, Mr. ABRAHAM, Mr. THOMAS, Mr. SHELBY, Mr. KYL, and Mr. ASHCROFT):

S. 3046. A bill to amend title II of the United States Code, and for other purposes; read the first time.

By Mr. BIDEN:

S. 3047. A bill to amend the Internal Revenue Code of 1986 to expand the Lifetime Learning credit and provide an optional deduction for qualified tuition and related expenses; to the Committee on Finance.

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

S. 3048. A bill to institute a moratorium on the imposition of the death penalty at the Federal level until a Commission on the Federal Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented; to the Committee on the Judiciary.

By Mr. FITZGERALD (for himself, Mr. EDWARDS, Mr. ASHCROFT, and Mr. DURBIN):

S. 3049. A bill to increase the maximum amount of marketing loan gains and loan deficiency payments that an agricultural producer may receive during the 2000 crop year; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 3050. A bill to amend title XVIII of the Social Security Act to make improvements to the prospective payment system for skilled nursing facility services; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. MCCAIN, and Mr. JOHNSON):

S. 3051. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 3052. A bill to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMAS:

S. 3053. A bill to prohibit commercial air tour operations over national parks within the geographical area of the greater Yellowstone ecosystem; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. CRAIG, Mr. LEAHY, Mr. MCCONNELL, Mr. KERREY, and Mr. GRASSLEY):

S. 3054. A bill to amend the Richard B. Russell National School Lunch Act to reauthorize the Secretary of Agriculture to carry out pilot projects to increase the number of children participating in the summer food service program for children; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JOHNSON (for himself and Mr. HUTCHINSON):

S. 3055. A bill to amend title XVIII of the Social Security Act to revise the payments for certain physician pathology services under the medicare program; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself, Mr. CLELAND, Mr. THURMOND, Mr. MILLER, Mr. DODD, Mr. FRIST, Mr. HATCH, Mr. LOTT, Mr. L. CHAFEE, Mr. MACK, Mr. HELMS, Mr. SPECTER, Mr. SANTORUM, Mr. NICKLES, Mr. STEVENS, Mr. DURBIN, Mr. COCHRAN, Mr. HUTCHINSON, Mr. WELLSTONE, Mr. JEFFORDS, Mr. ABRAHAM, Mr. THOMAS, Mr. SHELBY, Mr. KYL, Mr. ASHCROFT, Mr. HARKIN, Mr. MCCONNELL, Mr. BUNNING, and Mr. GRAMS):

S. 3045. A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes; to the Committee on the Judiciary.

PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT OF 2000

Mr. SESSIONS. Mr. President, on June 9, 1999, the late Senator Paul Coverdell introduced legislation aimed at addressing one of the most pressing problems facing law enforcement today: the critical backlogs in our state crime labs. Senator Coverdell's National Forensic Sciences Improvement Act of 1999 (S. 1196) attracted broad bipartisan support in Congress, as well as the enforcement of national law enforcement groups. Unfortunately, before Senator Coverdell's bill could move through Congress, he passed away.

As a fitting, substantive tribute to Senator Coverdell, I am today introducing the Paul Coverdell National Forensic Sciences Improvement Act of 2000 to eliminate the crisis in forensics labs across the country. This was an issue he cared a great deal about, and I am honored to have the opportunity to carry on his efforts to address this problem.

The crisis in our forensics labs is acute. According to a report issued in February by the Bureau of Justice Statistics, as of December 1997, 69 percent of state crime labs reported DNA backlogs in 6,800 cases and 287,000 convicted offender samples. The backlogs are having a crippling effect on the fair and speedy administration of justice.

For example, the Seattle Times reported on April 23 of this year that police are being forced to pay private labs to do critical forensics work so that their active investigations do not have to wait for tests to be completed. ''As Spokane authorities closed in on a suspected serial killer, they were eager to nail enough evidence to make their case stick. So they skipped over the backlogged Washington State Patrol crime lab and shipped some evidence to a private laboratory, paying a premium for quicker results. [A] chronic backlog at the State Patrol's seven crime labs, which analyze criminal evidence from police throughout Washington state, has grown so acute that Spokane investigators feared their manhunt would be stalled.''

As a former prosecutor, I know how dependent the criminal justice system is on fast, accurate, dependable forensics testing. With backlogs in the labs, district attorneys are forced to wait months and years to pursue cases. This is not simply a matter of expediting convictions of the guilty. Suspects are held in jail for months before trial, waiting for the forensic evidence to be completed. Thus, potentially innocent persons stay in jail, potentially guilty persons stay out of jail, and victims of crime do not receive closure.

As an Alabama newspaper, the Decatur Daily, reported on November 28, 1999, ''[The] backlog of cases is so bad that final autopsy results and other forensic testing sometimes take up to a year to complete. It's a frustrating wait for police, prosecutors, defense attorneys, judges and even suspects. It means delayed justice for the families of crime victims.'' Justice delayed is justice denied for prosecutors, defendants, judges, police, and, most importantly, for victims. This is unacceptable.

Given the tremendous amount of work to be done by crime labs, scientists and technicians must sacrifice accuracy, reliability, or time in order to complete their work. Sacrificing accuracy or reliability would destroy the justice system, so it is time that is sacrificed. But with the tremendous pressures to complete lab work, it is perhaps inevitable that there will be problems other than delays. Everyone from police to detectives to evidence technicians to lab technicians to forensic scientists to prosecutors must be well-trained in the preservation, collection, and preparation of forensic evidence.

The JonBenet Ramsey case is perhaps the most well-known example of a case where forensics work is critical to convicting the perpetrator of a crime. As the Rocky Mountain News reported on February 2, 1997, ''To solve the slaying of JonBenet Ramsey, Boulder police must rely to a great extent on the

results of forensic tests being conducted in crime laboratories. [T]he looming problem for police and prosecutors, according to forensics experts, is whether the evidence is in good condition. Or whether lax procedures . . . resulted in key evidence being hopelessly contaminated.''

We need to help our labs train investigators and police. We need to help our labs reduce the backlog so that the innocent may be exonerated and the guilty convicted. We need to help our labs give closure to victims of crime.

The bill I am introducing today is essentially a reintroduction of Senator Coverdell's National Forensic Sciences Improvement Act of 1999 (S. 1196). The bill expands permitted uses of Byrne grants to include improving the quality, timeliness, and credibility of forensic science services, including DNA, blood and ballistics tests. It requires States to develop a plan outlining the manner in which the grants will be used to improve forensic science services and requires States to use these funds only to improve forensic sciences, and limits administrative expenditures to 10 percent of the grant amount.

This new bill adds a reporting requirement so that the backlog reduction can be documented and tracked. Additionally, the funding is adjusted to begin authorizations in Fiscal Year 2001, rather than FY 2000, as S. 1196 did. Otherwise, this is the exact same bill Senator Coverdell introduced and that I and many of my colleagues supported.

This bill has the support of many of my colleagues from both sides of the aisle, including Senators CLELAND and MILLER from Georgia, Senators LOTT, NICKLES, HATCH, STEVENS, THURMOND, SHELBY, COCHRAN, KYL, WELLSTONE, DODD, GRAMS, DURBIN, FRIST, HELMS, SPECTER, SANTORUM, JEFFORDS, ABRAHAM, L. CHAFEE, MACK, BUNNING, ASHCROFT, HARKIN, and others. I also appreciate the strong support of Representative SANFORD BISHOP of Georgia, the primary sponsor of Senator Coverdell's bill in the House.

I spoke with Attorney General Reno last night, and she told me that she ''supports our efforts to improve forensic science capabilities.'' She also told me that this bill ''is consistent with the Department of Justice's approach to helping State and local law enforcement.''

Moreover, numerous law enforcement organizations, including the American Society of Crime Laboratory Directors, American Academy of Forensic Sciences, Southern Association of Forensic Sciences, the National Association of Medical Examiners, the International Association of Police Chiefs, the Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, Georgia Bureau of Investigation, the National Association of Attorneys General, and the National Association of Counties.

These Members of Congress and these organizations understand, as I do, that crime is not political. Our labs need help, and after 15 years as a prosecutor, I am convinced that there is nothing that the Congress can do to help the criminal justice system more than to pass this bill and fund our crime labs. To properly complete tests for DNA, blood, and ballistic samples, our crime labs need better equipment, training, staffing, and accreditation. This bill will help clear the crippling backlogs in the forensics labs. This, in turn, will help exonerate the innocent, convict the guilty, and restore confidence in our criminal justice system. I hope my colleagues will join me in passing the Paul Coverdell National Forensic Sciences Improvement Act of 2000 in the short time we have remaining in this Session.

Mr. HUTCHINSON. Mr. President, I rise today in support of the Paul Coverdell National Forensic Sciences Improvement Act of 2000. I am proud to be an original cosponsor of this important and necessary legislation and commend my friends, Senator SESSIONS and the late Senator Coverdell, for all of their hard work and leadership they have shown in this matter.

To justify the need for this legislation, I point to the situation that the Arkansas State Crime Lab is experiencing as a direct result of the exponential increase in the production, use, and distribution of methamphetamine. Simply put, with 16,000 test requests this year—resulting in a backlog of over 6,000 cases—the Arkansas State Crime Lab is at the breaking point. Accordingly, it now takes five to six months from the receipt of a sample to complete the analysis necessary for prosecution. I commend and thank Senator GREGG for his assistance in the procurement of funding to hire three additional chemists. However, I recognize that Arkansas is not alone in its great need and that Congress must authorize more federal funding to fight the ever-increasing proliferation in the production, use, and distribution of illicit substances in our nation.

The Act would provide an additional $768 million over the next six years in the form of block grants by the Attorney General to states to improve the quality, timeliness, and credibility of forensic science services to the law enforcement community. It would do this by allowing states the flexibility to use these monies for facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training. The Act's merit is further made manifest by the fact that it is supported by such groups as the American Academy of Forensic Sciences, the National Association of Medical Examiners, the American Society of Crime Laboratory Directors, the Southern Association of Forensic Sciences, the International Association of Chiefs of Police, the National Association of Counties, and the National Organization of Black Law Enforcement Executives. Thus, I ask my colleagues to join me in helping Senator SESSIONS in his efforts to enact that this important legislation.

Mr. BIDEN:

S. 3047. A bill to amend the Internal Revenue Code of 1986 to expand the lifetime Learning credit and provide an optional deduction for qualified tuition and related expenses; to the Committee on Finance.

COLLEGE TUITION TAX DEDUCTIONS

Mr. BIDEN. Mr. President, it has become increasingly apparent in today's society that a college education is no longer a luxury. In order for one to succeed in an ever-changing, high-tech world, a college education has become a near necessity.

However, just as a college degree becomes increasingly vital in today's global economy, the costs associated with obtaining this degree continue to soar out of control. At the same time, the annual income of the average American family is not keeping pace with these soaring costs. Since 1980, college costs have been rising at an average of 2 to 3 times the Consumer Price Index. Now, in the most prosperous time in our history, it is simply unacceptable that the key to our children's future success has become a crippling burden for middle-class families.

According to the United States Department of Education, National Center for Education Statistics, the average annual costs associated with attending a public 4-year college during the 1998–1999 school year, including tuition, fees, room, and board, were $8,018. For a private 4-year school these costs rose to an astonishing $19,970. and these are only the average costs, Mr. President. The price tag for just one year at some of the nations most prestigious universities is fast approaching the $35,000 range.

In 1996, and again in 1997, I introduced the ''GET AHEAD'' Act (Growing the Economy for Tomorrow: Assuring Higher Education is Affordable and Dependable). My main goal in introducing this legislation was to help the average American family afford to send their children to college. Although this legislation never came before the full Senate for a vote, I was extremely pleased that a number of the provisions of the GET AHEAD Act—including the student loan interest deduction and the establishment of education savings accounts—were included as part of the 1997 tax bill. Additionally, two other provisions of that bill—the Hope Scholarship and the Lifetime Learning Credit—were based upon the core proposal of my GET AHEAD ACT—a $10,000 tuition deduction.

The $10,000 tuition deduction is a proposal I have been advocating since I first announced my candidacy for the Senate 28 years ago. Today, I am building upon a proposal the President made in his State of the Union address earlier this year and am introducing legislation which would finally fully enact this proposal.

The legislation I am introducing today will provide America's middle class families with up to $2,800 in annual tax relief for the costs associated with a higher education. This plan will give families the option of taking either an expanded Lifetime Learning Credit or a tax education of up to $10,000.

Thanks to the 1997 tax bill, current law allows many American families to claim the Lifetime Learning Credit, currently a tax credit of up to 20 percent on the first $5,000 of higher education expenses—meaning a tax credit of up to $1,000 per family per year. For 2003 and after, this will increase to a credit of up to 20 percent of the first $10,000 of higher education expenses—meaning a credit of up to $2,000 per family per year.

The bill I am introducing today will expand this important tax credit to 28 percent on the first $5,000 of higher education expenses through 2002—amounting to a credit of up to $1,400. For the year 2003 and after, this will increase to a credit of up to 28 percent on the first $10,000 of higher education expenses—amounting to a credit of up to $2,000 per family per year. To give families the flexibility to choose the best approach for their own circumstances, my plan will give families the option of deducting these higher education expenses instead of taking the tax credit.

My legislation will continue to ensure that these important educational tax breaks help support middle class families while increasing the income thresholds to $60,000 per year for individuals and $120,000 for couples.

Mr. President, the dream of every American is to provide for their child a better life than they themselves had. A key component in attaining that dream is ensuring that their children have the education necessary to successfully complete in the expanding global economy. It is my hope that this legislation will help many American families move a step closer in achieving this dream and being able to better afford to send their children to college.

Mr. FEINGOLD (for himself, Mr. WELLSTONE, and Mrs. BOXER):

S. 3048. A bill to institute a moratorium on the imposition of the death penalty at the Federal level until a Commission on the Federal Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented; to the Committee on the Judiciary.

FEDERAL DEATH PENALTY MORATORIUM ACT OF 2000

Mr. FEINGOLD. Mr. President, in recent days, Congress has held hearings and considered legislation on the terrible tragedy involving potentially defective tires manufactured by Bridgestone/Firestone and placed on certain vehicles sold by the Ford Motor Company. It has captured the nation's and the media's attention. And rightly so. I hope we are able to get to the bottom of who knew what, when, why and how.

But while Congress demands accountability from these companies, as well as the Transportation Department, Congress should also demand accountability from the Justice Department. As the Senate Commerce Committee held hearings on the Firestone tire problem the other day, a few blocks down the road the Justice Department released a report that seriously calls into question the fairness of the federal death penalty system. The report documents apparent racial and geographic disparities in the administration of the federal death penalty. In other words, who lives and who dies, and who is charged, tried, convicted and sentenced to death in the federal system appears to relate arbitrarily to the color of one's skin or where one lives. The report can be read as a chilling indictment of our federal criminal justice system.

I introduced legislation earlier this year calling for a national moratorium on executions and the creation of a commission to review the fairness of the administration of the death penalty at the state and federal levels. It is much-needed legislation that will begin to address the growing concerns of the American people with the fairness and accuracy of our nation's death penalty system. I am pleased that that bill, the National Death Penalty Moratorium Act, has the support of some of my colleagues, including Senators LEVIN, WELLSTONE, DURBIN, and BOXER.

But now, with the first federal execution in almost 40 years scheduled to take place in December, I urge my colleagues to take action in the remaining weeks of this session to restore justice and fairness to our federal criminal justice system. I rise today to introduce the Federal Death Penalty Moratorium Act. Like my earlier bill, this bill would suspend executions of federal death row inmates while an independent, blue ribbon commission thoroughly reviews the flaws in the federal death penalty system. The first federal execution in almost 40 years is scheduled to take place after this Congress has adjourned. But before we adjourn, we have an obligation—indeed, a solemn responsibility—to the American people to ensure that the federal criminal justice system is a fair one, particularly when it involves the ultimate punishment, death.

Mr. President, some have argued that the flaws in the administration of the death penalty at the state level do not exist at the federal level. But now, with the release of the Justice Department report earlier this week, our suspicions have been heightened. We now know that the federal death penalty system has attributes of inequity and unfairness.

The Justice Department report makes a number of troubling findings:

Roughly 80 percent of defendants who were charged with death-eligible offenses under Federal law and whose cases were submitted by U.S. Attorneys under the Department's death penalty decision-making procedures were African American, Hispanic American or members of other minority groups;

United States attorneys in 5 of the 94 federal districts—1 each in Virginia, Maryland, Puerto Rico and 2 in New York—submit 40 percent of all cases in which the death penalty is considered;

United States attorneys who have frequently recommended seeking the death penalty are often from states with a high number of executions, including Texas, Virginia and Missouri; and

White defendants are more likely than black defendants to negotiate plea bargains, saving them from the death penalty in federal cases.

What do these findings tell us? I think we can all agree that the report is deeply disturbing. There is a glaring lack of uniformity in the application of the federal death penalty. Whether you live or die appears to relate arbitrarily to the color of your skin or where you live. Why do these disparities exist? How can they be addressed? The Justice Department report doesn't have answers to these and other questions. I am pleased that the Attorney General has requested additional internal reviews. But with all respect to the Attorney General, that's simply not enough. The American people deserve more. Indeed, American ideals of justice demand much more.

With the first federal execution since the Kennedy Administration only three months away, Congress should call for an independent review. Mr. President, if the Attorney General and the President won't act, then it is our solemn responsibility, as members of Congress, to protect the American people and ensure fairness and justice for all Americans. Congress should demand an answer to the troubling questions raised by the Justice Department report. And I believe we have a duty do so. After all, it was Congress that, beginning in 1988, enacted the laws providing for the death penalty for certain federal crimes.

And I might add, the Justice Department has had more than enough time to right the wrong. As some of my colleagues may recall, concerns about racial disparities in the administration of the federal death penalty were hotly debated in 1994 during debate on the Racial Justice Act as the Congress decided whether to expand the federal death penalty. At that time, a House Judiciary Subcommittee report found that 89 percent of defendants against whom the federal government sought the death penalty under the 1988 Drug Kingpin Statute were African American or Hispanic Americans. In response to these concerns, the Attorney General centralized the process for U.S. attorneys requesting the Attorney General's authorization to seek the death penalty.

The Attorney General's centralized review process has now been in operation for nearly 6 years. But we have not seen anything approaching rough consistency, let alone uniformity in the federal death penalty system. We are continuing to see egregious disparities. One of the greatest needs for additional data and analysis involves the

question of how line prosecutors and U.S. attorneys are making decisions to take cases at the federal level and charge defendants with death-eligible offenses. But Congress and the American people should not wait for another report that fails to ask and answer this and other tough questions. Indeed, an agency that tries to review itself can't always be expected to be fully forthcoming or fully equipped to identify its own failings. That's why an independent, blue ribbon commission is the only appropriate response to the Justice Department report.

And time is of the essence. It's not too late for Congress to act. We should demand full accountability. In fact, the American people are demanding accountability and fairness. In a poll released today by The Justice Project, 64 percent of registered voters support a suspension of executions while fairness questions are addressed, based on information that in several instances, criminals sentenced to be executed have been released based on new evidence or DNA testing. And this is not just a partisan issue, or shouldn't be. The poll, conducted by Democratic and Republican polling firms, found that 73 percent of Independents and 50 percent of Republicans, including 65 percent of non-conservative Republicans, support a suspension of executions. The American people get it. Something is terribly amiss in our administration of the ultimate punishment, death. And this is just as true at the federal level.

So, as we approach the close of this 106th Congress, I urge my colleagues to support a moratorium on federal executions while we study the glaring flaws in the federal death penalty system through an independent, blue ribbon commission. It is disturbing enough that the ultimate punishment may be meted out unfairly at the state level. But it should be even more troubling for my colleagues when the federal government, which should be leading the states on matters of equality, justice and fairness, has a system that is unjust. We are at a defining moment in the history of our nation's administration of the death penalty. The time to do something is now.

Mr. FITZGERALD (for himself, Mr. EDWARDS, Mr. ASHCROFT, and Mr. DURBIN):

S. 3049. A bill to increase the maximum amount of marketing loan gains and loan deficiency payments that an agricultural producer may receive during the 2000 crop year; to the Committee on Agriculture, Nutrition, and Forestry.

INCREASING THE AUTHORIZED AMOUNT OF MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS

Mr. FITZGERALD. Mr. President, I rise today to introduce legislation to double the limit on loan deficiency payments (LDP) and marketing loan gains.

The hard work and ingenuity of America's farmers have made U.S. agriculture the pride of the nation. But farmers today face serious challenges. Record low commodity prices continue to besiege family throughout our great nation. For the past 3 years, American farmers have faced the lowest prices in recent memory. Prices have plummeted for almost every agricultural commodity—corn, soybeans, wheat and the list goes on. The bottom line is that many farmers throughout this Nation are having trouble making ends meet.

Appropriately, Congress has responded with economic assistance to offset these hard times. However, while last year's assistance package included a much needed provision to expand limits on marketing loan gains and loan deficiency payments, this year's assistance package did not include such a provision.

As we move into harvest time, prices have trended downward, and many now realize that loan deficiency payments per bushel may be quite large for many agricultural commodities. With the combination of high yields and high per bushel marketing gains, many farmers now realize that they could easily bump up against these payment limitations. Recognizing this impending problem, farm groups, including the American Farm Bureau Federation, have asked that these payment limitations be eased, but not removed.

According to industry experts, a 700-acre corn farmer will exceed the $75,000 cap. For farmers who exceed this cap, their only recourse is to forego the much-needed income or use the bureaucracy-ridden commodity certificates program. Estimates project that the additional drying, shrinkage and storage costs that a accompany the commodity certificate program will cost farmers an additional $33.46 per acre of grain. Farmers can ill-afford this lost income during these hard economic times.

Today, I am introducing legislation to solve this dilemma. The bill simply doubles the LDP limit from $75,000 to $150,000 for this crop year. This legislation is consistent with a provision that was included in last year's farm economic assistance package.

Surprisingly, this provision may actually provide cost-savings to the federal government through staff time reduction. Anecdotally, Illinois Farm Service Agency employees report that it takes about two hours of staff time to complete a loan forfeiture using the commodity certificate process, while the loan deficiency payment process requires only 15 minutes.

When the 1996 farm bill was written, no one could have foreseen our current situation of extremely low prices, and the $75,000 limit seemed appropriate. However, with the Asian market crash, unusually good weather, and exceptional crop yields, commodity prices have been driven to unforeseen lows, making a re-evaluation of the LDP cap appropriate and timely. This bill is good public policy and enjoys bipartisan support. I appreciate my colleagues—Senators EDWARDS, ASHCROFT, and DURBIN—who join me as sponsors of this legislation, and I encourage other Senators to co-sponsor this sorely-needed change in farm policy.

Agriculture is critical to the economy of America, and is the Nation's largest employer. For farmers to prosper, our Nation must have economic policies that promote investment and growth in agricultural communities and agricultural States like my home State of Illinois. A healthy agricultural economy has ripple effects through many industries and is critical for the economic prosperity of both Illinois and America.

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

S. 3050. A bill to amend title XVIII of the Social Security Act to make improvements to the prospective payment system for skilled nursing facility services; to the Committee on Finance.

THE SKILLED NURSING FACILITY CARE ACT OF 2000

Mr. HATCH. Mr. President, I am pleased to join my colleague, Senator DOMENICI, in introducing today legislation to increase Medicare reimbursements for skilled nursing facilities, SNFs, which care for Medicare beneficiaries.

As my colleagues recall, last year the Congress passed a measure to restore nearly $2.7 billion for the care of nursing home patients. This action provided much needed relief to an industry that was facing extraordinary financial difficulties as a result of the spending reductions provided under the Balanced Budget Act of 1997 (BBA) as well as its implementation by the Health Care Financing Administration (HCFA).

Unfortunately, the problem is not fixed, and more needs to be done. That is why Senator DOMENICI and I are introducing the ''Skilled Nursing Facility Care Act of 2000'' to ensure that patient care will not be compromised and so that seniors can rest assured that they will have access to this important Medicare benefit.

As I have talked to my constituents in Utah about nursing home care, it is clear to me as I am sure it is to everyone that no one ever expects—or certainly wants—to be in a nursing home. Yet, it is an important Medicare benefit for many seniors who have been hospitalized and are, in fact, the sickest residents in a nursing home.

In Utah, there are currently 93 nursing homes serving nearly 5,800 residents. I understand that seven of these 93 facilities, which are operated by Vencor, have filed for Chapter 11 protection. These seven facilities care for approximately 800 residents. Clearly, we need to be concerned about the prospect of these nursing homes going out of business, and the consequences that such action would have on all residents—no matter who pays the bill.

The ''Skilled Nursing Facility Care Act of 2000'' has been developed to address this problem. Medicare beneficiaries who need care in nursing

homes are those who have been hospitalized and then need comparable medical attention in the nursing home setting. In other words, they have had a stroke, cancer, complex surgery, serious infection or other serious health problem. These seniors are often the sickest and most frail.

Medicare's skilled nursing benefit provides life enhancing care following a hospitalization to nearly two million of these seniors annually. Unless Congress and the Health Care Financing Administration take the necessary steps to ensure proper payments, elderly patients will be at risk, especially in rural, underserved and economically disadvantaged areas.

Moreover, in an economy of near full employment, nursing homes face the added difficulty of recruiting and retaining high quality nursing staff. The ability to retain high quality skilled nursing staff ensures access to lifesaving medical services for our nation's most vulnerable seniors.

Flaws in the new Medicare payment system have clearly underestimated the actual cost of caring for medically complex patients. Subsequent adjustments have led to critical under- funding. Patient care is being adversely affected. Unfortunately, HCFA maintains that it needs statutory authority to fix the problem. The provisions in the Hatch/Domenici bill are designed to address this issue.

Our legislation provides that authority. In addition, the bill requires HCFA to examine actual data and actual Medicare skilled nursing facility cost increases. Studies have indicated that the initial HCFA adjustment has been understated by approximately 13.5 percent. Pursuant to the Hatch/Domenici bill, HCFA would be required to make the necessary adjustments in the SNF market basket index to better account for annual cost increases in providing skilled nursing care to medically complex patients.

Since HCFA's review and adjustments as provided under our bill will not be immediate, our legislation would also increase the inflation adjustment by four percent for fiscal year 2001 and fiscal year 2002, respectively. This immediate funding increase is necessary to ensure continuity of quality patient care in the interim. It will provide some assurance that quality skilled nursing facility services for our nation's seniors will continue, while HCFA examines actual cost data and develops a more accurate market basket index.

Skilled nursing facilities are being underpaid and most of the payment is for nurses' aides and therapists. According to a study conducted by Buck Consultants that surveyed managerial, supervisory, and staff positions in nursing homes, actual wages for these valued employees increased, on average, 21.9 percent between 1995 and 1998.

Buck Consultants examined data gathered from a voluntary nursing home survey by looking at salary increases for 37 types of clinical, administrative, and support positions. The difference between HCFA's 8.2 percent inflation adjustment and these salary increases over the same period of time equal 13.7 percent. Again, it is clear that skilled nursing facilities are not receiving adequate payment from the Medicare program. With such funding shortfalls, skilled employees cannot be hired and patient care will be impacted.

Mr. President, it is my hope that the ''Skilled Nursing Facility Care Act of 2000'' will provide immediate relief to skilled nursing facilities and the seniors they serve, while attempting to address a fundamental payment shortcoming for the long-term. We cannot forget our commitment to our nation's elderly.

Senator DOMENICI and I are working with the Chairman of the Finance Committee, Senator ROTH, who is also concerned about the impact that the BBA Medicare reimbursement levels are having on skilled nursing facilities and who is currently developing a package of Medicare restorations for health care providers. Over the next several weeks, we will work with him and with members of the Finance Committee in an effort to restore funding for SNFs and for other health care providers who are facing similar reimbursement reductions.

Once again, I want to thank the distinguished Chairman of the Budget Committee, Senator DOMENICI, and his staff for working with me in developing this important bill and preserving Medicare's commitment to our nation's elderly.

Mr. DOMENICI. Mr. President, I rise today to join Senator HATCH in introducing the ''Skilled Nursing Facility Care Act of 2000.''

We can all take a certain amount of pride in the bipartisan Balanced Budget Act of 1997. However, it should come as no surprise that legislation as complex as the Balanced Budget Act (BBA), as well as its implementation by the Health Care Financing Administration, has produced some unintended consequences that must be corrected.

Heeding this advice, Congress made a down payment last year on the continued health of the skilled nursing facility benefit by passing the Balanced Budget Refinement Act of 1999. While I believe this was a very good first step, I am convinced the bill we are introducing today is urgently needed to assure our senior citizens continue to have access to quality nursing home care through the Medicare program.

The transition to the Prospective Payment System (PPS) for Skilled Nursing Facilities (SNFs) contained in the BBA is seriously threatening access to needed care for seniors all across the country. For instance, almost 11 percent of nursing facilities in the United States are in bankruptcy. In my home State of New Mexico the number is nothing short of alarming, nearly 50 percent of the nursing facilities are in bankruptcy.

I simply do not know how we can stand by in the face of this crisis and watch our seniors continue to lose access to nursing home care. My belief is only buttressed in light of the fact that as the baby boomers grow older we will be needing more nursing homes, not less.

We must have a strong system of nursing home care not only now but, in the future. With time having already run out on many nursing home operators and quickly running out on others, I believe Congress must act immediately.

In New Mexico, there are currently 81 nursing homes serving almost 7,000 patients, and as the bankruptcies have proven, the current Medicare payment system, as implemented by HCFA, simply does not provide enough funds to cover the costs being incurred by these facilities to care for our senior citizens.

For rural States like New Mexico, corrective action is critically important. Many communities in my State are served by a single facility that is the only provider for many miles. If such a facility were to close, patients in that home would be forced to move to facilities much farther away from their families. Moreover, nursing homes in smaller, rural communities often operate on a razor thin bottom line and for them, the reductions in Medicare reimbursements have been especially devastating.

The legislation we are introducing today would go a long way to build upon the steps we took last year with the Balanced Budget Refinement Act in restoring stability in the nursing home industry. The Hatch-Domenici Care Act of 2000 would increase reimbursement rates through two provisions.

First, for a 2-year period, the bill eliminates the one percentage point reduction in the annual inflation update for all skilled nursing facility reimbursement rates and raises that same update by four percent. I believe this provision is a matter of simple fairness because we are merely attempting to accurately keep reimbursements in line with the actual cost of providing care.

Second, the bill directs the Secretary of Health and Human Services to reexamine the annual inflation update, the so-called market basket index, using actual data to determine the necessary level of update. As a result of the reexamination, the Secretary may adjust the inflation update accordingly.

I look forward to again working with Senator HATCH to pass this critical legislation.

By Mr. SCHUMER (for himself, Mr. MCCAIN, and Mr. JOHNSON):

S. 3051. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Health, Education, Labor, and Pensions.

GREATER ACCESS TO AFFORDABLE PHARMACEUTICALS ACT

Mr. MCCAIN. 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. 3051

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 ''Greater Access to Affordable Pharmaceuticals Act'' or the ''GAAP Act of 2000''.

SEC. 2. NEW DRUG APPLICATIONS.

(a) LIMITATIONS ON THE USE OF PATENTS TO PREVENT APPROVAL OF ABBREVIATED NEW DRUG APPLICATIONS.—Section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''the drug for which such investigations were conducted or which claims a use for such drug for which the applicant is seeking approval under this subsection'' and inserting ''an active ingredient of the drug for which such investigations were conducted, alone or in combination with another active ingredient or which claims the first approved use for such drug for which the applicant is seeking approval under this subsection''; and

(B) in clause (iv), by striking ''; and'' and inserting a period;

(2) in the matter preceding subparagraph (A), by striking ''shall also include—'' and all that follows through ''a certification'' and inserting ''shall also include a certification'';

(3) by striking subparagraph (B); and

(4) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively, and aligning the margins of the subparagraphs with the margins of subparagraph (A) of section 505(c)(1) of that Act (21 U.S.C. 355(c)(1)).

(b) ABBREVIATED NEW DRUG APPLICATIONS.—Section 505(j)(2)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)(A)) is amended—

(1) in clause (vi), by striking the semicolon and inserting ''; and''; and

(2) in clause (vii)—

(A) in the matter preceding subclause (I), by striking ''the listed drug referred to in clause (i) or which claims a use for such listed drug for which the applicant is seeking approval under this subsection'' and inserting ''an active ingredient of the listed drug referred to in clause (i), alone or in combination with another active ingredient or which claims the first approved use for such drug for which the applicant is seeking approval under this subsection'';

(B) in subclause (IV), by striking ''; and'' and inserting a period; and

(C) by striking clause (viii).

(c) EFFECTIVE DATE.—The amendments made by this section shall only be effective with respect to a listed drug for which no certification pursuant to section 505(j)(2)(A)(vii)(IV) of the Federal Food, Drug, Cosmetic Act was made prior to the date of enactment of this Act.

SEC. 3. CITIZEN PETITION REVIEW.

Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

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

''(C) Notwithstanding any other provision of law, the submission of a citizen's petition filed pursuant to section 10.30 of title 21, Code of Federal Regulations, with respect to an application submitted under paragraph (2)(A), shall not cause the Secretary to delay review and approval of such application, unless such petition demonstrates through substantial scientific proof that approval of such application would pose a threat to public health and safety.''.

SEC. 4. BIOEQUIVALENCE TESTING METHODS.

Section 505(j)(8)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(8)(B)) is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(iii) the effects of the drug and the listed drug do not show a significant difference based on tests (other than tests that assess rate and extent of absorption), including comparative pharmacodynamic studies, limited confirmation studies, or in vitro methods, that demonstrate that no significant differences in therapeutic effects of active or inactive ingredients are expected.''.

SEC. 5. ACCELERATED GENERIC DRUG COMPETITION.

(a) IN GENERAL.—Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended—

(1) in subparagraph (B)(iv), by striking subclause (II) and inserting the following:

''(II) the date of a final decision of a court in an action described in clause (ii) from which no appeal can or has been taken, or the date of a settlement order or consent decree signed by a Federal judge, that enters a final judgement, and includes a finding that the relevant patents that are the subject of the certification involved are invalid or not infringed, whichever is earlier,'';

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(3) by inserting after subparagraph (B), the following:

''(C) The one-hundred and eighty day period described in subparagraph (B)(iv) shall become available to the next applicant submitting an application containing a certification described in paragraph (2)(A)(vii)(IV) if the previous applicant fails to commence commercial marketing of its drug product once its application is made effective, withdraws its application, or amends the certification from a certification under subclause (IV) to a certification under subclause (III) of such paragraph, either voluntarily or as a result of a settlement or defeat in patent litigation.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall only be effective with respect to an application filed under section 505(j) of the Federal Food, Drug, Cosmetic Act for a listed drug for which no certification pursuant to 505(j)(2)(A)(vii)(IV) of such Act was made prior to the date of enactment of this Act.

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that measures should be taken to effectuate the purpose of the Drug Price Competition and Patent Term Restoration Act of 1984 (referred to in this section as the ''Hatch-Waxman Act'') to make generic drugs more available and accessible, and thereby reduce health care costs, including measures that require manufacturers of a drug for which an application is approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 255(c)) desiring to extend a patent of such drug to utilize the patent extension procedure provided under the Hatch-Waxman Act.

SEC. 7. CONFORMING AMENDMENTS.

(a) APPLICATIONS.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (b)(3), in subparagraphs (A) and (C), by striking ''paragraph (2)(A)(iv)'' and inserting ''paragraph (2)'';

(2) in subsection (c)(3)—

(A) in subparagraph (A), by striking ''clause (i) or (ii) of subsection (b)(2)(A)'' and inserting ''subparagraph (A) or (B) of subsection (b)(2)'';

(B) in subparagraph (B), by striking ''clause (iii) of subsection (b)(2)(A)'' and all that follows through the period and inserting ''subparagraph (C) of subsection (b)(2), the approval may be made effective on the date certified under subparagraph (C).'';

(C) in subparagraph (C), by striking ''clause (iv) of subsection (b)(2)(A)'' and inserting ''subparagraph (D) of subsection (b)(2)''; and

(D) in subparagraph (D)(ii), by striking ''clause (iv) of subsection (b)(2)(A)'' and inserting ''subparagraph (D) of subsection (b)(2)''; and

(3) in subsection (j), in paragraph (2)(A), in the matter following clause (vii)(IV), by striking ''clauses (i) through (viii)'' and inserting ''clauses (i) through (vii)''.

(b) PEDIATRIC STUDIES OF DRUGS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsection (a)(2)—

(A) in clause (i) of subparagraph (A), by striking ''(b)(2)(A)(ii)'' and inserting ''(b)(2)'';

(B) in clause (ii) of subparagraph (A), by striking ''(b)(2)(A)(iii)'' and inserting ''(b)(2)''; and

(C) in subparagraph (B), by striking ''subsection (b)(2)(A)(iv)'' and inserting ''subsection (b)(2)''; and

(2) in subsection (c)(2)—

(A) in clause (i) of subparagraph (A), by striking ''(b)(2)(A)(ii)'' and inserting ''(b)(2)'';

(B) in clause (ii) of subparagraph (A), by striking ''(b)(2)(A)(iii)'' and inserting ''(b)(2)''; and

(C) in subparagraph (B), by striking ''subsection (b)(2)(A)(iv)'' and inserting ''subsection (b)(2)''.

(c) DEFINITION.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(kk) For purposes of the references to court decisions in clauses (i) and (iii) of section 505(c)(3)(C) and clauses (iii)(I), (iii)(III) of section 505(j)(5)(B), the term 'the court' means the court that enters final judgment from which no appeal (not including a writ of certiorari) can or has been taken.''.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 3052. A bill to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

STEENS MOUNTAIN WILDERNESS ACT OF 2000

Mr. WYDEN. Mr. President, today I join my friend from Oregon, Senator SMITH, in the introduction of the Steens Mountain Wilderness Act of 2000. Located in southeastern Oregon, Steens Mountain is, in the words of Oregon environmentalist, Andy Kerr, ''an ecological island in the sky.'' Rising a mile above the desert floor, Steens Mountain actually creates its own weather patterns. Though we from Oregon are blessed to have it located

within our state boundary, it is truly a National natural treasure.

Some have wondered why any legislative action at all is needed to protect the Steens. They say the Steens has been there a long time and is doing just fine. Why not just leave it alone?

There are three reasons why inaction at this time is an unacceptable choice.

First, there are many landowners today in the Steens with a commitment to protect this ecological treasure. There is no assurance that this will always be the case.

Second, our federal land agencies are now committed to protecting the natural ecology of the Steens. There is no assurance that this will always be the case.

Third, the Steens includes many wilderness study areas. We now have the opportunity to begin resolving the status of these lands that have been in limbo for twenty years. There is no assurance that Oregon's future elected officials, working with all concerned parties, will ever again have such a unique opportunity to address this contentious issue.

The fact of the matter is that protecting the ecological health of the Steens isn't going to happen by osmosis. It has taken the hard work of the Oregon Congressional delegation, Governor Kitzhaber, Secretary Babbitt and numerous staff and private citizens of Oregon to get this legislation where it is today. It will take a bit more hard work to get a Senate-passed bill.

It is my task, as a United States Senator, to move this legislation forward through the committee hearing and Senate floor processes. In that context, this bill will most likely have to be fine-tuned to accommodate additional concerns. I look forward to working with all my colleagues to see that this bill is passed before the lights go down on the 106th Congress. But one major aspect of this bill can never change: the protections for the ecological treasure that is the Steens will be put in place while we also preserve the important historical ranching culture that thrives there.

There have been issues raised about the valuation of the land exchanges that make the adoption of over 170,000 acres of wilderness possible in this bill. Let me make it perfectly clear that this bill should stand or fall on whether there is significant public value at the end of the day. I believe the Senate will find that the expenditures authorized by this legislation purchase the sum of a greater public value than can be accounted for by its individual parts. I will continue to work to assure that this legislation achieves the greatest environmental good possible.

By Mr. THOMAS:

S. 3053. A bill to prohibit commercial air tour operations over national parks within the geographical area of the greater Yellowstone ecosystem; to the Committee on Energy and Natural Resources.

THE YELLOWSTONE AND TETON SCENIC OVERFLIGHT EXCLUSION ACT OF 2000

Mr. THOMAS. Mr. President, I rise today to introduce legislation to protect two crown jewels of the National Park Service, Yellowstone and Grand Teton National Parks.

Specifically, the ''Yellowstone and Teton Scenic Overflight Exclusion Act of 2000'' would prohibit all scenic flights—both fixed wing and helicopter—over these two parks. A recent proposal for scenic helicopter tours near Grand Teton Park has many in this area of Wyoming concerned about the tranquility of Yellowstone and Teton parks. In fact, the proposal has evoked strong opposition by citizens in the area and over 4,500 people have signed a petition in support of banning these tours.

We need to protect the resources and values of these parks in the interest of all who visit and enjoy these national treasures—today and for future generations. Every visitor should have the opportunity to enjoy the tranquil sounds of nature unimpaired in these parks.

I don't take the idea of legislation lightly. I am aware that the recently passed National Parks Air Tour management Act provides a process that attempts to address scenic overflight operations. But this area of the country is unique and therefore requires quick and decisive action. For example, the proposed commercial air tour operations originate from the Jackson Hole Airport, the only airport in the continental United States that is entirely within a national park. Consequently, every time a commercial air tour operation takes off or lands, it is flying through Grand Teton National Park. Further, commercial air tour operations by their nature fly passengers purposefully over the parks, at low altitudes, at frequent intervals and often to the very locations and attractions favored by ground-based visitors. These threats to the enjoyment of these two parks require banning commercial air tour operations in the area.

It is my hope that this legislation can be enacted quickly to ensure the preservation of natural quiet and provide the assurance that visitors can enjoy the sounds of nature at Grand Teton and Yellowstone national parks.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. CRAIG, Mr. LEAHY, Mr. MCCONNELL, Mr. KERREY, and Mr. GRASSLEY):

S. 3054. A bill to amend the Richard B. Russell National School Lunch Act to reauthorize the Secretary of Agriculture to carry out pilot projects to increase the number of children participating in the summer food service program for children; to the Committee on Agriculture, Nutrition, and Forestry.

SUMMER MEALS FOR POOR CHILDREN

Mr. LUGAR. Mr. President, I rise today to introduce legislation to improve the summer food service program, which provides summer meals to poor children.

On an average school day in 1999, nearly 27 million children received lunches supported by the national school lunch program. Of that total, over 15 million of these children were poor. Over 7 million children participated in the school breakfast program and more than 6 million of these children were poor. These statistics clearly show that the American people are generous and compassionate regarding the nutritional status of our children, especially poor children who may not have access to enough food at home.

However, most of these poor children lose access to school lunches and breakfasts once the school year is over. The Federal Government does have programs to provide summer meals, but only about 22 percent of the poor children who get a school lunch also get a summer meal. Common sense tells us that children's hunger does not go on vacation at the end of the school year.

Basically, children can receive federally subsidized summer meals in 2 ways: through the summer food service program; or, if they are in summer school or year-round school, through the regular national school lunch and school breakfast programs.

Summer school and year-round school students can get the regular school lunch and breakfast programs. Just as in the regular school year, students can receive free, reduced price or full price meals, depending upon their families' income. In July 1999, 1.1 million children received free or reduced price meals this way.

The summer food service program was created to provide summer meals for children who are not in summer school or year-round school. The establishment of a summer food service program site depends upon a local entity agreeing to operate a site. At the local level, the summer food service program (SFSP) is run by approved sponsors, including school districts, local government agencies, camps, private nonprofit organizations or post-secondary schools sponsoring NCAA National Youth Sports Programs. Sponsors provide free meals to a group of children at a central site, such as a school or a community center or at satellite sites, such as playgrounds. Sponsors receive payments from USDA, through their State agencies, for the documented food costs of the meals they serve and for their documented operating costs.

The program is targeted toward serving poor children. States approve SFSP meal sites as open, enrolled, or camp sites. Open sites operate in low-income area where at least half of the children come from families with incomes at or below 185 percent of the Federal poverty level, making them eligible for free and reduced-price meals. Meals and snacks are served free to any child at the open site.

Enrolled sites provide free meals to all children enrolled in an activity program at the site if at least half of them are eligible for free and reduced-price

meals. Camps may also participate in SFSP. They receive payments only for the meals served to children who are eligible for free and reduced-price school meals.

At most sites, children receive either one or two reimbursable meals or a meal and a snack each day. Camps and sites that primarily serve migrant children may be approved to serve up to three meals to each child, each day.

Participation in the SFSP and the summer portion of the school lunch program varies widely by State. Comparing the number of low-income children in summer programs to the number who get free and reduced price meals during the regular school year gives a reasonable measure of how well the summer meal needs of low-income children are being met. According to the most recent data supplied by USDA, only about 22 percent of those children who received a regular school lunch also received a summer meal. Again according to USDA, participation ranges from over 53 percent in the District of Columbia to under 3 percent in Alaska. My home state of Indiana serves under 10 percent of these children.

In August, I visited the successful summer feeding program implemented this year by the New Albany-Floyd County Consolidated School Corporation in Indiana. I discussed with community leaders ideas to encourage more participation in the program throughout my home state.

Mr. President, hunger does not take a summer vacation. We need to examine new means of encouraging local entities to agree to offer the summer food service program in poor areas. In talking with program experts, a recurring problem they mentioned regarding the decision to enter the program was the amount of paperwork necessary to gain USDA approval.

That is why we propose today legislation to provide a targeted method of increasing participation in those states with very low participation. This method will be tested for a few years to see if it is effective and, thus, should be extended to all states.

Under current SFSP law, sponsors get a food cost reimbursement and an administrative reimbursement of the amounts that they document, up to a maximum amount. Based on the most recent data available, SFSP sponsors document costs sufficient to receive the maximum reimbursement over 90 percent of the time. Some institutions (e.g., schools, parks departments) may not offer the SFSP because they do not want to put up with the administrative burden of documenting all their costs in a manner acceptable to USDA. Under the regular school lunch program, schools do not have to document their costs, but instead automatically receive their meal reimbursements. The extra paperwork burden of documenting all their costs may discourage sponsors from offering summer meals. Public sponsors, such as schools and parks departments, have to meet public accounting standards that make it unlikely that money meant for child nutrition could be siphoned off and used for unlawful purposes.

My bill would establish a pilot project to reduce the paperwork required of schools and other public institutions (like parks departments) to run a summer food service program, and thus, hopefully, encourage more sponsors to join the program and offer summer meals. The bill would allow, in low participation states, public sponsors to automatically receive the maximum reimbursement for both food costs and administrative costs. In this way, the SFSP would be identical to the school lunch program.

Low participation states would be defined as those states where the number of children receiving summer meals (compared to the number receiving free or reduced price lunches during the school year) was less than half the national average participation in the summer meals programs (compared to the number receiving free or reduced price lunches during the school year). This pilot program would run for 3 years, FY 01 to FY 03.

USDA would be required to study whether reducing the paperwork burden increased participation in the program. USDA would also be required to study whether meal quality or program integrity was affected by removing the requirement for sponsors to document their spending. Results of the study will be available for the 2003 child nutrition reauthorization.

I urge my colleagues to support this legislation.

By Mr. JOHNSON (for himself and Mr. HUTCHINSON):

S. 3055. A bill to amend title XVIII of the Social Security Act to revise the payments for certain physician pathology services under the medicare program; to the Committee on Finance.

PHYSICIAN PATHOLOGY SERVICES FAIR PAYMENT ACT OF 2000

Mr. JOHNSON. Mr. President, I rise on behalf of myself and my colleague, Senator HUTCHINSON, to introduce the ''Physician Pathology Services Fair Payment Act of 2000.'' This important legislation allows independent laboratories to continue to receive direct payments from Medicare for the technical component of pathology services provided to hospital inpatients and outpatients. This bill encompasses both the inpatient and outpatient technical components in a comprehensive manner than will allow Congress to address both of these pressing issues in a single legislative vehicle.

As you know, many hospitals, particularly small and rural hospitals, make arrangements with independent laboratories to provide physician pathology services for their patients. They do so because these hospitals typically lack the patient volume or funds to sustain an in-house pathology department. Yet, if the hospitals are to continue to provide surgery services in the local community, Medicare requires them to provide, directly or under arrangements, certain physician pathology services. Without these arrangements, patients may have to travel far from home to have surgery performed.

Recently, HCFA delayed implementation of new inpatient and outpatient technical component (TC) reimbursement rules until January 1, 2001. However, many providers esepectially those in rural or medically underserved areas, remain concerned that the new rules will impose burdensome costs and administrative requirements on hospitals and independent laboratories that have operated in good faith under the prior policy. For hospitals and independent laboratories that have operated in good faith under the prior policy. For hospitals and independent laboratories with existing arrangements, changing the way Medicarepays for the TC physician pathology services provided to hospitals is likely to strain already scarce resources by creating new costs that cannot be easily absorbed. For the first time, independent laboratories will have to generate two bills—one for the technical components to the hospital and onother to Medicare for the professional components. Since each laboratory may serve five, ten or more hospitals, these separate billings will be costly and complicated.

The ''Physician Pathology Services Fair Payment Act of 2000'' is essential to the many communities in my home state of South Dakota, and across the country, who rely on the continued presence of pathology services to retain a high-quality health care delivery system that is both responsive and accessible to each and every individual requiring these services. Pathologists provide an extremely powerful and valuable resource to these communities and the ''Physician Pathology Services Fair Payment Act of 2000'' will ensure that these health care professionals continue to positively impact the lives of not only South Dakotans but the lieves of millions of Americans who utilize these services without perhaps even knowing the critical role that they play in our health care delivery system.

Mr. President, I ank unanimous consent that the complete 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. 3055

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 ''Physician Pathology Services Fair Payment Act of 2000''.

SEC. 2. TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Notwithstanding any other provision of law, when an independent laboratory, under a grandfathered arrangement with a hospital, furnishes the technical

component of a physician pathology service with respect to—

(1) an inpatient fee-for-service medicare beneficiary, such component shall be treated as a service for which payment shall be made to the laboratory under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) and not as an inpatient hospital service for which payment is made to the hospital under section 1886(d) of such Act (42 U.S.C. 1395ww(d)); and

(2) an outpatient fee-for-service medicare beneficiary, such component shall be treated as a service for which payment shall be made to the laboratory under section 1848 of such Act (42 U.S.C. 1395w–4) and not as a hospital outpatient service for which payment is made to the hospital under the prospective payment system under section 1834(t) of such Act (42 U.S.C. 1395l(d)).

(b) DEFINITIONS.—For purposes of this section:

(1) GRANDFATHERED ARRANGEMENT.—The term ''grandfathered arrangement'' means an arrangement between an independent laboratory and a hospital—

(A) that was in effect as of July 22, 1999, even if such arrangement is subsequently renewed; and

(B) under which the laboratory furnishes the technical component of physician pathology services with respect to patients of the hospital and submits a claim for payment for such component to a medicare carrier (and not to the hospital).

(2) INPATIENT FEE-FOR-SERVICE MEDICARE BENEFICIARY.—The term ''inpatient fee-for-service medicare beneficiary'' means an individual who—

(A) is an inpatient of the hospital involved;

(B) is entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); and

(C) is not enrolled in—

(i) a Medicare+Choice plan under part C of such Act (42 U.S.C. 1395w–21 et seq.);

(ii) a plan offered by an eligible organization under section 1876 of such Act (42 U.S.C. 1395mm); or

(iii) a medicare managed care demonstration project.

(3) OUTPATIENT FEE-FOR-SERVICE MEDICARE BENEFICIARY.—The term ''outpatient fee-for-service medicare beneficiary'' means an individual who—

(A) is an outpatient of the hospital involved;

(B) is enrolled under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.); and

(C) is not enrolled in—

(i) a plan or project described in paragraph (2)(C); or

(ii) a health care prepayment plan under section 1833(a)(1)(A) of such Act (42 U.S.C. 1395l(a)(1)(A)).

(4) MEDICARE CARRIER.—The term ''medicare carrier'' means an organization with a contract under section 1842 of the Social Security Act (42 U.S.C. 1395u).

(c) EFFECTIVE DATE.—This section shall apply to services furnished on or after July 22, 1999.

ADDITIONAL COSPONSORS

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 922, a bill to prohibit the use of the ''Made in the USA'' label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the names of the Senator from Nevada (Mr. BRYAN) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1369

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1369, a bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Montana (Mr. BURNS), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1874

At the request of Mr. GRAHAM, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1902

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 1938

At the request of Mr. CRAIG, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1938, a bill to provide for the return of fair and reasonable fees to the Federal Government for the use and occupancy of National Forest System land under the recreation residence program, and for other purposes.

S. 1957

At the request of Mr. SCHUMER, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT–43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2225

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2225, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2434

At the request of Mr. L. CHAFEE, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999